

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

47th Legislative Day

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PRESIDING OFFICER: (SENATOR VIVERITO)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at the desks - - at their desks? Will our guests in the galleries please rise? The invocation today will be given by the Honorable Peter A. Felice, Circuit Court Judge of Cook County, Chicago, Illinois. Judge Felice.

THE HONORABLE PETER A. FELICE:

(Prayer by the Honorable Peter A. Felice)

PRESIDING OFFICER: (SENATOR VIVERITO)

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

SENATOR LINK:

(Pledge of Allegiance, let by Senator Link)

PRESIDING OFFICER: (SENATOR VIVERITO)

Reading of the -- and Approval of the Journal. Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journals of Wednesday, May 14th and Thursday, May 15th, in the year 2003, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator -- Woolard moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objections, so ordered. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 158, offered by Senators Demuzio, Emil Jones, and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR VIVERITO)

Resolutions Consent Calendar, Madam Secretary. All Members, please come to your seats. We'll be going to the 3rd Readings momentarily.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito, for what purpose do you rise?

SENATOR VIVERITO:

Point of special privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

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State your point, Senator.

SENATOR VIVERITO:

I have some very special guests in the Democratic side: Miss Sue Carr, who is a very prominent lady, fiancée of Judge Peter Felice, and my lovely wife, Carolyn. If you'd give them a warm welcome.

PRESIDING OFFICER: (SENATOR WELCH)

Please rise and be recognized by the Senate, ladies. Welcome to Springfield. Will everyone who is in their office please come to the Floor? We're going to start on 3rd Readings immediately. Immediately. The first bills are Senator Obama, Senator Crotty, Senator Schoenberg, Senator Wojcik. Please come here. We're not going to go back. On page 24 is the Order of House Bills 3rd Reading. This is final action. House Bill 6. Senator Obama. We are starting on House Bills 3rd Reading. House Bills 3rd Reading. This is final passage. House Bill No. 6. Senator Obama. House Bill 43. Senator Crotty. Read the bill, Madam Secretary. House Bill 43 is on recall. We will do the recalls as they come up on 3rd Reading, then return to that bill for passage. Senator Crotty seeks leave of the Body to return House Bill 43 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 43. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

We did 2 yesterday. It's 3.

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty, on Floor Amendment No. 3.

SENATOR CROTTY:

Thank you very much. Floor Amendment No. 3 is just a technical change, and it reads, "...This Section does not apply to a public hospital."

PRESIDING OFFICER: (SENATOR WELCH)

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Is there any discussion? If not, all -- all in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments adopted, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 43. Senator Crotty. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 43.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Can we come back? No? Okay. Thank you very much. Ladies and Gentlemen of the Senate, Senate {sic} Bill 43 -- I know I was -- I was hoping we could hold it so I can come back and finish speaking to the rest of the legislators. But this is a very, very important piece of legislation. It is a lifesaving piece of legislation. I've worked very, very hard from the time that this bill first came to the Senate in its original form with many, many people who have had some reservations about that. So, let me take you through the bill as -- as well as I can. First of all, it creates the Physical Fitness Facility Medical Emergency Preparedness Act, also known as the Colleen O'Sullivan Act, to require certain publicly and privately operated indoor fitness -- physical fitness facilities to develop and implement a plan for responding to medical emergencies and to file a copy of that plan with Department of Public Health. When an indoor facility is open for use by its members or by the public and is under the supervision of an employee of that facility that is directly supervising that activity, other than the maintenance or security personnel, the facility must make sure that there is at least one trained AED staff person on staff. It -- also authorizes the Department of Public Health to inspect physical fitness facilities to investigate complaints and to ensure compliance with the Act.

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It directs the Department to impose monetary penalties for violations of the Act. It amends the State Mandates Act to require implementation of this Act without reimbursement by the State. It amends the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act, and the Retailers' Occupational {sic} (Occupation) Tax Act to make provisions for maximum tax exemption of up to three hundred dollars for private physical fitness facilities in connection with the purchase of AEDs. There's also a phase-in mechanism set for private -- public facilities. Also, in this, golf courses were taken out until we could better implement a program for them. It also clarifies the liability provision in relation to this Act. And most of all, and from what I'm hearing from most of the Members, the funding source has been identified. Now, many of you from the other side of the aisle wanted to make sure that everybody was able to hear this, and I know this may start to sound like a Vegemetic commercial, but this -- this lifesaving -- LifeSigns of America {sic} (LifeSignsAmerica) is a funding source for not only the public sector, but the private sector, too. Anyone who falls under this Act who would like to have this LifeSigns of America come in, they would get the device, the training, supplies, any repairs to the AED. Anything that's in this Act will be paid for by LifeSigns of America. Not only will they pay for everything in this Act, but by -- by having a sign on their facility, they would gain a hundred and twenty-five dollars a month that the company will give them for rental. So that's fifteen hundred dollars over and above everything in this Act. I asked did they -- did anyone in this Act have to sell ads. The answer is no. The company sells ads primarily to get AEDs out to the public in order to save more lives. But if someone should come into a facility and notice this sign, they may have a business and wish to have their advertisement on this sign. If that facility wishes to sell an ad, they will get thirty percent of the ad. That is thirty dollars. The ad is a hundred dollars per month. So basically, when this company came to the Capitol with this sign to explain the program, if all of you remember, I had a picture of the sign and a flyer on everyone's desk asking them to go down and take a look at this. I also made the announcement. This turns out to be far better a

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source of -- of funding than I could ever imagine. So I would ask for a Yes vote, but I will entertain any questions. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs moves the previous question. There are one, two, three, four, five, six people -- seven people asking to talk. We are on the clock. Clock begins now. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: First of all, I want to commend the sponsor, who has worked very hard, and this is a personal issue, I know, for many folks in this building. I know that she's made many amendments and many changes. One of the improvements she's made on the bill is the insulation of liability. Here's one of the -- here's some of the weaknesses of the bill, however, and why I rise really in reluctant opposition. This is a mandate. It's a mandate on our schools. It's a mandate on our park districts. It's a mandate on our community colleges. It's a mandate on really a whole host of people who aren't necessarily going to be served with -- you know, if LifeSigns of America, the group that Senator Crotty has worked with, if they go by the wayside. It's a very broad bill, and it -- it would include -- think about this for a second. If you have a boys' or girls' club - this is an issue that came out in the Executive Committee - if you have a boys' or girls' club who has a -- a staff member who's in place and is supervising some of these different activities, they would have an obligation to have one of these defibrillators. If you have a school district or a park district or any of these other types of programs, they would have an obligation under this bill. So, I urge a No or Present vote in light of the mandate that's -- that's not funded and the additional burden that we're placing on our schools in this time when they're really in tough financial shape. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

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SENATOR SYVERSON:

Thank you, Mr. President. Couple questions for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR SYVERSON:

Thank you. I certainly agree also with the previous speaker that improvements have been made, and I appreciate the efforts that have been done to address that issue. Couple questions regarding and maybe just some clarification on -- from the -- the liability issue. Current law says that if you have one of these units there, that you have to have a trained individual utilizing that piece of equipment. Under this amendment, it states that if there's not a trained person there, then the piece of equipment does not have to be utilized. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you. There has to be a trained person on staff. But the argument that was made that has a change in the liability is that if for some reason that person is out of the building, whether they're having lunch -- if I was a trained person and a school called me and I had to leave to pick up my kids, they were sick at school, the AED is still there. And the AED -- the -- it is -- it is a device that is available that you can take off the wall and -- and use it. But I did not want and -- nor did -- you know, the argument was, must a person, that one trained person, be there if the facility is open twenty-four hours a day. So, we wanted to make sure one person is trained. There can be more people trained in that, but if there's a supervised activity, that person that is supervising that activity needs to also be trained.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

So, at -- at all times when there is a supervised activity going on at a school or a church or a day care, wherever this is, there needs to be a trained person on premise at all times,

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are you saying, that -- that -- that is qualified to use this facility {sic}?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

If that person is the direct supervisor of that activity, yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Okay. I'm not sure. Then what did we change in the amendment? I know before there was a concern that we'd have to have a -- always have someone that's been trained with the AED units and trained in CPR had to be on premise at all times when there's activities. And now I think you're kind of saying that that's still required under this legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

As long as the activity is sanctioned by the unit of government or the entity and there is an employed -- the person needs to employ -- be employed by them and supervising that activity, yes, that person should be trained with an AED. But for the times that there is no activities that are directly supervised by that employee and you may have a maintenance person there to open the door and -- and close the door - a janitor or something - and a homeowner's group -- I belong to a woman's homeowner's group that plays volleyball. I -- they would not have to have a trained person on staff, because it's not -- it's not an activity that's supervised by that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson, your last question.

SENATOR SYVERSON:

Okay. Thank you. I guess my -- my concern still is, while this is a -- a good idea - and I think for large organizations, for the YMCAs, for a -- health facilities, that makes sense - my concern is that as broadly as this is written, this still puts an awful big burden onto churches, onto day cares, onto small groups that -- that may have some kind of activities there but

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certainly aren't at this caliber. And to make sure that they always have someone trained when there's activities going on really creates a huge liability exposure, I think, for many groups and organizations; that, frankly, the risk is just not that great compared to what their cost might be, as well as the liability exposure. But I appreciate the attempts that the sponsor made to improve the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Thank you. My questions also have to do with the scope of the bill. Are grade schools still included?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Yes, they are.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

What about a situation, say, if you're taking your four-year-old to dancing school for dance classes, would they be required to have these devices, as well?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

To be on the safe side, I'm going to say yes. If -- if -- if that -- let me make sure that's clear. If I'm the dance instructor and I'm a volunteer and I go in and I have kids, they -- they do not have to have me trained as the volunteer. If I'm employed by the park district and I'm your dance instructor, then this -- this law does prevail.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Thank you. I'm talking about not necessarily park district dance programs in our area. We have a lot of small dance studios run by, say, one person. It's a -- just a very small business. They generally deal with, you know, preschool and grade-school girls. But they are businesses. They would be

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required, then, to have these and have a trained person on staff?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

We don't have businesses in here.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

So the for-profit, the fitness clubs and things like that are not -- they're taken out?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

That's Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

I mean, Senator Crotty.

SENATOR CROTTY:

We look alike. Your question was, does physical fitness facilities have to be in that? Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Okay. I guess I'm confused then, because I thought anything having to do with physical activity and -- and that type of thing would be covered and some small businesses are clearly related to just that. I mean, like Jo's Footwork, which is located in my area. It's a for-profit, small dancing school.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

The bill has physical fitness facility.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Okay. So, as we're reading this that -- that they would be covered, these small businesses. That's how we're reading this bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Crotty.

SENATOR CROTTY:

If they're physical fitness centers, yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Okay. It's right on page 2, section 2, starting at line 21.

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SENATOR RADOGNO:

"...any other indoor establishment, whether public or private, that provides services or facilities for preserving, maintaining, encouraging, or developing physical fitness or well-being..." And I don't know how a dance studio or other activity like that would not be covered by that language.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Me not -- with me not seeing that facility, that's the other part of the bill, is that the Department of Health will come in and evaluate that facility and work out a plan with them. But it also, if you keep on reading, it's including an establishment designed for -- as a health club, fitness club or and an exercise gym. So, if -- if it was like an aerobics class, I would say yes.

PRESIDING OFFICER: (SENATOR WELCH)

Final question, Senator Radogno.

SENATOR RADOGNO:

Yeah. I -- I think you get the gist of my concern. I'm still -- while I think the intent is good, I'm very concerned about how broad this -- how broadly it's written in terms of the cost benefit. As you mentioned, requiring the Public Health to come in and review all these facilities is going to be a very onerous task for them, as well. And then one very quick final point: My other concern that I did express in committee was that this will essentially tell our schools that -- that under the program you've devised to fund the defibrillators, which makes sense, we have to have more advertising in our schools

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unless they undertake to sell their own advertising, in addition to the gift wrap, the cookies, the Market Day that they're already doing, otherwise we're going to have Coca-Cola and heaven knows what else still advertising. So that continues to be a concern of mine. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

I don't think there was a question. Senator Crotty.

SENATOR CROTTY:

Just -- there might not be the question, but there is the concern. So...

PRESIDING OFFICER: (SENATOR WELCH)

Well, we have four people going to ask questions.

SENATOR CROTTY:

Okay. I think it's important.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Mr. President, Ladies and Gentlemen of the Senate, here -- here we go again. This is -- this is probably a great idea. If this were '99 -- 1999, when this place was flush with money, you know, we might want to consider this. But to consider it today, when we have a five-billion-dollar budget shortfall, and we're going to mandate every gym, every YMCA in this State to have a defibrillator, just doesn't make common sense. And I rise in opposition to this bill, not because of the intent or not because of its wonderful sponsor, but because of the fiscal responsibility that we must -- we must have in this State. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR RIGHTER:

Thank you. Senator Crotty, first, we've had extension -- discussions about this bill, both in committee and then you and I when we were talking about amendments. And, first, I appreciate your time very much on this. I know that this has

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been an enormous issue for you. It's a very important issue for a lot of people, as Senator Roskam said, in this building, but there are some issues I want to walk through with you very briefly and then speak to the bill a little bit. It's our information from the Department of Public Health, who we understand is opposed to the bill, that the cost for them administratively in order to oversee this program, because the bill retains a requirement that every facility - every facility - submit to them a written report, is going to be around six hundred thousand dollars. That's our word from the Department. Can you tell me whether or not you've -- that's anywhere in the neighborhood of what you had, if you had a discussion with them on that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Well, first of all, I had nobody opposing this bill in committee. There was no opposition slip. I'm trying to bring the bill up now, unless this just happened within the last twenty-four hours, but even my analysis has proponents and a large list of those. But the Department has not -- and my staff is saying that they have not heard that they are opposed to this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Well, that's our information, Senator. But, quite frankly, if the Department doesn't have the guts to file a slip, then we'll -- we won't worry about that. Let me ask you -- there's a couple areas that I want to ask you about whether or not this would apply to. If -- if I have a church in my Senate district that has a senior ladies' aerobics program, that they meet every Tuesday morning at seven o'clock, are they going to be required to have one of these and have someone there trained on the use of this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Yes.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Let's say that a school in -- in one of our Members' districts here has a -- in the summertime, an open shoot around, where the kids who are getting ready to play basketball the next fall come in, the school opens it up, the coach is there. In a situation like that, is it going to be -- will this apply there and the coach himself or herself will have to be trained on the use of this as well?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Oh, yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Last question before I close on the bill, Senator: If the money's not there through the LifeSigns program to foot the bill for this, does that lift the mandate that you're placing on all these entities?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

I'm sorry. Could you repeat that, please?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter. Could we please have some quiet in here? The people presenting bills can't even hear the questions. Please. Would the -- would the door people tell the people in the hallways to calm down and keep it quiet out there? I think that's where all the noise is coming from. Senator Righter, to repeat his question.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, if the money through this LifeSigns program, this private financing framework that you're putting forward, if the money's not there from that -- that framework to pay for these for the schools and the churches and the one-person health clubs, does that lift the mandate from

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those entities? If they -- if the money's not there, do they still have to comply with this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

To the bill, Mr. President, very briefly: I want to, again, thank Senator Crotty on this matter. But, Ladies and Gentlemen, one of the tests of our belief whether or not something has to be done, whether or not we really believe in something, is whether or not we're willing to put our money where our mouth is. This bill doesn't do that. There's no tax deduction. There's no tax credit. There's no funding out there. These people are left out on their own. If this LifeSigns financing program, which I doubt that there's very many of us in here are familiar with, does not come up with the money, the churches, the exercise clubs, the schools are still on their own; they're still going to foot the bill. Ladies and Gentlemen, no one argues with the goal of this. No one believes it's a bad idea to have these defibrillators in all these areas where people exercise, but if we're going to tell 'em to do it - a lot of these people operating on a shoestring budget - if we're going to tell 'em to do it, let's at least pay for it. Let's at least stand up and say this is important enough to the taxpayers of Illinois that we're going to pay to do it. Reluctantly, I would urge a No vote on this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I would like to echo the concerns about the huge and far-encompassing costs and then also the liabilities through several questions for the sponsor. Senator, I assume that the benefit of this bill is that you intend to save lives with it, and we would all agree with that goal, but

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how many lives will be saved, and what do you base that estimate on?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

I really -- I really can't estimate how many lives will be saved.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR CROTTY:

I would hope -- I would hope that we've all read the newspapers. We all know that people have youngsters. Students have -- have died on a track field. I know right now that O'Hare Airport has defibrillators placed two hundred feet apart from each other and they have saved -- they tell me, at one point when I started this bill, seventy-six lives.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

I would ask the -- the folks who are considering voting for this bill to listen to the promise that's being made, unspecific as far as the benefit, but the promise of covering the cost. I believe that, Senator, you said that all the devices, all the training, plus fifteen hundred dollars, that this company is going to come forward for all the schools, the community colleges, boys' and girls' clubs, parks, fitness centers, bowling alleys, churches. All these, this one company. Where is this company located? And what happens if they go out of business?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

I -- I'm going to -- I think it's Washington is where the company is located. And their whole -- their whole goal is to go out across this country and -- sell ads in order to put these lifesaving devices in the hands of every possible person that would want one. And that's why they are following legislation like this to help along.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I realize that we're -- that we're on a small bit of time here, but what is -- what is the -- the penalty if someone does not fulfill this? Well, excuse me. Let me withdraw that question. I believe -- to the bill: I believe that all people naturally want to be safe, but I don't think that we have to pass a bill or a law to encourage people to do what's in their self-interest. Coach Luechtefeld was not able to put his light on to participate in this morning's debate, but he comes over to me and he says, "Chris, do you realize that all over the State these facilities will close? High school gyms, grade school gyms, community gyms will close rather than incur the liability and the cost of this." I know that that -- what he's saying -- what Coach Luechtefeld is saying is true, because at West Aurora High School, a track that is just three blocks away from my home, they closed that track from all the youth in that area to go over to the track because they're concerned about the liability on the track. So that's shut down. We have a bill before us that has an unspecific benefit. We have an out-of-state contractor who'll reap - I heard someone during the debate say, "I want to get stock in that company" - for an enormous cost of both liability and money. This is well-intentioned, but a bad idea. And this is an example of one of those bills that we should just vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin. Senator Cronin.

SENATOR CRONIN:

I turned my light off because a lot of things have been said, a lot of good things. The sponsor's been commended for her good intention. I just wanted to ask the other side of the aisle, please, you're in the majority. This is an issue that really -- it really illustrates an approach to government. I -- I really think that you ought to think long and hard about forcing all these different businesses and -- and facilities, little Irish dance studios on the south side, might be run by a single mother. I mean, this -- this is going to hurt people. We had a track in Elmhurst - a running track - that was open to the public, where it was wonderful to run over there and jog at

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night, and -- and they have recently closed the gates there because they don't want the exposure. This is just going to add to it. I think this is an issue that individual school boards and individual facilities or the directors and managers need to make on their own. Lord knows, you can sponsor a bill that encourages them, that makes it permissive, that helps bring in this private business to line 'em up, and so on and so forth. I just don't think it's necessary to cram this down their throat, to make them do this because you know better. I just think that that's the wrong approach. It's misguided. I think that we want defibrillators, but let these people make the decisions on their own. And don't put these little businesses out of business. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. You know, I've been listening to this debate. I know I'm on the clock; I'll make it short. I hear fiscal impact. I hear discretionary problems. Senator Righter made a good point that maybe we should introduce legislation asking that the schools put defibrillators in their schools. Well, Senator, two years ago my neighbor lost a daughter at our community center because she had a heart attack. Two years ago I introduced a piece of legislation asking that we put defibrillators at all public schools. It didn't get out of Rules. And I understood that, on the other side of the aisle, there was a fiscal impact. But let me tell you something, Ladies -- Ladies and Gentlemen, here: If, God forbid, one of us dropped right now, there are two defibrillators in this building, one downstairs and one up here on the third floor. And if there wasn't, and if, God forbid, one of us dropped and, God forbid, they couldn't get here in time and what if, God forbid, some of us died, we'd be yelling there should have been a defibrillator in this building. Now, who are we here protecting? Fiscal impact. We have an organization that's willing to put up the funding for this. You want to go home and -- and tell the voters that, "Fine. I voted against defibrillators." And God forbid, if someone, a child - and I don't mean to put the guilt, but maybe I have to - passes away,

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I mean, how can anyone live like that? Now, I understand there's a -- that's -- there -- it is -- there is some questions regarding the -- whether it has to go into the other schools or other health facilities. But, for pete sakes, what are we here for? I stand in strong support. This is an emotional issue for me 'cause I see this gentleman every single day in my synagogue. He sits right in front of me. And I understand that there's some concerns, but I want to commend the sponsor for what she's done. She's worked with everybody. And I would like to see this get out of here with as many green lights as possible. Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President, Members of the Senate. I'd like very much to commend the -- the sponsor of this. And I'm going to just give you a very small example. In my particular area, people became a little bit more sophisticated about defibrillators because it saved a life in our primary health care clinic. Recently, two Christian high schools in my area, who did not have the means or the finances to buy 'em, frankly, came to me and were concerned about it because one of their children died playing volleyball. I was able, through my fund, to purchase two of 'em, one for Queen of Peace High School and St. Laurence High School. And on -- and in those -- both schools, it's in a case, and in that case, it explains exactly how to use it. Because, in schools, sometimes they're there fifteen hours, sixteen hours, seventeen hours. But, believe me, both of those particular schools feel so much better now that they have this available. And when Senator Cronin talked about that little Irish dance school, God knows I've grown up with a lot of great Irishmen. And when those little Irish girls hear about this defibrillator, they're going to want one in there. And you know what? They're going to find a means to do it, if they have to go out and get pancake breakfasts or do whatever they can. If we save one life, as -- as -- as Senator Silverstein said, it's well worth it. And believe me, gentlemen, I know. I've had enough experience to know. I've

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worked with the public school system and the private school system, and all of them are in need. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty, to close.

SENATOR CROTTY:

I think at this time I -- I -- as I'm listening to the debate, I'm -- I'm thinking about Colleen O'Sullivan, who was healthy, thirty years old, and a life that was so promising and it was snuffed out, but also my father, who died at the breakfast table while he was reading the sports page. He still had the paper in his hand. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 43 pass. All those in favor, 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 are 32 Members voting Yes, 23 Members voted No, 2 Members voted Present. House Bill 43, having received the required constitutional majority, is declared passed. We've now gone through one bill in thirty-five minutes. So, we'll -- we'll probably be here tomorrow. So, call the hotels. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

For an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

State your announcement.

SENATOR CULLERTON:

The Judiciary Committee will meet in Room 400 at 10:30.

PRESIDING OFFICER: (SENATOR WELCH)

Judiciary, 10:30, Room 400. Thank you. Senator Wendell Jones, for what purpose do you rise?

SENATOR W. JONES:

A -- a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR W. JONES:

This morning I have with me a very delightful young lady from Barrington, Illinois, who attends the Quest Academy in Palatine. Please greet Liza Macintosh.

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PRESIDING OFFICER: (SENATOR WELCH)

Please stand, Liza. Welcome to Springfield. Senator -- Senator Schoenberg, for what purpose do you rise?

SENATOR SCHOENBERG:

I'd like to rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State -- state your point.

SENATOR SCHOENBERG:

On the Republican side of the aisle, working hard to help those who are homeless in the State of Illinois, are my two Pages for the Day from Oakton School, Rebecca Kovode and Dana Hedman. They're here today with their siblings, Ethan, Christine and Emma, and their mothers. And I'd like you to extend a warm Senate welcome to them.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield. Thanks for being here. House Bill 6. Senator Obama. ...bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 6.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Very briefly, this bill amends the Disaster Relief Act, the DPH Powers and Duties Law of the Civil Administrative Code to respond to public health emergencies that -- so that they may include bioterrorism. Clarifies provisions foregoing -- in the foregoing Acts to ensure disaster relief financing can cover such public health emergencies. Proponents include the Association of Public Health Administrators, Red Cross, City of Chicago, et cetera. I know of no opposition. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, all 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, 58 Members voted Yes,

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no Members voted No, no Members voted Present. House Bill 6, receiving the required constitutional majority, is declared passed. House Bill 44. Senator Schoenberg. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 44.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate {sic} Bill 44 provides that -- that car rental companies should provide, at the request of the renter, based on the available information, all the necessary information related to applicable taxes, fees, other charges, total estimated rental charges, based on the return date that's noted on the rental agreement. If the agreement doesn't reflect the total estimated rental charge, a statement has to be included. This was drafted by -- this was negotiated with the car rental companies and -- to address some consumer issues. I know of no known opposition, and I'd be happy to answer any questions. I urge your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. Just a question to the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BOMKE:

When this came over from the House, it required that rental companies include taxes and mileage charges in their advertising and quotes. It was watered down significantly over here. Now it only requires them to disclose that information if asked by the consumer. Why did you change it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

What precipitated the change is that this is -- this is based on the terms of the contract, and the contracts, as you

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know, are not uniform. They vary, as do the rates vary, depending on the circumstances. So, this is to ensure that consumers are able to get all the necessary information and that they don't feel that there are any hidden charges. However, because this does variate from transaction to transaction, that's why the change was made.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg, to close.

SENATOR SCHOENBERG:

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 44 pass. All those in favor, 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, 58 Members voted Yes, no Members are voting No, and none voted Present. House Bill 44, having received the required constitutional majority, is declared passed. House Bill 76. Senator Wojcik. Senator Wojcik. Senator Wojcik, do you wish to call your bill? All right. Thank you. House Bill 88. Senator Trotter. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 88.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. House Bill 88 amends several Acts in the Mental Health Code. It -- it amends the Mental Health and -- Developmental Disabilities Administrative Act. It amends the Abused and Neglected Long Term Care Facility (Residents) Reporting Act, as well as DHS Act. So in this bill what our intent is, to address the role of the Secretary of the Department of Human Services in a mental health or developmental disabilities facility or agency in dealing with corrective actions. It makes changes in the Section of Act pertaining to the appropriation of the Office of Inspector General.

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PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 88 pass. All those in favor -- Senator, turn your light on, please. That's all it takes. That's the rules we have in the Senate. Senator Righter.

SENATOR RIGHTER:

Excuse me, Mr. President. We are moving rather quickly, and I apologize for that. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR RIGHTER:

Thank you. Senator Trotter, it's my recollection that in committee, the Department of Human Services testified that they do not have funding for this in the Governor's proposed Fiscal Year 2004 budget. Is that your recollection? If it is, is there a -- how do they address that issue of cost?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. That is my recollection, Senator. What we did is we added on Amendment No. 2, which said the bill would be subject to appropriations, and they are now on board with the..

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Righter, you had another question?

SENATOR RIGHTER:

No. Just briefly. Thank you, Senator, for accommodating our concerns. Thank you. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, Senator Trotter, to close.

SENATOR TROTTER:

I'm -- I'm sorry. Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 88 pass. All those in favor, 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 are 59 Members voting Yes, no Members voting No, and no Members voting

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Present. House Bill 88, having received the required constitutional majority, is declared passed. House Bill 186. Senator Dillard. House Bill 205. Senator Trotter. House Bill 211. Senator Martinez. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 211.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 211 amends the Illinois Insurance Code and various other Acts to require individual and group insurance policies to cover outpatient prescription contraceptive drugs and devices and outpatient contraceptive services, including those approved by the Food and Drug Administration. As well, this bill would extend coverage to employees of the State of Illinois. This measure brings the residents of the State of Illinois into the 21st century. With this bill, women's health issues will no longer take a backseat. Twenty other states have already enacted similar legislation and twelve other states are considering similar legislation. In 1998, the federal government enacted a contraceptive coverage policy for the federal employees. If it is good enough for the federal government and twenty other states, then Illinois needs to step up to the plate and take women's health issues seriously. Contraception is the right of a basic health care for women. Planned pregnancies are healthier pregnancies. A study by the Washington Business Group on Health found that by not providing contraceptive coverage, it would cost employees -- employers fifteen to seventeen percent more than providing the contraceptive coverage itself. About half of all pregnancies in the United States are unintended. Paying contraceptive is vastly cheaper than paying for the cost of prenatal care and childbirth, which can be ten to fifteen thousand dollars for a healthy birth. Furthermore, social service systems in Illinois will be a lot less burdened. The Springfield newspaper reported that according to the American College -- Obstetrics and

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Gynecologists, that less than two months after the Viagra hit the market in 1998, health insurance covered to one extent or another more than half of all prescription written. It almost took forty years for oral contraceptive to reach the -- this coverage level. It is a sad case when Viagra is more readily available and covered by health insurance programs, but contraceptives are not widely covered by insurance. People need to understand that contraceptives provide several other health benefit for women. They are preventive measures against ovarian and endometrial cancers, pelvic inflammatory disease, osteoporosis, and especially to regulate a woman's menstrual cycle. A recent poll by Lake said -- showed seventy-five percent of Illinois favor requiring health policies to cover contraceptives. Let's listen to the -- to the people of Illinois and do the responsible thing and vote for -- in favor of women's health. This measure passed the House with support from both Democrats and Republicans. And here in the Senate I have received support from both sides, I hope. The editorial boards of Chicago Tribune, Chicago Sun-Times, and the State Journal-Register newspaper all support this measure. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

At this point, there are one, two, three, four, five, six, seven Members wishing to speak. Thank you. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: I rise in opposition to the bill for a couple reasons. Number one is it is an insurance mandate that is opposed by the Illinois Life Insurance Council, Illinois Health Plans, the Illinois Employment Law Council, and the Illinois Catholic Health Association. It's estimated by Golden Rule Insurance Company that this is going to be a mandate on Illinois businesses between three hundred million and seven hundred and twenty million dollars annually. At a time when we're doing everything in -- as we can in these last two weeks to create an environment

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where business flourishes, this moves Illinois business in -- in the exact opposite direction. And the irony, that this comes out of a committee not chaired by Senator Jacobs, which has really done a good job, the Insurance Committee, of keeping a lid on mandates, because most of the Members of that committee understand the tremendous cost of business. That's point number one: It's a big mandate. Point number two is, for those of you who are interested in the right-to-life issue, it's been pointed out to me that while the -- the bill has been improved from that perspective in that surgical abortions are excluded from this, and many of us appreciate that, there is still concern in the right-to-life community in that it would allow for contraceptives that are known as abortifacients, which are unattractive to a number of those folks. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR WINKEL:

Senator, as I had previously discussed with you earlier, I am very concerned about the passage of House Bill 211, even as amended and in its current form. The previous speaker touched upon my concerns. And I have serious reservations about the bill and its impact on those who have religious objections to contraceptive use. Now, the amendment that I provided to you, which she declined to -- to accept, is essentially a conscience clause. It -- it merely states that nothing in this Section, in your bill, shall be construed to require any person or entity to contract for, enter into, or issue, or otherwise provide an insurance policy that in the opinion of the person or entity would abridge or violate that person's or entity's conscience as defined in Section 3 of the Health Care Right of Conscience Act. Very straightforward. Nothing in this Section shall be construed to abridge any rights guaranteed by the Constitutions of the United States or the State of Illinois or the laws of the State of Illinois, including but not limited to the Religious Freedom Restoration Act, the Health Care Right of Conscience

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Act, the Abortion Performance Refusal Act, the Illinois Abortion Law of 1975. Now, this amendment, as you know, which I filed, does provide what I call a conscience clause. By adopting this amendment, you'd remove any of the ambiguity that I believe currently exists about whether the mandate in your bill applies in situations where there may be a religious objection. Provena Hospital in my district and I know the Catholic Conference have expressed their objections and concerns to me about this issue, and I believe that we need to be sensitive to the religious beliefs of those impacted by this legislation. Indeed, Phil Karst, from the Illinois Catholic Health Association, he represents a group of fifty hospitals and one hundred long-term care facilities. They oppose your bill, as amended. Senator, why, why would you not make this specific reference? I offered this -- amendment to you to clear up this ambiguity. I would vote for your bill if you had a conscience clause. I think others would too. Why would you not agree to amend and improve upon this bill by adding a conscience clause?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. Senator. I -- I -- I would just say this. First of all, I -- I thank you very much for that amendment that you put on the -- on -- that you tried to put on the bill. But first of all, the right of conscience is already in the statute. And second of all, let me just make this real clear, is that right now, if employers are given the opportunity to choose any kind of health insurance that excludes this, they have two options. First of all, I don't think an employer should decide on a women issue when it comes to contraceptive as being part of the insurance plan. But second of all, right now we -- in the State of Illinois, we have four Catholic insurances, that if anybody, any employer out there feels so morally strong about health insurance that covers contraceptive, they have the option to go on in there and go to any of those four insurance companies that offer that same basic health services but without the contraceptive. So I feel that that alone addresses the problem. But as far as the -- the right of conscience, it's already in the statute and we don't need to address it again.

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PRESIDING OFFICER: (SENATOR WELCH)

Your time is up, Senator. Senator Winkel, your time is up.

SENATOR WINKEL:

May I -- may I just close with -- with -- with a response to that?

PRESIDING OFFICER: (SENATOR WELCH)

No. Your time is up. Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Members of the Senate. I rise in strong support of this piece of legislation. I'd just like to address some of the concerns that have been raised, because I think they're really red herrings. First of all, to the cost issue, I think the cost figures are very, very much overblown. Data has shown, in other states, cost to be minimal for coverage for these kinds of prescriptive drugs. And more importantly, they've shown that by use of these -- these contraceptive prescriptions, cost savings have really been realized, and we've been -- had a -- a significant impact on preventing unplanned and unwanted pregnancies. So I -- I think the cost factor is -- is not relevant. I would also say that this is an issue that is important to not only the women legislators in this Chamber, but women throughout the State of Illinois. It is nothing short of unfair that these kinds of prescriptions are not covered. And I think if you look at the State Journal-Register, in their editorial this past month, they made that -- same point. The fact that these prescriptions are not covered is nothing short of gender discrimination. Drugs that we're talking about not only prevent pregnancies, but also prevent illnesses that women are affected by, and that cannot be overstated. So I would just ask all of my colleagues to look very closely at this and realize that we're talking about something that is just fair and reasonable and right, and if other kinds of medications are covered, such as Viagra - we didn't debate that - it is only right that coverage for prescriptions that really address the needs and concerns and health concerns of women be covered. And I would urge all of us to look very closely as -- as we support that. I think Senator Martinez made a -- a -- a interesting point when she talked about the health -- the Conscience Act. The Illinois Health Care Right of Conscience Act does supersede

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this. So, all the discussions about not being able to support that because of that issue I think are just flat wrong. This is a very simple, straightforward bill that is important to women, to women's health, and I would urge all of my colleagues to vote for this very good piece of legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senator, I would have preferred to vote Yes on this piece of legislation. I do agree with the fundamental principle that you're appealing to that -- that what's good for the goose should be good for the gander. I think that that -- on that point, that most folks agree. However, let me ask you, is it true that the morning-after pill is included in this? The pro-life community believes that this drug terminates conception. Can you tell me if that's included?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

First of all, the morning-after pill is a -- a special dose of ordinary control -- birth control pills that are taken after unprotected intercourse or to prevent pregnancy. But more important is that -- that this is -- however, this is misleading 'cause it can be used up to five days after unprotected intercourse. The emergency contraceptive that -- which is the morning-after, is not an abortion-causing drug. Emergency -- causing drug is a special dose of ordinary birth control. It is not the FDA approved abortion-causing drug called -- mifepristone, commonly known as RU-886 {sic} (RU-486). That's the abortion pill. And it does not cover that abortion pill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I consider myself pro-life, but I'm going to quote from the Tribune of yesterday about this bill. This bill does not cover abortion, sterilization or providing any kinds of services or prescriptions to women once they are pregnant. And the Tribune says it stands to reason that avoiding -- that avoiding unwanted

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pregnancies, as this -- as this legislation promotes, will lead to fewer abortions. I think that makes good sense. And I commend the sponsor for handling this very touchy bill. But, you know, we have to have some real common sense around here. If we're going to provide Viagra for the men, let me tell you, you cannot avoid being fair to the women. And therefore I rise in support of this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez, to close.

SENATOR MARTINEZ:

We have the opportunity here to address issues of women's health, and at the same time, addressing the huge financial impact on insurance companies, families, and public, private social systems here in Illinois due to unintended pregnancies. According to CMS, State employees alone who took maternity leave in 2002 had a cost of 5.4 million and a total cost of unintended pregnancies of about 14.5 million. This is a lot of money in hard economical times. Oral contraceptives should be covered by insurances. And I would urge -- strongly that you vote Yes for -- for House Bill 211. Vote Yes for the women of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 211 pass. All those in favor, 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 are 34 Members voting Yes, 23 Members voting No, 1 Member voted Present. House Bill 211, having received the required constitutional majority, is declared passed. Could we please refrain from demonstrations in the gallery or on the Floor? Senator Woolard, could you turn off your light switch? For what purpose do you rise?

SENATOR WOOLARD:

Thank you, Mr. President. I rise for a personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR WOOLARD:

Mr. President, I -- I apologize to you, as the Leader of this Body, for turning on my light, in what your opinion was, a little bit late, but I did have a serious concern about the

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previous issue that I wanted to address. And I know that you have a procedure to follow and I accept that, and you're in control. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, the rules have always been in the Senate, when a motion is made to call the question, no further lights that are lit will be called upon. I was enforcing that rule. It -- it's enforced against both Democrats and Republicans. I'm not trying to pull any punches here, Senator. The next bill is being held. House Bill 235. Senator del Valle.

SENATOR DEL VALLE:

For point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR DEL VALLE:

In the President's Gallery we have Wells High School group CASA - the Community Action Service Activities club, and with them is Susan Nussbaum and Gwen Ryan. I'd like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR WELCH)

Will our guests in the galleries -- please rise and be welcomed to the Senate? Thank you for coming here. Thank you very much. House Bill 259. Senator Silverstein. House Bill 264. Senator Larry Walsh. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 264.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 264 creates the Agricultural Production Contract Code. What we are doing here has been an effort of work for the last three years in regards to trying to level the playing field in agriculture in regards to contract language in contracts with -- with agricultural producers. Agriculture in the State of Illinois has changed dramatically in the last ten years. More and more and more, our producers

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across the State of Illinois have made agreements with contractors or with food processors, with food growers, with seed companies, in regards to growing products for them as -- as a contractor employee.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, Senator Walsh can't hear himself think. Could we take the conferences off the Floor right here to the right of the Podium? Senator Silverstein, could we please take these conferences off the Floor? Senator Syverson, you're on our side of the aisle. Could you please take the conference off the Floor? Behind Senator Walsh. Could Senator Walsh have some quiet behind him? Please proceed, Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. What we are trying to do with House Bill 264, as I have said, has been a work in progress over the last three years of making the playing field level for both -- both the producer and for the industry. As we continue -- as we continue to go down the road of more and more contract language being written and more and more contracts being performed in the agricultural community, this need for a level playing field, for a -- a program that shows exactly what everybody's responsibilities are in a readable -- portion -- or, a readable contract, and clearly spelling out the issues that are involved in what everybody has agreed to. Representative Frank Mautino has taken this issue under his belt, and as I said, for the past three years, we have worked on putting this language together. We have held meetings throughout the State of Illinois, listening to both -- both producer and the industry. And House Bill 264 has come to -- to this, to a -- a -- what I think is a good piece of legislation. And I would be more than willing to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman -- Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Jacobs moves the previous question. There are seven Members seeking recognition. Senator Dillard.

SENATOR DILLARD:

...you -- thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR DILLARD:

Senator Walsh, isn't there a major mistake in Section 50, the enforcement, offenses and remedies Section of this bill, that would nullify the enforcement mechanism of the Code?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Section what, Senator Dillard?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Section -- Section 50.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Senator Dillard, in -- in -- in what manner is this a major flaw?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Well, the Code of Civil Procedure does not provide offenses. It provides, rather, for a procedure for remedying civil procedures, and business offenses are found under the uniform -- or, Unified Code of Corrections, where it's indicated that a business offense means a petty offense, for which a fine is in excess of a thousand dollars. This bill has been before the Judiciary Committee in past years, and I'm just asking you whether you're aware that there's a major drafting error in Section 50. And, Senator Walsh, you have a Floor amendment, I believe under your name, filed to fix this catastrophic problem in this bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Walsh.

SENATOR WALSH:

Senator Dillard, I had a Floor amendment that was going to -- that was going to be a technical amendment. I don't -- I don't know whether that was a Floor amendment that was going to -- to solve a catastrophic problem. The -- if there is a problem, if there is a problem with this bill, Senator, the effective date of this piece of legislation is not until January 1 of 2005. We have at least one whole Session, eighteen months to continue to work on this. And you have my word that if there is a problem of that magnitude, that we will bring that up and we will correct that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Yeah. One other line of just questions. Senator Walsh, what happens if a producer consults with or discusses the production of his or her farming operation with their fifteen- or fourteen-year-old son or daughter, who might be an FFA member or a 4-H member?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Well, I'm sure that you're referring to the confidentiality Section of -- of -- of the contract -- or, of the language. Originally, under the original proposal, that -- the confidentiality was -- was basically restricted to the contractor and the contractee. We have expanded that so that a -- a producer can actually talk about this contract with his banker, with his spouse, with his other members of his farming operation. There still may be just a -- a vague of being unclear in regards to younger members of the family.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. I rise in support of this legislation. And as the sponsor has indicated, this has been a work in progress for over three years. As the former chairman of the Senate Ag and Conservation Committee, this issue

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came to our committee three years ago. The sponsor of the legislation today, Senator Walsh, has picked this up and done an excellent job. Deals in a very sensitive area when you get the State involved in trying to give some direction to producers and contractors in how the language of the contract should be written, what terms that should be in there. There have been a lot of things taken off the table in this discussion, so that now we just have legislation that I think is fairly clear and fairly simple. For the most part, probably ninety-five percent of this bill is agreed to. Not a perfect bill. I think, as we go forward next Session, probably we'll need a trailer bill to address some of the issues that the major contracting companies have raised. Most of the seed companies in Illinois today are owned by DuPont or Monsanto or Dow AgroSciences. They have some pretty -- pretty knowledgeable people on their staff that are pretty proficient at looking at contracts, and they've raised some issues, just in the last couple of weeks, about some technicalities in this legislation that they would like to see addressed in a future Session. But I think the important thing to do here today is to move this bill forward, send it on to the Governor's Desk. Senator Walsh has done an outstanding job of trying to deal with a very technical area, a very sensitive area. And quite frankly, if you're interested in supporting Illinois agriculture and allowing producers in this State to add value -- to add value to -- to the products, the crops, the livestock, whatever it is that they produce in this State, need to support this legislation. It's a matter of fairness. Illinois is one of the premium contracting states in the United States. The majority of our land in this State is in some form of contract production for specialty grains, for fruits, vegetables. A majority of the livestock today, whether it be dairy and milk or whether it be pork production, is in some form of contract with a supplier and an industry person that wants assurances in terms of quality or identity preservation of that grain. So we need to do all that we can to foster an environment in the State of Illinois that's pro-contractor, that says to the major corporations of the world, "Come to Illinois. Contract with our producers." We want it done fairly and that's what this legislation does, provides fairness in contracting,

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protects the interests of the producer, but it also does not drive the contractor away from the State. It says, "We've got some fairness issues, some readability issues here. We want you to come to the State of Illinois. We want to encourage an environment in which contractors will prosper, producers will prosper." This is a good bill, I think, for the State of Illinois, a good bill for agriculture. Needs a little more work next Session. As the sponsor indicated, the effective date of this is January 1st of 2005, so we have next year's Session. But as we all know in this process, if you don't push some legislation forward, you can't get the parties involved to seriously negotiate at the table. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. I'll be very brief. I rise in support of the bill. I -- I think this is a bill of fairness. It's a bill that's been worked on for a long period of time, and I commend the sponsor for bringing it forward.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. First of all, Senator Walsh, let me tell you, I intend on voting for the bill. Secondly, I do -- I know that there's been a lot of work put into this, and it's something that needs to be done because we've got a lot of problems in this State with contracts. But maybe you can answer a question for me. And it's not a trick question, but it's -- it's one that I've been getting phone calls on from -- from my neighbors. And that is, they're being told that if this bill passes, that it's going to be very hard for them to contract for their inputs. Is -- is there any -- I mean, would you have idea of where they're coming from? Because they really couldn't explain that to me. And the only thing I could come up with is that

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either their -- their fertilizer/chemical dealers or their seed dealers are saying, "You know, this is really going to create a burden for us. We might not be able to sign, you know, to do certain things." So...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Well, thank you, Senator, for that -- that question. Nowhere in -- in -- in this piece of legislation does input such as -- or, such as fertilizer, herbicides or anything like that come into a play of -- of being either denied or being scarce. What this basically will do, is in a very readable clause that both the farmer, the producer, and the -- and the company, seed company, if it's such a seed company, or food grower, or whatever it may be, will know and see in print - understandable, large enough to understand - that -- that if they are to be -- if they are not to use a certain kind of herbicide or insecticide, that will be in the contract. So I -- I have no way of understanding where any kind of problem arising from inputs not being able to be secured.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator Jones.

SENATOR J. JONES:

Senator Walsh, as you know, I'm in strong support of this bill. My name's on the board up there. There is a couple of questions I would like to ask and then -- and then go to the bill. First off, does this Act apply only in the future? It doesn't go back four years or whatever on contracts that's been in -- in place before?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh. Senator Walsh.

SENATOR WALSH:

Thank you for that question, Senator Jones. No, this -- these contracts will begin the effective date -- the effective date of this legislation.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones. John Jones.

SENATOR J. JONES:

Senator Walsh, I think really and truly the -- the language really doesn't specifically say that and I think that's something we're going to really have to work on next year, to -- to make sure before January the 1st of -- of '05 arrives. But -- and you don't need to respond to that, but -- but I -- I do want to say, you know, there -- there's proponents to this bill; there's opponents to this bill. The -- the Farm Bureau, the Farmers Union, the Soybean Association, the Corn Growers are all proponents of this bill. There is several opponents, and they have reason to be opponents. Representative Mautino and -- and Senator Walsh and -- and many of us have worked for several years on this issue. And the opponents are the Seed Trade Association, Monsanto, Chemical Industry Council of Illinois, the Illinois Chamber of Commerce, the Illinois Manufacturers' Association, Grain and Feed Association, and the St. Louis Regional Chamber of Commerce. I do agree that there are people that have concerns about this piece of legislation, but I think it's a working process, that we have to move forward with this bill at this time. There is some -- some errors in -- in the language. We will work on those next year, and from my point, I would stand in -- in strong support of the bill and request an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh, to close.

SENATOR WALSH:

Well, thank you, Mr. President, and thank you to all my colleagues that spoke on behalf of -- of this piece of legislation. And I agree with them one hundred percent. This is not a perfect piece of legislation. We do have work cut out for us to continue the work, but as Senator Sieben so eloquently said, that if we don't move forward and put something on the books, that we never can bring the parties together. And -- and we are asking that we get started, we put this on the books, and starting again. The door will be completely open to -- to -- to amend this -- to amend this legislation next year, tweak it wherever we have to, to go through, and after we see how it

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actually plays out, that many of these items will come up. And we are more than willing to sit down and continue to work to try and make this as a -- a perfect piece of legislation as we can. I ask for an -- favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 264 pass. All 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 are 59 Members voting Yes, none voting No, none voting Present. House Bill 264, having received the required constitutional majority, is declared passed. If I could have everyone's attention for a moment. Judiciary Committee is going to meet immediately, and for that reason, the Senate will stand in recess to the call of the Chair. We're expecting the committee to meet for only fifteen to twenty minutes, so don't go too far. Upon return, we will start with 3rd Readings. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

...the Members please return to the Floor? We will reconvene momentarily on 3rd Readings. Please return to the Floor. The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, report Senate Amendment No. 5 to House Bill 1281 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Messages from the House. Messages from the Governor.

SECRETARY HAWKER:

A Message for the Governor by Joseph B. Handley, Deputy Chief of Staff for Legislative Affairs, May 16, 2003.

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

To the Honorable Members of the Senate, 93rd General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully

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ask concurrence in and confirmation of these appointments of your Honorable Body.

Rod Blagojevich, Governor.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution (35), offered by Senator Silverstein.

It is substantive.

And Senate Joint -- I mean -- pardon me, and Senate Resolution 159, offered by Senator Martinez and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions Consent Calendar. Would the Members please come to the Floor? Message from the House.

SECRETARY HAWKER:

A Message by the -- from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 12.

Adopted by the House, May 14, 2003.

That House joint resolution has been -- is being sponsored now by John Sullivan.

PRESIDING OFFICER: (SENATOR WELCH)

On page 25 of the Calendar is the Order of House Bills 3rd Reading. This is final action. House Bill 294. Senator Trotter. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. House Bill 294 is a compromise agreement that increases eligibility to fifty percent of the current State median income.

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It eliminates the ten-percent earned income disregard. It adjusts the parent's co-payment scale so families will not have to pay more than they do now. It addresses income eligibility, which would be based on that year's current SMI hereafter. Its implementation would be effective September 1st, 2003. Estimated cost is twenty million. The estimated out-year cost, according to the Department of Human Services, would be twenty-seven million. The Governor has put in this year fifty million dollars. And I'm available for questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly, I rise in support of the legislation. I want to thank the sponsor. There's been a lot of time and effort been put into this legislation. He's worked very hard to try to make sure that this threshold fits within the parameters of the Governor's budget. I appreciate very much his work and everyone else's on this, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I almost don't need to say anything. I think Senator Righter said it well. And I also think the -- the groups that worked on this deserve a lot of credit for staying pragmatically engaged working on this cliff, and I just wanted to thank Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to close.

SENATOR TROTTER:

Yes. Just to close. I thank everyone, because this has been a -- a compromise piece of legislation and many people put in many hours, especially the Day Care Action Council, the Ounce of Prevention Fund, the National Center on Poverty Law, Voices for Illinois Children, Illinois Child Care Association, as well as Women Employed, and many, many more. And it's much needed legislation, and I ask for a positive roll call.

PRESIDING OFFICER: (SENATOR WELCH)

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The question is, shall House Bill -- shall House Bill 294 pass. All those in favor, 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 are 59 Members voting Yes, no Members voted No, and no Members recorded voting Present. House Bill 294, having received the required constitutional majority, is declared passed. House Bill 414. Senator Schoenberg. Senator Schoenberg. House Bill 430. Is there leave to come back to that bill? Leave is granted. House Bill 463. Senator Garrett. Top of page 26. House Bill 467. Senator Obama. Read the bill. I'm sorry. It's a recall. Senator Obama seeks leave of the Body to return House Bill 467 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 467. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Obama.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill relates to ATM fees for the use of Link cards. The amendment is a noncontroversial aspect of the bill which clarifies that locations that are -- where ATMs are sited are not covered by the bill. So I know of no opposition to the amendment. I'll be happy to debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

There any discussion? Any discussion? Seeing none, all in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 467. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 467.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President. As I indicated before, this relates to bank charges related to the use of Link cards. Most of you, I think you -- of you are familiar with the -- the Link Card program. What that does is it facilitates -- public aid funds and people being able to access them. Currently, there are ATM charges related to the use of the Link card. This would prohibit those charges. It's important to note that there are surcharges that allow for a clearinghouse -- or, that allow the bank to recoup its costs when a Link card is used, but these are additional surcharges of the sort that we pay with our ATM cards. And the notion is, generally, that persons who are on public aid probably should not have to incur these costs. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator, if the public aid recipients are not going to have to incur the costs, who will?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

I apologize, Mr. President. Could you repeat that, Senator Roskam?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, please repeat the question.

SENATOR ROSKAM:

You mentioned, Senator, that you didn't think public aid recipients should incur the costs. Who will incur the costs under this bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

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SENATOR OBAMA:

Well, I think what's important to point out is, is that right now banks are making a profit on the ATM cards, the same way that they do when they charge us for when we use our bank cards. Now, I'm actually somebody who thinks that it's a legitimate convenience fee. You know, that little thing comes up, if I don't want to pay the buck or buck and a half or two bucks, I don't do it, and if I want to enjoy that convenience, then I do. But I can afford to -- to make those expenditures. The notion is, is I think that the -- the public aid recipient, whose benefits, by the way, we have not increased in a decade, probably can't afford to make those. And because the costs to the bank are actually covered, this is really a -- a profit-making enterprise on the part of the banks. I -- I don't think there's anything immoral about the fact that the banks are doing it. It's not a huge profit-making operation for them. But just from a public policy perspective, the perception is, is that they probably should not make a profit on this particular tool.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

So, the answer to the question is, the banks pay. Right? I mean, my -- my question was -- well, it's -- you're nodding -- you're shaking your head no, but you would acknowledge this isn't a free service. The banks have costs and so forth. And what you're doing is you're putting a burden on the banks, as opposed to the public aid recipient, and you're also putting a burden on State banks, as opposed to federal banks over whom we have no jurisdiction. Are those two things right? Number one, you're making banks pay, 'cause nothing's free. And number two, you're making State banks pay vis-à-vis federal banks.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

I believe you're incorrect on the first, but correct on the second. On -- on the first issue, as I indicated before, there's an additional charge that the banks do collect when the ATM is used that allows them to recoup their costs. But you are correct that - as is true with the payday loan industry, when we

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regulated that, or some other provisions that are related to banks - unfortunately, we have jurisdiction only over the State-chartered banks; we don't have jurisdiction over the national banks. That's a constraint that we have due to national banking laws.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

To the bill. Thank you, Mr. President. I mean, it is obvious that what we're doing is we're telling banks, "You've got to subsidize this program." You know, the notion that a convenience fee is just sort of a -- just merely a profit-making initiative on the part of banks is a little bit simplistic. There's nothing wrong with making money in America, and providing a convenience, no matter who it's for, is something that the private sector ought to be able to charge. If we want to raise the rate with which -- to which we reimburse or that we subsidize public aid recipients, then let's raise the rate. Let's come in, let's have a debate, and let's expand welfare. But to do this on a very narrow segment, to tell the banking community, and only our banks, actually - not the federal banks; only our banks - "You're going to be the ones that pay," I think is an unwise move. This is a convenience. We're not taking away anybody's -- anybody's ability to receive public aid, but I think it is a -- it is a -- an unfair burden on this industry. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. I rise up in support of this legislation. Give you a little history of it. Many, many years ago, the Illinois Department of Public Aid wanted to take welfare recipient checks and asked the banks of Illinois would they take the checks because so many checks were being stolen out of the mailboxes, and they refused. They didn't want to be bothered with it, and that's how they ended up in the currency exchanges. Now, with the new technology and the -- and the electronic transfers and so forth, they all jumped right in. They want this because they get the money upfront and they make

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interest off that money. So you ask, "Who's going to pay for it?" It comes out of the float. When they receive these dollars from the State, they have that money there. They're making money off the interest, and so let the -- the poor recipients be recipients of some of that interest that they are making off the float. As these dollars sit in the bank, you ask, "Who's going to pay for it?" It'll come out of the interest that the banks are charging. That's why they jumped so quick to grab this program and wanted this program. But don't charge the poor people of the State of Illinois for your greed. This is a darn good bill and we should not be penalizing the poor people of the State of Illinois, but we should be enthusiastically supporting it. And I would think that the banks in Illinois, be they national banks or State banks, should be strong supporters of this type of legislation because they get the money, they invest the money, they get interest on the money. So let the recipients be the beneficiary of the interest that they are making on the float. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR WELCH)

On the Democratic side of the aisle, we are honored to have the presence of the State Comptroller, Dan Hynes. Dan, welcome to the State Senate. Thank you for being here. Senator Obama, to close.

SENATOR OBAMA:

I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 467 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 30 Members voting Yes, 26 Members voted No, 2 Members voted Present. House Bill 467, having received the required constitutional majority, is declared passed. Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Request a verification on that roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The motion's in order. Senator Roskam has requested a verification. The Secretary will read the affirmative votes.

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SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Obama, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, Trotter, Viverito, Walsh, Welch, Woolard, and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR ROSKAM:

Senator Meeks.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks. Is Senator Meeks on the Floor? Senator Meeks is in the Well, down in front of the Chambers. Does Senator Roskam question the presence of any other Member?

SENATOR ROSKAM:

Senator Silverstein.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein is in the phone booth. He just came out. Senator Roskam, any further questions? On a verified roll call, there are 30 Members voting Yes, 26 Members voting No, and 2 Members voting Present. House Bill 467, having received the required constitutional majority, after a verification, is declared passed. House Bill -- excuse me. We're going to go to Senator Walsh. Senator Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Mr. President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR WALSH:

I'm honored today to have a young lady who is a Page. She's Anna -- Cansella, from Wheaton. She's a freshman at Wheaton North High School. Her and her mother, Margarite, who's up in the President's Gallery, are here today, and I would like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR WELCH)

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Welcome to Springfield. Thank you for being here. House Bill 469. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 469.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. When someone wants to bring a federal action, under certain federal laws - the Age Discrimination Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Americans with Disabilities Act or the Civil Rights Act - they can do so, but if they are bringing a lawsuit against the State of Illinois under these Acts, they're -- the State has what's called sovereign immunity. The federal laws attempted to waive the State's sovereign immunity but a Supreme Court decision said that they couldn't do that, we had to do that ourselves, and a number of states have done so. That's all that this bill does, so as to allow people who are State employees to file lawsuits as they had prior to this Supreme Court decision. And just to make it very clear, until this bill becomes a law, if you are involved in a lawsuit, the State can come right in and dismiss the case based on the Supreme Court decision. After the bill takes place and goes into effect, they would not be able to do so. It's a very good bill. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Since we discussed this bill at length a couple of days ago and it was taken out of the record, I just want to ask Senator Cullerton one question so that I'm clear. Does this apply only to causes of action on or after the effective date of this particular bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator Cullerton, are you an enthusiastic advocate for this bill today?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes, I am. I'm really -- I'm really into this thing now. I know -- I know what it does. It's a good bill, and I really want you to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton, to close.

SENATOR CULLERTON:

Ask for an Aye vote. Really want an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is -- Senator Soden.

SENATOR SODEN:

Mr. President, Senator Cullerton, a question.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR SODEN:

Is there any time frame limit that a suit has to be filed, within two years or...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Every one of these Acts would have a statute of limitations. Now, I'm not sure -- I -- it's probably two years, but I'm not sure what each, individual Act allows. And we're not changing that whatsoever. That's -- whatever that is, that stays the same. What -- this only deals with the issue of sovereign immunity, and we're allowing the State to waive their sovereign immunity.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Cullerton has closed. The question is, shall House Bill 469 pass. All those in favor, 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 are 59 Members voting Yes, no Member voted No, none voted Present. House Bill 469, having received the required constitutional majority, is declared passed. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

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

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR LIGHTFORD:

Mr. President, Ladies and Gentlemen of the Assembly, I'd like for you to help welcome the H. McNelty First Baptist School to the General Assembly. They're a group of eighth-graders out of Melrose Park and they are one of the -- the best schools that I have in my district. If you could please allow them to stand and be welcomed.

PRESIDING OFFICER: (SENATOR WELCH)

Will our guests in the gallery please rise and be recognized by the Senate? Thank you very much for coming to Springfield. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR HARMON:

I'd like to introduce my Page for a Day, Patrick Deaton, from Oak Park. His dad is Mark Deaton, no stranger to the Capitol, and I'd just ask you all to join me in welcoming him.

PRESIDING OFFICER: (SENATOR WELCH)

Pat, welcome to the Capitol. Thanks for coming down here. With leave of the Body, we will turn to House Bill 414. Senator Schoenberg. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 414.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 414, as amended, changes the -- the -- codifies into law the threshold of thirty percent for development delay. In the mean function of one of several areas, this was -- a -- an agreement between the proponents of the advocates for those who are developmentally disabled and the Department of Human Services. There's no known opposition, and I'd be happy to answer any question and urge your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 414 pass. All in favor, 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 are 57 Members voting Yes, no Member voted No, and no Member voted Present. House Bill 414, having received the required constitutional majority, is declared passed. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR LAUZEN:

I would like to welcome a constituent from back home as a Page for a Day today. Ian Adams joins me along with his father, who's behind me in the gallery here, whose name is Mark, and they're from Geneva, Illinois. If you'd welcome them to the Senate...

PRESIDING OFFICER: (SENATOR WELCH)

Ian, please stand, and your father, too. Welcome to Springfield. Thanks for coming down here. On page 26, House Bill 547. Senator Silverstein. Senator Silverstein in the Chamber? House Bill 552. Senator Emil Jones. House Bill 558. Senator Dillard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 558.

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(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This bill does two things. It provides that the limitation period for prosecuting an offense does not include a period in which a material witness is placed on active military duty or leave. And as I explained yesterday, that's an issue with the Iraq war going on. And the second thing the bill does is it changes to the Bail Bond Statute to give a court greater latitude to revoke a bond of a person charged with domestic violence. I don't think it's controversial, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? The question is, shall House Bill 558 pass. All those in favor, 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 are 58 Members voting Aye, no Member voted No, no Member voted Present. House Bill 558, having received the required constitutional majority, is declared passed. House Bill 560. Senator Hunter. Senator Hunter seeks leave of the Body to return House Bill 560 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 560. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Hunter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter, on Floor Amendment 3.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Technical Amendment 3 to House Bill 560 retains the underlying bill. It qualifies the definition of aggravated battery as it pertains to sporting events by exempting participants, coaches, sports officials from the set of persons that can be charged with aggravated battery under this Section. I ask that this amendment is adopted to the bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. Thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR W. JONES:

Have you added the amendment that we talked about or was that in a previous -- amendment?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Yes, the second one.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones.

SENATOR W. JONES:

Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? If not, the question is, shall the amendment pass. All in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments?

SECRETARY HAWKER:

No further amendments approved for consideration.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 563. Senator Hunter. I'm sorry. House Bill 560. Please change the board back to 560. Senator Hunter, on House Bill 560.

SECRETARY HAWKER:

House Bill 560.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Thank you, again, Mr. President and Ladies and Gentlemen of the Senate. House Bill 560 is the sports penalty bill. It amends the Criminal Code Act of 1961. This bill derived out of

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two attacks at U.S. Cellular Field, formerly known as Comiskey Park, which is in my district. This is where an umpire and a coach, during two Kansas City -- Royals games, was attacked by fans. This behavior is ridiculous. We must do something to protect the participants, sports officials, employees and fans. The quality of professional sports is negatively affected by unruly and disruptive fans. This is the second time an attack has occurred and with the same team. It is my desire to assure the public and all -- at all sports venues that Chicago is, in fact, a safe place for baseball fans, participants, employees and sports officials.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator David Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR D. SULLIVAN:

Senator, you and I discussed this matter before, but I just want to recount a story. After you had your press conference about this legislation saying you were going to change the law, my wife and I were at Comiskey Park for a White Sox game, and at that game, there was a fight between the players. All the benches cleared and all the players came out and they were going at it. There were no fans involved, and my wife said, "Well, haven't you guys changed the law? Where are the police? Are they going to arrest these players right now?" Are the players going to be arrested with this bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

No, this bill does not cover fans, employees, nor does it cover sports officials. The Major League Baseball have their own set of rules and they deal with them under those particular rules, sir.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. To the bill: I rise in strong support of this legislation. I have the United Center in my district and -- as well as the U of I Stadium, so we do not need people coming out from the suburbs beating up on the umpires and the referees. So, we'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR LUECHTEFELD:

Senator, does -- does this only include professional games or is this -- this in the -- in the city parks and that sort of thing?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

The bill states any level of competition, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Would this be at a -- at a high school basketball game? Would that be part of it or not?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Yes, it does, as well as Little League and everything else.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So, the penalty for hitting an official at a basketball game would be greater than -- than me walking out and hitting my neighbor?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter. Senator...

SENATOR HUNTER:

That's the purpose of the bill, sir.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

I understand. I -- I just -- I just have a little problem with -- that -- that a referee or whatever he might be being more important than my neighbor getting hit. I -- I -- I have a problem with that. You know, I dealt with sports all my life and -- and, you know, I know that this is a problem. I -- think that it can be dealt with in other ways. I just have a real philosophical problem that it -- it is worse to hit a referee than it is to hit my neighbor's wife.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR LUECHTEFELD:

And -- and..

PRESIDING OFFICER: (SENATOR WELCH)

I'm sorry.

SENATOR HUNTER:

Well, Senator, you know, individuals attend a game -- they're -- they're fans. They attend the game. They -- they go there to enjoy themselves, you know. And I understand the situation as it relates to battery on the street and that whole bit, but, you know, we have to put a stop to this, all the violence that occur in -- in professional sports and other types of sports. And I'll be more than happy to look at your situation if you'd love me to, but in this particular situation, this is what we must do and this is what we must do now.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Why, I understand what you're trying to do. I just have a little bit of a problem with that. I -- you know, why don't we just make -- why don't we just make assault to anybody a higher offense than simply hitting a referee? I -- I think it's a kind of a slippery slope that we go down, and I -- I -- I don't quite get the difference. My neighbor's wife is just as important as that referee is, as far as getting beat up. And --and I understand what you're trying to do. I just don't think this is the way to go about it, and -- and I appreciate that. Thank you.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR GARRETT:

Senator Hunter, does this legislation cover powder puff football?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Can you repeat that?

PRESIDING OFFICER: (SENATOR WELCH)

State -- please repeat your question, Senator Garrett?

SENATOR HUNTER:

Power what ball?

SENATOR GARRETT:

Powder puff football. You may have been reading about it in the papers lately, one of our suburban high schools.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

I've never heard of that before. It's a joke? Oh, it's a joke.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

...you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones. Senator Emil Jones. Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I just wanted to respond to a -- a previous question. Senator, we do have in the -- in the law specific examples - okay? - when a battery becomes an aggravated battery. This is actually number eighteen. So, the General Assembly, over the course of the years, has said particular types of battery, because of the -- the nature of the victim, is -- is treated differently than

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others. And it's just a public policy position that we've taken. The fact that someone is pregnant, that someone is in a public way, that they're a -- a bus driver. We have a -- a whole bunch of examples. So, maybe you make a good point that maybe we should take all of these and make every battery an aggravated battery and be done with it. That's something which has been proposed but no one has ever come around to it. Whenever we add these, they are being consistent. We do take particular actions. We look at it in a different way and we say it should be treated more -- more seriously.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President -- excuse me, and Ladies and Gentlemen of the Senate. There's nothing wrong with this bill. I'd like to be able to watch a -- a football game or a baseball game without some numbskull running out on the field and hitting someone. I think it's wrong. Sports should be just what they are, good sports, but we don't need anybody coming in and making it a mess out of it. And I support the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Questions for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR SYVERSON:

Senator, I support this legislation. In fact, I've sponsored similar legislation the last couple years which, unfortunately, I think, got hit with the veto pen. But my concern is what's different with this legislation from what I tried to address in the past - and -- and maybe you can answer this for me - what this does is increase the penalties as well as increase the maximum fine, but it doesn't do anything on the floor. It doesn't change the minimum fine under this legislation. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

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Are you speaking of the one-hundred-dollar fine that was -- that -- that is currently in the bill? Because this legislation, for the first offense, is -- takes the -- takes the fee from one hundred -- the fine from one hundred dollars up to one thousand dollars.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

So, that's the -- that's the minimum if they are -- if they are charged with this, that's the minimum fine that is paid under this legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

That's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Hold on one second. I guess we have a little discrepancy over the -- over the fine. Concern -- I -- the concern -- while he's looking at that, the concern I had, of course, in the past has been the prosecutors don't prosecute this thing, and so by putting in some mandatory minimum fines as opposed to criminal penalties, the problem has always historically been some judge is not going to put some father in -- in jail. And so, while there's been a number of arrests made, it's never -- the -- the case is always eliminated or plea bargained down to a -- a small fine, and so it never send a message. Our issue was making sure that there was a minimum -- a minimum sentence, and I guess -- okay. So, it looks like, in this, it does change the fines. The minimum fine is being raised to one thousand then. Okay. Thank you, Senator. I certainly support this and I think it'll help send a strong message. Appreciate it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

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SENATOR PETKA:

Under the terms of this legislation, Senator, are the only people that are subjected to this criminal penalty people who are spectators, are in stands that run on the field?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Petka. Senator Petka.

SENATOR PETKA:

Thank you. However, Senator, that's for criminal trespass to the field of play that -- people who run from the stands out on the field. Those people are guilty of criminal trespass to a field and there are the penalties. My question is this: Under current law, a person commits a battery when they make insulting contact or -- or provoking contact with another person. That can be considered a battery. In fact, it is a battery. In the event that, for example, the manager comes out -- out of the dugout and is very, very upset and starts, like, kicking dirt and then -- and kicks an umpire or brushes up against an umpire, that may be considered insulting or provoking conduct. Is -- and as a result, a baseball manager or, for that matter, a baseball coach who involves himself with a -- in an argument with a -- an umpire on a call, for example, who bumps up against him, would -- would be potentially liable as being a person who is a felon. Do you agree with that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

No, I do not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Petka.

SENATOR PETKA:

Can you tell me why that would not be a felony then?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

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Senator, this legislation focuses on unruly fans. What you're talking about, in terms of coaches' and umpires' behavior, all of that behavior is covered under the Major League Baseball, basketball rules and they penalize their own people. This bill does not deal with -- with -- with employees and -- and coaches and -- you know. It simply does not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Petka.

SENATOR PETKA:

My -- my staffer has told me that you had, in fact, amended the bill so that the question that I asked was not germane. I'm sorry about that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. I would just rise in support of this legislation. As a former official, I can tell you it is a difficult job. As a coach, it's a difficult job - at any level. This legislation may not stop this behavior but I think it's important for officials and coaches to know that they will have recourse in the event of these -- this type of behavior, and I urge a -- a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter, to close.

SENATOR HUNTER:

Ladies and Gentlemen of the Senate, I believe that this bill will begin to address some of the issues as it relates to unruly, violent fans. Anytime you have, in particular, a professional sports game going on and you have, like, fifty to seventy thousand people in the audience, the adults are the role models in the audience, you know, and you have all of these children watching all the violence that is going on. And we are role models. So, if children see us conducting ourselves in an unruly and -- and in an unprofessional manner, they think that -- that it's okay to conduct yourself in a manner as such. And this bill will hopefully address that issue by saying, "No, this is not the right way to conduct yourself." So, I ask for an Aye vote for -- for everyone in this room. Thank you very much, sir.

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PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 560 pass. All those in favor, 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 are 57 Members voting Yes, no Member voted No, no Member voted Present. House Bill 560, having received the required constitutional majority, is declared passed. Senator Emil Jones, what purpose do you rise?

SENATOR E. JONES:

Just to remind the Members that we are not like the House as of yet. It's not on the Internet. So, I see this bill received 57 votes, and -- and we talk a bill to death. I know everyone wants to get out of here, but the longer we talk, the longer we'll go. So, a bill receiving 57 votes, it makes me wonder sometimes as to how sincere we are about taking care of the State's business.

PRESIDING OFFICER: (SENATOR WELCH)

As Coach Bill Self said: We're in this for the long haul, Senator. Senator Cronin.

SENATOR CRONIN:

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

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR CRONIN:

I want to introduce my Page for the Day, if I may. I'm -- I'm seated here next to Rebecca Steffen. She is my Page for the Day. She's a seventh-grader from St. Petronille School in Glen Ellyn. She's celebrating her thirteenth birthday today, and she's joined here with her family. We have, up in the gallery above the President, we have Renee Bassey-Steffen and Bill Steffen, and their children, Anna, William and Erica. Would the Senate please welcome the Steffen's from Glen Ellyn.

PRESIDING OFFICER: (SENATOR WELCH)

Will Rebecca and her family please stand? Welcome to Springfield. Happy birthday, Rebecca. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

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Yes, Mr. President. Thank you. For the same privilege, if you don't mind. I'd like to introduce -- I have two Pages for the Day. Tucker Bartholomew. Tucker, will you step up here? Tucker is from Lebanon, Illinois, and his parents are right here in the Republican side. If you would stand, please. Tucker Bartholomew and his parents. And Andrew Seebach, who is from Decatur, and his father is right here sitting next to the Bartholomew's. Glad to have 'em both here today.

PRESIDING OFFICER: (SENATOR WELCH)

Will our guests in the galleries please rise? Andrew and Tucker, welcome to Springfield. Thank you. The next -- House Bill 563. Is there leave to come back to that bill? Leave is granted. House Bill 564. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 564.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is for the Illinois State Police. As you may know, the Illinois State Police are mandated to do background checks in numerous areas for non-criminal justice agencies. In order to keep performing these checks, the statutes must be brought into compliance with the FBI guidelines - and by the way, we have to do this by May 31st - or the State Police will be denied access to FBI records for these checks. This is an omnibus bill that brings those statutes into compliance. There's no opposition and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill 564 pass. All those in favor, 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 are 57 Members voting Yes, 2 Members -- no Members voting No, no Members voting Present. House Bill

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564, having received the required constitutional majority, is declared passed. Senator Hendon in the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

Bottom of page 26. House Bill 570. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 570.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. We adopted this amendment yesterday that created the bill. It defines the term of "uses" and "software," strikes language about computer tampering regarding unsolicited bulk mails and creates an additional offense. It -- this deals with the spam that everybody gets over their computer, and we're trying to stop that. That's the purpose of the bill. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 570 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, and none voting Present. House Bill 570, having received the required constitutional majority, is declared passed. Leave of the Body, we'll return to page 25 of the Calendar. House Bill 463 -- 430. 430. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 430.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. -- thank you, Mr. President. This is the formula bill that we talked about changing the -- the formula

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that utilizes the Census to determine poverty grants and changes it to a different standard, a standard using four separate possible programs individuals could be registered in to be determined to be eligible for poverty grants. I believe handouts have been given to every Member concerning how their schools' districts do under this bill district by district. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 430 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, none voting Present. House Bill 430, having received the required constitutional majority, is declared passed. With leave of the Body, we will go to House Bill 563 on page 26. Bottom of page 26 on the Calendar. Senator Welch seeks leave of the Body to return House Bill 563 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 563. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

...you, Mr. President. What this bill {sic} does is replaces everything and becomes the bill. It's regarding the unavailability of a witness to provide testimony. The unavailability of a witness is -- is specifically requested in those cases involving the admissibility of prior statements.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? All those in favor will say Aye. Opposed will say Nay. The Ayes have it. The amendment is adopted. Are there any -- further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

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3rd Reading. House Bill 563. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 563.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. To further explain this amendment, what it does is, it is a trailer bill, trailing House Bill 2526 that was passed within this week, and what this does is limit the issue of unavailable -- unavailability of a witness and there's testimony to be used in evidence solely to those cases involving domestic violence. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 563 pass. All those in favor will vote Aye. Opposed will 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 are 58 voting Aye, none voting Nay, none voting Present. House Bill 563, having received the required constitutional majority, is declared passed. With leave of the Body, we'll return to page 27 of the Calendar. House Bill 571. Senator Harmon. Mr. Secretary, read the bill. Senator Harmon seeks leave of the Body to return House Bill 571 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 571. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 3, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. This amendment adds substance to a shell bill. I look forward to talking to you about it in a minute on 3rd Reading.

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PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? All those in favor will say Aye. Opposed will say Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. House Bill 571. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Last week we passed House Bill 562, which closed the incest loophole in the criminal sexual assault laws. During committee hearings on that bill, Senator Petka raised some concerns that we might be creating a -- a very narrow gap between this law and other laws regarding incest. I initially determined that the gap was very slim and -- and largely hypothetical and we did pass the bill over to the House. On further reflection, it occurred to me that however slim that gap is, if we have a chance to correct it, we should do so, and accordingly, I'm -- moving this amendment along which does clear that gap. I'm aware of no opposition. I'd ask for an Aye vote so we can send a better bill over to the House and let them pass it.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 571 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, none voting Present. House Bill 571, having received the required constitutional majority, is declared

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passed. With leave of the Body, we will -- House Bill 572. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 572.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. -- thank you, Mr. President. House Bill 572 provides for court-ordered restitution from convicted drunk drivers in an amount up to one thousand dollars per public agency if his or her violation directly caused an incident resulting in an appropriate emergency response. I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 572 pass. All 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 are 59 voting Aye, none voting Nay, none voting Present. House Bill 572, having received the required constitutional majority, is declared passed. On page 29 on -- on the Calendar, House Bill 625. Senator Martinez seeks leave of the Body to return House Bill 625 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 625. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

This -- thank you, Mr. President. It creates the Affordable Housing Planning and Appeals Act. The purpose is to encourage counties and municipalities to incorporate affordable housing within their housing stock sufficient to meet the needs of their county or community and to allow builders to seek

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relief from local ordinances and regulations. I'll be happy to discuss this on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? All those in favor will -- oh! I'm sorry. Senator Wendell Jones, for what purpose do you rise?

SENATOR W. JONES:

I had a question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator Jones, Wendell Jones.

SENATOR W. JONES:

Senator Martinez, this sounds very much like a bill that we discussed extensively in the Local Government Committee, and now I understand it's gone back through another committee and does the same thing as the one we discussed and, I believe, defeated in Local Government. Can you tell me if that is accurate?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator, this is a bill that came to me and -- it was brought up in Executive, and we passed it out of Executive. And I'll be happy to discuss it on 3rd.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

I understand that, but we had a bill that was very, very similar, if not exactly the same language as this, in Local Government, and it does the same thing as the bill that we discussed and defeated in Local Government. I was wondering if we're going to run all the bills that -- that get defeated in committee, if we're going to find another favorable committee somewhere and then -- and then bring them up in other venues.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator, that's not my -- I don't think that's a decision that I can make. I just know that I was -- this bill came to me and I'm going to present it today.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Wendell Jones.

SENATOR W. JONES:

Senator, one more question, then I'll sit down and we'll debate it on 3rd Reading. But when did this bill come to you?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

A couple of days ago, sir.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any further discussion? Senate... Senator Wendell Jones.

SENATOR W. JONES:

Thank you very much. That answers my questions. You want to debate it on 2nd or you want to debate it on 3rd? I'll -- I'll be happy to try to kill it at either level. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

We would -- we would appreciate 3rd Reading, sir. All those in favor of the amendment will say Aye. Opposed will say Nay. The amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. On the Order of 3rd Reading is House Bill 625. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 625.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Committee {sic}. This bill is a product of a lengthy negotiation with the Municipal League, the Northwest Municipal Conference, Metro Counties and other local government organization. It is designed to address the need for more workforce housing. In many communities, in Chicago region and all over, teachers, nurses, police officers and firefighters cannot afford to live in or

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near their communities they live {sic}. Most municipalities are exempt from the legislation because at least ten percent of their housing stock is affordable to moderate-income family earning below eighty percent of the county median income. The Housing Appeals Board then will have seven members appointed by the Governor, no more than four from either party. The chairman will be a retired judge. And just to make sure that people understand, this does not preempt home rule. That's an important word here. Does not preempt. I think that there is no mandate here. Basically what this is doing is bringing together people and planning, planning for the future. The word is "planning" for the future. I think it's important that we address a critical issue in affordable housing and this is just a start of this to happen and people coming together in a planning -- in a planning capacity to start addressing, in the future, the affordable housing issue.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. Would the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Jones, Wendell Jones.

SENATOR W. JONES:

We -- we debated this bill in committee, and I believe that the Municipal League signed on against this until it was amended to not take effect for a -- like an eight- or nine-year period or something. Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Yes, it is, and now they are on board.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

Well, if this is such a good idea, why does it take so long to take effect?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

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SENATOR MARTINEZ:

Like I said, Senator, this is a planning. We are in the planning stage. We're not mandating. We're wanting to make sure that all these counties -- and just so people in this Chamber understand, that -- one second. Right now there's a hundred and thirty-nine communities that are exempt from this -- that are not exempt from this. So that's not -- that's not a whole lot. But all we want to make sure is that those communities that do not fall under this, that down the road they start looking at a planning -- at a planning for affordable housing in the future.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President. To the bill: Ladies and Gentlemen of the Senate, this bill appoints a seven-member State Appeals Board that may overturn county and municipal zoning decisions, and this Board is appointed by the Governor. Let me just read one statement from the bill and then we can vote on it, if you -- if you want to put this in State law and go back home and explain it to your local mayor or whoever handles county zoning. "The Board may affirm, reverse, or modify the conditions of, or add conditions to, a decision made by the approving authority. The decision of the Board constitutes an order directed to the approving authority and is binding on the local government." Ladies and Gentlemen, this would be a precedent in Illinois that is beyond belief. We have never had a statute like this in the history of this State, and it would be a violation of local control. I suggest we all vote No. Thank you very much.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, to the bill: I don't really have any questions. I just want to speak to the bill. This is -- this is a bill that is very well-meaning. There's no doubt about that. There's also a need for affordable housing, but there's also the need for local communities and counties to have the right to be able to zone and implement zoning laws and rules and regulations as they see

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fit. This bill supercedes that authority, and I think that we don't really want to start down that path. This year I introduced a constitutional amendment that you all, or at least those of you that have been here for years, are very familiar with relative to mandates on local units of government, and certainly, you know, I think that that bill, unfortunately -- or, that constitutional amendment, however, didn't make it out of Rules Committee. But I think that this is the wrong thing for us to do. It is a mandate, supercedes local authority, local control, and these are issues that are near and dear to all of our communities. I would urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm not against affordable housing. We provide for it in our county, but what you're doing with this bill is you're nullifying the action of your county boards and you're nullifying your action of the city boards. The fact that it doesn't apply to home rule, we have many, many municipalities in many counties that are not home rule. I -- I like the -- the sponsor and I -- I really am very fond of her. And I vote for some of your bills, but this is one bill I -- I feel is the wrong thing to do because you're taking away the local control. And that's wrong. No matter how you look at it, how you slice it, it's wrong. We're supposed to make less government for people, not more. And the fact that there's an appeal process from a county board or a municipality, there's the courts that should be the appeal process, not -- not a super authority like is envisioned in this bill. So, I -- I rise reluctantly, but honestly and actually, to speak against it.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

State your inquiry.

SENATOR ROSKAM:

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Mr. President, my inquiry is whether this preempts home rule. And if it does, does it require thirty-six votes?

PRESIDING OFFICER: (SENATOR HENDON)

No, it does not.

SENATOR ROSKAM:

How do you figure?

PRESIDING OFFICER: (SENATOR HENDON)

Thirty votes are sufficient.

SENATOR ROSKAM:

Can you just briefly explain your rationale, how something that's a mandate and takes away home rule authority doesn't preempt home rule, and can you look at me when you're doing it?

PRESIDING OFFICER: (SENATOR HENDON)

This does not preempt home rule.

SENATOR ROSKAM:

Is there any other rationale that you can underpin that with, Mr. President? Maybe the Parliamentarian can...

PRESIDING OFFICER: (SENATOR HENDON)

This bill expressly calls for the exclusive exercise of home rule powers by the State. Pursuant to Section 6, Article VII of the Illinois Constitution, the bill will require thirty votes for Senate passage. Further discussion? Senator Roskam.

SENATOR ROSKAM:

To the bill. You know, I -- I -- this came out of the Executive Committee last night and we didn't have a lot of time to really talk about it. Our side of the aisle voted No and we kind of agreed to debate this on 3rd Reading rather than wasting a lot of time in committee. But I -- I've got here, for the benefit of anybody who can take the time to walk over, all the communities that are not exempt - in other words, the communities that, if we vote on this today, are going to have to come up with a plan and submit it and be subject to it over the next several years. There's some, sort of, surprising communities in here, and there's -- there is areas in here that -- that I was sort of shocked, in my district, to find out that -- that they have to come up with a plan. Let me tell you the weakness of this approach. This approach doesn't take into account areas within two municipalities that are adjacent to one another. So, if you have an area on the east side, for example,

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of the town and the west side of the other town and they're right next to each other and cumulatively that area has a lot of affordable housing, those towns, beside themselves, don't get credit for the other's affordable housing. And so, what do we have to do? Those municipalities, under this plan, have to come up with a plan that is then submitted to the State and then they -- they -- they ultimately lose their control. I just would urge a great deal of caution with an Aye vote on this. I think we will -- we will live to regret it. The folks who we all say we're in favor of - that is, local community members - we all say we're in favor of 'em and yet we are undermining their ability to make decisions, and I urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you. I would like to rise in support of House Bill 625. As a suburbanite and a strong believer in the prerogative of local control in land use matters, I certainly am sympathetic to some of those arguments. However, the fact of the matter is, when it comes to finding -- when it comes to facilitating the development of affordable housing, which is an acute problem in downstate communities, in suburban communities, as much as it is in the City of Chicago, the status quo doesn't work anymore, because communities will find excuses - and this is just as prevalent in downstate or suburban communities as it is elsewhere - local communities will find excuses not to address this issue. And they hide behind the status quo in order to deny people who are not looking for a handout but who eventually want to attain homeownership. We deny them that opportunity by giving municipalities an easy out. That's why I'm encouraging my colleagues to support House Bill 625.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez, to close.

SENATOR MARTINEZ:

Ladies and Gentlemen, one of the important things that I want to make real clear is -- well, a couple things. First of all, I know that this does not preempt home rule. That's very important. But second of all, we're not talking about a whole lot of counties. We're talking that -- this...only ninety-five

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counties, and approximately one thousand one hundred and forty municipalities are exempt from this. We have an affordable housing crisis here in Illinois. One of the important things that we have to remember is, this is a planning, a planning session. We're talking about something for the future. We're talking about bringing all these...together. The communities will make a decision. The builders who are coming in that will offer the affordable housing have to abide by every zone issue, every housing codes that are out there. If, at that point, people in the community really feel, the builders feel that they're being discriminated, they will come back to the -- to this Appeal Board. But we have to understand that in order for us to start addressing the critical issue on affordable housing, this is the start. It's going to take some time. We're talking between, you know, six to maybe -- nine years here before it's put into place. We're only talking about ten percent in some of these counties that do not have affordable housing. Please, Ladies and Gentlemen, vote for the people that really need, who want to be able to stay in Illinois and work hard. But, please, for the people that need this affordable housing, vote Yes.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 625 pass. All those in favor will vote Aye. Opposed will 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 are 30 voting Aye, 29 voting Nay, and none voting Present. House Bill 625, having received the required constitutional majority, is declared passed. Senator Lightford -- Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Request a verification.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam has requested a verification. Will all Members be in their seats? A verification has been requested. Secretary will read the affirmative votes.

ACTING SECRETARY HARRY:

Following voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez,

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Meeks, Munoz, Obama, Rauschenberger, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, Trotter, Viverito, Walsh, Welch, and Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

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

SENATOR ROSKAM:

Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR HENDON)

Is Senator Rauschenberger in the Chamber? Is Senator Rauschenberger in the Chamber? Is Senator Rauschenberger in the Chamber? If not, Mr. Secretary, strike his name from the roll. Does -- Senator Roskam, do you question the presence of any other Senator voting in the affirmative?

SENATOR ROSKAM:

No.

PRESIDING OFFICER: (SENATOR HENDON)

On a verified -- Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I just -- wanted to see how many votes that this proposition took to pass. Do you know? I mean, how many votes does this take to pass? Maybe Senator Rauschenberger didn't understand. Maybe he's waiting around thinking that there was enough without him.

PRESIDING OFFICER: (SENATOR HENDON)

If it was up to me, it would take twenty-nine, Senator, but I believe it takes thirty. Senator Rauschenberger has been removed. On a verified roll call, there are 29 voting Aye, 29 voting Nay, none voting Present. House Bill 627 -- 625, having not -- having not received the required constitutional majority, fails. Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. I would like this bill to be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez requests that House Bill 625 be postponed. The bill will be placed on the Order of Postponed Consideration. President Jones, for what purpose do you rise?

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SENATOR E. JONES:

Just to -- thank you, Mr. President. Just to remind the Members that in -- in the rules that they voted for, there's a provision in there that you cannot coerce a Member to leave the Floor, Senator Roskam.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford, for -- for what purpose do you rise?

SENATOR LIGHTFORD:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR LIGHTFORD:

Thank you, Mr. President. It's so befitting to have you in the Chair when I welcome to the Chamber, First Lady of the 37th Ward, my alderman. She's a beautiful person, working hard. She's here lobbying for Safe Neighborhoods, and my other alderman here, Alderman Ike Carothers in the 29th Ward, who's also working hard building new police stations in the 29th Ward. Don wants to share Ike with me. So, Don's here -- Don is sharing Emma, so he came and cut all in my district, so we're sharing two of the finest aldermen in the City of Chicago. Please help me welcome them to the General Assembly.

PRESIDING OFFICER: (SENATOR HENDON)

Will the Senate please welcome Alderman Emma Mitts and Alderman Ike Carothers to the Senate, from the great West Side of the City of Chicago? The Illinois Information Service seeks -- the Illinois Information Service seeks leave of the Body to videotape the proceedings. Is there any objection? Leave is granted. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Senator -- Senator Rauschenberger's back on the Floor. Can you -- can you put him back on that last roll call, please?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan, John Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Point of -- point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

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State your point, Senator.

SENATOR J. SULLIVAN:

I have some family here today with me, and -- including my sister, Mary Lewis, on the Floor, and my wife, Joan, my sister-in-law, Pam, her two children and a friend are in the gallery above me. Like you to -- welcome them to the Springfield.

PRESIDING OFFICER: (SENATOR HENDON)

Will the Senate please welcome Senator Sullivan's guests to Springfield? Please turn to page 33 of your Calendar. House Bill 690. Senator Obama, on House Bill 690. Senator Obama. House Bill 690. House Bill 691. Senator Welch. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill makes it clear that the funds in the Death Certificate Surcharge Fund is distributed according to a formula...

PRESIDING OFFICER: (SENATOR HENDON)

Could we have -- could we have a little order in the Chamber? Senator Welch.

SENATOR WELCH:

There's a formula, twenty-five percent to four different groups. It's supported by the Illinois Coroners Association and the Department of Public Health. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. -- thank you, Mr. President. Very briefly, I rise in support of the bill. There had been some questions whether there was a fee increase involved. That's not the case at all, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

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Further discussion? Seeing none, the question is, shall House Bill 691 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, and none voting Present. House Bill 691, having received the required constitutional majority, is declared passed. House Bill 696. Senator Harmon. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 696.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. House Bill 696 amends the Illinois Guaranteed Job Opportunity Act. This was an Act initially passed here in 1993. Created -- or, authorized programs under the Department of Labor that were to be funded with federal dollars. There was no federal funding and, hence, there have been no projects since inception. The -- the amendment that we are doing to the Act would transfer the programs from the Department of Labor to the Department of Commerce and Economic Opportunity, in keeping with the Governor's proposal to consolidate job -- job programs in one agency. All of the programs are subject to appropriation, but what it would do is permit DCEO to fund up to three pilot programs to provide subsidized employment to -- for up to six months to TANF participants, part of the Welfare to Work movement. It requires participants without a high school degree to pursue a degree or a GED. It is essentially a limitation from the original intent. It's not as broad. It does permit State funding, as well as federal funding, but it's all subject to appropriation. It's essentially one more tool in -- in -- in DCCA's tool bag as they try to help our -- our communities create jobs. I'd ask for an Aye vote

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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Thank you, Mr. President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR RIGHTER:

Senator, in -- in looking through the amendment that passed out of Health and Human Services on -- I think it was on a partisan roll call yesterday or two days ago just because of the timeframe involved and we couldn't get a clear understanding of the bill, on page 4 of the bill is the language that says that if an enrollee doesn't have their high school education, that they'll be allowed to participate in a GED program and show -- as long as they show significant or -- satisfactory progress, they'd be allowed to stay in. But below that you've totally deleted language that requires that a participant be tested for basic reading and writing competence. And the -- and the question I have is, in another Section of the bill, you also take out language with regards to limiting the ratio of a supervisor, as to someone who's actually doing the work, from one to ten. My question is, why are we eliminating the testing procedure and also eliminating the cap on the ratio to hopefully limit the number of supervisors out there?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Senator. In all honesty, what we are doing is severely restricting the scope of these projects from what was originally envisioned, and accordingly, there are many changes that go along with that. Substituting satisfactory progress in a GED course or, if necessary, English as a second language, in these limited pilot programs, is a reasonable proxy for the more expansive requirements we had with a more expansive project structure. So, we are -- we are really restructuring, refining and reducing the scope of these projects from the original intent in 1993.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

On page 6 of the bill, Senator, subsection (e), you've changed the language. Used to be that there was a maximum hours

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per -- number of hours per week that a participant could work, which was thirty -- I'm sorry, thirty-two. Now you've made that a -- a floor, that no participant may be employed on the project for less than thirty hours. My concern is, by doing that, are you restricting the number of people who are going to be able to get help through this by requiring that everyone be -- work at least thirty hours a week?

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Harmon.

SENATOR HARMON:

I don't believe so. I know that there are a great many people in my district who would love to work for thirty hours a week and would probably work for sixty if they had the opportunity.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Final question, Mr. President, then I'd like to speak to the bill. Page 7, Senator, of the legislation, subsection (d), regarding job club: "All participants shall participate in a job club." What is a job club and how does that help us achieve what we're trying to achieve here?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

As I understand it, Senator, a job club is - and this -- this concept dates back to the original bill - it's a -- a program to assist participants in the preparation of resume, the development of interview techniques, the evaluation or -- of their job search activities and -- and the like. It helps them seek unsubsidized employment after their -- their time in the program ends.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly to the bill. Especially for the Members on our side of the aisle, this bill passed out of Health and Human Services Committee, the amendment that becomes the bill, on a -- on a partisan roll call. I would

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urge all the Members caution. Even though the bill does contain subject to appropriation language, this used to be just strictly a federal program. This now pokes another hole in the GRF bucket we have and allows more money -- or, more water -- more money to spill out of there. I understand, again, that it's subject to appropriation, but this will just add another mouth to the other hungry mouths that we have to try to feed. I appreciate the sponsor's comment with regards to that this will help us further the Welfare to Work program, but in Illinois, we have accomplished a great many good things already without the federal government saying that this program needs to be funded, and I'm not sure this is the appropriate time, especially considering our fiscal issues that we're dealing with, to add yet another program to the list. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon, to close.

SENATOR HARMON:

Thank you. I appreciate the questions. This is an important bill in my district and I know many of our Members' districts where people are looking for work. This gives DCCA just another opportunity to help those folks. It does not cost any money. By virtue of the bill, it is subject to appropriation. It's a very modest proposal for some pilot programs, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 696 pass. All those in favor will vote Aye. Opposed will 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 are 42 voting Aye, 16 voting Nay, none voting Present. House Bill 696, having received the required constitutional majority, is declared passed. House Bill -- House Bill 697. Senator del Valle seeks leave of the Body to return House Bill 697 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 697. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This amendment makes a change in -- in a bill that we acted on earlier in the Session, and it becomes the bill. I'll be glad to explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator del Valle, staff tells me that there is a -- a provision in this that makes it -- the provision in the bill itself that makes it contingent upon the successful passage of another Senate bill through the House. Does that ring a bell?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Yes. The other bill is in the House. The reason why this amendment was filed was because there's concern that we would run out of time. And so, I'm treating this as a kind of a trailer bill to that other bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator...

SENATOR DEL VALLE:

So this makes -- this does make a change in that other bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

The -- do we do this a lot? This seems confusing to me. Is this unusual? Or -- is your staff telling you that this is -- it's okay to do this? This seems -- maybe new and improved way of doing things, but...

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

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I don't know that it's a new and improved way, but we want to make sure that we clean up the bill that's -- that's pending. And so, rather than go to a conference committee report, which is what would be required with the other bill, we thought that we would -- in order to address the concerns of AFSCME, that we would put this amendment on this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Then, Senator del Valle, the -- I'm informed that the -- that the Senate bill to which this refers has already been amended in the House. So, I think we've got a just a procedural problem. Could you take this out of the record? Can we talk about it? And if it gets all worked out, then we'll just move it in a couple minutes?

PRESIDING OFFICER: (SENATOR HENDON)

We're -- Senator del Valle.

SENATOR DEL VALLE:

We can take it out of the record.

PRESIDING OFFICER: (SENATOR HENDON)

Take it out of the record. Senate Bill -- House Bill 702. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 702 adds antidepressants to the list of drugs upon which the Department of Public Aid shall not impose requirements for prior approval based on a preferred drug list. The purpose of this bill is to ensure that Medicaid recipients who need treatment for serious mental illness have open and continuous access to medications deemed appropriate by their physicians and supported by evidence-based clinical practice. This bill codifies current Illinois Department of Public Aid policy in regards to antidepressants. Last summer Public Aid

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moved to restrict anti -- antidepressants. After considerable discussions with the Illinois Mental Health Council, including patients and doctors, the Department chose not to restrict antidepressants. The -- the Department currently does not implement prior authorization on these medications. And there is no fiscal impact, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. Thank you, Mr. President. I rise in strong support of this legislation. Basically what it says, if -- if you're depressed or psychotic on Monday through Friday, you can probably get your medication, but if you're depressed or psychotic on Saturday or Sunday, you have to go to a State department. So, obviously people in those -- with those conditions can't decide when they're going to be psychotic or depressed, so we ought to give 'em the opportunity to get their medication whenever they need it. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. First a parliamentary inquiry.

PRESIDING OFFICER: (SENATOR HENDON)

State your inquiry.

SENATOR RIGHTER:

What -- the amendment that we put on to this bill previously, what committee did that go through?

PRESIDING OFFICER: (SENATOR HENDON)

That information is not readily available to the Chair, Senator. Further questions? Senator Righter.

SENATOR RIGHTER:

I have a question -- a question of the -- the -- Senator Hunter. I bet she can answer that question.

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator Righter.

SENATOR RIGHTER:

Senator Hunter, can -- can you answer that question?

PRESIDING OFFICER: (SENATOR HENDON)

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I have that information now. It's the -- it went through the Executive Committee. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Hunter, you and I both sit on the Health and Human Services Committee here in the Senate, and earlier in the Session, there were a number of pieces of legislation like this that would have added to the list of those -- those drugs or classifications of drugs that were going to be taken -- taken out of the prior approval requirement. And to my recollection, those bills were all put in a subcommittee with the agreement that we needed to take some time and study the entire issue of prior approval and then maybe come to some kind of agreement and come back and not do it in a piecemeal fashion, such as what this bill would do, but come out with some kind of comprehensive strategy on it. Is this -- can you tell me why this bill has come up and gone through Executive Committee rather than addressing it with the Health and Human Services Committee?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Senator Righter, this -- this bill was a late agreement and -- and it was referred to the Executive Committee for consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Well, I guess I would ask, Senator, agreement with whom? Because this bill wasn't brought to the Health and Human -- and I know there was at least one Member on our side of the aisle that had a bill that would do something like what you're talking about and -- and they agreed to put it in a subcommittee as long as all the others did. And now we hear at the eleventh hour this has popped out and -- I mean, you're getting yours, quite frankly, but our Member is sitting on the sideline and -- and they will be waiting until next year.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, is there a question or were you closing on the bill? We have other speakers.

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SENATOR RIGHTER:

Mr. President, what I just stated, I asked her who the agreement was with.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

As far as I know, Senator, it was with the -- the mental health community and the Department.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Would you not agree, Senator, that it is a better approach for us to take to look at the entire -- prior approval issue as a whole and not parcel it up like what House Bill 702 will do? And no doubt, we will see -- a number of other bills will come forward, doing this all one at a time. Don't you think it would be a better approach for us to look at the entire issue and decide what needs to be added to the exemption list and what doesn't?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Senator Righter, this is a very important piece of legislation. It addresses some issues that has not been addressed in the past, and we need to move on this legislation right away. The mental -- the Department, as well as the mental health community, has sat -- the patients and doctors have all sat down. They've discussed this issue thoroughly, and I don't see -- if they agree on it, I don't see why we cannot agree on it.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

To the bill. Thank you. And, Senator Hunter, I do appreciate that, but the problem is that there was an agreement that these bills would go into subcommittee. That was the agreement. I don't know that I can agree that the ideas on your side are necessarily any better than the ideas that might come from this side and that the merit of the legislation that was

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filed earlier over here had any less than what this is here. I don't doubt this is a good piece of legislation, Senator, but I hope that we have, from here on out, a little more respect for the agreements that were made with regards to addressing these larger issues. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator Syverson.

SENATOR SYVERSON:

Senator, who is -- whose idea was this legislation? Who brought this to you to -- to introduce this year?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

I believe it was with the different community health organizations -- mental health organizations.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Can you give me an example? Now, this is for -- help me understand. This is for a new -- a new drug. So, an individual that has seen a doctor. The doctor says, "You need to be on this particular drug." He calls the State and he can't get through to the State, and then he would be allowed to write this new prescription for seventy-two hours. But then after that period of time, would the client still take that same drug or would the client have to take a different psychotropic drug?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

It is my understanding that the prior approval will come from after the seventy-two hours.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

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Well, I guess the question is, is are they going to -- are they approving -- they're obviously using a psychotropic drug that's currently not on the approved list. Is that what we're doing, or are -- what we're asking for is we're waiving the authorization. So we are -- we're talking about non-approved psychotropic drugs?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Yes, that's what we're speaking about right now, Senator. And as Senator Jones indicated, right now this drug does not address the individuals who become psychotic and have different types of issues on the weekends. Now, it addresses these individuals Monday through Friday, but what do you do on weekends? Do you -- you know, we're trying to reduce costs, so when -- when these individuals have a psychotic issue on Monday through Fridays and they've not gotten approval, then they rush to the emergency rooms, they rush to the State hospitals, and that's increasing our costs. So, you know, how do you deal with this? Do -- do you go ahead and codify and address the issues now or do you allow them to continue running to the emergency room, which -- which increase the costs or -- or -- or they run to the -- the State hospitals to further increase the costs? Which one do you prefer?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Who would they see on the -- on the weekend? I guess this is an individual that goes the weekend. If -- they're probably already going to that emergency room to get that prescription, I would think. Or who are they seeing on that weekend that now all of a sudden they have to be taking this prescription drug?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter. Senator Hunter.

SENATOR HUNTER:

They would receive prior approval from the -- from the physician, as well as from the pharmacist.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson, could you speak to the bill, please?

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SENATOR SYVERSON:

Well, I kind of thought I was speaking to the bill.

PRESIDING OFFICER: (SENATOR HENDON)

I mean, could you -- could you wrap up your -- your questions, sir?

SENATOR SYVERSON:

I guess we're still trying -- the -- the concerns I have is I'm not sure where -- where the problem is, but -- and how we're going to address it on -- on the weekends. 'Cause the weekends, they're not seeing a doctor. They're only going to the emergency room anyways. But a quick question on the cost factor. Does the Department support this legislation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Yes, they do, Senator. The community health organization -- mental health organizations, as well as the Department, the physicians and the patient has actually gotten together and they've decided that -- that -- that -- everyone has made an agreement. So, yes, they do support this legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson, could you please...

SENATOR SYVERSON:

Last question. Last question. So, the -- the Department has signed off on it. And last question was on the cost. Does this legislation require that we pay for the seventy-two hours worth of drugs, and do we have to pay the full dispensing fee for that seventy-two-hour script? And if so, I think under this what we would do is we'd have to be paying two dispensing fees: one for the seventy-two hours, and then seventy-two hours later when they got the full month's supply, we'd be paying another dispensing fee. So there would clearly be a additional cost. But if you can clarify that the Department has signed off, that they -- the Department supports this, as well as will there be a dispensing fee paid for the seventy-two-hour supply of prescriptions.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter, to close.

SENATOR HUNTER:

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Ladies and Gentlemen of the Senate, I ask for a favorable vote on this legislation. Just -- just slow down.

PRESIDING OFFICER: (SENATOR HENDON)

Continue, Senator, closing.

SENATOR HUNTER:

There is an agreement that -- that the Department will pay up to seventy-two hours in -- on the drug in an emergency situation. The Department has agreed to do so on an emergency situation. And that concludes my presentation. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 702 pass. All those in favor will vote Aye. The opposed will 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 are 48 voting Aye, 9 voting -- 8 voting Nay, 2 voting Present. House Bill 702, having received the required constitutional majority, is declared passed. House Bill -- Senator John Jones, for what -- for what purpose do you rise, sir?

SENATOR J. JONES:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR J. JONES:

Up in the President's Gallery right up here to my right, I have two teenage Young Republicans from southern Illinois: Maleah Bumgardner, with her grandparents {sic}, Doris and Jim Purcell, from Salem; and then I have Jacob Warden {sic} (Dean) and his father, John Dean. So, if you would rise and let the Senate welcome you.

PRESIDING OFFICER: (SENATOR HENDON)

Will our guests please rise, the Young Republicans, and be welcomed to the Senate? On House Bill 714, Senator Shadid. House Bill 715. Senator Demuzio. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 715.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think this is more housekeeping than anything for the Secretary of State's Office. Apparently, the amendment establishes a separate fund within the State treasury in which monies from the DUI violations that are from the arrests made by the Secretary of State Police are deposited. Apparently, when we established this fund a couple of years ago, I believe, the Secretary of State Police were -- were not included. They have been collecting the money, obviously. They -- they need to have this separate account. I know of no opposition. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill. This passed unanimously out the Executive Committee and I urge its passage.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 715 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, and none voting Present. House Bill 715, having required -- required constitutional majority, is declared passed. On page 37 of your Calendar is House Bill 764. Senator Crotty. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 764.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 764 repeals a Section of the Illinois School Code that sets forth a procedure for the detachment and

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annexation of vacant property between school districts. I would ask for a favorable vote, if -- after answering any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Petka.

SENATOR PETKA:

Senator, is -- is it your intent that this legislation would in any way interfere with a -- a lawsuit that has currently been filed in connection with this legislation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

My intent is not to interfere with any legislation. I was not aware that there was. I am now.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Petka.

SENATOR PETKA:

So, just so that we're clear on this, this legislation basically removes what is a stale piece of legislation that was designed for only one particular instance and it is your intent that this legislation not interfere with a judicial proceeding that was filed a couple of months ago.

PRESIDING OFFICER: (SENATOR HENDON)

Senator...

SENATOR PETKA:

Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

My intent is to repeal that portion of legislation that was passed awhile back because all of the school districts, at this time, all wish that this boundary change not happen. They're all in agreement. This piece of legislation interfered with the previous law on how to de-annex.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

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SENATOR RADOGNO:

Thank you, Mr. President. I rise in support of this piece of legislation. What we're trying to do is to allow the normal procedures for annexation and de-annexation of school districts to stand. There was a law passed a few years ago that created an exception for a particular situation, and essentially it allows for an annexation that -- that goes across a county line - Harlem Avenue, which is a major thoroughfare; it's a strategic regional arterial. And at this point in time, all the school districts are in favor of this legislation proceeding. The district that under the legislation would be receiving these children does not have room for them. They have a lot of growth in their own area and the district that's in unincorporated Cook -- or, the area in unincorporated Cook County would attach to other Cook County school districts which want these students. They need the EAV; they need the students. There is agreement on -- on the part of all the school districts that this would occur, and I would suggest a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President. As I recall, there used to be some language in the School Code that involved the educational service region superintendent in any kind of a disannexation like this. It isn't in my summary, but isn't the educational service region superintendent involved rather than just the State Superintendent?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

My analysis has that it is -- the petition must be filed with the State Superintendent, the way the law reads. I'm not repealing that part. As the previous speaker, Senator Radogno, had stated, that procedure stays intact. This is just repealing another piece of legislation that is narrowly written for this particular parcel of property.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

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So, any Sections of the Code that relate to the involvement of the educational -- educational service region superintendent would remain intact, I assume. Just for legislative clarification. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. To the bill, Mr. President: I -- I voted for this bill in committee. I do understand the intent of the sponsor and I don't necessarily disagree with that, because I -- I think, conceptually, what you're doing is probably right. What I have a problem with, at this point, though, and -- and what I'm seeking clarification -- and maybe it is a question, Mr. President. But I was unaware, as you were, relative to the court case. That creates, in my mind, a problem for us to -- to move on this bill and to have an impact on pending legislation. So, you know, if you can address that in some way, shape or form, 'cause it's my understanding that if we do pass this bill, that it will have an impact on the court case, that it will negate what is going on. And I'm just looking for some clarification.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty, to close.

SENATOR CROTTY:

I'll allow my colleague, Senator Radogno, to close.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno, to close.

SENATOR RADOGNO:

Well, thank you. I just -- would like to -- apparently there is a lawsuit that has been filed. Of course, it's pursuant to the legislation that was passed and I'm not sure of the school districts - where they were at the time. But currently, all the school districts want to use the normal procedures that are available for annexation and de-annexation, the same procedures that are available to every, single other school

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district in this State. And so, if there is a lawsuit pending -- and I -- I have to assume that that is, in fact, accurate, we are well aware of that and are trying to address the concerns of the community, both -- on both sides of this issue, all of whom want to have the -- the previous state restored. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 764 pass. All those in favor will vote Aye. Opposed will 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 are 54 voting Aye, 1 voting Nay and 2 voting Present. House Bill 764, having received the required constitutional majority, is declared passed. Leave of the Body, we will return to page 25 of your Calendar. House Bill 259. Senator Silverstein. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 259.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank -- thank you, Mr. President. House Bill 259, as amended, prohibits printing any part of a credit card number except the last four digits or the credit card expiration date on a receipt and makes it a violation under the unlawful practice -- unlawful practice in the Consumer Fraud and Deceptive (Business) Practices Act. The intent it to curb credit card fraud.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 259 pass. All 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 are 59 voting Aye, none voting Nay, none voting Present. House Bill 259, having received the required constitutional majority, is declared

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passed. Page 39 of your Calendar, please. Top of page 39.  
We'll return to House Bill 784. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 784.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 784 is an initiative of the AARP and it's designed to address the issue of seniors who participate in -- who float -- participate and float between the Circuit Breaker -- Pharmaceutical Assistance Program and the SeniorCare Program as their income fluctuates from year to year. The effort here is to align card -- card fees, copays and expenditure thresholds and -- and to ensure that seniors will not only not be confused, but that they will be able to maintain their eligibility as -- as they move between each program. I have at the -- I have a legislative -- a -- a brief statement of legislative intent that I wish to read into the record to address issues that were raised in committee. For the purposes of legislative intent, House Bill 784 does not give the Department of Revenue the authority to establish eligibility standards by administrative rule. Eligibility standards and the diseases covered by the program will continue to be set by statute. Granting the Department the authority to lower card fees and set copays and the expenditure threshold is being given for the express purpose of aligning these provisions to those in effect for the SeniorCare Program. It is the intent that any changes will hold the program participants harmless and thus will not increase the program's expenditures. I'd be happy to answer any questions that you might have, and I urge your support.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. Speaker {sic}. If the Senator would yield. My -- I guess my -- in simple terms, you're suggesting that these qualifications be set in rule rather than statute?

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Yes, sir.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. Senator, let me tell you my real concern with this, and -- and some of us here serve on the Joint Committee on Administrative Rules, in which this comes through. Just so we all understand, what that means is that the Department has to promulgate the rules and the General Assembly, through its extraordinary majority on JCAR, is the only Body that can stop it. The concern I have here -- and I understand your intent, but the concern I have here is, if we are going to leave to the discretion of an agency to determine what eligibility levels would be qualifying and have it done by rule, it really can be a mechanism in which an administration, whether it's the Blagojevich or Ryan or another one, could go through and change those without really having the direct determination from the Illinois General Assembly as to what they'd be. That's the fundamental concern I have with this legislation, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Which is precisely why, in the statement which I just read, I reaffirmed that eligibility standards that are covered by the program will continue to be set by statute.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford.

SENATOR RUTHERFORD:

Well, that was the -- that was the question I just asked you, as to whether these would be coming through rule or by statute, and I -- I was led to believe, from your statement, that it will be by rule and that is the -- the volatility of this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

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Then I apologize. The eligibility standards will, indeed, be set by -- continue to be set by statute.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Then if you could -- between participation and eligibility. I guess maybe that's where -- maybe I'm -- maybe I'm not asking you the right question to get to what I'm -- my -- my point. Let's just be real simple, Senator. Any time that we change this Circuit Breaker Program and -- to whether it's participation or eligibility and we leave it to a State agency, they can use that to cut budgets, they can use that to decrease participation, they can do it in a way that the purview and direct control of the authority of the Assembly here will be gone. That's the problem I have with it, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Quite the contrary. The disease will continue to be covered and it will continue to be the prerogative of the Legislature to set the eligibility standards and those diseases which will be covered. This is designed to ensure that as program participants, as seniors, who participate in these respective programs, as their income fluctuates and as they move from -- ineligibility, because the income levels and other eligibility standards do differ from program to program, that they maintain a seamless transition and don't lapse in their eligibility or lose their eligibility altogether to participate in either program. I support the notion that we not relinquish our legislative prerogative on setting the eligibility standards and the diseases which are covered. I understand that we're trying to provide a fine distinction, but I want you to be clear.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford.

SENATOR RUTHERFORD:

I appreciate, Senator, you talking me all the way through this. But go to page 4, bottom of the page, line 31: The Department may adopt rules specifying participation requirements for the Pharmaceutical Assistance Program, including copayments,

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on and on and on and on. Right there, Senator, is the problem. Specifically in your bill, it is allowing the Department - line 31 - for them to determine by a rule the issues in regards to copayments, identification card fees. I mean, it goes on. So, I mean, obviously you're -- you're -- I don't know if I'm not -- if you're not wanting to -- to agree that that's what your bill says or we're just not reading the right thing. Let me just -- let me close then, with respect to the President, and -- and here: Ladies and Gentlemen, the Pharmaceutical Assistance Program is a leader in the nation. We, in Illinois, and the General Assembly, through this Governor and previous Governors, have worked very hard to make these benefits very good for our senior citizens. With respect, we will give up our authority to have the ability to have the Assembly directly determine such things as participation requirements, and we're going to leave it to an administrative rule going -- promulgated by the Illinois Department of Revenue. I would strongly encourage opposition to the Senator's piece of legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am a senior citizen. I don't -- I'm not -- I don't know -- although I feel younger than some of you do. But, you know, I think the sponsoring Senator of the bill has good intentions, but what Senator Rutherford said is absolutely right. We already took it upon ourselves to increase the Circuit Breaker to do certain things for the disabled and the senior citizens. We should not let an agency make the determination. We should be the ones making the determination. We did make the determinations, and I don't want them flawed in any way by any agency after that. I think we're doing a disservice to the senior citizens and to the disabled if we allow this bill to go through in its present form. I think it'll hurt them because the agency can do whatever it wants and whether we like it or not, and that's wrong. And I speak in opposition to the bill, in spite of the fact that I like the -- the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Righter.

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SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Righter.

SENATOR RIGHTER:

Senator, this bill passed out of -- I'm sorry, the amendment that you attached on, I believe yesterday afternoon, passed out of Health and Human Services that morning. Subsequent to that - and we had problems with the language and I think that that's been aired by both Senator Geo-Karis and Senator Rutherford - a subsequent amendment was drafted before the next Rules Committee met that would have tightened the bill up and made it clear what the intent was, and for some reason, that wasn't moved. And, Senator, I appreciate what you've read into the record. Legislative intent has become a very popular term around here. The problem is that legislative intent will only be looked at in case of a conflict or an ambiguity, and I don't know that you have that here. Legislative intent is not a substitution for what the bill says, and I guess I'm asking -- the question I have is whether or not you -- you believe that the legislation actually makes it clear with regards to income thresholds or whether you are relying on legislative intent in order to get that done.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

First of all, this is -- this is, indeed, the second amendment. To the issues -- to the issues that were raised in committee, several stabs were taken to -- and several good-faith stabs were taken to address a -- a reasonable conflict of interpretation as to what it meant. I -- I believe that -- not only is this the second amendment but, indeed, that I've made clear, and on more than one occasion, that this is by no means to harm the eligibility standards or affect any of the diseases that are set into this fine program - and no one's disputing that; it is, indeed, a leader in the nation - to continue to maintain that by statute. What we're seeking to do is, in the administration and execution of these programs, to have people go uninterrupted from program to program. And as you know,

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their eligibility may even change within the thirty-day period of a month, let alone from month to month. And this is the attempt to do just that. This is not the first cut at this effort to satisfy that issue. So...

PRESIDING OFFICER: (SENATOR HENDON)

I'm going to caution everyone. We are on a timer. Shorter questions, shorter answers would be appreciated. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. -- thank you, Mr. President. To close on the bill: I appreciate very, very much what Senator Schoenberg is aiming to do but I think that the statement that this is not the first cut at this problem is part of the problem, because if this bill passes, it becomes law and it moves all of the participation requirements that we have fought so hard for to get into the Circuit Breaker Program over to the Department of Revenue and that is an enormous mistake for this General Assembly to make. We do not want to surrender over to a department eligibility and participation requirements that we have worked on for years to come from fourteen-thousand-dollar-income threshold, now up to twenty-one something for a -- for a single and twenty-eight thousand plus for a couple. Those are all near and dear to our hearts. I do not want to be in position of answering calls from my seniors in a year or two down the road asking, "I was eligible for the Circuit Breaker Program last year but now I'm not, and my income hasn't changed, Senator. Why is that?" When, come to find out, the reason it is, is because the income threshold has been dropped and fewer people will have this program available to 'em. I would urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President. I'll make this very brief, in just six words, to try to clarify what was said. You heard what he said the letter of intent was, the legislative intent: Allows the Department to adopt rules. That's what it says. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Roskam.

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SENATOR ROSKAM:

Thank you, Mr. President. To the bill. You know, just in a nutshell and not to waste everybody's time, but I think that this is a very important piece of legislation and I don't think that the drafters of the amendment have taken the sponsor's intentions and -- and -- and put it together well. We never got an answer, actually, to Senator Rutherford's question, which has been echoed by Senator Wendell Jones, and that is very simple, on page 4: "The Department may adopt rules". I don't understand, for the life of me, why we want to empower the Illinois Department of Revenue to have this type of make-or-break authority over the seniors that we have, for years, done battle for. I urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is -- Senator Schoenberg, to close.

SENATOR SCHOENBERG:

AARP would never even think of stepping forward in strong support of this bill if all the misinterpretations that we've heard earlier would indeed be the case. AARP is for this. There are others who respectfully disagree. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 784 pass. All 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 are 35 voting Aye, 21 voting Nay, 1 voting Present. House Bill 784, having received the required constitutional majority, is declared passed. On page 41 on your Calendar, top of your Calendar, is House Bill 816. Senator Walsh. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 816.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 816 amends the Department of Employment

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Security Law of the Civil Administrative Code of -- in regards to Employment and Training Centers report. What it does is requires the Department of Employment Security to prepare an annual report for the Governor and the General Assembly regarding the progress of the Illinois Employment and Training Centers in serving individuals with disabilities. Specifies that which must be included in the report and when it is provided. I'd be more than glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator, is the entire scope of -- of this bill what you just described? In other words, it's just a report and it's just on progress made by whom regarding those with disabilities.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Walsh.

SENATOR WALSH:

That is correct, Senator. What we are asking is that individuals with disabilities that have gone to the employment training service centers, that within a specified time, which is, like, March of every year, that there is a report to show what progress has been made in trying to place these people in employment. And that's all we're trying to do.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, the question is, shall House Bill 816 pass. All those in favor will vote Aye. Opposed will vote No. 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 59 voting Aye, none voting Nay, and none voting Present. House Bill 816, having received the required constitutional majority, is declared passed. Page 43 of the Calendar, bottom of the Calendar, is House Bill 860. Senator Clayborne. Senator Clayborne seeks leave of the Body to return House Bill 860 to the Order of 2nd Reading. Leave is granted. On the Order of

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2nd Reading is House Bill 860. Mr. Secretary, are there any Floor amendments approved for...

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Amendment No. 2 is in response to suggestions from my colleagues on the other side of the aisle, which is a technical change. This -- language simply clarifies that all projects that qualify under the provisions of Section 42 of the Internal Revenue Code, whether they receive those credits in a particular tax year or not, are intended to be valued under the uniform -- methodology {sic}. These credits are dependent upon taxable income for a particular year, but the criteria for eligibility for the credits are set up in exhaustive detail in the Internal Revenue Code.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? All those in favor will say Aye. Opposed will say Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. On the Order of 3rd Reading is House Bill 860. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 860.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. House Bill 860 basically gives some consistency in determining the -- for the assessor to determine the -- conduct a consistent assessment of low-income housing. In all counties except Cook, in determining thirty-three-and-a-third percent of the fair cash value of any low-

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income housing projects receiving a tax credit under Section 42 of the Internal Revenue Code, the local assessor must consider the actual or probable net operating income attributable to the project, using a vacancy rate of not more than five percent, capitalized at a normal -- capitalized at normal market rates. Such assessment considerations shall be applied to Section 515 of the federal Housing Act low-income housing projects from 1/1/2000 through the taxable year 2003. Beginning with taxable year 2004, all low-income housing projects receiving Section 42 tax credits shall be assessed in accordance with the above explained procedure, if the owner or owners certify -- the local assessing officer that Section 42 tax credits are being received for the property. Basically just gives the -- some consistency statewide in how we -- how we assess our low-income housing.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 860 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, and none voting Present. House Bill 860, having received the required constitutional majority, is declared passed. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR CULLERTON:

Mr. President, Members of the Senate, I'd like you to please welcome some elected officials who've come down here from the City of Chicago. We have Aldermen Manny Flores, Todd Stroger - one of our former colleagues - John Pope, George Cardenas, Ted Thomas, Latasha Thomas, Ike Carothers, Ariel Reboyras, Emma Mitts, and my Alderman, the former owner of Ann Sather's Restaurant, Tom Tunney, who's here. So, please welcome these aldermen who've come all the way from Chicago.

PRESIDING OFFICER: (SENATOR HENDON)

Will all the great aldermen from the City of Chicago please rise and be welcomed to the Senate, especially my alderman,

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Alderman Manny Flores, 1st Ward. Senator del Valle wanted to recognize Alderman Manny Flores, which we did. Thank you. House Bill 873. Senator Cullerton seeks leave of the Body to return House Bill 873 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 873. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment excludes commercial mobile radio service providers from the list of State public utilities that must provide annual reports to the Illinois Commerce Commission. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? All those in favor will say Aye. Opposed will say Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. On the Order of 3rd Reading is House Bill 873. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 873.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is an initiative of a number of the wireless telephone providers. It's actually just correcting an inadvertent statute that requires them to make these annual reports to the Commerce Commission. The Commerce Commission is neutral on the bill.

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There's no opposition. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 873 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, and none voting Present. House Bill 873, having received the required constitutional majority, is declared passed. House Bill 876. Senator Welch. Out of the record. House Bill -- House Bill 910. Page 46 of your Calendar. House Bill 910. Senator Garrett. Senator Haine. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 910.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Yes, Mr. President and Ladies and Gentlemen of the Senate, House Bill 921, of course, was a shell bill and was brought over and the substantive terms of the proposed bill...

PRESIDING OFFICER: (SENATOR HENDON)

Sir, House Bill 910.

SENATOR HAINE:

House Bill 910.

PRESIDING OFFICER: (SENATOR HENDON)

910. Thank you. Continue, please.

SENATOR HAINE:

Yes, sir. This enables the IEPA to accelerate corrective actions pursuant to the Resource Conservation and -- and Recovery Act. It accepts applications -- an applicant into the expedited review program and the applicant must pay the Agency costs in accelerating this. It allows a brownfields area to be reclaimed for development and use. And it's a good conservation bill and it's a good bill for the Wood River area in my district, the old BP Amoco Plant.

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PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I just want to compliment the sponsor. This is another great brick in the burgeoning career of Senator Haine, and it left committee with bipartisan support. It's a good example of good legislation, and we just welcome the Senator's hard work.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, the question is, shall House Bill 910 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, and none voting Present. House Bill 910, having received the required constitutional majority, is declared passed. On page 51 of the Calendar is House Bill 986. Senator Lightford, on House Bill 986. Out of the record. House Bill 988. Senator Link. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 988.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is the same bill that we had. This is the firefighters' promotion bill. What had happened is, inadvertently one sentence was deleted from the three different Sections of the bill. It's agreed upon by all parties. We put it on a new bill, and basically I wanted to just let the three Members that did not get to vote for this bill to vote for it so it comes out of here 59 to nothing instead of 56 to nothing.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 988 pass. All those in favor, 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

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record. On that question, there are 59 voting Aye, none voting Nay, and none voting Present. House Bill 988, having received the required constitutional majority, is declared passed. House Bill 992. Senator Demuzio. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 992.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 992 is an Act that requires the General Assembly have some action with respect to approval or a closure or -- downsizing of facilities operated by the Departments of Human Services, Corrections and Veterans' Affairs. What happens, as you well know, over the course of the last year, there have been a number of our Members in a number of districts that have had either -- downsizing or closing of various facilities throughout Illinois without legislative involvement. This is an attempt to at least give the General Assembly an opportunity to have some input into that process. It applies to downsizing that would reduce financial -- or, I'm sorry, functional bed capacity by ten percent or twenty-five beds, whichever is less, or to reduce the number of employees by ten percent or twenty-five, whichever is less. The Department must submit to the General Assembly a plan detailing the rationale for the downsizing, the affected service areas and how they would be replaced, the number of duties affected -- of the affected employees, a cost benefit analysis of the downsizing and an independent economic impact study on the communities that are affected. This requires a plan to be filed with the General Assembly and then we would have thirty days in which to -- in which to act. And I would -- I'd be happy to yield to my colleague and my cosponsor on the other side of the aisle, Senator Bomke, if he cares to make any -- any remarks with respect to this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Is there -- is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator, when we talked about this in committee, one of the things that we talked about and I thought you'd expressed some interest in was maybe shifting the -- the burden around a little bit - in other words, if the General Assembly fails to act, then the -- the Governor's proposed changes would go into effect. Could you give us at least your current thinking on that issue?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I think that's a very good suggestion, and I would be more than amenable to affording us the opportunity to pass this over to the House and see if we can't, in maybe conference, put that provision on there. I have absolutely no objections whatsoever in doing that, and I would like to have had it in this bill but we're at the tenth -- or, the twelfth hour here, eleventh hour - whatever you want to call it. And I think it's a great suggestion, and I would -- and I would have no objections to putting it in.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Thank you. Just briefly to the bill. I appreciate the Majority Leader's willingness to entertain that amendment. It's one of these tough questions, actually, where we're -- we're clearly taking away the Executive Branch's authority to do certain things that maybe sometimes the Executive Branch is the only branch that can get the job done. I understand the sensitivities in individual legislative districts, but this, I think, is sort of akin to these baseclosing arguments where the federal government has had an awful tough time closing some of these places. But with -- with the notion that this is going, I do appreciate the Majority Leader's willingness to entertain that motion and look forward to seeing this again. Thank you.

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Further discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I simply rise in strong support of this legislation, having a -- a facility that was closed down about a year ago by the former Governor, leaving a community devastated, economically devastated. I would hope that everybody would vote for this. It's a good bill and I applaud Senator Demuzio for bringing it forward. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. I rise in strong support of this legislation. It's long overdue. There's going to be some oversight on agency heads when they want to do these kinds of things that they've been doing, and now they'll have to come to the Legislature for oversight. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 992 pass. All those in favor will vote Aye. Opposed will 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 are 59 voting Aye, none voting Nay, none voting Present. House Bill 992, having received the required constitutional majority, is declared passed. Could we get a little quiet in the Chamber, please? Page 54 of your Calendar is House Bill 1032. Senator Martinez. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1032.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. The Secretary of State -- this bill -- House Bill 1032 will -- becomes the bill. The Secretary of State, the Department of Agriculture, the Director of Natural Resources, the Secretary of Human Services, the State Fire Marshal, the Board of Trustees of the University of Illinois and the Secretary of Transportation may issue shields or other

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distinctive identification badges to employees performing security or regulatory duties who are not police officers if the badge is needed by the employee to carry out his or her duties. According to Secretary of State, there is no fiscal impact. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR CULLERTON:

Would you repeat that, please?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Do you really want me to?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

No.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill -- oh. Senator Bomke. Apologize. Senator Bomke.

SENATOR BOMKE:

Very quick, Mr. President. I just rise in support of this bill. It's one we tried to pass a few years ago. Security guards around here feel this is extremely important to them. It -- so I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 1032 pass. All those in favor will vote Aye. Those opposed will 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 are 57 voting Aye, none voting Nay, none voting Present. House Bill 1032, having received the required constitutional majority, is declared passed. Senator Demuzio in the Chair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Ladies and Gentlemen, we'll -- leave of the Body, we'll go to the Order of House Bills 3rd Reading. Top of page 57 is 1074. Senator Jacobs, do you wish to proceed? Senator Jacobs requests leave of the Body to return House Bill 1074 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1074, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Jacobs.

SENATOR DEMUZIO:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 2 to House Bill 1074 eliminates a Section requiring health care professionals and providers to collect copayments, coinsurance, deductibles and payment. This corrects a little problem that we had in the agreement and know no of -- opposition. Ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs has moved the -- moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1074, Madam Secretary. Read the bill.

SECRETARY HAWKER:

House Bill 1074.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This is a agreed upon -- agreed-upon legislation. What it does, it creates a health care agreement between the health care professionals and providers, the insurance industry, HMOs and the City of Chicago with

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respect to contracts. It covers health care professionals and that health care providers will get all attachments and exhibits referenced in any proposed contract, entitled to certain information prior to signing a contract. States that information is confidential, proprietary and trade secret information and is subject to the provisions of the Illinois Trade Secrets Act. It provides that health care professionals and providers are entitled to adequate time to review the contract and that health care professionals and providers will be notified of changes in payment rates and that health care professionals and providers will be provided with a detailed remittance and allows for recoupment. It is an agreed-upon bill by all the parties involved. Ask for your Aye support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Brady.

SENATOR BRADY:

Senator, I have a -- two questions for legislative intent. The first is, when does this bill apply to independent practice associations and physician hospital organizations?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

This legislation applies to independent practice associations and physician hospital organizations when they enter into contracts with health -- health care professionals or providers or when they pay claims or make recoupments. This legislation does not apply when an independent practice association or physician hospital organization acts as an agent of the professional or provider when negotiating a contract or passing along a contract from a health plan to the health care professional or provider.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

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Thank you, Senator. The second question is, can insurance companies continue to define what is a covered service in their certificates of coverage to the enrollee in the health care provider and health care professional contracts?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Si, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Thank you, Senator. I appreciate the sponsor's work on this effort. It's my understanding also that this is agreed to by all parties and I suggest your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jacobs may close. On the -- the question is, shall House Bill 1074 pass. Those in favor will vote Aye. Those opposed will 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, the Ayes are 54, the Nays are none, none voting Present. House Bill 1074, having received the required constitutional majority, is declared passed. Bottom of page 57, Ladies and Gentlemen, is 1088. Senator Jones? 1088. 1091. Senator DeLeo? Senator DeLeo? Ladies and Gentlemen, page 58. Turn the page, please. 1161. Senator Brady? All right. On the Order of House Bills 3rd Reading, top of page 58, Ladies and Gentlemen, is House Bill 1161. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady, what purpose do you rise?

SENATOR BRADY:

Thank you, Mr. President. I ask that the bill be taken back to 2nd.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Is there leave to come back to this if we take it out of the record? All right. Leave to come back. 1161, take it out of the record. 1178. Senator Walsh? Senator Walsh? Senator Walsh. Three times. I like this. Good. 1179. Senator Walsh. 1191. Senator Haine. 1254. Senator Obama. 1281. Senator -- Cullerton. I'm not recalling it, unless the gentleman wishes to do so. Senator Cullerton.

SENATOR CULLERTON:

Mr. President, I would ask leave if we could take a bill out of -- out of order and go to House Bill 2579. I believe there's agreement on the other side of the aisle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take 1281 out of the record, please. All right. Page 63 of the Calendar. Ladies and Gentlemen, on page 63, with leave of the Body, we will go to that order of business of 2579. On the Order of House Bills 3rd Reading is House Bill 2579. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2579.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maloney. All right. Whose amendment is this? Senator... All right. Senator Maloney. 2579. Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. House Bill 2579 would prohibit the sale or transfer of more than one handgun in a thirty-day period. This legislation is aimed at the practice of straw purchases, where a individual purchases handguns in multiple numbers and then transfers those to individuals who would otherwise not be allowed to have a handgun. The -- it's obviously already against the law to transfer a handgun to someone who shouldn't have it, but this would clearly be a much more effective way in which we could stop these straw purchases. Multiple sale of handguns accounts for something like a quarter of all weapons that are then traced to the use of -- into crimes. Four states have passed this law. The first was Virginia, and Virginia passed it when -- back in

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1993. It was viewed that Virginia was kind of a place where, in response to their growing reputation as a principal supplier of guns to the illegal market in the northeastern part of United States, and where they have passed this legislation in Virginia, it had the desired effect. People stopped, obviously, making multiple gun purchases and fewer guns were traced to crimes that came from the State of Virginia. This bill deals with handguns because handguns are only one-third of the firearms owned in this country, but they're responsible for the great majority of gun-related death. So, I think it's pretty clear that you can make the argument - and it's kind of obvious - that if you can limit the number of multiple purchases of handguns in the State of Illinois, like Virginia and California and the other states, you'd have an effect of cutting down on crime. Now, the question then is, we have to weigh this obviously good result with the inconvenience or the imposition of -- of a limitation on our law-abiding citizens. So, we have a number of citizens in the State of Illinois who own handguns who wish to continue to purchase handguns. And so, as a result, we drafted this legislation to say a family, a family of two - a couple, a law-abiding couple in the State of Illinois - can buy two handguns a month. They can have twenty-four handguns a year. If -- we put an exemption in if they inherit weapons so they're not in violation of this statute. We have actually said that if you have some reason to purchase more than one handgun because you're a collector, all you have to do is make a petition to the State Police and they would rule upon it. And, I would point out, if you really feel the need to have more weapons for yourself, you can go out and buy a rifle, a long gun. They're not affected by this legislation. So, I think that the way in which this is crafted is done in a very, very responsible way. It's not intrusive to limiting the rights of our law-abiding citizens to a -- have firearms. It's been done in other states. It's been found -- or, it's not been found -- it's not been challenged. It's constitutionality has not been challenged, and it represents a very reasonable effort to cut down on the use of handguns in committing crimes in the State of Illinois. I would be happy to answer any questions and would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs has moved the previous question. Senator Jacobs has moved the previous question. I have the following speakers... This is larger than mine. All right. Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Obama, please.

SENATOR OBAMA:

Oh, I apologize.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I neglected to -- WAND has sought leave of the Body to photograph the proceedings. Is leave granted? Leave is granted. Senator Obama, I apologize.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I recognize that anytime we have a gun bill on the Floor, and we haven't had that many of -- of late, it's an emotional issue. And it is emotional on both sides, and it's not a partisan issue. It's more defined by region than it is, oftentimes, by party. I am somebody who actually believes, as somebody who teaches constitutional law, that the Second Amendment does mean something and -- and not somebody who thinks that the government could arbitrarily confiscate each and every firearm in the -- in the country, but I also am somebody who lives in a district and in an area where the proliferation of handguns often used by gang members and other criminals is wrecking devastation throughout the community. And it's occurring not just between gang members, but there are innocent bystanders, and we're all familiar with the litany of statistics that's taking place. But to this bill, I do want to point out one story that came up in the last month that I think is very relevant. I think some of you are aware of the fact that we had a former State Police officer who apparently had decided, going

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down the wrong track, that he wanted to deal firearms to criminals. He was busted and found to have hundreds of illegally owned handguns in his possession, and he bragged about the fact that he had been selling them to gang -- rival gang leaders and promoting gang warfare within the City of Chicago. Now, there has to be, at some point, some agreement, on the part of those who believe in gun control and those who are concerned about gun control, that for an individual to be able to be in possession of five hundred, six hundred, seven hundred guns that they're then selling on the black market is something that the government appropriately can regulate, and this is, I have to say, one of the more measured and reasonable responses to those statistics. If an individual wants to protect themselves, they can still do so under this bill, but what we are targeting is the straw purchaser who is going around exploiting the legitimate concerns of legal gun owners in order to seed the kinds of violence that we're seeing devastate communities, not just in Chicago but across the State. I would strongly urge those of you who do believe in the Second Amendment and are concerned about the legitimate use of firearms by lawful gun owners to please consider this very measured, modest regulation. If we can't pass something like this, it strikes me that we're going to have a great deal of difficulty winning the battle against violence that exists in so many of our communities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Ladies -- Ladies and Gentlemen, I haven't got the timer on yet, so let's -- everybody, you know, stay within the time limit. Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. I find it somewhat ironic that a -- the sponsor of this legislation has used the State of Virginia as a prototype for the one-gun-a-month sale. The State of Virginia, most recently, has become a right-to-carry state, and I -- there is a little bit of a difference between the State of Illinois and the State of Virginia in that regard. But notwithstanding that, just imagine the up cry, the, literally, outrage that American citizens would have if the State of Illinois came forward with a legislation that says that notwithstanding in the First

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Amendment of the Constitution of the United States that the people have a right to peaceably assemble, that we would say, "Well, yeah, that's correct, but these things sometimes get out of hand, people are hurt, so we're going to limit the right of Americans to peaceably assemble to once a month." The -- the amendment that follows the First Amendment is the Second Amendment which deals with the right of the people to keep and bear arms. To infringe on one right, in my opinion an inalienable right, is to infringe on other -- other portions of the Bill of Rights. To say that infringing on the constitutional rights of people to keep and bear arms is a cure for violence in society is really, to -- in my way of thinking, to mistake the notion of an instrumentality being a cause of crime. One need only look at the opening book in the Bible to find out that people committed crimes, didn't have firearms, because it's not what is in one's hand that generates the crime; it is what -- what is in one's heart and one's mind. I believe that embarking upon a course where we are going to be getting a systematic limitation of an exercise of a lawful, constitutional right, not only federal and State, is heading down the road that people who believe in the concept of ordered liberty should not and dare not go. For that reason and with all due respect to a sponsor that I deeply respect, I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you very much. Senator Righter.

SENATOR RIGHTER:

Thank you very much, Mr. President. Briefly, to the bill: Ladies and Gentlemen, I appreciate, especially on the other side of the aisle, the feeling that this is going to do us some good, but the bottom line is, not only as Senator Petka pointed out with regards to the fact that the State of Virginia is vastly different from the State of Illinois in several areas, we need to remember, in Illinois we have a FOID Card requirement already. The background check, it's a rolling check. Every six months, a FOID Cardholder has their background checked, and if there's a problem with that FOID Card, the State Police are on that then. There's no evidence whatsoever, and there's no statistics from Virginia or any of these other states, that this reduces gun violence. There's no tie between this bill and straw

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purchasers. And I appreciate the proponent's attempt to try to say that these things work together, but they really don't. We -- straw purchasing in Illinois is already a felony, and this won't make the penalty any more difficult than it is right now and won't make us catch any more of those people than what we have right now. As Senator Petka said, this is about a Second Amendment right, and the burden of proof lies on the government and not the citizen to say why we're going to do this. Citizens don't have to justify to the government why they might want to purchase more than one handgun a month. The government's got to come up with a really good reason to do that, and that is totally lacking in this legislation and from this debate. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you very much. Further discussion? Senator Meeks.

SENATOR MEEKS:

Thank you so much, Mr. Chairman. And to the bill and to my colleagues on the other side of the aisle, let me simply say to you that under this legislation, a family of two is able to purchase a hundred and fifty guns in five years. That's a lot of guns. I don't think nobody is trying to restrict any individual to have the right to bear or purchase arms. However, let me say to my colleagues on the other side of the Floor, and that is, I don't know if you guys have ever had the misfortune that I have had to preach the funeral of policemen who've been shot in alleys with handguns and we end up tracing these guns back to illegal purchasers and individuals who've been purchasing multiple guns. I don't know if you've had the unfortunate privilege of going to homes where young people have been shot in drive-bys and the culmination of the investigation has shown that these individuals have purchased guns illegally. I think that, as Senator Petka said, if I'm not mistaken, about responsible government, responsible government, at some point, does make a move. Responsible government, at some point, does say that at least we should be caught trying to do something. This whole adage of guns don't kill, people do: People don't kill with their fingers. People need a weapon in which to commit the crime. And so if this Body, and this Body is known in our State as a responsible Body, is not trying to make an effort to

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rid our community of some of the guns that's in our society, then I think that we have failed our community if we're not caught trying. And I would appeal to my colleagues on the other side of the aisle that at least let's be found trying. If you don't even think it's going work, let's be found trying to do something that would stop some of the guns on the street. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Will the sponsor yield just for a couple of quick questions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator, I -- I just -- the -- the constitutional arguments stand for themselves, but just talking about the procedure itself, if this bill does go into law, how long will it take to petition the State Police for a variance, if you will, or whatever, to be able to purchase more than one firearm? How long would that process take, conceivably?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I would assume, since we're -- we're talking about a -- someone not having to wait thirty days before they get the chance to buy their next handgun, that the State Police -- the application that's sent to the State Police indicating the number and type of handguns to be acquired, must be signed by the applicant, must state the purpose for which they do it. Right now we have a three-day waiting period before you can purchase a handgun. So I would hope that they would be able to accommodate the request within a week. I would think that would probably be the -- the longest someone would have to wait. They already have to wait three days now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you. Well, here's my dilemma with that process, Senator. We're down here all week long. For instance, I go home on a Thursday. I pick up my local paper that tells me there's an auction being held that evening. And I think Senator Sullivan probably is well aware of this. There's an auction that evening. There are several collector firearms there, handguns, and I want to be able to go and bid on those items. Now, I've got a FOID Card, and if I do purchase those, there's still a three-day waiting period; however, I'm not necessarily going to have that -- that allowance that I'm going to be able to purchase those or know that until somehow I get a written response from the State Police. So, it seems to me like it really creates a problem, from that perspective, for a law-abiding citizen. I don't -- is there any way to accommodate something like that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I would have to check with the State Police to see what the bill authorizes them to make -- to be the one to grant these exceptions. We put this in there specifically for that stated purpose. There has to be a three-day waiting period anyway. I think someone's who's willing to sell weapons, handguns, know what this new law would be about. They clearly could hold it until the application was -- was granted by the State Police. If it's a purchase of a collector series, a bulk purchase for an estate sale or some similar purpose, I'm sure the State Police would grant it. We're just trying to be reasonable with this particular legislation. That's why I put that exemption in there. I -- I think the State Police could adopt rules that would implement it as quickly as possible.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just very quickly to the bill: As -- as I indicated, I think the constitutional arguments speak for themselves on this bill. Several colleagues have gotten up and given really heartrendering {sic} examples of -- of their involvement with individuals who have been harmed or -- or killed because of illegal handguns. I guess I would argue,

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however, that this bill really, really doesn't do anything to the criminal element that we have in our society that wants to purchase an illegal firearm or to purchase a handgun. But what it does do is hamstring law-abiding citizens who, for one reason or the other, are now going to have to jump through even more hoops, because we know the criminals don't jump through hoops anyway. But now law-abiding citizens jump through more hoops in order to -- to purchase a firearm. I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Link.

SENATOR LINK:

Thank you, Mr. President. To the bill: First of all, I want to compliment the sponsor on this bill. I had the opportunity of carrying this bill in the past and I guess this is the first time we really got to debate this bill and talk about it. I think somebody, earlier, mentioned about this bill that it's a regional bill, and -- and it probably is a regional bill. And I represent a suburban area, and we're very concerned about it in the suburban area. And I -- I -- I think both sides of the aisle are concerned about it in the suburban area. I mean, I stood up for this bill and I said, you know, that I was sponsor of a bill for one gun a month. And in one of my campaigns, an opposition piece came out and said, "Senator Link is for twelve handguns a year," to try to make it look like I was for more guns a year in my district, to make it look like we want more guns, when, yet, I was trying to get less guns and guns off the street. I think this has been emphasized way too long. I think a point that our colleagues are saying here about how this is going to disenfranchise people, this bill is written - no hunter, no sportsman, no marksman is going to lose their rights. No one's rifle is going to be taken away from 'em. No one is going to be taken away from hunting. No one is going to be prevented from going pheasant hunting, deer hunting because of this. But we may save some lives with this bill. We may be able to have a bill that we debated on for a long time in this Chamber. And I remember when former Governor Ryan was walking around here trying to get votes on a bill called the Safe Neighborhoods, and we fought for it. And the suburban

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legislators were fighting for it because it was so important, the Safe Neighborhoods Act, because it had guns written in it. And we fought for that bill. This is what we're talking about on a bill like this. One gun a month. That's all we're talking about in this. I compliment the sponsor. It's time we do it. It's time we take this step forward, and I encourage everybody to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I'm trying to approach this from kind of a practical point of view. I'm generally in favor of reasonable gun control measures and I voted for a number of 'em before, but I'm really concerned that what we're doing is providing a false sense of security by passing something like this. It seems to me that guns are already illegal in the City of Chicago. You can't buy one, yet that's precisely where we have the most serious gun problem. And so what we're doing is now the people that are getting those guns are obviously getting them somewhere other than the City of Chicago, most likely, probably, from Indiana many more times than they're getting them from Senator Luechtefeld's district, yet this bill is regulating the people in Senator Luechtefeld's district. It's a nice idea, but I don't think it works and I don't think it's really going to do anything other than, again, give us a very false sense of security. And I -- I'd be willing to vote on something that was more meaningful and was going to do something, but I don't think this is the bill. And so, I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- we have Senator Lightford and Senator del Valle and then the sponsor. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I rise in strong support of this legislation and it is so ironic to me, the more and more this debate goes on, how ridiculous my colleagues sound on the other side of the aisle. Falsehood, to you, Senator Radogno, is children in my district constantly being shot down from gang

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activity. Falsehood, to you, Senator Radogno, is when a retired State Police officer selling machine guns, having fun with it, that a war was taking place in my hometown, the Village of Maywood, that all of you said you were so saddened to hear about when I returned about a week ago. You have the opportunity right now to help me and many of my colleagues. Who cares if you live downstate, Senator Luechtefeld, or any of you? What about the children in my district? Senator Petka, you're talking about the outrage that Americans may feel. What about the mothers who lose their children? Think about the outrage of those family members that have to bury their babies. Think about that outrage. Senator Righter thought -- mentioned the FOID Card. I believe that State Police officer had a FOID Card. I believe that retired officer that was selling machine guns to children in my district had a FOID Card. I believe we have to go further. We have to strengthen measures here in the State of Illinois. The Second Amendment - that constitutional argument is very weak. We have to strengthen laws here to protect our children, to protect families within their own homes. We vote on legislation all day long that does not benefit my district. I've voted for legislation that helps downstaters. I've voted for legislation that -- in areas that wouldn't even touch my district. So, as a Body, as legislators who are State Senators for the entire State, think about what this would do to help colleagues in other areas who have serious problems, who really need help. And I'm one of those legislators that need help in my district with guns on the street, and I would hope that you would vote Aye for this critical measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. We're looking for some common sense. Common sense is not, I guess, something that we're going to find written or mandated in the Constitution, but I think the founding fathers put together a document that to them made common sense during their time. During their time, it made a lot of common sense, given the circumstances, the need for a militia. Made a lot of sense. But today, here we are, debating a bill that is a commonsense bill, given today's time, one that

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does not infringe on the right to bear arms and one that simply says that we are going to, as a legislative Body, try and control the flow of firearms, guns, in our State. Just a couple weeks ago, while I was here - while I was here - my wife and daughter woke up at 3 o'clock in the morning to the sound of automatic firepower right down the block from where I live. When the police came out, they arrested the victim who had been shot, and the victim had a gun on him, and he was shot by someone else who had a gun. This is our reality, and the problem here that we know we have, and we've had since I've been in this Body, is that we have different realities. Is that ever going to change? I hope not, because if it does change, it would mean that my reality becomes your reality and I wouldn't wish my reality on any one of you who does not experience what we experience on a day-to-day basis. In Chicago, over six hundred murders. If I sit and multiply how many murders have occurred in the City of Chicago since I was elected, it would make anyone cry. We worry about fatalities when we go to war. What about the fatalities in our own neighborhoods? Don't they mean the same as the fatalities when we lose our good men and women who die for this country? And shouldn't we be just as concerned about the young lady, the little girl and the little boy who ends up shot and killed in our neighborhoods? Do we have to wait till the gang activity spreads in other parts of the State? And we all know that it has spread over the years, and one of the reasons why we have gang activity is because they have access, easy access, to the guns that make these gangbangers feel like they're the almighty powerful. It's time. Yes, it's time for us to have some common sense, and that's what this legislation is and that's why I urge a Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. That ends the -- the speakers. Senator Cullerton may close.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. It's clear that the National Rifle Association is opposed to this bill. Senator Link kind of made me smile there, where people told you that -- maybe they misinterpreted this bill to think that we're requiring that everybody buy a handgun every month.

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That's not what this bill does. So, so you know clearly, it limits the purchase to one gun per month per person. You know, I want to respond to some of the points made. I think there's a legitimate concern that this actually does something. It's not just symbolic. I believe that it does. I think it's intuitively obvious that it does. Senator Radogno talked about a -- a scenario where in the City of Chicago, you can't buy handguns. People who have handguns obtain them illegally. Where do they get 'em from? They get 'em from, many cases, maybe twenty-five percent of the time, someone who makes a legal, multiple purchase. Is it possible that they do that in Indiana and bring it to Chicago? Yes. Or Missouri or Wisconsin. Can we pass a law saying that they can't do that in those states? No, we're not in their legislature. But we can say that in the State of Illinois, they -- they can't make that multiple purchase, and later on, those states can follow our lead just like we're trying to follow the lead of the four states that have passed it. So, don't say it's not a good idea because someone might be able to get around it by going to Indiana. What about the times when it will work? It's obvious that if you limit the number of multiple sales, it's going to have the effect of making it more difficult for someone who -- could not otherwise obtain a weapon, from obtaining one. Now, this bill has been the law in Virginia since 1993. Believe me, if the NRA could have it declared unconstitutional in Virginia, they would have been successful, but they weren't. I respect the fact that there are constitutional issues here, and I appreciate the points made by Senator Petka, who I -- who I know feels very strongly and passionately about his views. The First Amendment -- he -- he referenced the First Amendment. We have First Amendment rights of speech, but they're not unlimited. You can't cry "Fire!" in a crowded theater. There are Second Amendment rights, but they can have reasonable limitations. And isn't one gun per month, just limited to handguns, per person a pretty reasonable limitation, especially when you have a safety valve where you can go out and petition the State Police to get more if you need it? And -- and so, therefore, I think the only argument that really wasn't stated but that is implicit here in opposition to this is that it's a slippery slope: Once you start limiting our handguns to

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one per month, you never know - next year they'll come in with a bill saying one per year. But you know what? The -- either -- either everything's a slippery slope or nothing's a slippery slope. Okay? We have -- you know, we have new elections, we have new redistricting, we have new General Assemblies. Every year, any General Assembly that comes in here, they can pass whatever they want in the future. We could up -- we could pass this bill today and next year we could repeal it. It's up for us to decide what we want to do today, here and now. This bill will help limit crime in our streets, and for that reason, I ask you to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 2579 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 36, none voting Present. House Bill 2579, having failed to received the required constitutional majority, is declared lost. Ladies and Gentlemen, back to 1161. Leave of the Body, we'll go back to -- 1161. Leave of the Body, we'll go back to 1161. All right. On the Order of House Bills 3rd Reading is House Bill 1161, Madam Secretary.

SECRETARY HAWKER:

House Bill 1161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I ask the bill be moved back to 2nd for a motion by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Brady has moved that the House Bill 1161 be brought back to the Order of 2nd Reading for the purpose of a motion by Senator Cullerton. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1161. Senator Cullerton.

SENATOR CULLERTON:

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Thank you, Mr. President. I would -- we adopted an amendment yesterday. I would like to table the amendment that was adopted yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Cullerton, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 was adopted, for the purpose of tabling. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The vote has been reconsidered. Senator Cullerton now moves to table Floor Amendment No. 1. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is tabled. Further amendments? 3rd Reading. Senator Lightford, what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. I'm not exactly sure of protocol, but I would like to speak on the fact that Senator Cullerton tabled that amendment. Is that appropriate at this time?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, this was an unusual procedure that we just did. We are now on the Order of 3rd Reading. It seems to me that since the motion {sic} has been tabled, it's no longer before us. We're on the Order of 3rd Reading. Then you may want to confine your remarks to -- to 3rd Reading and mention whatever you wanted to mention with respect to the amendment. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I just want the Body to know, as Chairman of Financial Institutions Committee, that it was under the understanding that that bill would only be moved to 3rd Reading with an amendment. So, I'd just like the Body to know that that was the agreement that was made as Chairman of that Committee and now it's not taking place. That's why it was quite unusual.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator -- Senator Brady. On the Order of -- of House Bills 3rd Reading - we've read the bill - 1161. Senator Brady.

SENATOR BRADY:

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Thank you, Mr. President. Ladies and Gentlemen, this bill allows the Department of Employment Security to contract with an outside agency to provide information to groups that may look for -- that may be approving someone for a loan. It simply allows the State of Illinois to contract to make some money by providing information to lenders who would want to verify employment history. It's done in various other states. There are provisions in this bill that protect the consumer in the cases in which they don't want to provide that information. It also allows them the ability to rectify incorrect information. To the point Senator Lightford brought up earlier, in committee, Senator Cullerton came up with various issues. His main concern was that this did not call for a State penalty; it relies on the federal penalty provisions. I agreed that if Senator Cullerton wanted to amend the bill to deal with that, I would allow him to do so. That was the commitment that I made in committee. Senator Cullerton worked with the -- the original parties interested in the legislation, drafted an amendment which was passed out of committee, adopted. He then tabled it, an unusual procedure. He tabled it mostly because of the fact that the Department of Employment Security found liability in that amendment. Senator Cullerton has agreed in the future to work on any remedy to the enforcement of this statute. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'd like to first just go back to speak to the amendment, because one of the first things that I learned here as a legislator was that your word was bond, that if you had nothing else, you had your word. And I'm learning, greatly and fastly {sic}, from leaders of my caucus as well, that your word is just as weak as the water that we drink on a daily basis. What you did commit to was that you would add an amendment that would address more than Senator Cullerton's concern. The -- the committee as a whole relied on Senator Cullerton's amendment to fix a lot of concerns that were there. That amendment almost went down in committee. Senator Cullerton was not there to cover -- carry his amendment, and now he's

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tabling that amendment. So, I do have problems, as Chairman, because I give respect to all chairmen's on all committees, and I just think that was the wrong action to take place. Also, the -- the -- the commitments that you made would satisfy a lot of members and bring the fear of this bad idea coming to -- in fruition. And because that amendment is not there, this is a terrible idea. It makes the bill even worse than what I thought it would appear to be here, and I'd like to know if the sponsor will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator -- Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. In committee, Senator Brady, you described this as a -- bill as a consumer-friendly bill. Is this a consumer-friendly bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, I -- I believe so. I said that both in committee and here. What this does is it allows a very convenient way for the consumer to sign off on a document that allows the State of Illinois to provide employment verification information to a proposed lender. I -- my business is real estate and one of the areas in my business is making loans, and in that fashion, we almost have to harass some borrowers to give us the proper documentation so that we can verify employment history so that we can sell the loan on the secondary market. This would allow the State of Illinois, in a very convenient way and a consumer-friendly way, to help the lender -- the borrower, in this case, provide that information. They don't have to go back and research through all their files. They don't have to go back through tax returns in years past. It gives a single source of entry. But in addition to that, if the consumer chooses not to use this mechanism to provide that information, the bill states that they cannot be penalized. They cannot be penalized for choosing not to access this form of information. So, I -- I find the bill to be very consumer-friendly. The people I do business

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with, the consumers that I do business with I know will appreciate this and find it helpful.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lightford.

SENATOR LIGHTFORD:

Then, Senator Brady, if this was -- if this was a consumer-friendly bill, then why would the Illinois Trial Lawyers Association, AFL-CIO, the Chicago Federation of Labor, the Associated Fire Fighters, the United Steel Workers, the Laborers Midwest Region all be opponents? Why is AFSCME an opponent, the Brotherhood of Maintenance, the Illinois Federation of Teachers, the Illinois State Council of Carpenters, Citizen Action, one of the most fighting for consumer right groups here? Why are they all opponents? Why is the Coalition for Consumer Rights an opponent? Why is the People for the American Way, the National Center -- Center on Poverty Law, why is SEIU and ACLU all opponents?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, the only thing I can tell you is the only group that spoke with me in opposition of this bill was the AFL-CIO. We had numerous discussions. Now, it is my understanding that those people have joined in opposition. I don't know why. They -- none of 'em came to me. None of 'em discussed this with me. I'm not even sure why the ALF-CIO is opposed to this bill. But -- but any -- in any regard, you're right, Senator, but I don't know that that necessarily makes it a bad bill. I think that many of those groups, in many cases, are supporting the AFL-CIO for whatever reason.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? Senator Lightford.

SENATOR LIGHTFORD:

Well, Senator Brady, and -- and to my colleagues in this Body, many of those groups filed opponent slips with no oral testimony but as record of appearance only. So you were aware of more than AFL-CIO being opponents. And the reason why there are so many opponents, because this is not a consumer-friendly bill. Does this bill allow the Illinois Department of

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Employment Security to sell employee wage reports that employers are currently mandated by law to provide to IDES?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

That's the purpose of this bill, that that information can be sold and provided. A second benefit to this bill, though, is that it -- it will provide, in some way, of -- of double checking. It will be a check-and-balance system within this that will help the Department of Employment Security make sure that records are being kept properly and reported properly. But that's -- you're absolutely right, Senator. And -- and let me speak to another issue. I didn't say I wasn't aware of the opposition. I said that the only group that came to me and talked to me about opposition was the AFL-CIO.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lightford, can you bring your remarks to a close? We can come back a second time if you wish. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'm -- I'm glad you agree with me, Senator Brady, because it's sad that we're now trying to sell employers' wage information when that's already a mandated by the State of Illinois to do. Are there any other government programs that profit from selling our citizens' personal information to private companies?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

It's my understanding -- well, I know the Secretary of State's Office sells drivers' information to insurance companies. We also sell lists -- we also sell lists of licensees through the various licensing departments through the State of Illinois. These are both areas where we sell private information, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lightford, we can come back. Your time..

SENATOR LIGHTFORD:

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Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Your time has expired, but we can come back a second time.  
Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President. If I could just apologize to Senator Lightford for any misunderstandings with regard to this bill. I just want to indicate I'm on the committee that this came through. I like the bill. I was convinced that it was a good idea. She disagreed. I saw that there were some areas of concern that I raised in the committee. I then convened a meeting with the proponents and the opponents. I went through the bill with them. I actually became even more convinced that it was a good bill, although at that point in time, there was an agreement to take one issue and kind of clarify it with an amendment. I was not able to be at the committee when Senator Brady presented the amendment, although it was mine. The amendment it turns out, I was told, was flawed because the Department of Employment Security was opposed to it, so that's why I agreed to take it off. It's just a matter of a difference of opinion as to what is in this bill and whether you're for it or against it. That's why we're here debating it. I'm going to vote Aye. There were other Members of -- of our Party in the committee that voted Aye, and I apologize, though, if there was a -- if there was a representation that it was definitely going to be amended. If I felt that it needed an amendment, I certainly would have offered one, but I, quite frankly, don't think that it does, and so that's why I did it. So, for the third time, I will apologize.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Members of the -- the Senate. I rise in strong opposition to this piece of legislation. I understand Senator Brady's goal here and I think it's a worthy one. But I think the effects of this bill outweigh -- outweigh the benefits that -- that he's looking for, and I would urge all my colleagues to vote No. I think this really would be a violation of workers' privacy. This would be the first time

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that we're using -- allowing private use of information that has a potentially huge violation of workers' privacy. There are no safeguards in here to guarantee that any of the information collected will not be misused, and although the Senator -- Senator Brady does say that employees can voluntarily provide it, I think there is a -- if you go into a bank and -- there's a coercive -- over -- over -- a coercive, you know -- what's the word I'm looking for? Thank you very much. There's a coercive element that really applies here if one would not provide the information. So -- which would really be a discrimination against workers. So, in -- in -- in summary let me just say that I just think that House Bill 1161 is really bad public policy and one that we should all be opposed to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Harmon.

SENATOR HARMON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senator, how many companies are in the business of securing electronic access to information in connection with consumer reports?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, it's my understanding that throughout the nation, there's four major ones. Wells Fargo used to do this. It's done in -- it's my understanding this is done currently in six other states. Before that there was more, but Wells Fargo went of that business. That's -- and don't hold me to that, but that's best I can recall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Well, I understand that electronic access would be convenient for the consumer reporting companies, but I'm -- I'm not convinced that that -- the convenience of a commercial enterprise would justify this sort of an invasion of privacy. I

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would share Senator Ronen's concerns about the coercive element, the -- the adhesion contract nature of this. Does your bill prohibit a credit reporting company from adding additional charges to collect this information?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

No. It -- it's part of the process. Just like when you -- you go in and apply for any -- any loan, they have a chance to charge you reasonable fees. Some -- and in this case, they can do the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Why should they be able to charge for their convenience? I mean, if -- if I'm taking a loan and it's for the convenience of the credit reporting company, why should I have to pay for their convenience?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

The business of loan making is a competitive business. I -- I know that very well. I -- as I said earlier, I'm in that business. It will be competitive in a charge. They will have to pay a fee to the State of Illinois. This will provide revenues -- limited, but revenues to the State of Illinois which we -- we don't have now. So, we will receive some money, but they'll have to pay for that. And to recoup that cost to keep them in the loan-making business, to make loans -- monies available to people. This just gives them a way to recoup that cost. It's a convenience. It's no different than if someone comes in for a loan, we charge them a credit application to call the credit bureau to get the information from the credit bureau. Same type of procedure. It's just that -- it'd probably be less of a fee based on what we know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

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Well, I understand, but it strikes me as odd that they would be able to charge more if it's easier to get the information. But, let me turn to another. This clearly isn't just an issue in Illinois; it's -- it would presumably be calling for a national solution. Why doesn't the credit reporting company just go to the IRS and say please release the tax return information of this particular person?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, that would be a federal issue. This is a State issue. We're trying to improve and enhance the State laws in Illinois. As I said, six others states do this very, very well. As far as we know, there's no complaints. When it's a convenient issue, I'm talking about it being convenient to the consumer though. Understand that. When -- when we go make a loan to people, let's say we need your three years' past employment history. They don't have it oftentimes. They've to go through their records. It takes them a week to gather that. This would allow them a very convenient way. They sign a paper. They don't have to do it either. But they can easily sign that and say, "Here just get it from the State of Illinois. They have those records from my previous employers." And -- and that's the convenience.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon. Senator Harmon.

SENATOR HARMON:

Well, I believe that we can't get the IRS returns because we've made a decision at the federal level that that sort of employment and wage information really is a private matter and it would be an invasion of privacy to -- make to -- to -- release that information. Let me -- let me turn to one last point here. If -- if the intent really is to verify the -- the current wage information, shouldn't we expect that the -- it -- it strikes me that the information we get from DES would need to be current, and my understanding is that the information they would release to the credit reporting company is often as much as six months old. How can you make a -- a reliable credit decision based on such stale information?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

First to the issue of privacy. Again, let me state for the fourth time, and I'll state it all day long: This cannot happen without the consent of the lender. Written consent. It is an issue of privacy. I wholeheartedly support that. The second issue deals with what we're trying to provide with. We're not trying to provide current information. You come in to me and you want a real estate loan, I'm going to ask to see your last pay stub for the last two periods. So that's going to cover that immediate window. It's the two- and three-year employment history before that that you can't easily provide that we're after that this will provide. So, the convenience of it's still going to be there. We're still going to want to see a -- make sure they have a current employment, so we're going to see the most recent information right there in front of us. But that's easily acceptable to most people who are trying to borrow money. So again, it's the convenient issue of past employment history that they don't have readily available, past tax returns. The immediate information is going to have to be verified by a pay stub anyway. And again, to speak to the privacy, this is only done with a written consent and they cannot be penalized for not doing so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Harmon.

SENATOR HARMON:

Thank you, and -- and to the sponsor, thank you for answering my questions so -- so thoroughly. Quickly to the bill. I -- I understand the business aspect of this. I'm just not entirely comfortable that the convenience outweighs the invasion of privacy, the issues of coercion on the -- on the contract and the possibility that the information would be misused and sold to telemarketers and -- and really unable for us to police that. It's the State that's collecting the information. I'm not sure we should share it with a commercial enterprise. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Righter.

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SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Brady, can any of the people who are trying to get hired or trying to get a loan, can any of their information be taken from the Illinois Department of Employment Security without their express written consent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

No, Senator. We went to great detail in this bill to make sure that it was very clear, subject to some very strenuous penalties, that it had to be with their written consent and only with their written consent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly to the bill. There's been a lot of hot rhetoric here about invasions of privacy and coercion and issues like that. This is not the government coming in and sucking information away from someone's private file. This is not fingerprinting -- you know, and taking photographs. If the person who is trying to get the job or is trying to get the loan wants to provide this convenient -- make it easier for themselves or make it easier for the lender or for the employer, they can do this. If they don't want to do it, if they're afraid that this information will somehow be misused, they don't have to do it. Senator Cullerton, was exactly right. This is a matter of convenience for everyone involved and I would urge a Yes vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. May I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Viverito.

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SENATOR VIVERITO:

Senator Brady, who will contract for these sales?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, as I indicated before, there's approximately four companies that do this -- major ones. Choice -- ChoicePoint is the company that we've been working with that thinks there's an opportunity to help Illinois consumers in this State. But anyone would be allowed to. There could be a number of them in the State under this legislation that do this competitively.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

Is there anyone from the State that contracts with the -- with -- with this agency?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, I don't have an answer to that question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? I beg your pardon. Senator Viverito.

SENATOR VIVERITO:

Why not CMS? Why not the General Assembly?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, I'm not sure I understand your question. The Department of Employment Security maintains employment records for all of us. And it -- anyone who's -- who's paid by an employer who works in Illinois, so that it's not -- it's everybody and the only body we would have in the State of Illinois, I believe, that could do this would be the Department of Employment Security.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

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One quick question, Senator Brady. The contract is with the Illinois Department of Employment Security. Why wouldn't they be the carrier?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Well, again, the Department of Employment Security maintains these records now. Okay. They're all there. They simply -- this would simply authorize them to contract with a company that wanted to get that information and share it with people who are trying to make loans to consumers in Illinois. You'd only do so with the written consent of those consumers. So, they do that. I'm not sure -- you know, I guess that would be a difference between, you know, private sector and public sector. I -- I imagine we -- we could do that. I think at this point there are good people in the private sector that do this and we thought it would be best to continue that. As I said, it's working very well in six states.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Viverito.

SENATOR VIVERITO:

Just one more particular question. Under your bill, can the consumer avoid waiving the rights to financial privacy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Could you repeat the question, Senator? I didn't...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

Under your bill, can the consumer avoid waiving their rights to financial privacy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

The only -- the only thing this -- the only issue in this bill that I think addresses this is that the consumer can refuse to sign the form and -- and so I think that answers your question. We clearly indicate that the consumer does not have

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to consent in this. And -- and refusal to consent cannot be used against them in the loan process, and there are penalties if that's not fulfilled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

But in all due respect, Senator, if an individual refuses the right and signs that he doesn't want his privacy to be invaded, don't you think that that would have bad effect on that individual person?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, they set themselves up for a class action lawsuit under this legislation with severe penalties. I don't think so. I think that if they say, "Here, I've got the information that you're going get from the federal government. I happen to keep a file on that. Here's my lifelong employment history." They say, "I'm not going to pay the ten dollars, the five dollars, the two dollars, because I've got this information." I as a lender would not hold that against them, if they're giving me the information I can verify. Maybe I just want to avoid a fee, if there is a fee. I don't -- I don't think practically speaking any -- any lender's going to use that against a person. Lenders want to make loans. Consumers want to borrow. This is a great avenue to expediate that process. Lenders make money making loans. So, I don't see any real reason that would work against someone.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Viverito

SENATOR VIVERITO:

Thank you, Mr. Senator. I can only say, from my own particular concerns, is those individuals that you're trying to get this information from are probably the poorest, the most helpless. In all due respect, this is a great opportunity for some people to make a lot of money. I would hope that all people would vote against this bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Further discussion? All right. Senator Lightford, for a second time, and then we'll close. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I apologize to the Body for rising a second time, but this is such a critical piece of information that slid out of the House with an -- misunderstanding and now it's in the process of trying to slide from this Body with that same misunderstanding. I'd like to go back to the fact that Senator Cullerton said something.. None of that is actually the case. Had that amendment not been agreed upon in committee, it would have failed. It did not have the proper votes. And I'd like also to acknowledge that I worked for the Secretary of State for a couple of years and you can purchase, as an individual, your own private motor vehicle driving history. No one else can go in and purchase someone else's motor -- and cannot be sold to anyone else for information, just the individual and they have to provide a driver's license. Actually -- this bill actually amends the Illinois Unemployment Insurance Act, Section 100 of that Act. And actually what that Section says is that the economic insecurity due to involuntary employment {sic} has become a serious menace to the health, safety, and morals and welfare of the people of the State of Illinois. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislator {sic} to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. So, since we now understand what the Act says in 100, your bill amends this Act. Your bill does nothing to prevent the spread of unemployment or to protect the unemployed worker and his family. After all, that was the intent behind mandating Illinois employers to provide these wage reports. It was never the intent of the author to sell mandated information to credit reporting agencies. And I'd just like the Body to know in closing that there was a couple commitments that you made in the committee. You made a commitment to apply an award of damages for willful violations of the Act. You committed to allow the Attorney General or a State's attorney to bring an action on

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behalf of the people of State of Illinois. You told us that you would provide criminal penalties for knowing and willful violations of the Act. You told us that you would provide a dispute resolution process regarding the accuracy of consumer information and that you would also provide for competitive bidding. None of these measures are in this legislation that we're voting on right now, and I'd honestly like to ask the Body to vote No because this is something that's slipping through the cracks and it shouldn't happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Ladies and Gentlemen, we've been on this issue a long time. Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. First of all, Senator, I -- I can't tell you, I've been in this General Assembly for almost ten years now and my word is my bond. In fact, I went back to Senator Cullerton, and said, "Was the commitment I made to you one that if you wanted to amend it to deal with those things, I would allow," and he said, "Yes". I let him negotiate the amendment. He drafted it. He agreed that the -- the amendment wasn't necessary, Senator. I am -- I am not -- regardless of what you think, I am living up to exactly the commitment I made. I never told you I could rectify what you said you needed done. There were basic differences of opinions on this bill. But I want to thank Senator Cullerton for taking the time to work on the amendment. I want to thank him for his efforts on behalf of this bill. I think it's a good piece of legislation. There's been a great deal said here. A lot of it has nothing to do with this bill. It very simply allows the Department of Employment Security to contract with an outside firm to provide information. It -- it can only be done with the written consent of the borrower. And as to the Secretary of State's Office, MVRs are sold every day. Governor Blagojevich has, I think, suggested an increase in the fee to insurance companies. Those are sold every day. Those are private records and I did not misspeak on that issue. I think this is a good bill. It will help Illinois consumers and it will streamline. And in response to another speaker about this being some of the -- the borrowers in the State that may most need the loans, this will help every

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borrower in the State. I don't care if you're buying a million-dollar house and needing a loan or if you're having a car loan. It works to help everybody. It's a good piece of legislation. I don't think the House was misguided with all those positive votes. It's a very good piece of legislation. It went through the process. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1161 pass. Those in favor will vote Aye. Those 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, the Ayes are 29, the Nays are 28, 1 voting Present. House Bill 1161, having failed to receive the required constitutional majority, is declared lost. Senator Brady.

SENATOR BRADY:

Could I request that we extend the deadline and postpone consideration?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Postponed Consideration is -- is granted. The other we'll take under advisement. All right. Ladies and Gentlemen, we will go down to the bottom -- middle of the page, same page 58. 1281. Senator Cullerton. It's a recall. All right. Senator Cullerton seeks leave of the Body to return House Bill 1281 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1281, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 5, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. This was the subject of our Judiciary Committee meeting this morning. It's the death penalty reform amendment and asks for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton moves the adoption of Amendment No. 5. Is there discussion? Senator Collins.

SENATOR COLLINS:

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Thank you, Mr. President. I'm sorry. On Senate -- on House Bill 1161, I was not at my -- my desk, and I want to be recorded as a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so indicate that that was your intention. Senator Cullerton has moved the adoption of Amendment No. 5. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Cullerton, you wish to proceed? On the Order of House Bills 3rd Reading is House Bill 1281. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1281.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. You may recall that we passed a Senate bill dealing with death penalty reforms, which is over in the House. The House had some additional provisions that they wanted added and so we are working on both bills at the same time. I'll just highlight some of the things that were added through the -- from the House. The -- the bill will also add a Capital Punishment Reform Study Committee which would include a State's Attorney Appellate Prosecutor to make a -- an appointment, which is in addition to what the House wanted. We also have a pilot program for videotaping. As you may recall, we passed a videotaping bill that Senator Obama sponsored dealing with videotaping of confessions and interrogations. That doesn't take place for two years. So this pilot program will help us work out the kinks in that program in the next two years. There -- as I indicated initially, there is full support for this bill, with one exception. The Sheriffs' Association and the Federation of

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Police do object to one provision in the bill. We tried to accommodate them as best we could, but they're basically philosophically against this and here's what it's about. There's a concern that if police officers commit perjury in a homicide case, that they're not able to be prosecuted by prosecutors. That's a concern. Whether it's true or not is -- is up for question, but the Governor's task force on the death penalty reform suggested that we allow for a way in which police officers could be decertified after a hearing with due process to determine whether or not they should lose their ability to be a police officer. And so we set up a very elaborate process whereby the Illinois Law Enforcement Training Standards Board, using a -- a -- an administrative law judge, can conduct a hearing and by a two-thirds vote, using a -- a standard of preponderant -- clear and convincing evidence, which is a very high standard in a -- in a civil case, to find that that person would be decertified. We -- we add a statute of limitations for it, and I -- I really think that -- and hopefully it would never, ever be used, because hopefully the -- the fact that it exists might have the effect of discouraging any potential perjury during a homicide case. But that's what it does. The rest of the bill, quite frankly, includes everything that we had passed when we passed our death penalty reforms. I'd be more than happy to answer any questions and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Dillard.

SENATOR DILLARD:

Thank -- thank you, Mr. President. Very quickly, I just want to thank Senator Cullerton for all of the hard work and time he has put in over a -- actually a multi-year period on this, but a lot in this Session. Senator Roskam put in a lot of time, and I don't want to speak for Senator Roskam, but I know he was our leader on the death penalty question last year and he is comfortable with this. And I want to commend Senator Roskam, Senator Cullerton, a lot of people for a lot of hard work, and Pete Baroni of our staff, who has lived with this for a couple a year period. And I believe this is an excellent bill and we should all vote Yes. Thank you.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in support of this legislation, despite how my good friend voted on the last bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Cullerton may close.

SENATOR CULLERTON:

Yes. I would just ask for an Aye vote. I think this has got really the makings of a model statute for the rest of the nation, and I hope that we can lead the way in these reforms.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill -- I'm sorry. The question is, shall House Bill 1281 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none voting Present. House Bill 1281, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, turn the page. Page 59 is 1373. Senator Dillard. On the Order of House Bills 3rd Reading, top of page 59, is House Bill 1373, Madam Secretary.

SECRETARY HAWKER:

House Bill 1373.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This bill would allow what more than forty states allow in the United States on a permissive basis - so, it's optional - for law enforcement agencies in the State to use something known as a voice stress analyzer. This would be in addition to their potential use of polygraph examinations and, again, it's optional to the State Police. The Law Enforcement Training and Standards Board would set the rules

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for the use of these, and the training of these, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 1373 pass. Those in favor will vote Aye. Those opposed will 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, the Ayes are 58, the Nays are none, none voting Present. House Bill 1373, having received the required -- constitutional majority, is declared passed. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

I rise, Mr. President, because my light did not come on. I wanted to vote Yes. Please let the record show.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Our electronic device will so indicate and your comments will be recorded in the transcript. 1382. Senator Garrett seeks leave of the Body to return House Bill 1382 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1382, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

Yes. With the permission of the President, what I'd like to do is hold Amendment No. 3 and adopt Senate Amendment No. 4. I don't know if that's possible. ...Senate Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Having voted on the prevailing side, Senator Garrett moves to table Amendment No. -- Amendment No. 3. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Leave is granted. Senator Garrett now moves to table Amendment No. 3. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is tabled. Further amendments?

SECRETARY HAWKER:

Floor Amendment No. 4, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Garrett.

SENATOR GARRETT:

Basically, Amendment No. 4 adds some technical language, and the basic context of the amendment says that the court must consider, but not be limited to, the following factors when deciding whether to enjoin removal of a child: Number one, the extent of previous involvement with the child by the party seeking to enjoin removal; number two, the likelihood that parentage will be established; and three, the impact of the financial, physical, and emotional health of the party being enjoined from removing the child.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is -- Senator Garrett has moved the adoption of Floor Amendment No. 4. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1382. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1382.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

Yes. House Bill 1382 amends the Illinois Parentage Act of 1984 and provides that in any action brought under the Act for the initial determination of custody or visitation of a child or for modification of a prior custody or visitation order, the court may enjoin a party having physical possession or custody of a child from removing the child from Illinois pending that the issues of custody and visitation are addressed. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 1382 pass. Those in favor will vote Aye. Those opposed

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will 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, the Ayes are 58, the Nays are none, none voting Present. House Bill 1382, having received the required constitutional majority, is declared passed. Page 60, Ladies and Gentlemen. Page 60, at the top, is 1411. I'm sorry. 1434. Senator Haine. Senator Haine on the Floor? Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

I rise because there's something wrong with my Yes button. Every time I press it, it does not register a vote. And I'd like to -- to vote Yes for the last bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do we have an electrician within the sound of my voice? He's calling him right now. Won't work without it being activated, so we don't know until the electrician shows. Well, let's see how far we can get here anyway. Let's -- 1458. Senator Walsh. 1462. Senator Link. 1475. Senator Shadid. On the Order of House Bills 3rd Reading is House Bill 1475. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1475.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. House Bill 1475 establishes the Heart of Illinois (Regional) Port District and is patterned after the current Mid-America Intermodal Port District Act that was created a few years ago for the Quincy area. The new port district would include the counties of Peoria, Fulton, Tazewell, Woodford, Marshall and Mason counties, with the exception of Havana Township. Havana Township is not included -- since it is already a part of the Havana Port District. This bill permits the district to issue revenue bonds and to fix and establish rates, charges and fees for the use of facilities that will be used to retire the revenue bonds. The district may accept grants, loans, and appropriations from the federal government,

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as well as State government. The district does not have the power of eminent domain, may not levy a property tax nor issue general obligation bonds. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. I just rise in support of the bill. It's an important bill for our area. It's a jobs bill, and I would urge the -- the Republicans on this side of the aisle to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 1475 pass. Those in favor will vote Aye. Those 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, the Ayes are 57, the Nays are 2, none voting Present. House Bill 1475, having received the required constitutional majority, is declared passed. 1480. Senator Trotter. 1480. Madam Secretary, House Bill 1480, please.

SECRETARY HAWKER:

House Bill 1480.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. House Bill 1480 creates a new Act. It creates the Banking Development District Act. It -- it's a program to encourage the establishment of banking branches and locations where there is the greatest need for banking services. It requires the State Treasurer, in consultation with the Office of Banks and Real Estate, to adopt rules that set forth criteria for the establishment of banking development districts. This was a issue that went through the Financial Institutions Committee. I did meet -- talk with the Members. They advised me that they would move it out of the committee, that we would go into discussions with the Treasurer, along with DCCA. DCCA has decided that it did not want to be involved with this particular

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piece of legislation, and the banking industry, which was opposed to it, is now in favor of the legislation. And I ask for a affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 1480 pass. Those in favor will vote Aye. Those 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, the Ayes are 59, and the Nays are none, and none voting Present. House Bill 1480, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we are now going to skip over to the two appropriation bills, it's my understanding. If you turn your page to page 64, please. Page 64. At the bottom of the Calendar, is House Bill 2685. Madam Secretary, 2685.

SECRETARY HAWKER:

House Bill 2685.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is one of two appropriation bills that were passed out of committee this week. This bill takes care of seven different recipients of money from the State: East St. Louis (Financial) Advisory Authority, Guardian {sic} Advocacy Commission, Illinois Commerce Commission, Law Enforcement Training and Standards Board, Department of Professional Regulation, State Fire Marshal and State Police Merit Board. Most of the money in this is not from General Revenue. It's mostly pass-through from federal sources. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to concur with Senator Welch that most of the money involved here is not General Revenue. That that is General Revenue is less than one half of one percent of the

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budget. These are generally noncontroversial agencies, things that have pretty well been agreed to. The only concern I have relates not to this bill, but to the fact that we've not yet begun to discuss revenue. Although I'm quite certain we'll eventually have revenue to pay for these bills, we really -- before we spend any money, it would be nice if we could be talking about revenue as well. For that reason, I would certainly encourage folks on this side of the aisle to -- it's certainly safe to vote for these, if you would like to do that, even though we haven't discussed revenue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall House Bill 2685 pass. Those in favor will vote Aye. Those 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, the Ayes are 58, the Nays are none, none voting Present. House Bill 2685, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, let's -- leave of the Body, page 65, at the bottom, for this next appropriation bill. Page 65 is 2730. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2730.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. Like the last bill that we voted on, House Bill 2730 includes those smaller commissions and agencies that are being appropriated at the Governor's recommended level, and to continue the appropriation process, we would like to have a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you. I want to follow what Senator Radogno had mentioned. There is a concern, with ten days left, that we have yet to see details regarding this budget. We have yet to see

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the Governor's proposed revenue to pay for what is happening and I hope this is not -- while these are issues that have been, I think, all agreed to, I guess our concern is that we've yet to see the other parts of the budget. There have not been serious discussions going on or meetings going on. And maybe a question for the sponsor is, do we have a timetable of when we anticipate seeing the Governor's proposed revenue to pay for this year's budget?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

That -- that is predicated on a couple issues. As you are well aware, not only has he come up with his charge-back plan as well as his raising fees, but also that -- what hasn't come out in consideration yet is the findings of the Gaming Task Force, which I think will be a key component of how we're going to pay for this. So, I cannot address when that task force will be complete with their work. Certainly I would hope it'd be by next week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Syverson.

SENATOR SYVERSON:

Guess our concern is that -- so as far as you know, there has not been any legislation introduced on behalf of the Governor to address the -- all the discussed revenue enhancements that have been proposed at this point? There's no bill out there that is moving in the House or here that has any specific language on it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

To specifically answer your question, there is no specific bill, but as you're aware, we've passed out many bills that certainly can accommodate that as soon as we get it so we can expeditiously get it -- pass it through. All of us are concerned that we only have a few days left, and as -- to my knowledge, we are going to get out of here on time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Syverson.

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SENATOR SYVERSON:

Again, let me just say, we -- I appreciate that, Senator, and I know you've been trying to work hard with our side of the aisle in getting this done and we just want to raise those issues. I think these are noncontroversial points that everyone has agreed to. So, thank you for your time, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Trotter may close.

SENATOR TROTTER:

Again, this is just so we can continue with the appropriation process. By moving these bills out today, certainly will be a large step in that direction, and I ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 2730 pass. Those in favor will vote Aye. Those 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, the Ayes are 58, the Nays are none, 1 voting Present. House Bill 2730, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, back to page 61. With leave of the Body, we shall return to page 61. I beg your pardon. Page 60. Page 60. 1482. Senator Link. Senator Link, we are on page 60. All right. 1487. Senator Cullerton. 1489. Senator Walsh. On the Order of House Bills 3rd Reading is House Bill 1489, Madam Secretary.

SECRETARY HAWKER:

House Bill 1489.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1489 is a very similar bill to Senate Bill 1023 that we passed out earlier. This is the bill that allows the county collector to charge twelve dollars, instead of the now ten dollars, for the -- from the proceeds of each tax sale of delinquent property to cover the cost of registered and

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certified mail. The House had one additional language in here that says that it also provides that a person is ineligible to bid on or purchase a property of delinquent taxes if that person has failed to complete a purchase at an immediately preceding scavenger sale. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

He -- he surely yields. Senator Lauzen.

SENATOR LAUZEN:

Senator Walsh, this is -- as you described it in your opening, this is the twenty-percent increase in the fee that's charged for this. So this is a -- a fee increase mandated?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walsh.

SENATOR WALSH:

Senator, this is a request from the county collectors that in order to cover the increased postage of registered and certified mailings and the cost of advertising to announce the fact that individuals that have not paid their taxes, that they have to go to a property sale, that they are asking that two additional dollars come from those proceeds instead of asking the taxpaying citizens that have paid their taxes to incur additional costs from their taxes to pay for the same services.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- Senator Lauzen.

SENATOR LAUZEN:

Well -- so, Senator, I guess the answer to that question is, yes, it is a twenty-percent tax increase for a use that you feel is justified. It says in the language of the bill "shall". So I -- I'll assume that it's a -- a yes on that. The second thing is, is that there's a very significant change between Senate Bill 1023 and House Bill 1489 in that it raises the fee on the taxpayer, the person who's trying to recover his or her home, not the tax-buying business -- or, where it used to be paid by the business owner who is the tax buyer, this bill now

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shifts -- in the language at the bottom of the bill, it shifts it to the individual trying to recover his home. Isn't that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walsh.

SENATOR WALSH:

Senator, it's the exact same language in that regard from Senate Bill 1023. The only addition -- the only change is the fact that if a person purchased a piece of property in the preceding year's tax sale and did not pay for that purchase, then they are being disqualified from participating in this year's tax sale.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

Senator Walsh, I -- I would -- Senator Walsh, I would ask you to take a look at the actual language that I have in my hand that one is the lower fee; this one is the higher fee. And so, I would ask you to take a look at that. And then to the bill, I would ask the people who are considering voting for this, can you imagine if you were in the position of trying to recover and buy back your home because you had gotten behind on your property tax bill, having the fee on you raised? This is -- this is going to be used to -- it used to be paid by the guy who's making the profit buying houses this way and now it's shifting from the tax buyer to the taxpayer. I suggest that this is a No or a Present vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Walsh may close. Question is, shall House Bill 1489 pass. Those in favor will vote Aye. Those oppose will 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, the Ayes are 34, the Nays are 24, none voting Present. House Bill 1489, having received the required constitutional majority, is declared passed. 1514. Senator Link. Mr. Secretary, 1514, please.

ACTING SECRETARY HARRY:

House Bill 1514.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Has the amendment been added on to this bill? Could I ask that question first? This has been amended, correct? Then Amendment 2 is on this bill? Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Secretary indicates that both 1 and 2 have been adopted.

SENATOR LINK:

Okay. Thank you. I just wanted to have that... Senate Bill {sic} 2 changes the bill. It allows that the voters of a conservation district that are entirely within one county to dissolve the conservation district and incorporate it as a forest preserve district by referendum. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senator Link, on line 21, page 2 of the bill, it states, "The resulting forest preserve district shall not be deemed to be the legal successor or assign of the dissolved conservation district." If this language intended -- is this language intended to cover all contracts and bonds of the former conservation district or only bonds of the conservation district outstanding and unpaid at the time the conservation district is dissolved? And I ask that question for legislative intent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Senator Peterson. The language in this bill is intended to cover only bonds of the conservation district outstanding and unpaid at the time the conservation district is dissolved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? If not, the question is, shall House Bill 1514 pass. Those in favor will vote Aye.

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Those 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, the Ayes are 59, the Nays are none, none voting Present. House Bill 1514, having received the required constitutional majority, is declared passed. 1543. 1543. Senator del Valle. Senator del Valle. Bottom of the page. Senator del Valle seeks leave of the Body to return House Bill 1543 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1543, Mr. Secretary.

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The amendment becomes the bill. I'll be glad to explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator del Valle has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1543. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 1543.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This amendment on House Bill 1543 is the product of discussions with the Illinois Board of Higher Education, the Bureau of the Budget, the Governor's Office and the universities, and it reflects an agreement to change from lump sum budgeting for the universities to a budget

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that breaks down the appropriation by the categories described in the bill. It also requires that within a hundred and twenty days after the conclusion of each fiscal year, each State-supported institution of higher learning will provide through IBHE a financial report to the Governor and the G.A. documenting the institution's revenue and expenditures for funds for that fiscal year. The purpose of that provision is so that we get a look at the total university appropriation, not just the GRF proportion. I'll be glad to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 1543 pass. Those in favor will -- will vote Aye. Those 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, the Ayes are 58 the Nays are none, none voting Present. House Bill 1543, having received the required constitutional majority, is declared passed. 1580. 1580. Senator -- President Jones? 1580, bottom of page 60. Top of page 61, Ladies and Gentlemen, is 1632. Senator Martinez. On the Order of House Bills 3rd Reading is House Bill 1632. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 1632.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. This defines telemarketing. Requires telemarketers who offer free goods or services to Illinois consumers on a trial basis and then assess periodic fees or charge for the goods or services at the end of the free trial period to send to any consumer who accepts the free goods or services an invoice that the consumer may use to pay the periodic fee or charge or indicate the consumer no longer wishes to receive the goods or services after the end of the free trial period. A violation of this Section constitutes an unlawful practice within the meaning of this Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? If not, the question is, shall House Bill 1632 pass. Those in favor will vote Aye. Those 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, the Ayes are 57, Nays are none, none voting Present. House Bill 1632, having received the required constitutional -- constitutional majority, is declared passed. 1729. Senator Clayborne. 2136. Senator Cullerton. On the Order -- on the Order of House Bills 3rd Reading is House Bill 2136. Senator Cullerton seeks leave of the Body to return House Bill 2136 to the Order of 2nd Reading for the -- for an -- for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2136, Mr. Secretary.

ACTING SECRETARY HARRY:

Amendment No. 3, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President. Amendment No. 3 was suggested by some of the opponents to the bill. We worked the amendment out after the -- adopting the first -- the second amendment, and move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Cullerton has moved the adoption of Amendment No. 3 to House Bill -- 2136. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

ACTING SECRETARY HARRY:

Amendment No. 4, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Amendment No. 4 just adds a requirement that certification for confidential intermediaries include a course in training on applicable privacy laws.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Cullerton has moved the adoption of Amendment No. 4 to House Bill 2136. Is there discussion? If

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not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 2136, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2136.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill proposes some improvements to the confidential intermediary and non-identifying information sections of the Adoption Act. The bill again, as I indicated, was amended to try to address some of the concerns of some of the opponents. This bill deals with adult adoptees, that is, adoptees who are over the age of twenty-one. And it maintains the fundamentals and principles of confidentiality and mutual consent and continues to protect the privacy of those who wish to remain anonymous. But it also -- and allow for birth parents of adult adoptees over the age of twenty-one to petition the court for the appointment of a confidential -- intermediary. There's also language in here which is designed to make sure that we -- we are in compliance with the HIPAA legislation that just went into effect in February, and it's also supported by organization like Adoptive Families Today, which is an organization of adoptive parents. So, be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 2136 pass. Those in favor will vote Aye. Those 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, the Ayes are 56, the Nays are none, none voting Present. House Bill 2136, having received the required

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constitutional majority, is declared passed. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR SIEBEN:

Thank you, Mr. President. We have with us today in the gallery behind the Republican side, a group of students from the northernmost point in the State of Illinois, the northern side of my district. In fact, from their classrooms, I believe they can look out and see the State of Wisconsin. We have with us today, from Scales Mound, eighth-graders. Their class is here for a short visit. Please welcome them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Our guests in the gallery please rise? Welcome to Springfield. All right. 2188. Senator Schoenberg. On the Order of House Bills 3rd Reading is House Bill 2188, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2188 is an initiative of the Attorney General and it relates to identity theft. The language in the bill was substantially modified after agreement -- after negotiation, I should say, with the Retail Merchants Association, the Bankers Association and the Financial Services Association. It provides people with protections -- greater protections against having their credit reports using -- being used fraudulently to secure credit in someone else's name. There are specifically mechanisms for -- there's specifically mechanisms for utilizing -- that if someone utilizes a credit report, to notify the applicant that they've been a victim of identity theft, that they have to verify the identity of the

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applicant and confirm that the application is not the result of identity theft before lending the person any money or extending any credit. And -- and as well, it also provides that a card issuer who mails an offer or solicitation to apply for a card and receives a complete application and the address does not match the address on the offer or solicitation, they can't receive that credit card. It can't be provided until there have been reasonable steps made to verify the correct address. There's no known opposition. I urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall 2188 pass. Those in favor will vote Aye. Those opposed will 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, the Ayes are 57, the Nays are none, none voting Present. House Bill -- 2188, having received the required constitutional majority, is declared passed. 2200. Senator Clayborne. 2219. Beg your pardon. 2221. Senator Ronen. 2234. Senator Schoenberg. 2280. Senator Ronen. 2329. Senator Lightford. On the Order of House Bills 3rd Reading, bottom of page 61, is House Bill 2329. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2329.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a vehicle bill that would provide for the increase in the MAP grant award. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall -- Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Sponsor indicates she will yield. Senator Roskam.

SENATOR ROSKAM:

Senator Lightford, is this initiative in the Governor's budget?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

I apologize, Senator. I missed the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

That's okay. Is this initiative in the Governor's budget?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Roskam, I'm not sure. I know that there's -- we're still trying to refine and work on the budget. I do know he did speak of the increase for the following year although, in his State of the President's {sic} address. So, I'd like to just have it there available. If we're successful in allowing this to happen, it will go to him as a vehicle and the funding would be added in that bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

In this -- Senator Lightford?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Senator Lightford, is this a vehicle bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Mr. President, yes, it is a vehicle bill and I'd like to have it stricken from the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take it out of the record. 2331. Senator Cullerton. 2332. Senator Lightford. On the bottom of page 61 is House Bill 2332, Mr. Secretary.

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ACTING SECRETARY HARRY:

House Bill 2332.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. This is legislation that would provide for science curriculum materials. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- is there discussion? Senator Wendell Jones. I beg your pardon. Further discussion? If not, the question is, shall House Bill 2332 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill -- 2332, having received the required constitutional majority, is declared passed. Okay, Ladies and Gentlemen, turn to page 62. Top of page 62. 2345. Senator -- Senator Schoenberg. 2352. Senator del Valle. del Valle. House Bills 3rd Reading is House Bill 2352. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2352.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Back in September of -- 202 {sic}, a -- a Task Force on Assessment and Accountability was established by the State Superintendent and it was co-chaired by Mr. Robert Nielsen, Superintendent of Bloomington District 87. What we have in this bill is -- is the work product of that task force. It's for the purpose of meeting the requirements -- assessment and requirements of the federal No Child Left Behind Law and having our assessment system be in line with the Illinois learning standards established in Illinois. It does

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increase the amount of testing but that came out of the federal No Child Left Behind Law. Our hope is that at some point we'll have a uniform statewide assessment system that will allow school districts to, if they so desire, eliminate some of the local testing that they do. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill: This bill is one of the those things that we're darned if we do and darned if we don't. As we all know, this Body has had a tremendous amount of discussion - or at least those of us that have been here a few years - this Body's had a tremendous amount of discussion relative to testing, the fact that we change the testing procedures every year or every other year. School districts have not been able to get a good idea, a good handle on what their students are doing in their assessments. Well, here we go again. Now, this is a federal -- we're doing this to comply with the federal No Child Left Behind Act. Now, I gave my speech in committee but I feel remiss -- I would feel remiss if I didn't give it here on the Floor. I love President Bush. I think he's doing a great job. No Child Left Behind is a mistake. This is not a good bill and from my perspective, I know we give up federal dollars if we don't pass this, Senator, but I just have a hard time voting for another testing procedure, that actually we're going to make school districts ultimately give up the test procedures they're comfortable with. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in strong support of this bill and this is the -- the policy that the -- that the -- our President ran on and was elected. It's a policy that we saw first hand, a number of legislators who traveled down to Texas, and saw some remarkable, remarkable things going on down there. African-Americans, Mexican-Americans moved from lower percentile achievement levels to the ninetieth, ninety-fifth percentile in

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reading and math. This policy can work. I want to commend Senator del Valle and the State Board and the Task Force for all the work. It's painful. Senator Burzynski points out some of the issues. It's painful, testing. We don't want to take up more time in the classroom, no doubt. And, in fact, there's an amendment on this bill that encourages and uses rather strong language to suggest that this test, "the test," will become just that, the one and only test that they need, that it will replace all other tests. It is not our wish, and let me state clearly for the record, legislative intent or otherwise that it is not our intent and, in fact, it is our specific goal that this becomes the test that all schools adopt and they will need no other test and that there need not be additional time taken away from instruction in classroom because this is the test that will measure children. We will be able to discover and find out which kids need help and then we can get the help to the kids that need it. This is about identifying children that are falling behind and getting them the resources that they need to catch up. This is a good bill. This is a good policy. This is the direction that education is going. Get on board and let's make it work for all of us. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. I have referred to this piece of federal legislation as the "No Child Left Untested Act," and I believe that -- you know, we keep taking our clues from the federal government. I knew this one was bad when George W. Bush and Ted Kennedy agreed with it. It's sort of like having an agreed bill with Carol Ronen and Wendell Jones on the same bill. I'm going to vote for this bill because the federal government keeps telling us what we have to do even though they only pay seven percent of the -- of the cost of education in this country. Some day we ought to tell 'em to stop using our dollars to bribe us. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there further discussion? If not, Senator del Valle may close.

SENATOR DEL VALLE:

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Well, I'd like to join my colleagues in -- in their criticism of the President on -- on this issue - on this issue - but we do have to comply. It is the federal law. We do get over two billion dollars from the federal government for education, and so I think we -- we have no other choice. But I do want to point out that there are some things here that are -- are important to point out at this point and that is that we are going to test children from three to eight every year in reading and math, which will allow us to -- to better monitor their progress, and we're also going to test writing, writing at the third, fourth, sixth and eighth-grade levels. We're also going to be testing social sciences. And our hope is, as -- as Senator Cronin stated - and I really appreciate the work that Senator Cronin has done on this issue over the years - but our hope is that the school districts voluntarily will eliminate the local testing, such as the Iowa that is being used, so that the day will come when we will only have one test and it will be a statewide test. There'll be uniformity and we won't burden these children with -- with all these tests. But for those who believe in local control, you know, it was important to allow the school districts to make that decision. We could have put in this bill no more testing beyond this test, but then we would have had a lot of people complaining about how we're taking the local control away from school districts and school boards. So, it's not the best in the world, but I think it does move us forward. So, I -- I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 2352 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 voting Present. House Bill 2352, having received the required constitutional majority, is declared passed. Madam Secretary, Message from the President.

SECRETARY HAWKER:

A Message from the President, dated May 16th, 2003.

Dear Madam Secretary - Pursuant to Senate Rule 2-10, I hereby establish December 31, 2003 as the Third Reading deadline

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for the following Legislative Measures: All House bills on Third Reading on May 16th, 2003 Senate Calendar; all House bills on Second Reading on May 16th, 2000 {sic}, Calendar; and all Senate and House Bills on Consideration Postponed on the May 16th, 2003 Senate Calendar.

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Messages from the House.

SECRETARY HAWKER:

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

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

House Bills 3741, 3749, 3750, 3752, 3755, 3756, 3758, 3760, 3761, 3762, 3763, 3765, 3769, 3773, 3778, 3779, 3790, 3794, -- pardon me, I'm sorry, 2289, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3739 and 3738 and 3788.

Passed the House, May 16, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Ladies and Gentlemen, let me just indicate to you that it's my understanding this effectively has completed our work. However, we are going to do House Bills 1st Reading. We are going to have a Rules Committee. We will be recessing during the Rules Committee. We will come back and read in the Rules Committee Report, and then for all practical purposes, that, in fact, will finish our day. Now, the adjournment resolution will be read in just a moment and I don't -- not sure what that -- what that is. Resolutions. Let's do the adjournment resolution. Message from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the -- following House Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 37.

(Secretary reads HJR No. 37)

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Adopted by the House, May 16, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Welch moves to suspend the rules for the immediate consideration and adoption of House Joint Resolution 37. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Our rules are suspended. Senator Welch now moves that the House Joint Resolution 37 be adopted, which calls for us to come back at the hour of 4 o'clock next Monday. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Resolutions.

SECRETARY HAWKER:

Senate Resolution 160, offered by Senator John Jones. It is a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Just a moment. Senator Trotter, for what purpose do you -- do you rise? Senator Trotter.

SENATOR TROTTER:

Thank you, Mr. President. A point of inquiry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir. Ladies and Gentlemen.

SENATOR TROTTER:

Yes. For the bills that remained on the Calendar, are you extending the deadline on those bills?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The letter from the President had just been read in. I'm not privy...

SENATOR TROTTER:

I guess I didn't hear it. Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...privy to the -- if it was all inclusive or if it was just on individual bills. I'm not really sure. I'm sure that our staff is going to tell you in a minute. The last resolution, Resolution 160, Resolutions Consent Calendar. Ladies and Gentlemen, I've also just been reminded that you ought to be filing your -- your motions to concur as quickly as you can so we can get that order of business too. Madam Secretary, have there been any objections filed to the Resolutions Consent Calendar?

SECRETARY HAWKER:

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There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch moves the adoption of the Resolutions Consent Calendar. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Resolutions Consent Calendar is adopted. House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 2289.

(Secretary reads title of bill)

House Bill 3726.

(Secretary reads title of bill)

House Bill 3727.

(Secretary reads title of bill)

House Bill 3728.

(Secretary reads title of bill)

House Bill 3729.

(Secretary reads title of bill)

House Bill 3730.

(Secretary reads title of bill)

House Bill 3731.

(Secretary reads title of bill)

House Bill 3732.

(Secretary reads title of bill)

House Bill 3733.

(Secretary reads title of bill)

House Bill 3734.

(Secretary reads title of bill)

House Bill 3735.

(Secretary reads title of bill)

House Bill 3736.

(Secretary reads title of bill)

House Bill 3737.

(Secretary reads title of bill)

House Bill 3738.

(Secretary reads title of bill)

House Bill 3739.

(Secretary reads title of bill)

House Bill 3741.

(Secretary reads title of bill)

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House Bill 3749.

(Secretary reads title of bill)

House Bill 3750.

(Secretary reads title of bill)

House Bill 3752.

(Secretary reads title of bill)

House Bill 3755.

(Secretary reads title of bill)

(House Bill 3756 inadvertently not read into the record)

House Bill 3758.

(Secretary reads title of bill)

House Bill 3760.

(Secretary reads title of bill)

House Bill 3761.

(Secretary reads title of bill)

House Bill 3762.

(Secretary reads title of bill)

House Bill 3763.

(Secretary reads title of bill)

House Bill 3765.

(Secretary reads title of bill)

House Bill 3769.

(Secretary reads title of bill)

House Bill 3773.

(Secretary reads title of bill)

House Bill 3778.

(Secretary reads title of bill)

House Bill 3779.

(Secretary reads title of bill)

House Bill 3788.

(Secretary reads title of bill)

House Bill 3790.

(Secretary reads title of bill)

House Bill 3794.

(Secretary reads title of bill)

They're all being sponsored by Senator Donne Trotter.  
1st Reading of those bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Message from the President.

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SECRETARY HAWKER:

A Message from the President, dated May 16, 2003.

Dear Madam Secretary - Pursuant to Senate Rule 2-10, I hereby establish May 31, 2003 as the final Committee and Third Reading deadlines for the following House Appropriation Bills: 2289, 3726, 3727, 3728, 3729, 3730, 3731, 3733 {sic} (3732), 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3741, 3749, 3750, 3752, 3755, 3756, 3758, 3760, 3761, 3762, 3763, 3765, 3766 -- 69, pardon me, 3773, 3778, 3779, 3788, 3790 and 3794.

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, the Senate will stand in recess while the Rules Committee meets. We'll be coming back in -- just momentarily. Stay put.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

The Senate will come to order. Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairperson of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to Appropriations I Committee - House Bills 2289, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3739, 3741, 3749, 3750, 3752, 3755, 3756, 3758, 3760, 3761, 3762, 3763, 3765, 3769, 3773, 3778, 3779, 3790 and 3794.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any further business to come before the Senate? There being no further business, the Senate will stand adjourned until Monday, the 19th of May, at the hour of 4 o'clock. Senate stands adjourned.