

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

62nd Legislative Day

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PRESIDING OFFICER: (SENATOR WELCH)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Everybody rise. The invocation today will be given by the Reverend Stuart Liegey, Ashland Church of Christ, Ashland, Illinois. Reverend Liegey.

THE REVEREND STUART LIEGEY:

(Prayer by the Reverend Stuart Liegey)

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine, for what purpose do you seek recognition?

SENATOR HAINE:

Mr. President, I move that the reading and approval of the Journal of Wednesday, November the 5th, in the year 2003, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. There is a request for leave for members of the media to take photos, record the Session or film. WICS-Channel 20 Springfield, Illinois Information Service, Univision-Channel 66 Chicago, Telemundo, La Ley Radio and WLS-TV. Is there any objection? With leave of the Body, leave is granted. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 305, offered by Senator Clayborne and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 306, offered by Senator Garrett. It is substantive.

PRESIDING OFFICER: (SENATOR WELCH)

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Committee Reports.

SECRETARY HAWKER:

Senator Schoenberg, Chairperson of the Committee on State Government, reports Senate Amendment No. 5 to House Bill 700 Be Adopted.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions, reports Senate Amendment No. 1 to House Bill 610 Be Adopted.

Senator Trotter, Chairperson of the Committee on Appropriations I, reports Senate Amendment No. 2 to House Bill 2696 Be Adopted.

PRESIDING OFFICER: (SENATOR WELCH)

If everyone in their offices could please come to the Floor, we're going to go immediately to 3rd Readings. So would the Secretaries please tell their Senators to come up here? Would the Members please come to the Floor? We're going to go to Senate Bills 3rd Reading. Senate Bill 67. On page 2 of the Calendar is the Order of Senate Bills 3rd Reading. This is final action. Senate Bill 67. Senator del Valle. Senator del Valle, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 67.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 67 was amended yesterday. We adopted Amendment No. 2 and Amendment No. 3. I explained Amendment No. 2 yesterday and also talked about Amendment No. 3. What I'll do is quickly go over the -- once again, the provisions of the bill and then we'll open it up for -- for debate. Senate Bill 67 would allow individuals who do not have a Social Security number to be able to obtain a driver's license under these conditions outlined in this bill. It calls for identifiers to be required, primarily the passport and the birth certificate. It also would require an ITIN number, an individual tax identification number. The passport and the birth certificate would have to be -- or, would undergo

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scrutiny. We would have to ensure that they are original documents and they would have to be verifiable with the issuing agencies. If the documents are not verifiable, then a driver's license application would be rejected. And so they would have to be verifiable. In addition to that identification requirement, there's additional requirements that would establish where the person resides, and the Secretary of State would certainly determine what utility bills would be required and -- and other forms of determining the individual's address. Other requirements would include a person signing an affidavit stating that they are not able to get a Social Security number and that they will file an application to become a permanent resident of the United States as soon as they are eligible to do so. Again, here we have individuals who are here because they want to be in this country. They are contributing. They are paying taxes and they want to comply with local laws. And they are individuals who want to become naturalized citizens, and as soon as federal action is taken on this matter - and as I said yesterday, I anticipate it -- that it will - these individuals will, I'm sure, want to begin the process of becoming naturalized citizens. In this bill, by requiring the ITIN number as one of the many requirements, we are also allowing these individuals to ensure that they have proper recordkeeping that will then be useful to them and even will be required by the legalization legislation that right now is before Congress. The bill also would require that any individual who has obtained a -- a driver's license or State ID through the use of a -- of a fake Social Security number or -- or -- or other means, that that be surrendered at the driver's license facility. We feel that one of -- one of the -- the goals - important goals - of this bill is to reduce the demand that there is out there for false identifications through the market and this bill would certainly accomplish that. So, in addition to these items, we also state in the bill that none of the changes made affect commercial driver's licenses, school bus driver's permits or the issuance of State IDs. Now, in order to pay for this, there is a fee built into the bill, a -- a fee differential. As you know, currently, it costs ten dollars to get a driver's license. This bill would include an additional fifty-dollar fee that

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would require -- or, be required in order to cover the cost of processing and doing the verifying and doing all the work that needs to be done in order to ensure that the person's identity is established and that the license is issued. The fee, the fifty-dollar fee differential, would be a dedicated fund that would go directly to the Secretary of State. We amended the bill with Amendment No. 3 to include two provisions that came as a result of the discussions with legislators and other interested parties, one being that the Secretary of State shall provide that there shall be a clear and distinct visual difference between driver's licenses issued to individuals. And the other one is that the Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and -- and identifying ineligible Firearms Owner's Identification Card applicants. We want to make sure that no one who obtains a driver's license through this process is able to obtain a FOID card. And we want to make sure that there is a way of identifying the differences in the driver's licenses. So those are the primary provisions. We'll be glad to answer questions at this time.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. You know, I've -- Ladies and Gentlemen, as I've said on the Senate Floor before, I've lived in Aurora, Illinois, for my entire life. Thirty-five percent of my neighbors are Hispanic and twenty-five percent are African-American, and I respect and enjoy my neighbors. Legal immigration is good. Illegal immigration is not. Illegal immigration is neither compassionate nor moral for those who are exploited by trade in their misery, nor fair to current citizens and legal residents of this country. Until our federal government acknowledges and shoulders its responsibilities at our borders, the State of Illinois should not make this situation worse. Legislation that gives illegal immigrants yet another incentive to break the law just begs the question, what's the value of citizenship if you get all the benefits for free? Why work to earn acceptance in a new country when you can merely take the privileges that are handed to you? In the more

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rural areas of my district, the question is, why buy the cow if you get the milk for free? So what are the unique benefits of United States citizenship? Number one, a job? No. Immigration workplace regulations are not enforced. How can citizens and legal residents ever get ahead financially? How can they earn more dollars per hour if there's always a large flow of people applying for your job who will work for a lot less because they're desperate. Number two, free elementary and secondary education? No. We don't even ask legal -- status before paying seven to eight thousand dollars per year per child in already overcrowded classrooms. Number three, two-thirds discount for in-State tuition in our State universities? No. We gave that one away earlier this year. Number four, free health care at emergency rooms? No. Hospitals turn away no one who needs help. Number five, full use of our public lands and environmental resources? No. These are open to all. But number six, and most importantly, the power to vote. With this driver's license law, those who vote Yes will jeopardize the voting policy safeguards of this State. Under the United States Motor Voter law, all applicants are asked if they want to register to vote. In actual practice, proof of citizenship is not required for registration. Therefore, driver's licenses are a gateway to illegal voting. And now number seven, the privilege of driving a car. No, our roads will not be safer when we issue driver's licenses to those already breaking the law. If a person's first act upon entering our country is to break our immigration laws, what real assurance do we have that traffic and insurance laws will represent any more of a meaningful barrier to misconduct? Some people say that even allowing driver's license tests to be taken in Spanish or any other foreign language violates the specific law that made English the official language of the State of Illinois back in 1969. Giving tests in foreign languages not only invites illegal immigrations to apply, it defies logic and common sense, because U.S. road signs are in English. If an applicant is a naturalized citizen, fluency in English was required for citizenship. A driver who does not understand English is a hazard on the road, as the Willis family found out so tragically. Giving more incentives and privileges to illegal

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immigrants causes reason to stare. Over thirty years ago, John F. Kennedy cautioned that full confidence in the integrity of the American law is essential. He said, quote, "...our Nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law" - in this case, the immigration law - "is the surest road to tyranny... Even among law-abiding men few laws are universally loved, but they are uniformly respected and not resisted." He continued, "Americans are free, in short, to disagree with the law but not to disobey it. For...no man, however prominent and {sic} powerful, and no mob however unruly and {sic} boisterous, is entitled to defy a court of law." Ladies and Gentlemen, we should be passing public policy that unites us, rather than divides us. Observance of the law is the common ground upon which we pitch our tent of domestic tranquility and social peace. Please vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Just a -- a -- a brief comment. You know, I feel as if the previous speaker raised a number of issues that are worthy of debate but don't pertain to this bill. So, let me indicate what, as I understand it, this bill is not about. This bill is not about immigration policy. We, at the State level, have no authority over immigration policy. And I think that we can have an interesting discussion about what we're doing to regulate our borders, but that's not what this bill is about. This bill also is not about providing subsidies or benefits to undocumented workers. As Senator del Valle already indicated, we have built in a fee into this law to assure that whatever costs are incurred by the Secretary of State's Office in providing these driver's licenses will be offset. Number three, this bill is not about homeland security. As Senator del Valle already indicated, it is clear that under the provisions of this bill, we would actually have more information and be better able to track those persons who are within our borders that currently operate entirely underground. So, ultimately, what is this bill about? It's a very practical, straightforward proposition. Immigrants to this country don't

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come here simply to drive around. They come here for work. They come here for income and the pursuit of a better life. And since they are here anyway - and we can have a debate about immigration policy, but that's not what this bill is about - what this bill is about is the fact that we have a number of drivers on the road that do not have to get a -- are not getting driver's licenses, are discouraged from getting driver's licenses, are not taking driver's tests and do not have car insurance. And the pretty straightforward, simple proposition of this bill is, is that if they're driving around getting to and fro work, then we should make sure that they have car insurance and that they know the rules of the road. That, it strikes me, is a pretty sensible proposition. And if we focus on what is actually in the bill, as opposed to raising a whole host of red herrings that are not in the bill, then I think that we can have a constructive debate, and I think that ultimately all of us will be persuaded that this is the intelligent course to take. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen. Ladies and Gentlemen, we are not going to have outbursts from in the gallery. The Senate rules prohibit that. If there are further outbursts, we're going to have to clear the gallery. So, please, let everybody talk. We don't need the applause, because the applause doesn't affect the votes anyway. Thank you. Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President. To the bill. Ladies and Gentlemen, Senator del Valle has -- has worked for about ten years on this bill. A lot of my colleagues have stated there's concerns. Some I've heard, about homeland security, threat to national security. Ladies and Gentlemen, as Senator Obama stated, they're here already. We have in place the FBI, CIA. Our government's doing the best job they can in the event of terrorist acts. As I stated, the -- immigrants have been here for decades. They bring in billions of dollars in taxes and contribute billions to our economy. As a law enforcement officer, I'm very much aware of the number of unlicensed and uninsured drivers on our roads today and the problems that arise when an accident occurs. This legislation is intended to

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address these problems. It will tighten the licensing process, go a long way to help lower auto insurance premiums. But most of all, they'll be given a chance to take the test, to see if they can pass the Rules of the Road. They will have to take a test with an instructor to see if, in fact, they can drive. That means a lot, Ladies and Gentlemen. Whether we pass this bill or not today on the Senate Floor, guess what? They're going to be driving out there without a license, without insurance and that's a major problem for me, and it should be a major problem for all of us. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senate -- Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just wanted to point out that Senator del Valle and others have worked long and hard on this legislation to change it around, make it where it works for everybody. I had some issues and the Senator addressed those issues. And I believe he's addressed the issues in a way that makes this -- makes a lot of sense. After all, I have to say to my esteemed colleague who spoke against the legislation, who I have tremendous respect for, this is the land of America. Home of the free. Land of the brave. It's the land of immigrants. There are many nationalities represented in America, represented in this Chamber. Why not give these human beings, who are here already, the opportunity to have a driver's license to get to and from work, to and from school. They're part of our economy, part of our -- what makes America great. And I'd urge an Aye vote.

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, there's no requirement in your legislation where there's a link between the licensure and someone having insurance, is there?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator del Valle.

SENATOR DEL VALLE:

The current law requires all drivers to have insurance.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

But there's not -- in other words, if someone is not, over a period of time, able to demonstrate that they've gotten insurance, they would still have the license, as is currently happening in Illinois today. That's right. So in other words, the argument that suggests this is going to solve the underinsured motorist problem is really sort of an overstatement if you're looking alone to the legislation. Isn't that fair?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

No, Senator. I think, as an attorney, you're an individual who always is wanting the facts, and so let me give you some of the facts. In order to determine what the impact of a law will be, many times we have no other choice but to look at what has happened in other states. And so we do have empirical data. We have a way of telling exactly what we can expect in the State of Illinois. And one of those examples is Utah - in Utah - where the number of insured vehicles increased by fifty-six thousand as a result of the passage of the same law that we are talking about here. In North Carolina, the same thing. Both states are among the states with the nation's lowest uninsured rates. And so we're talking about a population that is willing to voluntarily step forth, identify themselves, become part of a database that is available to the Justice Department, to the federal government, and are doing that because they want to comply with the local law requiring a driver's license. And because they desperately want to comply with that, I say to you that given the record in other states, including Tennessee and New Mexico - these are just four examples, but there are others - that these individuals will obtain insurance, will obtain insurance. I think that what you point out is an issue, but it's an issue for all of us. It's an issue for all of us. And it has been estimated by the insurance industry here in the

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State of Illinois that we could reduce the number of uninsured motorists in the State of Illinois by as much as forty percent by passing this legislation. And so, we know for sure that the number is going to increase. But I would join you, and as a matter of fact, I'll give you a copy of a bill that I have already filed that would help us verify at the time that an individual gets their license plate, all of us, verify that they have automobile insurance, because I think that that's an issue for the whole State that has to be addressed. And so, with those measures in place, we'd probably have a hundred-percent compliance. But even without that, these individuals, for a lot of different reasons, are looking to comply with these laws for their own protection - for their own protection - because -- let me point out something that's very important here as we think about the profile of who we're talking about here: We're talking about -- primarily about individuals who want to become naturalized citizens and who know and recognize that at the time that they have that opportunity - that will come - that they will have to submit an application. And any application that shows arrest records or any application that shows violations jeopardizes - jeopardizes - their citizenship application, as well, of course, jeopardizing and possibly subjecting them to deportation. And so you've got individuals who are going to be very careful in wanting to comply with requirements. And so even without a provision that would apply to all of us to ensure that everyone has a valid policy, insurance policy, I anticipate the vast number of these individuals complying with this requirement because that has been the record of other states.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, I think the answer was no. In other words, there's not anything in the language of the bill that would prohibit somebody from acquiring this license and then subsequently driving an uninsured motorist -- or, driving an uninsured vehicle. And then there's no other check, other than the -- what we have in place now, which by your own admission is ineffective. Let's move on. My question goes to the severability now of this language, Senator, with -- with -- with

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testimony that was heard over the summer. In other words, Amendment No. 3 requires a clear and distinct difference between this license that you're proposing, and the normal -- or the -- the standard, let's call it, Illinois driver's license. Over the summer there was testimony that -- and -- and there has been representation from advocates of this measure that have said that that distinction is unconstitutional and some of the advocates intend to challenge it. Now, if they challenge it and if they are successful in their challenge, in other words, saying that there can be no distinction, the folks that draft our statutes, in other words, the LRB says that, if there is no severability language, and I'll quote, "the general rule developed and applied by the courts is that if a portion of the statute is invalid or unconstitutional, then the remaining portions of the statute are valid and enforceable if they stand on their own." So -- in other words, if in order to pass this you've had to make accommodations on Amendment No. 3 to have the clear -- clear and distinct language, and if a court subsequently comes in and strikes that down as unconstitutional, we're back to the place at the bill before Amendment No. 3. That's correct, isn't it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Yeah. I -- thank you, Senator. Yes. I'm glad you mentioned that -- that clear and distinct language because that was a recommendation that came from your side of the aisle. And in my efforts to try and -- and -- and reach out to as many people as possible and address all the concerns of both sides of the aisle, we did include that language here. But let me point out on the issue of the severability clause. This bill, as you know, is being supported by the Governor now. He announced yesterday that -- that he -- he is in full support of it. He has a couple of recommendations that we need to -- to look at. And so this bill will definitely undergo an amendment in the House. And at that point, we will be able to put a severability clause in. And -- and by the way, we'll see that bill again back here.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Roskam. Senator Roskam.

SENATOR ROSKAM:

Are you committing to that? I mean, you -- you're going to be able to do that, but are you committed to doing that? In other words, I mean, we've -- we've stated it. While -- are -- are you making commitment to this Body to put in a severability clause?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Yes, I am.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Just a couple other questions, Mr. President. You've addressed, I think, in Amendment No. 3, Senator, the -- the -- the -- the question about the firearms identification concern. What about the Motor Voter concern? In other words, where -- you know, federal law requires someone -- let's -- let's face it, based on the 2000 election, nothing has people more animated than ballot integrity. What -- what is it about this bill or what is it that gives you confidence that this scenario doesn't happen: Someone who does not have the right to vote, but if this is enacted, gets the right to have a driver's license, walks into a driver's license facility and they say, "We're required by federal statute to ask you the question, 'Do you want to register to vote?'" And they say, "Well, sure. I -- I -- I can do everything else. I guess I'd love to register to vote." And they begin that process. What are the filters? What's the restraining influence that keeps -- that keeps the -- the voter data file from getting clogged up? And that's my final question. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Yes, thank -- thank you, Senator. I do a lot of voter registration out of my office and working with community groups, and we use that white card, that Motor Voter card. We also use the old cards that give you a -- a receipt and we like to use

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that one because people are -- are left with a receipt and on election day they -- they'd be able to vote with that if -- if their voter registration card does not arrive. But on every single card, we ask for the last four digits of the Social Security number. That's a requirement on that card, on that Motor Voter card. If they don't have a Social Security number, they can't register to vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Iris Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. And I just also rise in very strong support of this legislation. In a district like mine where I have a very diverse community - I have the Asian community, I have the Polish community, I have the Muslim community - this -- this piece of legislation is so important because people are here because they want to work. Unlike what our -- our -- Senator Lauzen said about all the problems that immigrants bring to this nation, it's thanks to immigrants that this nation was built on. And when you talk about a legislation that puts at ease the peace of mind of people that are going out there, that are driving, always fearful of the fact that a police officer will pull them over. And because they don't have a driver's license, you know, they can't make it to work and provide for their family. Senator del Valle has worked so hard and so many years on this legislation and it's long overdue. When you talk about public safety, you are talking about individuals that are out there. I -- I would rest more assured, like everyone else in this Chamber and everyone in the State of Illinois, knowing who is driving out there, that we can identify people who are actually driving out in the streets of Illinois. And more important, the issue on insurance. How many people are out there right now that have -- have got into accidents with people that don't have insurance. And what has been the reason? Because they cannot obtain a driver's license. Like Senator Munoz says, the immigrant community is here, here because they want to provide a better life for the people, for their families and who are contributing to the economy. But more important is the fact that they are here to stay. They're not going anywhere. And we have to provide that kind of service, as far

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as a license, so they can move around, so they -- so we know who is out there. It is important that we know. But more important is the fact that they have to -- the law is that you have to have insurance when you drive. And I -- and -- and -- and, Senator Roskam, I think that we need to enforce that even more out there right now, because there are a lot of people who are legally here who are, you know, people like -- normally like us, American citizens, that are -- right now are out there driving without insurance. And I think that it's important that we start to even look at that legislation as far as enforcing people to drive -- to make sure they drive with insurance, because it is the law. So I commend Senator del Valle. And I am happy and proud to be a cosponsor of the bill because this is the right thing, and it's been long overdue. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I commend the sponsor of the bill and I know that he's -- intentions are very good. But there's nothing to stop someone who gets a license, has insurance, there's nothing to stop him from canceling his insurance a week later or a month later. And I -- I can honestly tell you that my constituency wants to have it guaranteed that at least they have to have insurance for one year when they get a driver's license. So I cannot support the bill in view of the fact that that's not the safeguard in the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Ladies and Gentlemen of the Illinois Senate. I stand before you here this morning as the State Senator of the 12th Legislative District. Honor -- proud honor representing the heart of the Mexican community of the State of Illinois and probably the largest undocumented sector population of the State of Illinois. I also come before you today as son of immigrant parents that crossed the Rio Grande back in 1960, and parents who drove without a license for several years so that they can provide a home and a family and

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an education and a living for their four children. The Illinois General Assembly and our Governor, Rod Blagojevich, made an unprecedented move last May in approving and signing into legislation laws which permits undocumented students to pay in-State tuition rates like all other residents and citizens that attend our State universities. The Governor signed the legislation because he knew that thousands of undocumented students would benefit from it, knowing that absent of these laws these students would not be able to attend a university regardless of their high academic achievement. These youth now can contribute to their success of themselves, their families, their communities and our State of Illinois. In the same manner, providing driver's licenses to the undocumented would benefit all the residents of Illinois. It is estimated that seven percent of automobile drivers in Illinois drive without a license and are -- undocumented. An automobile driver without a license is a risk to the security of others. They are a risk in security to my children, to my wife, to your children, to your wives and your loved ones. In addition, unlicensed drivers cannot purchase auto insurance and this is an enormous economic impact to those of us who pay taxes, to those of you who pay taxes, because given the fact that the State will foot the bill for all the medical costs of those who have no insurance and end up in our public hospitals and dangers on the public road. So you, in essence, and me will foot the bill for all these unlicensed drivers. SB 67, if passed, will allow residents without Social Security numbers to obtain a driver's license. This legislation will provide major security to all automobile drivers in Illinois. The undocumented drive without a license simply for the need to get to their jobs and home. They are not individuals who represent a threat to national security. They only risk driving without a license to transport themselves like everybody else in the State of Illinois. Diverse groups have been opposed to providing licenses to the undocumented given to the alleged risk that a terrorist will obtain a license with the purpose of perpetrating another attack. This preoccupation is legitimate. Therefore, as a result, our Secretary of State, as well as other Secretaries of State, have accepted the federal tax identification number. Six states - six states - Kentucky,

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North Carolina, Pennsylvania, Rhode Island and Utah have accepted the federal tax identification number as valid for issuing driver's licenses. Most recently Governor Blagojevich signed legislation that authorizes State Police to impound vehicles of drivers without the proper documentation, driver's license. This carries a fine of five hundred dollars. This measure will not deter the undocumented from driving in the State of Illinois. They will continue to risk to drive without a license because it is the only way that their families can survive in the State of Illinois. My dear friends and colleagues, these residents of the State of Illinois are undocumented, working poor, are some of the most law-abiding citizens -- residents of this great State. They are the most law-abiding. They are probably more law-abiding than you and I. Why? Because they truly consider that driving in Illinois with a license is truly a privilege. It is a privilege because it is part of the process in becoming U.S. citizens. And I will tell you why. When one applies for citizenship in this country, they look at your record. They look at -- see if you have any criminal records. They look at your driving records. These residents, when they are able to obtain a driver's license, will be the most law-abiding because they know that in the future, that a good driving record is the requirement for citizenship in this country and that a bad driving record and that a bad record would lead to the rejection of their application for citizenship in this country. So they are the most, and will be the most, law-abiding and careful drivers in the State of Illinois. I ask you to think back about some of the great men in society who have embraced the immigrant community, some of the great men who have embraced the Latino community. You go back as far as Abraham Lincoln, who emancipated the slaves of the great State of Illinois and this great country. If you look back at men like Ronald Reagan, who -- who signed into law the last amnesty for illegal immigrants in this country. If you look back to George Bush, Sr., who signed the 1990 Civil Rights Act into law. If you look back at President Richard Nixon, who signed many -- several executive orders of affirmative action for Latinos and other minorities in this country. These have been some of the great men of our country. And yes, they have been some of the

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great Republicans of your party. I ask you, will you join some of the great men of our country, some of the great Republicans of your party in embracing the immigrant community of our country and the great State of Illinois? I remind you all of what I was told when I first came to the Illinois Senate. And I remind my colleague from Aurora and Batavia, as he spoke to me in the first few weeks that I arrived in the Illinois Senate, and he said, "Remember, Senator Sandoval, you are a Senator, not only of your district, but you are a Senator for all the people of the State of Illinois." For all the people of the State of Illinois. I ask you, my dear fellow American Senators, residents of Illinois, to vote for all the people of your districts, not only those who are citizens, not only those that are residents, but all the people, documented or undocumented. And that means of all the people of Elgin and all the people of Rockford and all the people of Aurora and Batavia and all the people of Schaumburg and all the people of the northwest side of Chicago. They all have a right to be here, because this is the land of the free, the poor. This is America.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Senator.

SENATOR SANDOVAL:

I ask -- I ask, in closing, that you take the heart, the responsibility that you have today, as representative of all the people of the State of Illinois and truly make the Land of Lincoln the land of opportunity for all. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle, to close.

SENATOR DEL VALLE:

Thank you, Mr. President. I certainly appreciate the -- the patience of -- of our -- of our Members. I want to thank those Members on -- on both sides of the aisle who put time into -- into this bill. The bill reflects the recommendations of -- of not only Members of this Body, but also recommendations made by many community organizations throughout the State, recommendations made by police chiefs throughout the State, State's attorneys, traffic court judges, organizations like Mothers Against Drunk Driving, the insurance industry, the Catholic Conference. I don't want to continue to list the

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groups. You've seen it in the materials that has been distributed. But I -- I just want to close -- since we all know the content of the bill, I just want to close with a -- a general reflection here. Illinois is -- is different, and I'm proud of that difference. Illinois is not California. Illinois is not Arizona. Illinois is not New York. Illinois is not Florida. Illinois is a state that is different, and it's different in many respects. But one of the greatest differences is the wonderful mosaic that we have in our State, the diversity that we have in our State, the economic diversity that we have in our State. And it's a State that has a reputation, and I say this to you because everywhere I go I hear from folks who say, "You know, in Illinois there's fairness. In Illinois, the immigrants are embraced." Illinois does not have the reputation for the kind of inflammatory rhetoric - of course, there's always one or two - but it doesn't have the reputation for the kind of inflammatory rhetoric that you hear coming out of these other states when immigration is used as a hot-button issue to stir people up, to make people angry, to make them so angry that they are incapable -- they're rendered incapable of reasoning, of looking at a logical conclusion, a logical solution to a problem that affects the entire population. So in Illinois, we avoid those kinds of approaches, and that could be said for both sides of the aisle throughout the State. Everywhere I go. Yes, every now and then we find individuals who may lack some knowledge, but lacking knowledge does not mean ignorance. Lacking knowledge means that it's just a matter of time before you become aware of your full surroundings, no matter what legislative district you're in, where you become aware that your population is made up more -- of more than just the individuals who cast that vote for you. Your population is made up of individuals who, at this point, can't cast a vote for anyone, but who live their lives fully within your districts and who contribute through sales taxes and income taxes and property taxes, and who contribute to the civic life of the community, who bring a richness in culture to every single legislative district in the State of Illinois, as reflected by the Census. And so the growth is tremendous. When I first introduced this bill years ago, the population that we're talking about right

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now was small. Very small. It has grown. And along with the growth of that population has come prosperity for the State of Illinois, real prosperity for all your small businesses, for your manufacturers. Many individuals who do the landscaping, who take care of the kids, who work in the car washes, who work in the restaurants, who takes the plates off of your tables in every restaurant you go to, who work in your grocery stores, these are the individuals we're talking about. We're talking about individuals who attend our colleges. We're talking about individuals who are here for one reason alone, because they, too, want to see the day when they become Americans. They love this country. They love this country. If they didn't love this country, they would leave. And they want to do what is right. And just like generations before, just like decades before, we do have individuals who start out -- who start out, yes, violating one law when they cross. But once they're here, they become citizens that are outstanding, that are people that we could all be proud of, and we see that time and time again. Now, is this a road to tyranny? That word was used. This is not a road to tyranny. This is a road to safety. This is a road to security. This is a road to fairness. This is a road to Illinois continuing to build on its reputation of being the State that is different, the State that reaches out, the State that embraces, the State that loves and appreciates all its residents. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 67 pass. All those in favor will vote Aye. All 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 29 Members voting yes, 26 Members voting No, 2 Members voting Present. Senate Bill 67, having failed to receive the required constitutional majority, is declared failed. Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

Mr. President, I ask for Postponed Consideration.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator del Valle requests that Senate Bill 67 be postponed. The bill will be placed on the Order of Postponed Consideration. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. We would request a Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, please wait for the announcement of the Chair. Your caucus is in order. At the same time, I'd like to make the following announcement. The Senate will stand in recess to the call of the Chair. After the Memorial in Room 212, the Senate will reconvene for further Floor action. We anticipate this will take one-half an hour. I believe Senator Burzynski said that he was asking for a half an hour for the Republican Caucus. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

Would the Members please come to the Floor. We're going to proceed to House Bills 3rd Reading on page 2 of the Calendar. The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment No. 6 to House Bill 700.

PRESIDING OFFICER: (SENATOR WELCH)

Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2120, offered by Senator Obama.

(Secretary reads title of bill)

And Senate Bill 2121, offered by Senator Welch.

(Secretary reads title of bill)

3rd Reading of the bills -- pardon me, 1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

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Thank you, Mr. President. I would like to table Senate Resolution 247, which, obviously, I'm the sponsor of. It's duplicative and there is another resolution like it that has more detail. So I'd like to move to table Senate Resolution 247.

PRESIDING OFFICER: (SENATOR WELCH)

Without objection, that motion is in order. Measure will be placed on the table. Ladies and Gentlemen, we have on the Floor the Attorney General of the State of Illinois, former Senator Lisa Madigan. Welcome, Senator Madigan. Will the secretaries please tell their Senators to come to the Floor so we can continue our business and hopefully get out this afternoon before 3 o'clock. Senator Larry Walsh, state your purpose in rising.

SENATOR WALSH:

For a point of an announcement, Mr. President. Mr. President and Members of the Senate, I would just like to announce that the Illinois Legislative Alzheimer's Disease Task Force will conduct its first public hearing on Tuesday, November 18th, when we come back, at 10 a.m. to 12 noon in Room 400 of the State Capitol. Pursuant to House Joint Resolution 14, which created the Task Force, chaired by Representative Jack McGuire and myself, State agencies, Area Agencies on Aging and representatives of the three Alzheimer's Disease resource centers will be there to testify. Meeting's open to the public. Anyone would -- is more than welcome to attend.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, please turn to page 7. Page 7 of your Calendar. At the top of the page, Motions in Writing to Override Total Vetoes. Senate Bill 318. Senator Shadid. Senate Bill 318. Senator Sieben. Senate Bill 594. Senator James Clayborne. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 594 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

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Thank you, Mr. President and Members of the Senate. Previously, this bill received 52 votes in this Chamber. It went over to the House and they gutted it. And then they added the same language back to it as an amendment, and it came back over here with 30 votes. Basically, what Senate Bill 594 does, it authorizes a home rule municipality to levy a tax up to one percent on retail sales of tangible personal property within a business district. The business district has to be established pursuant to the law, which is 65 ILCS 5/11-74.3. And there's hearings and other things that the municipality must go through in order to establish that business district. But basically what happens on this bill is, for those areas, rural areas or areas that have been economically challenged, you can go in -- the municipality and the developer can enter into an agreement. For instance, a Walgreens. If you need a Walgreens in your area and the -- the city doesn't have the money and the developer's saying, "I need two hundred thousand dollars for land acquisition and infrastructure", then the city can agree to impose up to a one-percent sales tax until they recover that -- that two hundred thousand dollars and the tax goes away. So this is an alternative to TIF. Once the business opens and pays property taxes, it goes to the general fund. You don't have to worry about it going to a special fund. So the taxing districts aren't deprived of the money. The other thing that it does is it gives the -- the -- the cities local control over development. It's strictly permissive. They don't have to do it. They're not required to do it. It's just another tool. Obviously, for those areas that I represent, this is a challenge. This is another tool that we can use to keep jobs in the community, create jobs in the community, as well as to -- to increase our tax base. And one of the things that I envision from this is that we will be able to eliminate a lot of the TIFs in our area because they won't be needed. I'm open for any questions. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR WELCH)

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He indicates he'll yield, Senator.

SENATOR LUECHTEFELD:

You -- you said that they can agree. The city, the municipality can agree. Agree with who?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

They -- they can agree with the developer. The developer will come in just like in any situation and see what incentives are available. And the city, by way of agreement that has to be passed by the city council or -- or aldermanic council or a village or whatever it is - this -- this is only for home rule - they could agree to a certain dollar amount that the city may not have, but they may agree to allow them to impose up to a one-percent sales tax. This takes place right now in the City of St. Louis, and most of the sales tax that they've imposed is a half a percent. So we're talking a half cents on a dollar, or if it's one percent, it would be one cents on a dollar.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, is that a cent above the sales tax that they already take maybe? Is that a -- an extra cent above what the city would normally take?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, it is. And -- and the reason why, Senator Luechtefeld, this is so important is because if I have a Walgreens that's three miles or four miles away and I could put one in my community, obviously I'd save on gas. I do save some cost. So if you ask most people, "Would you rather have a grocery store in your community or do you want to go to the mall or down the street and shop", and I'm willing to bet you they'll -- they'll -- they'll tell you that they're willing to pay that extra half cents or one cents to have that in their community.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

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If -- if -- if it was in the city limits, let's say a highway exchange outside that's being developed, you could use it out there too, if it's within that city limit?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Not really. What has to happen is you have to establish a business district. If the municipality establishes a business district, which calls for a public hearing -- there's a whole process here in the statute. What it says is, it may be considered essential to the economic and social welfare of each municipality that a business district be maintained and revitalized by assuring opportunities for development or redevelopment and attracting sound and safe -- sound and stable commercial growth. And it -- in -- in part two it says, such a result should conform with a comprehensive plan of a municipality and a specific plan for business districts officially approved by the corporate authorities of the municipality after public hearings. So it just can't happen in the municipality. There has to be a process beforehand where a business district is established. But if they decide to do a business district off the side of the highway, yes, they probably could do it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

I was under the impression that this could be used in an interchange, let's say, where you could draw business to your community. But that's not the case then? It would have to be in this particular zone.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

All they would have to do is establish a business district -- that area as a business district, then they can do it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Questions for the sponsor, please.

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PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LAUZEN:

Senator, on the original bill, there were 27 No votes. Do you remember the debate that took place at that time? What was the general opposition to this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

On the original bill, Senator, there were 52 votes. 52 in this Chamber voted for it. What happened, as I said before, it went over to the House. They didn't understand it. Representative Currie stripped it off. I met with her. She amended the same language back on the bill. My personal opinion of what happened, it became a little partisan in here at the end of the Session, and I think as a result, it wasn't voted for.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Again, I'm -- I'm sorry, Senator. As I pull up on our screen what the vote was on that bill, I'm sorry, I'm coming up with specific roll calls showing 27 No votes. Maybe the original, but when it came back, is that the one that had the 27? No... I -- I'm not talking about a previous version of it. Just the one that was voted on and then the one that was vetoed. Did that have 27 No votes?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Lauzen, I -- I -- I guess when you say the original bill, the original bill that passed out of here, Senator Lauzen, received 52 votes. When it came back, as I said, they didn't understand it over there. They stripped the bill. Made it a vehicle bill. I met with them. They put the same language back on as an amendment, which I didn't think should have come over for a concurrence, but it did. When it came back over for a concurrence -- a concurrence, it only received 30 votes and I guess there may have been 27 No votes.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Lauzen.

SENATOR LAUZEN:

Thank you. It's -- it's possible then that the reason for those No votes is that this could lead -- could, on the option of the local, to a sales tax increase. I -- I heard you say a few moments ago, I think, a half a percent, although maybe the half a percent would be allocated to that use. But this -- they could increase under this bill, if my analysis is right, the sales tax in an area by one percent, which is about a fifteen-percent increase -- a fifteen-percent increase over the typical six-and-a-half-percent sales tax that most areas have. Is that your understanding of how this might work for the..

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, yes, the municipality could impose up to a one-percent tax for a specific development, not the entire business district but for a specific development. And the issue is, would you rather have this or would you rather have TIFs? And, I mean -- and that's the issue.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Then the final question that I'd have, what was the reason the Governor gave for his veto?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Anything that dealt with a tax -- perceived tax increase, then that's why he -- he vetoed it. And -- and the issue is, this may never be used, but we intend to use it in my area, in my district where we -- we're tired of our -- our citizens leaving and going to other places to buy at a Walgreens because they don't have a Walgreens in the area. So, my -- my constituents are willing to -- to pay. And if you look at it, if -- if you would -- like I said, the developer who brought this forward, on most of the projects that he has, they've only implemented a half a percent. So if you talk about a half percent on a dollar, you're talking a half a penny on a dollar,

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which most people are really not going to see. If you're talking ten dollars, then you're talking - what? - a -- a nickel. You're talking a hundred dollars, you're talking fifty cents. To have that in your community and not to drive five or ten miles somewhere else, I think people are willing to pay that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR CLAYBORNE:

Especially on the east side of Springfield.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

The sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BRADY:

Senator, enjoyed your debate here and I enjoyed talking to you either. I have one question for you. Can this be used in conjunction with a property tax TIF?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

There's a possibility, but it really wouldn't make sense. I mean, part of -- part of the reason why to do this would be to make sure that the taxes -- that you're creating a business where the taxes would go back into the general fund. I mean, that -- that's the whole purpose, because you're not penalizing the people for development down the road.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Senator, this is limited to only home rule communities. Is that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, it is.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Brady.

SENATOR BRADY:

Senator, I speak in favor of your bill. I -- I think it is a -- a bill which does work toward economic development, which helps give communities an additional tool to encourage investment in their community. No one has to shop at these places. They can go to the gas station outside of this business district if they want to drive another four miles, or the Walgreens. I think what you're doing is giving an economic development tool to communities. I think, frankly, it should be offered later, if it works well, to other communities, maybe in conjunctions with TIFs or at least to help reduce it. So, I agree with you. I think this lost votes because of the partisan bickering that probably shouldn't have happened in this case, and I stand in support of your legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. A couple questions of the sponsors -- the sponsor. Senator Clayborne, so could this be used specifically for a single store?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. And that's really the design, Senator. Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

And -- and it's your opinion that -- that people wouldn't notice if -- if the -- the price of underwear in a particular store was a half a percent higher.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Then I guess it begs the question in my mind why you just don't tell the Wal-Mart or whatever to raise its prices by half a percent. Why you would -- see, the only reason that you'd want to do it in taxes is so you could advertise the underwear at a competitive price and then charge them a tax afterwards. Because if the tax was all dedicated to the store you were doing, you'd be -- you're just -- distorting the retail community. And just to close real quick, more than forty-eight states have worked over the last four years to come up with a simplified, modernized sales tax. The goal is to solve the problems of Bellas Hess and -- and the Quill case that have prevented states like Illinois from effectively collecting the sales taxes on transactions that don't occur in the State of Illinois, in -- in effect, to give us an opportunity to enforce our use taxes. This spring twenty states in the Union passed the enabling legislation to become streamlined states, and before Congress, as we're in Session today, is a bill to authorize states that modernize their sales tax the right to enforce collection on people like Amazon.com who sell books into Illinois in competition with our book stores but aren't required to collect our sales taxes. Just with deep regret - I know that the Senator's trying to do something helpful for his community - but I just need to warn Members of this Body this flies exactly opposite, in the face, of those people that are trying to simplify and modernize State sales taxes and prove that states can act cooperatively. So although it may be a good idea in a micro setting, it further complicates the sales tax, and I would just encourage the Senator to take this bill out of the record and look for other solutions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move the previous question. There are three speakers -- two speakers remaining -- one speaker remaining. Senator Roskam.

SENATOR ROSKAM:

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

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PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator, I -- I got confused, actually, during the debate. I thought this was less complicated. Let me just ask one question. Is there anything that limits what the -- the -- the collected tax revenues can be used for? In other words, is this used for curbs and roads and lights and sewers and so forth? Or is -- is this, like Senator Rauschenberger alluded, can the money be so -- is there so much flexibility that it can be sort of directly given as subsidies to retail establishments?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

It's -- it's designed to help bring that business in, and it assists with infrastructure, site development, whatever's negotiated between the municipality and that particular developer for that particular store, retail or whatever. For instance - and -- and I -- and I do want to touch on this, because I don't want to -- I'm not trying to mislead anybody - in our area where, because of the flight in the -- in the seventies, we lost a lot of businesses, and we had old strip -- strip malls. And now we want to revitalize those strip malls, and we don't have the money to do that unless we do it through TIF. But what we can do is, we're looking to bring a grocery store in, a Walgreens, a Blockbuster, a hair care store, a Foot Locker and they can impose up to that one percent to help build that infrastructure, redo that façade, to make it a viable shopping area.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

So, is the money limited to the types of infrastructure that I just mentioned? Or what is it that you have to do to Blockbuster, for example? I mean, that's a -- that's a rockin' 'n' rollin' company that's making money left over -- you know, hand over fist. Why do they need -- what -- what help does Blockbuster need?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Clayborne.

SENATOR CLAYBORNE:

And this is the point that I'm trying to make to my colleagues. Blockbuster is not that enthused. They're not knocking the doors down to come into East St. Louis and Centreville and -- and some of the other places. So, obviously, you need to have a little incentive because there's a risk there that they perceive. So, you know, in -- in -- in some of the areas that I represent, you've got to give them a little incentive, because they're not -- they're not knocking the doors down to come in.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, assisted by Senator Rauschenberger.

SENATOR ROSKAM:

I -- I'm not listening to him. I'm still doing this on my own. So -- so, in essence, I -- and I think you're -- you're trying to be transparent. It's just that you're so skilled at this that you -- you're perceiving all my questions as being adverse and they're really not. Okay. So, anyways, Blockbuster would be getting an operational subsidy, theoretically, if that's what it took to sweeten the pie? And then -- then at that point we've got taxpayers from other retailers, or other people doing business in the area subsidizing a successful business because -- because we want a Blockbuster in the neighborhood? That -- if that's true, that troubles me and -- and if it's only infrastructure, I guess that's a different thing.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank you. And to answer your question, Senator, stores like Blockbuster and McDonald's have their own design and so basically it's -- it is for infrastructure. But obviously, you and I know that businesses may use it for some other reason. But the -- the point that I want to make is that if -- if two -- if two hundred thousand dollars is agreed upon, and once they collect that two hundred thousand dollars, the tax goes away forever. So we're not subsidizing them just to be there. It's a -- it's almost a one-time lump sum that the city cannot pull

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out of their economic development department. So this is an incentive. We believe, and the whole purpose is for infrastructure uses and that's why it -- it goes away. It's not -- it's not like TIF that it's there for twenty-three years or you can extend it for another twelve and now you have thirty-five years, and all the taxing districts are upset about it. The day it opens that general fund -- those property taxes go to the general fund to -- to provide help with the central services. So it's a one-time only based upon the collection of that dollar amount. And -- and the way it works in Missouri is, they take projected sales and they project that within six months you can recoup your money. So the tax goes away in six months and I -- and maybe that addresses some of the concerns that Senator Rauschenberger has. This is not a permanent tax. It's not intended to be a permanent tax. What it's intended to do is if you, as a citizen, would like to have some retail stores in your -- in your area, this is just a way that you will pay for it -- you will help pay for it, and the convenience. And I appreciate Senator Brady's comment that you can go -- you can continue to drive down the street or -- or go to the next town. But this is an incentive to help build up the east side of Springfield, East St. Louis, the rural areas that -- that are driving other places and -- and the urban areas that have traditionally been left out. This is a good economic development bill. It's a alternative to TIFs, and it is a job retention and job creation. And not only that, in -- in the African-American Latino communities, it allows that dollar to turn over in that community more than one time. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 594 pass, notwithstanding the veto of the Governor. 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 39 Members voting Yes, 19 Members voted No, no Member voted Present. Senate Bill 594, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Senate Bill 1765. Senator Obama. On page 7 of

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the Calendar is the Order of Motions in Writing to Accept the Specific Recommendations of the Governor. Senate Bill 1754. Senator Sullivan, do you wish to proceed? Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1754, in manner and form as follows:

Amendment to Senate Bill 1754

In -- In Acceptance of Governor's Recommendations.

The motion, by Senator Sullivan.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. What these changes are, first of all, it reduces the size of the Board from twenty-three members down to seventeen members. It also specifies the term -- term lengths of the Board members, and it gives the appointment of the Board members to the Governor, with the advice and consent of the Senate. I worked with the Governor on these changes, and I believe that -- that these address the concerns of some local economic development officials as well as the Governor's desire to reduce the size of the boards and commissions and reduce the size of government.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move the previous question. There is one speaker. Senator Roskam. Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR ROSKAM:

Senator, under the bill that you originally introduced, who would be doing the appointments?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

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SENATOR J. SULLIVAN:

Under the original bill, let's see, nine -- fifteen members would be appointed by the -- let me see here. Just a minute. Think thirteen members will be appointed by the county board chairmans and the other members would be appointed by the Governor.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Why is it that you initially introduced it so that the county board chairmen would have as big a voice as you originally suggested?

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

I talked with quite a few local officials in my district and in the Authority's district and there was a concern about the Board being too large - too large to really function efficiently. And so after consulting them, it was decided to reduce the Board down and give the -- the appointments to the Governor.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, I understand that. But why, originally, when you first presented the bill to the Senate, did you suggest that the county chairmen have the ability to make those appointments?

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

You know, the -- the appointments still come from within the thirteen counties. All thirteen counties have to be represented and, you know, the -- and I guess one other point I'd like to make is that -- and if you read on page 6, starting on line 15, they're all -- you know -- I don't know, Senator, is your concern that the members are -- will not be qualified or -- or what is the concern as far as those appointments?

PRESIDING OFFICER: (SENATOR WELCH)

A question for Senator Roskam.

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SENATOR ROSKAM:

My -- my -- and I will yield. Senator, my concern is this: There has been really an unprecedented consolidation of authority in State government with the last election. We have a Governor who now has essentially moved the seat of governance from Springfield - even by the admission of his own senior staff - up to -- up to Chicago. So the question then becomes, why do we want to -- why do we want to roll over? As the other hundred and two counties, why don't we want to say, "You know what? We're going to empower the county chairmen in western Illinois. We're going to say to those individuals they've got to have the ability." And this, you know, don't -- don't come to the -- you know, the notion that somehow the -- the State Senate confirmation process is going to be a restraining influence. We've seen no restraint whatsoever on the part of the State Senate, with all due respect to the senior staff. So, we -- we -- for the life of me, I don't understand why people from the other hundred and two counties would say we're going to give more control to Chicago. Fine. Consolidate the size of the Board. No problem with that. If that's unwieldy, that's a situation that makes sense to everybody. Cut things down. We're for cutting things down. But for the -- for the power grab, the reach into these other counties that says, "You know what? All the power is going to be now in the City of Chicago." We've got the Governor. We've got all the -- all the constitutional officers, with the exception of one, reside within a stone's throw from one another. And why, as an institution, are we going to roll over on that? And -- and -- and for the Members of -- on my side of the aisle who represent downstate districts, why would we want to do that? Because the Senate, in the past, has not demonstrated any -- any ability or willingness to be a restraining influence on any governmental choice -- Governor's choice so far.

PRESIDING OFFICER: (SENATOR WELCH)

Was that a question, Senator Roskam? Or that was an answer to a question.

SENATOR ROSKAM:

What do you think of that, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator John Sullivan.

SENATOR J. SULLIVAN:

I think the important thing to remember here, Senator, is the fact that the Board members will all come from the thirteen counties that are represented in this district. And I'll tell you what, and also the -- the -- you know, as far as if you're concerned about the -- the quality of the Board members, it states pretty specifically that the members will be persons of recognized ability and experience in one of the following areas: economic development, finance, banking, industrial, agriculture, small business management, real estate. It goes on and on. And this Authority is very much needed in my district. I think it's going to be a -- a great economic boost and it's certainly supported by all thirteen counties. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1754 in the manner and form -- the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1754 in the manner and form set forth in the motion. 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 Members voting Yes, 22 voting No, no Member voting Present. The specific recommendation of the Governor as to Senate Bill 1754, having received the required -- constitutional majority, are declared accepted. Continuing on page 7 of the Calendar on the Order of Motions in Writing to Override the Specific Recommendations of the Governor is Senate {sic} Bill 3412. Senator Garrett, do you wish to proceed? Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR MALONEY:

Mr. President, in the gallery is a good friend of Senator Viverito's, Mr. -- Pat Quinn, from Burbank, Illinois. Pat is a Korean War veteran and has been a prisoner of war -- was a prisoner of war for many months. He's a spokesperson nationally

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for the Korean War veterans. He's from County Down, Ireland. And he's here with his nephew from County Down, Ireland, Michael. Please give him a welcome.

PRESIDING OFFICER: (SENATOR WELCH)

Well, thank you very much for coming. Welcome to the Illinois Senate. Next, Senate Bill 563. Senator Link, do you wish to proceed? Senate Bill 629. Senator Larry Walsh. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move that Senate Bill 629 do pass, notwithstanding the specific recommendations of the Governor.

The motion, by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 629 amends the United Code of -- Unified Code of Corrections in regards to privatization of commissary services. What we did with 629, if you remember back in the spring, we had a very lively debate in regards to this issue. It's been an issue that has been around for a number of years. Minority Leader Senator Watson had this same piece of legislation two years ago, and as we ended up the Session last year, we ended up voting on the exact language of the commissary bill, which basically set the charge for commissary goods up to thirty-five percent markup for tobacco products and twenty-five percent for non-tobacco products. The additional charge would be based on the amount necessary to cover the wages, benefits, employees of commissaries who are covered by the collective bargaining agreement. Forty percent of the profits of sales from the commissary stores would be expended by DOC for the special benefit of committed persons and employees. The remainder of the funds be used to pay for wages and benefits covered by the collective bargaining agreement and then pay costs of dietary. It prohibits DOC from entering into a contract with a private contractor or vendor to perform commissary services at a prison or future prison facilities. The Governor, in his recommendation, said that any percentage of profits above and beyond forty percent shall be deposited in the

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GRF instead of having those profits pay the wages and benefits of the employees by the bargaining unit. The Governor would also like to remove a provision that the percentage of the new markup be based on the amount necessary to pay commissary employees. I wish to ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR ROSKAM:

Senator, I'm here to rise in support of your motion, but can you tell us what was it that the Governor wanted to do? You wanted and this Senate wanted to take that money and make sure that employees were paid. Isn't that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Roskam.

SENATOR ROSKAM:

Now, what did the Governor want to do, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

He -- the Governor -- the Governor wanted to take the forty percent of the profits to be deposited in the General Revenue Fund.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, I just rise in strong support of the Senator's motion. I think we need, as a Body, in these days and weeks and months ahead, to resist these efforts to raid other -- otherwise funds that are set aside for specific purposes. And my hunch is, we're going to have plenty of opportunities to revisit issues just like this. So I -- I urge an Aye vote.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh, to close. The question is, shall Senate Bill 629 pass, notwithstanding the specific recommendations of the Governor. 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 54 Members voting Yes, 1 Member voted No, no Members voting Present. Senate Bill 629, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. Senate Bill 639. Senator Shadid. Senator Jacobs, are you handling that bill for Senator Shadid? Is there leave for Senator Jacobs to handle it? Leave is granted. Senator Jacobs. Please read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move that the Senate -- that Senate Bill 639 do pass, notwithstanding the specific recommendations of the Governor. The motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill that I was asked yesterday to take out of the record. They were going to try to get ahold of Senator Shadid. I assume that that was not able to be done because of the problems in -- in -- with his family. So, lacking that, I feel obligated to go ahead and -- and follow through on -- on this motion. If you remember - we got into it a little bit yesterday - it allows the Department of Human Services to either provide transportation itself or contract with an outside entity to provide transportation for mental health patients. There was -- also in this bill, with the Governor's changes, he makes it special legislation. And I know part of the concern was that this was going to -- originally the cost they said was going to be one to three million dollars. And then they turned around and they said, "Well, now it looks like it might be three to five million." Then they turned around and said, "Now it's into double -- double digit numbers." But all I would -- all I would remind you of that -- and no one is trying to put a further

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burden on this Body and on this administration cost-wise. But keep in mind: If we don't do this, we are putting that burden on local government, 'cause somebody has to transport these people and they should be transported in a dignified manner. Now, the reason the -- the Department says that it's so costly is because an ambulance costs fifteen hundred dollars. There's nothing in this bill that says they have to be transported by an ambulance. They could be transported by their own van, if they have one, with their own employee, with people that understand the problems of mental health. Also, I just want to make one further comment, 'cause I know that there's a number of people that got questions on this, that the small departments in the counties, of which many of us represent, might only have two or three, maybe four, deputies, including a sheriff. And that's for a twenty-four-hour shift, and that's for seven days a week. If they have to transfer a mental health patient, they take away the public safety of the community. That doesn't happen under DHS. I know that there's a concern with that, but -- but I think it -- it still is a motion that should -- we should definitely override the recommendations of the Governor. I'm willing to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Mahoney {sic}, for what purpose do you rise? Senator Maloney. Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. As you can tell by the many votes that we've taken this week to override the Governor's -- some of the Governor's vetoes, I don't think too many of us are shy in doing that, and -- and for right reasons, because the Governor, in many instances, by his veto messages, basically overstepped his boundaries as far as we, as legislators, are concerned. We passed legislation last fall -- excuse me, last spring because we felt these were the things that were needed in our various districts. Well, this bill I have an exception with for a couple reasons, and one, of course, was mentioned: safety. Some of these mental health patients, in fact, are criminals themselves. And they do and should be transported at least with some type of security protecting those workers that do have to work with them and deal

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with them when they get to the other sites. What we've attempted to do in this State is decentralize our mental health system, and because of that, we have closed many of our sites, and -- and the case in this instance, the site, the Zeller site, mental health facility in Peoria, Illinois. But we'll now have to still take care and care for these individuals. And that transportation cost, as mentioned by -- and -- and I have to also apologize, 'cause this is Shadid's bill, and like all of us, you -- you want to respect the Member, but the Member's not here. So you hate to talk against someone who isn't here. But in this case, this particular instance, they're saying it'll cost twenty-five thousand dollars. That's an additional cost annually. If we override this particular bill, based on our budgetary constraints that we've imposed on all departments, in this instance, the Department of Human Services, it's going to cost nine million dollars. We have already asked the Secretary of the Department of Human Services to take some -- some -- some drastic cuts, to make some real drastic revisions to her budget. And as a consequence, many of those services that they are mandated to -- to give and provide, they can't do. This -- overriding this bill and her cutting another nine million dollars out of her budget, I think will basically decimate some of those real needed programs that each and every one of us are dependent upon in our communities. So, based on those two issues, for safety issues, that we feel that if we do have the criminally insane and have to be transferred, there should be an officer there to make sure that -- that no one is hurt - the patient nor the workers are hurt; so that's necessary - and also to ensure that -- again, that our services that we have asked the Department to render can also remain intact. And for those two main reasons, I'm saying I oppose the override of 639.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move the previous question. There are two speakers remaining. Senator Risinger.

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SENATOR RISINGER:

Thank you, Mr. President. I rise in support of the bill. Since Zeller closed in Peoria, I have attended weekly meetings with the mental health industry, with people that have been involved and had loved ones that have been stricken with the disease of mental illness. And I've heard story after story about where people have been transported in handcuffs and leg irons because they were transported by the sheriff's department, rather than being transported in a dignified manner in which they should have been -- transported. Yes, it is going to cost money, but it's going to cost money whether we do it through the locals or whether we do it through the State. And I think we have transferred an undue burden to the county sheriff's department whenever we closed Zeller and we threw this transportation issue onto the locals. So, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First of all, let me say that I -- I truly love George Shadid. He's my seatmate and a great guy. And if I loved Denny Jacobs any more, we'd be part of Senate Bill 101, Carol Ronen's bill. They're both wonderful people. Unfortunately -- and Senator Trotter has talked about the fiscal impact to the State, and I'd like for some of you to put aside your love or lack of love for the Governor when it comes to this bill. I voted for just about every other override, but we have to be fiscally responsible on this issue. But there's more than just a fiscal responsibility question here. And I know all our fiscal conservatives on both sides of the aisle will find some way to not make the paper for putting back all of this money back into the budget. We put a lot back into it that was necessary. This time it's not. But I want to ask you about the question of safety. Would you rather -- and -- and the bill does not differentiate between the criminally insane and those who are just insane. The criminally insane should be transported by someone with a weapon, a gun and a backup. It is my belief that a poor DHS worker cannot protect us from the criminally insane, nor themselves. The criminally insane will overpower that worker. The criminally insane will

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take that van and be in your community and my community wreaking havoc. The sheriffs, a correction officer, someone with training in defending themselves and defending and protecting the public should transport the criminally insane. These -- some of these are very, very dangerous people. And what would happen if they overpower a DHS worker who does not have a weapon, and breaks out and comes into your house or one of your communities or your constituent's home or just assault that DHS worker? We need to protect those workers. We need to protect our community. I understand the plight of the -- of the sheriffs, but someone with a weapon, trained to handle a gun, should transport the criminally insane. So regardless of your position on the Governor, you really need to take a strong look. And I urge that this time we vote with the Governor's Office and with Department of Human Services and against my great ally, Senator Jacobs, and big George Shadid. This time we need to vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs, to close.

SENATOR JACOBS:

Thank you, Mr. President. To the previous speaker, thank you for bringing up the issue of training, because you're absolutely right. We should have people that are trained in handling mental health people, people who have mental problems. We need training. And they should be trained. And police officers are not trained in that. But also let me just point out one thing. The current law is no different when it comes to the criminally insane. If you are criminally insane, the judge will order the sheriff to do it. The judge makes that ruling. The judge orders it. So we're not talking about people that are mentally insane or criminally -- excuse me, people who are criminally insane. We're talking about people who have mental health problems. If George Shadid was here today, he would remind you that it's also this administration that took away Zeller, which caused this problem. And I just want to reiterate one thing, because the issue of cost -- and I am just amazed of how this number has grown. The paper I have here from early spring, it was going to be a million dollars, maybe up to three million. Now it's at seven or nine million. These things have

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a way of growing. I think there may be some inefficiency within the Department if the cost is that great. I think that there is no doubt all we're talking about here is quality care for the mentally ill and quality treatment for them. If they're criminally insane, it's an altogether different issue. They're handled separately. But the bottom line is, counties are paying the cost, and the counties should not be paying the cost whenever this State Legislature and this Body forced it upon 'em. So I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 639 pass, notwithstanding the specific recommendations of the Governor. 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 33 Members voting Yes, 17 Members voting No, no Member voted Present. Senate Bill 639, not having received the required majority, the motion fails. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

You know, this is the first time in seventeen years I'm getting up to do this. But I forgot to vote. And I would like to be recorded as an Aye. And also I'd like to just make one other point, because I noticed that during debate -- and also I think I got a quick gavel by the Chair, 'cause it was moving, that our own staff working against Democratic Members sort of pisses me off.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, the first part of your statement will be in the record. Thank you. Senate Bill 1364. Senator del Valle. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move that Senate Bill 1364 do pass, notwithstanding the specific recommendations of the Governor.

The motion, by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

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Thank you, Mr. President. Senate Bill 1364 was changed by the Governor. I was told that the Governor, in making the change, exceeded his authority and basically changed the content of the bill. That is the main reason why I filed the -- this motion to override. Again, the original intent of the bill, as introduced, is to be able to do an analysis of the impact of TANF on different groups and then disseminate that -- that information. The Governor changed the term "disparate impact" to "applicability". It changes the meaning of the bill, and so therefore, I ask that we override this amendatory veto. The original bill was approved in the Senate 58 to nothing, and in the House 115 to nothing.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the Senator yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR GEO-KARIS:

Will you briefly tell us what the bill does, because my computer doesn't go too well.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

It -- the bill requires DHS to forward to the Governor and the General Assembly on each even-numbered year a report detailing the disparate impact of various provisions of the TANF program on the racial categories that the -- Department uses in its application process and it spells out what those categories are. So, it really requires every other year this -- this report on the TANF program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis. Nothing? Okay. Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR ROSKAM:

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Senator, my understanding is that the Governor just made -- made a slight change. The bill, as was originally passed out of the Senate, said "disparate impact" and what does the Governor's new language say?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

His new language changed the term "disparate impact" to "applicability".

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Doesn't that seem like an improvement? I mean -- I mean, as I'm sitting here thinking about it, "disparate impact" is kind of -- it -- it's conclusionary. In other words, it says we're telling you that there's a disparate impact and therefore come back and tell us that there's a disparate impact, as opposed to the Governor's suggestion that -- the Governor's language is more neutral. Is -- is -- is this being driven -- is this like -- is the Speaker driving this because he won't call the bill or something? Is that kind of the -- the underlying subtext?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Well, the -- the Governor's language to me means nothing. I -- I don't know what the Governor means by applicability. And so it changes the purpose of the bill. The purpose of the original bill is to look at how groups are affected differently by the TANF programs. And so we collect statistics. We look at -- at -- at one group. Is one group able to -- as their transition, to work? Is one group able to obtain employment that translates into higher salaries than other groups? Is one group able to obtain housing versus -- at a higher percentage than -- than others? That's what we mean by -- by disparate impact. The same policy is established for all the TANF participants, but how people are faring under it needs to be looked at. And so, I guess it would be similar to saying that we would study possible discrimination or how discrimination may effect. We're

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not saying -- we're using the word discrimination, but we're not saying that there necessarily would be discrimination.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'd like to just speak to the bill, in just noting that I believe that the wording of the Governor weakens the bill, waters it down to just suggesting what is applied to. The importance of knowing the disparities is more important in determining the data of the TANF clients. So I rise in support of this legislation and let my colleagues here know today that there is a major difference between a disparity impact and what may be applied to. So, I would urge a Aye vote and know that the Governor's language extremely weakens what the purpose of this legislation is meant to do.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle, to close.

SENATOR DEL VALLE:

Well, thank you, Mr. President. Thank you, Senator Lightford. I think she stated it very well. That's the original intent of the bill and we would like to keep that intent, because I think that is what's going to generate the information that will be valuable for us.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1364 pass, notwithstanding the specific recommendations of the Governor. 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 53 Members voting Yes, 1 Member voted No, no Member voted Present. Senate Bill 1364, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. On page 2 of the Calendar is the Order of House Bills 3rd Reading. House Bill 610. Senator James DeLeo. Senator DeLeo seeks leave of the Body to return House Bill 610 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 610. Madam Secretary, are there any Floor amendments approved for consideration?

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SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 610, Floor Amendment No. 1 deletes everything in the bill, actually becomes the bill. I'd like to adopt the amendment and we'll discuss the amendment on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? All those in favor will 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 reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 700. Senator Schoenberg. Senator Burzynski, for what purpose do you rise? Could you hold on one second? Senator Schoenberg, are -- do you wish to proceed on this bill? Are you calling the bill for 3rd Reading afterwards? Are you calling the bill for 3rd Reading afterwards? Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Senate Republicans would request a fifteen-minute caucus.

PRESIDING OFFICER: (SENATOR WELCH)

Senate Republicans request a caucus. That is in order. We -- we will return at 3:05 to take up House Bill 700. Five minutes after 3 o'clock we will return. The Senate will stand in recess till the hour of 3:05.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

Would the Members please come to the Floor, the hour of 3:05 having arrived. Senator Schoenberg. On the Order of House Bills 3rd Reading, House Bill 700. Senator Schoenberg. Senator Schoenberg seeks leave of the Body to return House Bill 700 to

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the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 700. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 5, offered by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I move to table Floor Amendment No. 5. There seems to have been a drafting error in it, some superfluous language in that amendment that -- which is corrected by Amendment No. 6.

PRESIDING OFFICER: (SENATOR WELCH)

With leave of the Body, Amendment No. 5 is tabled. Madam Secretary, are -- are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 6, offered by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg, on Floor Amendment 6.

SENATOR SCHOENBERG:

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

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me, Senator. Could we please have quiet? There's a lot of staff on the Floor and there's a lot of conversation. We'd like to get out of here and go home tonight. Senator Schoenberg, please proceed.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 6, which I urge for you to consider favorably, would provide five hundred million dollars in new resources for hospitals and other health care needs in the State of Illinois. As we're all well aware, from kitchen tables to corporate board rooms throughout the State, that there's no issue that has generated more anxiety and discussion than the escalating cost of health care and the ability of people to access quality, accessible and affordable care. These double-digit increases in health care costs have raised serious questions as to whether the State's hospitals can continue to

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provide services at the existing levels. To respond to the serious spending pressures, over the last several months I've been engaged in a considerable amount of effort to win the support -- to win the consensus within the hospital community to enact a hospital assessment program, which would briefly work as follows. The State's two hundred hospitals would each be assessed a particular portion of dollars, which would total five hundred and sixty million dollars. That five hundred and sixty million dollars would go to apply for eight hundred -- to receive -- in return eight hundred and sixty million dollars for the State's federal Medicaid program for hospitals, for a net gain of three hundred million dollars for hospitals. And I think everybody here in this Chamber has had the opportunity to see how your respective institutions and how some of those institutions, in some of the most hard-pressed areas, as they try to keep their doors open to provide health care. Whether it's in Jerseyville or the west side of -- or in the west side of Chicago, whether it's in the Quad Cities or here in central Illinois, hospital budgets -- hospital resources are being strained to the limit. As it turns out, right now Illinois hospitals are only able, on the average, to receive eighty percent of their costs reimbursed for Medicaid services that they're providing. Under this legislation, ninety-two percent, on the average, of Medicaid costs would be covered. In addition to generating three hundred million dollars in new funding for Illinois hospitals, an additional hundred and thirty million dollars, which would go exclusively to funding other health care needs in the State, would be generated to apply for a variety of other things where we could receive other federal matching funds, be it in KidCare, FamilyCare, federal bioterrorism grants, federal public health grants. We cannot afford to walk away from half a billion dollars in new money, but we have to make certain that this proposal is airtight and will receive federal approval, which is a very necessary prerequisite. So, along with the Illinois Hospital Association, the original version of this proposal has been amended to include a number of safeguards which will ensure that Illinois hospitals will not incur any financial exposure.

PRESIDING OFFICER: (SENATOR WELCH)

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On Amendment No. 6, is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, any further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 700. Senator Schoenberg, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate {sic} Bill 700.

(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. I'm going to briefly go through the safeguards which will ensure that hospitals will not be subject to any financial exposure. And this is important, because those of us who were here when the State attempted to do this in the early 1990s saw that when the federal rules changed, some institutions were put at risk. The rates are written -- the assessment rate and the base are specified in the statute. The proceeds and the federal matching funds are deposited into a Hospital Provider Fund and may be used only to make certain specified payments. The assessment and the increased hospital payments terminate if either is not eligible for federal matching funds. The program does not begin until there is actual federal approval. The assessment and their -- and the -- and in order to help with the cash flow provisions, the increased payments are not due and payable until approved by the federal government and the assessment is eligible for federal matching funds. There are -- couple other minor provisions in this. One provides for an intergovernmental transfer language so that cities and counties can access federal Medicaid dollars, if they wish to do so, for their own public health programs, comparable to the Cook County governmental transfer. There's another provision, permissive

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language for new technologies. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR RAUSCHENBERGER:

I would like to request that the Presiding Officer, the -- the Senate President and/or the sponsor hold for just a few minutes. Put the Chamber at ease. I'm reliably informed that our Leader and your Leader are off the Floor in discussions which are very closely related to our participation effectively in this debate. And I would appreciate if we could have a few minutes until they return to the Floor. It may make it more -- make it possible for us to be more engaged in the process.

PRESIDING OFFICER: (SENATOR WELCH)

The Senate will stand at ease. There is Senator Jones. I think that was at ease enough. Is there any discussion? Senator Brady.

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BRADY:

Senator, I'll wait.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

The Senate will come to order where we left off, returning to House Bill 700. Senator Brady.

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

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SENATOR BRADY:

Senator, as the bill stands in front of us now, has the Governor agreed to this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I believe that the Governor will sign this bill in its current form.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

So the answer is no?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

If you look at the Governor's public comments and... Oh, ye of little faith.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Yes or no, Senator. Has the Governor agreed to this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I just visited with the Governor a little while ago. It's my belief he'll sign the bill in its current form.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

So a belief is not a commitment, and I think everyone needs to understand that and that there are various provisions within this bill and its future appropriation, Ladies and Gentlemen, that the Governor has the authority to amendatorily change. In light of the work we've been doing here the last few days, I think we need to have a firm agreement from the Governor before we move forward with such a critically important issue, an issue that taxpayers throughout this State will be paying. And I would strongly suggest that the sponsor not move forward for

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that, as one reason. Second reason, has CMS agreed to this, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. Brady, this is not like seeking home -- approval for a home mortgage. You cannot get pre-qualified by the federal government for approval. There is an important mechanism in the bill that precludes the assessment program from taking effect until we receive federal approval. Based on the work that the IHA and the Department of Public Aid have done in -- in conjunction with their consultants and consultations with CMS, this has been vetted thoroughly to ensure that there'll be no financial exposure and that this will receive federal approval.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

So the answer is, again, we have no guarantee the federal government will approve this. Third question, Senator. We all know we have Medicaid funding problems around the State of Illinois. Hospitals are in need. We all know that. But I think even more critically, the nursing homes are in need. Now, this legislation calls, in intent, for a hundred and thirty million of this tax to be set aside to go into General Revenue Fund. Simply put, why are we simply helping hospitals? Why don't we take the hundred and thirty million, match it with federal money to help nursing homes who are closing, who are struggling to provide quality of care for our frail and elderly, Senator? Why have you left them out of this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

With all due respect, sir, based on -- the reason why we are considering this with Amendment No. 6 and not Amendment No. 5 is because they wished, on some level, to be left out of it. But to answer your question more directly, if I might, none of this hundred and thirty million dollars can be spent on roads, bridges or Jack Benny statues. States which have tried to spend their money above the Medicaid for the hospital -- Medicaid cap

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for the hospitals on other purposes not related to health care have lost their federal waivers. So every dollar generated by this plan will go to pay for health care needs. I am not delegitimizing or minimizing the role that nursing homes, be they upstate or downstate, play in caring for our frail and elderly. However, we need to generate the additional resources in order to be able to meet those other health care needs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

To close, thank you. Senator, I appreciate your efforts in this matter, but I think its time has not come yet. This is far too critical of an issue, far too high of a tax to put in front of us without an agreement from the Governor, without a better feeling from CMS and without working to solve the nursing home crisis in this State. And I'd ask my colleagues in this Assembly to join me in holding off on voting for this until we resolve those three issues. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move the previous question is allowed. There is one speaker left. Senator Syverson.

SENATOR SYVERSON:

Well, thank you. This is great. I'd like to take the next two hours and... Actually, just a -- just a couple questions of the sponsor. And I've not had the opportunity to be involved with all the details regarding this, but in looking at the -- the impact of how the dollars are going to be distributed among the hospitals, do we have a central -- a registry or a listing of -- of what the results of this proposal is going to be? Is that available for -- I know we've heard individually, but is there a composite of all those that's available?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Yes, there is.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

In regards to the -- I know that a couple have already talked about how this excess funds are going to be used from the health standpoint, as well as the nursing home standpoint, and how those are effecting. I was wondering if -- if any of these issues are things that the Public Health Committee has looked at. And maybe I could refer that to Senator Obama to answer that question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama is not present.

SENATOR SYVERSON:

Okay. Good to know. I think that's the only other question I had. So, thank you. I'll -- I'll confer with him when he gets back.

PRESIDING OFFICER: (SENATOR WELCH)

All right. Senator Schoenberg, to close.

SENATOR SCHOENBERG:

We need to pass this plan. We need to pass this plan today. The clock is ticking on a temporary increase that the federal government has given us to access between twenty-five and fifty million dollars in more money as the result of changes that were made in the federal tax plan that was adopted in May. We need to get the approval process moving on the waiver so that we not only can help our hospitals throughout the State stay solvent and not shift the cost of their Medicaid treatment to those who have private-pay insurance, but so that we can also aggressively address some of the other very pressing health care needs, such as nursing home, community-based health, KidCare, FamilyCare, bioterrorism. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 700 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 30 Members voting Yes, 15 Members voting No, and 10 Members voting Present. House Bill 700, having failed to receive the

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required constitutional majority, is declared failed. Senator Schoenberg, for what purpose do you rise?

SENATOR SCHOENBERG:

Would a motion for Postponed Consideration be in order?

PRESIDING OFFICER: (SENATOR WELCH)

Yes, it would be. Is that your motion?

SENATOR SCHOENBERG:

Could you please place it on Postponed Consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg requests that House Bill 700 be postponed. The bill will be placed on the Order of Postponed Consideration. House Bill 2200. Senator James Clayborne, do you wish to proceed? Senator Clayborne seeks leave to return House Bill 2200 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2200. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Senate Amendment No. 2 to House Bill 2200 is the bill that's been in the paper the last week or so, and there are certain changes that this bill makes. First of all, it -- it allows Commonwealth Edison to purchase Illinois Power, and it shortens the review process that this transaction has -- has to be consummated by the Illinois Commerce Commission from eleven months to nine months. It also allows the Commerce Commission to allow Commonwealth Edison to file their rate plan a year earlier. It also currently has certain provisions that may be considered when developing the rate plan. And it also has alternative fuel requirements in here where Exelon commits to purchasing three percent of its energy from in-state wind renewable resources, including wind, land -- landfill gas and biomass. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted.

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Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. The State Journal-Register requests leave to take photographs. Leave? Any objection. If not, leave is granted. We will proceed to the Order of Secretary's Desk, Resolutions. Senate Joint Resolution 39. Senator del Valle. Madam Secretary, could you read the resolution?

SECRETARY HAWKER:

Senate Joint Resolution 39.

There is one Floor amendment, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle, on the amendment.

SENATOR DEL VALLE:

Thank you, Mr. President. This is the biannual waivers of -- of School Code mandates resolution. The amendment to the resolution denies the waiver request of the Oak Lawn District 218. The waiver was regarding substitute teachers, the request to allow the district to employ substitute teachers for more than ninety days in one school year. It's -- it's a waiver that we normally deny, but I'm happy to say that there were twenty-one waivers, including an appeal, that were granted. So I ask for support so that we could send over this resolution to the House for next week.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in support of the resolution. We had a hearing. There's only one waiver request that's being denied and that's Senator Maloney's district, and I understand everything is in agreement. So, I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

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

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SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

If not, then to the resolution. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Joint Resolution 39 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, 56 Members voted Yes, no Member voted No, none voted Present. Senate Joint Resolution 39, having received the required constitutional majority, is declared adopted. The staff is distributing a Supplemental Calendar No. 1. With leave of the Body, we will go to Supplemental Calendar No. 1. Motions in Writing to Override Specific Recommendations of the Governor. Senate Bill 777. Senator Crotty, do you wish to proceed on your motion, Senator? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 777 do pass, notwithstanding the specific recommendations of the Governor.

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As I'm bringing up 777, at -- at one time I know we've had tons of debate on this. I'm not going to keep you long, but it was a -- it was a tossup between going up with the Governor's amendment or overriding it. I'm deciding to try to override it and I'll tell you why. I got into the elevator yesterday with JoAnn Osmond, in the Stratton Building, and she asked that I try this again. She also told me that she would come back and help me. I decided not to put her through that. The House has gone home. But the only way that this is going to survive is if I override the Governor's veto and it goes over to the House. So I'm going to ask all of you to think again on Senate Bill 777,

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and please support the override of the Governor's veto. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move previous question. At this point, there are four speakers seeking recognition. Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. Actually, I'm -- I'm -- I think it's unfortunate that we're going for a total override. There were a lot of concerns expressed about this bill. I don't think anyone ever questioned that the more defibrillators we get out the better off we're going to be. But there were a lot of concerns expressed by schools, park districts, small businesses as to how this would actually play out when it was put in to -- to play. There was also a lot of concern about the cost to the State to try to enforce this. And we did have all of that debate. So I was frankly quite delighted to see the Governor's recommendations. We don't always agree with the Governor, but I think he took a giant step in the right direction on this particular bill and did maintain the goal of making sure defibrillators are more readily available. So I was certainly prepared to support his recommendations and now I find it very unfortunate that I'm going to have to vote No again, and would encourage others who are -- have to have those same concerns that are still out there relative to this mandate that, while it's good in what we're trying to achieve, it's really just a bigger reach than -- than we can handle at this point. So I would encourage folks to vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, defibrillators cost around twelve hundred dollars and I think it's incumbent upon us to help save lives and they do save lives. I have given them to different groups from my -- the monies that were allocated to us by the prior Governor. And I

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suggest that we should keep that in mind and I support the bill and ask everyone to vote for it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you. A few questions, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates she'll yield, Senator.

SENATOR SYVERSON:

Senator, can you tell me what -- what changes that the Governor recommended in this legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

One of the changes had to do with -- had to do with the unit of -- of government or a facility having less than a total of a hundred individuals. That was changed. There was also -- narrows the definition of a physical fitness facility to cover those facilities concentrating primarily on cardiovascular health reasons. Changes of the date of the emergency plan from 7/1/04 to 1/1/05. It removed the economic incentive. It also changed the penalties for violations of the Act. I think that's -- changes the fined amounts.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

The changes in the physical fitness facilities -- I'm trying to find it here where we're -- we're talking about it. The -- the Governor's chosen to tighten this up and what -- what were the reasons that he gave for tightening up the language on the physical fitness facilities?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

That it would limit the scope of the Act so that it doesn't -- doesn't apply to venues beyond the intended scope, such as churches, dance studios and wellness centers.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

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SENATOR SYVERSON:

So when -- in his amendment or in -- in his veto, what -- his changes were tightening up the scope to basically address some of the issues that were raised before about churches and certain facilities that -- that all of us, I think, believe was probably not the best use for those. And when we raised the concerns about finances, the answer was that there was a grant program now, and obviously with that -- with that gone, wouldn't these changes -- don't these changes make more sense that we don't -- that we're not creating a hardship for so many of these facilities that -- where it's not really going to be that kind of a priority?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Senator, this was -- this bill was never created to -- to be a hardship. But what it does do is -- is save lives. And I'll -- I'll tell you that whatever we do here in the next few minutes, this bill is going to come back in the very first original form. If not in the Veto Session, it's -- I know -- I'm hearing it's going to come back that way in the spring. I worked real hard on the bill that is before us now with park districts, with school districts. When I went home, I have two school districts that have bought the defibrillators and I have not gotten a call from one -- one person against this bill. So, in that view, I'm bringing it back and hoping that we can pass it in this fashion.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you. Just in wrapping it up. I think we've all received -- and maybe you haven't, I guess. But all of us have received letters and phone calls and concerns about how -- how wide this was. We all support the concept of making these units more available, especially in those places where there is going to be a higher likelihood where -- where a need is going to -- to arise. That's one of the reasons why I think the -- the Governor, in tightening up this language, made it certainly more acceptable to many communities and to many of us. And to put it

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back to where it was, I think puts us back to the concerns that we had before. So, unfortunately, I wish we would have just accepted the Governor's amendatory veto. If, in fact, it does not pass, I hope you'll come back in the Session and we'll be happy to work with you that'll craft something that will help more facilities have these pieces of equipment, but maybe not to this extent. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR ROSKAM:

Senator, it seems like part of what's driving the -- set aside the merits of the bill. Totally set -- set that aside. It seems like part of what is driving our procedure at this point is an unwillingness on the part of the House of Representatives to call a bill that they perceive that the Governor has exceeded his authority. Have you received that kind of a signal from -- from the House, from the House staff, from the Speaker's staff, of an unwillingness basically that has said if you move that bill -- if you accept the AV and move it over here, we're not going to call it. Has anybody told you that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

I've heard that rumor.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

That was pretty good. Have you heard that from anybody acting on the authority of the Speaker or the Speaker's staff? Are they -- are they telling you that? This is -- I mean, this doesn't -- this isn't secret, but I want to know. Are we being driven -- are the choices that we are making, are they being dictated to us by the other Chamber's unwillingness to debate the substantive issue and the substantive changes that the

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Governor made? Is that a fair assessment? Is that what you're being told?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

I'm -- I'm hearing that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Okay. That means yes. Let me -- let me ask you this. Well, to the bill: You know, it -- it's unfortunate that the process and the AV process is being just nixed by the other Chamber, who's not willing to make any considerations based on the -- the fiat decision of the Speaker. But let me -- let me just quote directly from the Governor's -- the Governor's AV Message, because I think it's thoughtful. You know, it's obvious that he and his staff put -- put a lot of work out on this. And they said simply, the -- he says simply, "The language I am recommending provides a clearer definition of physical fitness facilities required to comply; the current bill would apply to venues beyond the intended scope, like churches and wellness centers. The recommended language also provides that these protections are available to citizens living in home rule units, like the City of Chicago. The recommended language provides for stronger enforcement by increasing the penalties for violations in an effort to encourage compliance." You know, I think that in this circumstance, it's a thoughtful amendatory veto. It -- it -- it is not a harsh no. It is something that -- that is well thought out and well reasoned. And simply to be driven as an independent Body by the capricious decision of the other Chamber seems to me bad public policy. So I would recommend a No vote on the motion to completely override the AV.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty, to close.

SENATOR CROTTY:

Thank you very much. This bill is like no -- any other bill that -- the sponsor had chosen to do an override. I've chosen to do that on behalf of the sponsor over in the House,

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which was Representative Osmond, who was here. We want the bill back to the way it was. I ask for a Yes vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 777 pass, notwithstanding the specific recommendations of the Governor. 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, 30 Members voted Yes, 24 Members voted No, no Member voted Present. Senate Bill 777, having not received the three-fifths majority required, is declared failed. Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

I ask that that be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty requests that Senate Bill 77 {sic} be postponed. The bill will be placed on the Order of Postponed Consideration. Would the Members please be in their seats for a memorial resolution? Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 293, offered by President Jones and all Members.

(Secretary reads SR No. 293)

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Those of you who might not have been around here whenever Danny Day was Sergeant at Arms, I would say it's a great loss for you, because Danny Day was the type of guy whenever he was here he always had a joke, he always had something to make you laugh and to make you feel better. But above all, he loved the process. He loved the process as much as anyone I have ever seen in my time down here. And unfortunately, the good Lord decided to take him too soon. But Danny Day's memory will -- will be around for many, many years, and the stories. Danny Day could do a -- a better imitation of Senator Alan Dixon than Alan Dixon could do himself. Whenever Danny would go into his little routine, you thought that you

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wanted to call Senator Dixon and just say, "Hey, Senator, come on back," because he did it so well. Danny was great at one-liners. You know, and just little things. They weren't great, great big things. But you know, as Senator Buzbee said so eloquently today, Danny would always say, "You know, since I've become Sergeant of Arms, we haven't lost one Senator." And then he'd turn around and you'd say, "Well, Danny, how you feeling?" And Danny would just look at you and -- and I can't do it, because you had to be Danny Day. But Danny would look at you and say, "Getting pretty damned personal, aren't you?" He just was a guy who just loved life. He didn't want to take anything too serious. And I -- I -- I just want to end by saying the only thing that Danny Day ever, in my estimation, took serious was his love of this Body, his love of the Presidents he served and the love of all the Members and the love of the political process. And it's something we could probably all take a lesson of. And I'm just here to say, "Danny Day, we'll miss you."

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. I go back quite a few years with Danny. Matter of fact, I remember Danny when he first came to Springfield. I was working for then Secretary of State Mike Howlett and then Secretary of State Alan Dixon. And Danny was a young intern type of guy, and I -- I've got to tell you one thing, he was a pleasure to have around in meetings, because for those of you who knew when we did things in -- well, in almost any meetings, get quite boring. Well, Danny made sure that not many of 'em got too boring. And I -- I think his humor, as Senator Jacobs and Senator Buzbee and others have indicated today, was probably the forte that most people in this Chamber that knew him and most people in Springfield will remember. But I think it always was something that -- it was like the cover of Danny that, you know, the real Danny was somebody else. And it was like Senator Jacobs said, he knew the process of the political process. He knew what we were all about and what we were trying to do, not only in the Senate, but in government in general. Yeah, he was good to sit around after hours and talk with and laugh with and enjoy with, but he knew the process; but

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not only that, he knew what government really, really was supposed to be about. And he wanted to see it happen. I mean, there was a lot of us that, you know, enjoyed his -- our times with him and we enjoyed the days and we saw Danny for years. And I think one of the speakers today mentioned that, you know, when Danny came in a room, it seemed everyone knew him and he knew everybody also. And it was the same thing and there was a long year's lapse from the time when I left the Secretary of State's Office to when I came down here in the Senate and you would swear that a day hadn't passed of seeing Danny and how he knew what was going on. And as somebody indicated, too, you know, God has his mysterious ways and he takes people long before their time is up. And Danny was one of those who was taken long before his time on this earth should have been up. And I got to say, not only will we miss that laugh and the one-liners, we're going to miss the insight of what he gave to government. And I got to tell you, it was a pleasure knowing him for the thirty years that I did.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I, too, want to just acknowledge Danny Day and -- and his attitude and the friendliness that he brought to this Chamber, and treated us on this side of the aisle with a great deal of respect. And we all loved and -- and appreciated Danny. I just want to make an apology to you, Mr. President, to your Members and to the family of Danny Day. We should not have been in that caucus when you guys had that memorial for him. When a -- when a young man like Danny Day, fifty-one years of age, passes away and a great deal of his life was given and devoted to this Chamber, for us to walk off and go into a caucus was very insensitive, and I apologize for that. We should have been down there in -- in Room 212, or wherever it -- the memorial was, to be with you in honor of Danny Day and memorialize his death and life. So, I do apologize for that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones.

SENATOR E. JONES:

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Thank you, Mr. President. At the memorial service, you could tell how well Danny Day was liked by those from near and far who came to pay their respect. Former Senator John -- I mean, Ralph Dunn even sent a card in when he read about the death of Danny and expressed his condolences. Former Senate President Phil Rock was there. Ken Buzbee, former Senator. Alan Dixon, former Senator, Secretary of State, as well as U.S. Senator. And friends from all across the State of Illinois came -- came to pay their respect for a person that was witty, a person who loved this job, a person who loved this institution. And having served this institution so well and made so many friends, and you -- you can tell how a person lived by those individuals who come to pay their respect. A great person died at a very early age, but he was a part of this family and the family that he loved and the family loved him. So, Mr. President, I move for the adoption of the resolution.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones move -- moves for the adoption of Senate Resolution 293. All in favor of this resolution, please rise. The resolution is adopted. Please be seated. Madam Secretary, Introduction of Bills. Ladies and Gentlemen, this will conclude the official business, on the Floor, of the Members. We're -- what we are going to do here is proceed through Introduction of Bills, Messages from the House, Resolution Consent Calendar, and the adjournment resolution. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Bolin, Assistant 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 41

(Secretary reads HJR No. 41)

Adopted by the House, November 6, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

On the Order of Resolutions, Senator Halvorson, do you wish to proceed on House Joint Resolution 41? Madam Secretary, read the resolution. Senator Halvorson moves to suspend the rules

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for the purpose of immediate consideration and adoption of House Joint Resolution 41. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Halvorson moves for the adoption of House Joint Resolution 41. All in favor, say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted. Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2122, offered by Senator del Valle.

(Secretary reads title of bill)

And Senate Bill 2123, offered by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WELCH)

Madam Secretary, have there been any motions filed? Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Bolin, Assistant Clerk.

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

Senate Bill 783, together with House Amendment No. 1.

Passed the House, as amended, November 6, 2003.

I have like Messages with respect to Senate Bills 794, with House Amendment 1; Senate Bill 963, with House Amendment 1; and Senate Bill 1014, with House Amendment 1.

A Message from the House by Mr. Bolin, Assistant Clerk.

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

Senate Bill 1049, together with House -- with amendments which are attached, House Amendments 1 and 2.

Passed the House, as amended, November 6, 2003, by a three-fifths vote.

Message from the House by Mr. Bolin, Assistant Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the veto of the Governor notwithstanding, in the

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passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 429.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Passed the House, November 4, 2003, by a three-fifths vote.

I have like Messages with respect to House Bills 1087, House Bill 1180, House Bill 1480 and House Bill 2425.

A Message from the House by Mr. Bolin, Assistant Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit -- to wit:

House Bill 197.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of this letter to the House of Representatives.

Passed the House, November 5, 2003, by a two-fifths {sic} vote.

Message from the House by Mr. Bolin, Assistant Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 88.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Adopted by the House, November 5th, 2003.

I have like Messages on House Bills 313, 684, 816, 1516, 2545, 3048 and 3080.

A Message from the House by Mr. Bolin, Assistant Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

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House Bill 3556.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Passed the House, November 5, 2003, by a three-fifths vote.

A Message from the House by Mr. Bolin, Assistant Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has restored to the original amount the item reduced by the Governor, which is attached, in a bill of the following title, in which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2663.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Passed the House, November 5, 2003.

Message from the House by Mr. Bolin, Assistant Clerk.

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

House Bill 2671.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Passed the House, November 6, 2003, by a three-fifths vote.

I have a like Message with respect to House Bill 2716.

Message from the House by Mr. Bolin, Assistant Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has restored to the original amount the items reduced by the Governor, which are attached, in a bill of the following title, in which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2700.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Passed the House, November 5, 2003.

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Message from the House by Mr. Bolin, Assistant Clerk.

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

House Bill 2700.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives.

Passed the House, November 6th, 2003, by a three-fifths vote.

PRESIDING OFFICER: (SENATOR WELCH)

Madam Secretary, have there been any motions filed?

SECRETARY HAWKER:

Yes, Mr. President. I have three motions filed with respect to the Governor's changes: House Bills 197, 429 and 2425.

PRESIDING OFFICER: (SENATOR WELCH)

Those will be placed on the Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar, with the exception of the resolution previously withdrawn?

SECRETARY HAWKER:

I've had no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries and the resolutions are adopted. There being no further business to come before the Senate, pursuant to the adjournment resolution, the Senate stands adjourned until the hour of noon on Tuesday, November 18, 2003. The Senate stands adjourned.