

STATE OF ILLINOIS
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REGULAR SESSION
SENATE TRANSCRIPT

65th Legislative Day

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PRESIDENT JONES:

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? The invocation today will be given by the Reverend Juan Morrison, Emmanuel Temple Church of God and Christ, Springfield, Illinois. Reverend Morrison.

THE REVEREND JUAN MORRISON:

(Prayer by the Reverend Juan Morrison)

PRESIDENT JONES:

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Tuesday, November 18, 2003.

PRESIDENT JONES:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT JONES:

Senator Jacobs moves to approve the Journal just read by the Secretary. There being no objection, so ordered. WICS-Channel 20 Springfield, Illinois Information Service and Squire Photography seek leave and -- and Univision-Channel 66 Chicago, Telemundo Radio, Universal Radio, holaHoy newspaper, LaRaza newspaper and the Consul General of China seek leave to have photographs or videotape of the proceedings. If there is no objection, leave is granted. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment No. 1 to House Bill 906 and Floor Amendment No. 1 to House Bill 960; Be

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Approved for Consideration - Senate Bills 1937, 1957, 1668, Floor Amendment No. 3 to House Bill 852 and Floor Amendment 3 to House Bill 1029.

Senator del Valle, Chairperson of the Committee on Education, reports the Motions to Concur with House Amendment 1 to Senate Bill 1014 and House Amendment 1 to Senate Bill 1957 Be Adopted.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions, reports Motion to Concur with House Amendment 1 to Senate Bill 783 Be Adopted.

Senator Shadid, Chairperson of the Committee on Transportation, reports Senate Amendment No. 2 to House Bill 697, Senate Amendment 1 to House Bill 716, Senate Amendment 1 to House Bill 763, all Be Adopted.

Senator Silverstein, Chairperson of the Committee on Executive, reports the Motion to Concur with House Amendment 1 to Senate Bill 794, House Amendment 1 to Senate Bill 963, House Amendments 1 and 2 to Senate Bill 1668 and House Amendment 1 to Senate Bill 1937, all Be Approved for Consideration; and Senate Amendment No. 1 to House Bill 1029 Be Adopted.

Senator Link, Chairperson of the Committee on Revenue, reports the Motion to Concur with House Amendment 2 to Senate Bill 1935 Be Adopted and Senate Amendment No. 1 to House Bill 623 Be Adopted.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports Senate Amendment No. 1 to House Bill 648 Be Adopted.

Senator Lightford, Chairperson of Committee on Financial Institutions, reports Senate Amendment No. 1 to House Bill 1078 Be Adopted.

PRESIDENT JONES:

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 319, offered by Senator Dillard and all Members.

Senate Resolution 320, offered by Senator Harmon and all Members.

Senate Resolution 321, offered by Senator Collins and all Members.

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Senate Resolution -- pardon me, I'm sorry.
They're all death resolutions.

PRESIDENT JONES:

Resolutions Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 322, offered by Senator Link.

And Senate Joint Resolution 41, offered by Senators Jacobs
and David Sullivan.

They're all -- both substantive.

PRESIDENT JONES:

Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the President.

Dear Madam Secretary - Attached please find the Senate
-- Senate Session schedule for the 2004 Spring Session of the
93rd General Assembly.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDENT JONES:

Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2129, offered by Senator Crotty.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT JONES:

Will the Members kindly hold it down and please be at their
desks? We are honored today to welcome Mr. -- Mr. Xu Jinzhong,
Consul General of China -- to Chicago. He has a long career of
public service which began when he served as staff member to the
Chinese Embassy in Afghanistan. The Consul General has also
served as a staff member at the -- at the Beijing Diplomatic
Personnel Service Bureau. He was a counsel of the Chinese
Consul General in San Francisco and served successfully as the
First Secretary and Deputy Division Director at the Department
of Personnel at the Chinese Foreign Ministry. In 1999, he was
appointed Deputy Consul General to Toronto, Canada. It is my
honor and pleasure to welcome him today to give some brief
remarks. I also would like to say that several -- myself and
several of our colleagues had the opportunity to visit the
Republic of China: Senator Cullerton, Senator Mattie Hunter,

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Senator Debbie Halvorson. We were all in China just recently and we were received so well. So, I welcome you to the Illinois Senate.

CONSUL GENERAL XU JINZHONG:

(Remarks by Consul General Xu Jinzhong)

PRESIDENT JONES:

Thank you very much, Mr. Consul General. I'd also like to say that on this trade mission -- Senator Meeks was also on the trade mission, as well as my interpreter, Senator John Cullerton, was on the -- on the trade mission. But Illinois corporations do a lot of business in China and we want to -- to continue to promote them on behalf of the -- the people of the State of Illinois. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege.

PRESIDENT JONES:

State your point, ma'am.

SENATOR GEO-KARIS:

First of all, I welcome the Chinese delegation. And second of all, I would like to introduce Jim and Christine Banakis from Downer's Grove. Their son, George, is a senior at Downer's Grove High School. He's being a Page today. They are sitting upstairs in the President's Gallery on the right, and they are constituents of Senator Cronin, if I recall correctly. I would like us to welcome them here today.

PRESIDENT JONES:

Senator Viverito, what purpose do you rise?

SENATOR VIVERITO:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR VIVERITO:

Mr. President, I hope that you don't mind, but last night, as I was entering the Globe Restaurant, I saw the President of the Senate aiding a young woman who was choking on a piece of meat. And, believe me, he did an excellent, excellent job, and I know he applied the Heimlich Maneuver in saving -- possibly saving that young woman's life. It was very gratifying to be

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there and to see what the President did. How about a round of applause for him?

PRESIDENT JONES:

All right. You know, I'm certain that any -- any of us in a given situation like that, would -- would do the same identical thing. And you don't think about who a person is or where they're from, but you're just trying to save another human being and I was just lucky to be in that position. I recall several years ago, a former colleague in the House, Clyde Choate, who was a Medal of Honor winner, from Anna, Illinois. And we were at a dinner at the Petroleum Marketers given by Senator Demuzio and the same identical thing happened to him, is that -- he began to choke on the steak and I reached and grabbed, trying to get it out, and -- and big Ted Lechowicz knocked me out of the way. He was much larger than I. And a huge steak came out, you know, and... Well, so you -- you respond based on the moment of time that you're caught in and I'm just -- lucky I was there to be able to help the lady, and she's doing fine. She stopped by and paid us a visit. She's from Peoria, Illinois. She's here with the Workforce Development Conference and there'll be a reception later on this evening, I believe, at the Renaissance. I'm not certain. But, you know, you do what you have to do. Thank you. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I rise to request a Republican Caucus.

PRESIDENT JONES:

That request is always in order. And can you give me approximate time?

SENATOR BURZYNSKI:

We'd like to have an hour, sir.

PRESIDENT JONES:

Okay. Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. An announcement. But before I announce that the Democrats want to have a caucus, I just want to acknowledge that we have a person up here in the President's Gallery, Captain Jay Bush, who just returned from Iraq, who I think everybody here wants to give a special thank you for

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everything that he has done for us. He's here with his dad, Jim Bush, on business. So, if the Senate could please help me thank him for everything that they've done...

PRESIDENT JONES:

Will our guest in the gallery please rise and be recognized?

SENATOR HALVORSON:

Okay. Now I would like to announce that the Democrats will have a caucus in Senator Jones' Office, about the same amount of time as the Republicans.

PRESIDENT JONES:

Okay. The Senate will stand in recess to the call of the Chair and the call of the Chair will be at 2:15 p.m. We've got a lot of work to do. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

The Senate will come to order. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 323, offered by Senator Demuzio, President Jones and all Members.

It's a death resolution.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions Consent Calendar. Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2130, offered by Senator Clayborne.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Would the Members please come to the Floor? We're going to begin a long day pretty soon, as soon as we have enough people on the Floor. So, please, come to the Floor immediately. Ladies and Gentlemen, we're starting on page 2 of the Calendar. The first bill is House Bill 3rd Reading, House Bill 610. Senator DeLeo. Would the Members please review the Calendar and be prepared for their bill? Senator Sullivan, David Sullivan, for what purpose do you rise?

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SENATOR D. SULLIVAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR D. SULLIVAN:

Thank you. Just like to introduce a young lady who is a senior at the University of Illinois and a family friend of ours. She is here with her poli-sci class. Jim Noland is their teacher. Sara Anderson and her poli-sci class.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield. Thank you for coming. Madam Secretary, motions.

SECRETARY HAWKER:

I have a motion with respect to the Governor's action on House Bill 1180, filed by Senator Wendell Jones.

PRESIDING OFFICER: (SENATOR WELCH)

Place that on the Calendar, please. We're going to start at the top of page 2 on the Calendar. This is final action. Senate -- House Bill 610. Senator DeLeo. Senator DeLeo. House Bill 623. Senator Clayborne. Senator Clayborne. Senator Clayborne. House Bill 648. Senator Emil Jones. All right. House Bill 623. Senator Clayborne. Senator Clayborne seeks leave of the Body to return House Bill 623 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 623. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, Amendment No. 1.

SENATOR CLAYBORNE:

Thank you, Mr. President. Senate Amendment No. 1 to House Bill 623 abates the property tax imposed on the property of a neighborhood redevelopment corporation. Expands the definition of slums and blighted areas in St. Clair County only and allows for certain abatements to take place as far as a redevelopment corporation is concerned. It also -- it also creates a redevelopment commission in St. Clair County by a majority vote of the city council in which the development area is located.

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PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator, this is the amendment, not the 3rd Reading, if you'd want to... Okay. 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. On the Order of 3rd Reading is House Bill 623. Senator Clayborne, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 623.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you -- thank you, Mr. President. Basically, this -- this helps create the neighborhood redevelopment for the purposes of developing continuity within a -- a municipality and allowing a municipality to contract out with a redevelopment corporation for the purposes of redeveloping a given area. We are targeting this to help develop the East St. Louis riverfront, which we believe is one of the prime areas of development in the State of Illinois. It allows for the City of East St. Louis to reevaluate its TIF policy, and by way of doing that, it allows for land that currently is not being used and technically is not on the tax rolls - because most of the land is owned by the railroads - for the City to encourage development by way of tax abatements, and it creates a commission to oversee, basically, what the redevelopment corporation does. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Lauzen.

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SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

Senator, according to the bill's language, under Section 7, Statement of incorporation -- or, this is in the statute, it says "Whenever 3 or more adult persons" and then it goes on as far as what the corporation does. I just wanted to get clarification. This is three or more adult U.S. citizens, at least two of whom must be residents of Illinois, can form one of these neighborhood redevelopment corporations. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

The second question is, under the main powers of neighborhood redevelopment corporations, the eighth item says that they have the power, subject to the provisions of this Act, to acquire real property by exercise of the power of eminent domain. Now, why would these neighborhood redevelopment corporations given -- be given power of eminent domain when it's my understanding that only local governments have that power?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Lauzen, we did not change that provision. That already exists in the law. We just made changes where we are able to let a for-profit corporation be able to -- to perform redevelopment on behalf of a -- of a municipality. We didn't change the eminent domain portion of the law. It already exists.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

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What I understand from your explanation is that a for-profit company, one of these redevelopment companies of three people or more, will have the power, which is already in the statute - we're building onto the statute - of exercising the power of eminent domain. So, isn't that what would occur now for a for-profit corporation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct, but -- but the way this works, Senator Lauzen, is that the city of -- the city will have already adopted a plan in determining whether it's commercial, whether it's retail - whatever it is - and that corporation's job is only to implement, to bring development in, based upon the existing plan. So, I mean, if the plan's already adopted, the - - the -- the government is -- I mean, the local government has approved it. All they're doing is -- used as a conduit to implement the plan.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. Just to conclude on the importance, then, of that, one of the reasons why I think that we all ought to take a harder look, especially at this moment in the Veto Session rather than during a regular Session, is that there's a twenty-five-year abatement of -- and for the first ten years, abatement of all the property taxes that would go into those tax bodies and then fifteen years where it's only half the property tax. So, this is a very -- this is, I think, pretty groundbreaking legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank you, Senator. And, Senator Lauzen, I appreciate your comments and -- and I know you ran for statewide office. Obviously, you didn't visit much time in East St. Louis, because if you -- if you had, Senator Lauzen, then you would -- you would know that this is needed, that they need -- they need this assistance and they need help. This is a different approach,

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because if you've been to East St. Louis, then you know that the riverfront is owned by -- most of the land is owned by the railroads. And -- and so, currently it's not on the tax rolls and they're not paying taxes on it. So, what we're going to do is we're going to put this land on the tax rolls and develop it and it -- it will be very meaningful for St. Clair County and the Metro East area. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen rises on his principle of being named in debate. Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. You know, thank you for reminding me of the statewide race where we won the primary and went up against the Chicago machine in the general election. You know, Senator Clayborne, I went many times to the East St. Louis and to St. Clair County. I was there frequently. So I don't know what you mean to imply by that, but I was there many times. I'll tell you the reason why this is especially important. The person who you brought to the table today from SWIDA -- and it's still an unanswered question from back in May. There is a five-hundred-thousand-dollar payment in appropriations from all the taxpayers from the State of Illinois to cover Illinois waste recovery where they have not paid their debt service, they have not gone bankrupt, they have not exercised all the typical banking rights under collateral..

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SENATOR LAUZEN:

But no, I'm -- I'm...

PRESIDING OFFICER: (SENATOR WELCH)

No, but please confine your remarks to his mentioning your name and the related comment.

SENATOR LAUZEN:

I'm saying that I went to St. Clair County many times and I'm concerned about the possible abuses to the law under this legislation.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 623 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 15 Nays, 1 Member voted Present. House Bill 623, having received the required constitutional majority, is declared passed. House Bill 648. Senator Harmon is now the sponsor of that bill. Senator Harmon seeks leave of the Body to return House Bill 648 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 648. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. The -- the amendment becomes the bill. If there's no objection, I'd be happy to chat about it on 3rd Reading

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any other -- are there any further Floor Amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 648. Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 648...

PRESIDING OFFICER: (SENATOR WELCH)

Senator. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 648.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 648, I think, is properly characterized as a clean-up bill. The last General Assembly passed the Humane Euthanasia in Animal Shelters Act which, among other things, set forth requirements for euthanasia technicians and created a preference for euthanasia by injection of sodium pentobarbital. Pursuant to that Act, the Department of Professional Regulation was to promulgate regulations for technicians. In the process, they've uncovered a few things that need to be cleaned up. This bill clarifies and standardizes background checks for the technicians. It also clarifies the circumstances in which animals may be transported out of State to be euthanized, and finally, it amends the Controlled Substances Act to permit euthanasia technicians in shelters to use and possess sodium pentobarbital. I'm aware of no objections. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 648 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, 58 Members voted Yes, no Member voted No, and no Member voted Present. House Bill 648, having received the required constitutional majority, is declared passed. House Bill 697. Senator Shadid seeks leave of the Body to recall House Bill 697 to 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 697. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senators Shadid and Risinger.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. Thank you, Mr. President. Amendment No. 2 becomes the bill. I'd like to explain a couple things that took place prior. The amendment -- the -- Amendment No. 2 deletes all and holds that in regard to the transportation of mental health patients, the Department of Human Services may

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either provide transportation itself or contract with an outside entity to provide transportation. It provides that DHS must make arrangements to transport those destined for other facilities but makes clear that DHS only needs to arrange for an ambulance if an ambulance is needed. In regard to the cost, I think the cost was -- has been said that it's going to cost fifteen million dollars. The Illinois Sheriffs' Association has surveyed their membership and got sixty-four counties to respond and found that the average number of transports per year was thirty-nine per county. The average cost per county was forty-four thousand five hundred and seventy dollars annually. This is a total cost of less than five hundred thousand dollars. This estimate is significantly less than the estimate provided by DHS of up to two -- up to fifteen million. Also, getting the -- regarding the criminally insane, according -- persons that are criminally insane are housed in the county jail and are not the responsibility of DHS. The argument that ambulance drivers and others who have to transport unsafe persons is not credible. The judge adjudicates and determines who will transport those people that are criminally insane and the sheriff's office is -- is often the office that is contracted -- is contacted to do this. I'd -- would be glad to answer any other questions you have.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, we have two constitutional officers on the Floor at the same time: Attorney General Lisa Madigan over on the Democratic side, State Treasurer Judy Baar Topinka on the Republican side. Welcome to the Senate. On the amendment -- excuse me. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR CRONIN:

Just want to ask if any of the two constitutional officers on the Floor, are they going to be flying home tonight?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon, for what purpose do you rise?

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SENATOR HENDON:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR WELCH)

To the amendment.

SENATOR HENDON:

To the -- to the amendment. This is the same..

PRESIDING OFFICER: (SENATOR WELCH)

It is on 2nd Reading, Senator.

SENATOR HENDON:

I'll wait till 3rd.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you.

SENATOR HENDON:

Is that what you're...

PRESIDING OFFICER: (SENATOR WELCH)

Yes, that's what I'm implying. Is there any further discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, are there any further Floor amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 697. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 697.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid.

SENATOR SHADID:

Thank you very much. I think I explained a large portion of it. So, if anybody has any questions, I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. This amendment, just so you'll know, would change what we did on the DHS bill the other day. I

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respect Senator Shadid. He's explained some things to me that I did not know previously. I am still going to vote the same way, to -- I guess I'll have to vote No on this bill to maintain the action that we took the other day. And I have suggested to Department of Human Services that they talk with Senator Shadid and I asked him if -- if they had done so. They really need to reach out to the Senator and -- and work this issue out, and I am very sympathetic to the new information that Senator Shadid gave me here today, even though I will not be voting with him on this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. To the bill: This is a very good bill. It's a -- it's -- it's the most humane way to transport mentally ill patients. It's the way that we should be doing it. The cost is going to be the same whether it's paid for by the State or whether it's paid for by the counties, and I urge the -- the -- those on this side of the aisle to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Seeing -- Senator Trotter.

SENATOR TROTTER:

Thank you very much. Just want to echo the comments of my colleague, Rickey Hendon. We did vote this legislation down two weeks ago. I, like everyone, understand that we have our constituencies that we must address and we certainly try to help them, but this bill will be cost prohibitive in -- as I pointed out before, in allowing the Department of Human Services to do the work that they need to be doing in our communities. Fifteen million dollars, nine million dollars, whatever it is, we cannot afford to have those -- services not being done. This bill will handicap them from doing their job, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid, to close.

SENATOR SHADID:

Yes, and it's going to take me a little time, Mr. President. At the present time, the Department of Human Services transports all the mentally ill people in Cook County.

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Cook County only. That is a fact. Now, it's my -- I'm surprised and I'm wondering why they only transport 'em in Cook County and not everywhere else in the State. And also, for your information, in 1997, the Department of Human Services established a -- were required to establish and maintain a trust fund to be known as the Patient Travel Trust Fund, which is still active. This trust fund shall be used for advancing money for travel expenses in connection with the travel or transfer of patients in State mental health and developmental disabilities facilities whether such travel or transfer is within this State or to some other state, including the travel expense of -- of employees designated to accompany the patients. The trust fund shall be established and reimbursed from any applicable appropriation for travel expenses of the Department of Human Services as successor to the Department of Mental Health and Developmental Services -- Disabilities. And let me just finish. When you're talking about money that's available, the counties in the State of Illinois are in desperate need of money, the same as the State of Illinois. The responsibility of transporting mentally ill people does not fall -- should not fall on the counties or the sheriffs. The sheriff's department is not trained appropriately to handle these folks, and presently what they're doing when they transport 'em, they're given a sedative to keep them out for at least two to three hours, depending on the length of the trip. I think it's important to us that we understand, and especially the folks on this side of the aisle who claim and want to be taking care of people who are unwilling or can't take care of themselves, that we look at this and allow these mentally ill people, who've never been arrested and you just happen to be ill mentally, that they be transported with some dignity and safety with people who are trained to transport them. So, I would appreciate a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 697 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, 44 Members voted Yes, 7 Members voted No, no Member is recorded voting

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Present. House Bill 697, having received the required constitutional majority, is declared passed. House Bill -- Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR JACOBS:

I just want to say to Senator Shadid, what a difference a sponsor makes.

PRESIDING OFFICER: (SENATOR WELCH)

House Bill 701. Senator Jones, that is being held for further language. We -- there's -- leave is granted to come back to that bill. House Bill 716. Senator Jones. Leave to come back to that one. The following bills, House Bill 763, 810, 811, are Senator Emil Jones' bill. We will pass those with leave to return. A motion was filed with the Clerk of the Senate transferring sponsorship of House Bill 716 and 763 to Senator Terry Link. We will return to House Bill 716. Senator Terry Link. Senator Link seeks leave of the Body to return House Bill 716 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 716. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this amendment does is it's a result of negotiation with the Professional Tow Truck -- Towing and Recovery Operators of Illinois, the Illinois Department of Transportation and Illinois State Police. What this did is a bill -- Senate Bill 330 and Senate Bill 563, which we passed out unanimously in the House and the Senate, took these amendments and put 'em together into one bill. It's agreed-upon bill and -- or, amendment. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

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Is there any discussion on the amendment? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. 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. On the Order of 3rd Reading is House Bill 716. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 716.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. The amendment became the bill. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 716 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, no Member voted Present. House Bill 716, having received the required constitutional majority, is declared passed. House Bill 763. Senator Link seeks leave of the Body to return House Bill 763 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 763. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, on the amendment.

SENATOR LINK:

Thank you, Mr. President. Basically what this does is there is three to four school districts in the State of Illinois who have for the last thirty years, approximately...

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PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, the sponsor has requested that we call for some quiet and attention to the sponsor. He can't hear. Please proceed, Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this does is, about three or four school districts in the State of Illinois who had been using mass transit for their schoolchildren in certain areas for approximately thirty years and a help to the local school districts, was -- been found to be a -- a -- a problem in -- when they were looking at the -- the budget in an audit, but this had been in use for thirty years. I would be more than happy to answer any questions on the amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RADOGNO:

Senator, do I understand that this bill essentially just exempts those few school districts from all of the rules and regulations that we have in place for the use of school buses?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I -- I wouldn't say it exempts them. What has happened, it's the practice of these areas where mass transit is being used in the area and was being reimbursed by the State. I -- I would not say it exempts them from any use of -- whatever we're getting at here.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Well, as I understand it, if we reimburse them to go ahead and use public transportation, we're essentially saying you don't have to use school buses. And it seems to me that it begs the question then, why do we use school buses at all? I mean, there's a lot of safety rules put in place with the use of

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school buses, including the stop arms - the arms that make the kids walk around the bus - background checks, safety equipment on the buses. And so, maybe we need to reexamine the situation in those four districts. This concerns me, this -- this particular approach that essentially just says some districts no longer have to follow any safety rules with regard to school buses. And it's -- I think we ought to vote No on this and then reexamine what we can do to help these districts, maybe include age limits or something. But I would certainly suggest this is not a good approach.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, we have five speakers. Do all of you wish to wait till the bill is on 3rd Reading instead of speaking on 2nd Reading? Is that okay? Anybody object to that? Then, on the amendment, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 763. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 763.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. I could see where the controversy is coming from. This is not a new program. This has been a program that's been in existence for thirty years. The safety factors have been there. Trust me. I'm not going to allow -- I'm the one that carried the bill to make it harder for transportation of a child on a charter bus. I passed that transportation. The last thing I'm going to do is try to make something easier. This is the background checks. The drivers on these mass transit buses go through a more stringent test than anybody goes through. They're fingerprinted. There are FBI

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checks. Everything's going. It's four school districts. In these districts that have been using it for thirty years, I tell you, look at the safety record of what's been going on in those districts. Look at the safety record of these children. And these are not little kids. These are junior high and senior high kids that are using these buses. I think this is important. This is a local issue, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon moves the previous questions. There are one, two, three, four, five, six speakers. Senator Peterson.

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR PETERSON:

Senator Link, does this bill affect the City of Chicago? Because I know some of the students ride the CTA in Chicago that go to school, but this does not affect the City of Chicago.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

No, it does not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Peterson.

SENATOR PETERSON:

Does this affect the City of Waukegan?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yes, it does. It was one of the four districts that this bill would cover.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Peterson.

SENATOR PETERSON:

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Are there any other districts in Lake County that this bill would affect?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR PETERSON:

Besides Waukegan?

SENATOR LINK:

No.

SENATOR PETERSON:

Okay. Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BOMKE:

Thank you. I first, I think, want to make a statement, kind of following up on Senator Radogno. I think we're headed down a dangerous slope here. As I understood in committee, these buses don't have the -- the normal safety arm or stop sign, and it would seem to me that in light of, just not all that long ago, the catastrophic accident that injured and -- and killed a number of students, that we ought to be trying to make these buses more safer rather than -- than not. In -- in fact, I've heard - and I don't want to travel down this road - that maybe we ought to have safety belts in -- in -- in buses. I don't know that I agree with that. But, Senator, you mentioned that the drivers go through a -- a stringent test every year. Can you tell me this: Is it as stringent as those that drive a school bus?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I -- I would -- I am presuming. I am not going to be able to answer that on a definite, but there are stronger things that they do on the -- on the Pace buses or the mass transit buses, I should say, than they do in the -- in the school bus and vice versa. So, I think between the two, it's just as strong.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

Well, I -- again, I'm concerned that -- and I understand that these school districts have been doing it a number of years, but the only reason they've gotten by -- it's illegal to do it. Through an audit they were found to be doing it illegally, and I think we have to correct a wrong, not concur with the wrong. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicated early he would lead -- he would yield to all questions.

SENATOR ROSKAM:

Thank you, Mr. President. Senator, you didn't say that the drivers of mass transit school buses have a tougher standard than the drivers that we have for schoolchildren's school buses, did you?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I would never think a good counselor like you would ever twist my words around like that. What I said, there are part of the school bus that are stronger and there's part of the mass transit which are stronger than the school bus. Between them I think they're equally as strong. That's what I said.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

What's the part of the mass transit standard that's tougher than the school bus standard?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Fingerprinting and the background check that I think is much more extensive than what we do in the school bus.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Do you have confidence, Senator, that a six-year-old child who rides on a mass transit school bus, which can happen under this legislation, do you have confidence that that child is going to be protected from some stranger who comes off the street, that enters that bus and isn't subject to the type of fingerprinting or other background investigations and so forth? Do you have confidence that that child's going to be safe?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I have confidence that child will be safe, but I have the same question when they get on that yellow school bus. Trust me, there's been accidents on yellow school buses. There's been problems on yellow school buses. Nothing is perfect. Do I feel that they would be safe on mass transit? Most definitely.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, to the bill. I -- I don't have that same level of confidence that the sponsor does. I think there's a lot to worry about in this bill. I think some of the problems that Senator Bomke and Senator Radogno outlined are problems that we shouldn't shirk. You know, we've worked long and hard in this General Assembly to make sure that a school bus system is safe. We've enhanced the -- the level of scrutiny that school bus drivers have to go through. We've made them a special color. I remember a debate about what type the tape should be on the back, whether it's reflective or not, and the type of glass to push out. We've made special arms that come out in front. I was given a newspaper article of an accident that took place in Springfield of a young boy that walked out of a mass transit bus, walked across the roadway mistakenly - shouldn't have - and he was very seriously injured. I think the sponsor, however well-intentioned, I -- I think it's -- it's the wrong move at the wrong time. This is a loophole that is incredibly large. There is no restraining influence whatsoever from somebody with

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-- with -- with very bad intentions once they learn that this is a school bus route for particularly young children, and again, there's nothing in the bill that limits this to junior high and high school, notwithstanding the -- the practice of Waukegan and some of these other areas. I think we're going to regret the day that the State decides to fund this. And -- and as Senator Bomke pointed out, this was brought to people's attention because of an audit that -- that -- that suggested that wrongdoing was happening. This is not an example of a school district that's come and said, "Oh, we want to do this. Could we please have your permission?" They got caught and now they're coming and asking us to retrofit it. I don't think we should vote Yes on this bill and I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

He will yield, Senator.

SENATOR GEO-KARIS:

With -- with all the rhetoric that's going on, will you tell me in one simple sentence, what does the darn bill do?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Basically, Senator, it codifies the practice that's been used for thirty years in those school districts.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What is that practice?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

The practice is in those four school districts where mass transit is available on routes, that children are -- can use those with a bus pass purchased through the school and the State would then reimburse those parents -- or, the school district for those bus passes. What it's doing is allowing to save the

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local school districts amount of money that they have now, as I think you are well aware what the Waukegan School District is facing, more money to pay for bus transiting and less kids being able to afford to go on buses because of not being able to use this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. I rise in strong support of this legislation. Certainly, some of the concerns that have been expressed I know are -- are genuine and all of us are concerned about the safety of our kids, but as Senator Link has pointed out several times, and I'd like to reiterate myself, this is not something new. This is something that we've been doing for well over thirty years. We have a track record to look at. We don't have to speculate and conjecture about fears and concerns. We can look at the track record. The track record clearly shows that children are safe on these mass transit buses, every bit as safe as they are in the yellow school buses. If they weren't safe, we wouldn't be using 'em. It's cost-effective. It's a safe way of transporting our kids. This merely conforms the law to something that we've been doing for thirty years. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. I think we've talked a lot about this bill, but I think one of the important points that I want to put out is, the last thing I'm going to do is put any kid in jeopardy. The kid lives in Waukegan or the kid lives in the Quad Cities, Champaign, anywhere in this State of Illinois, I don't want put a kid in jeopardy. And I don't think any one of those local school boards want to put any kind in jeopardy nor would they have used this practice for the last thirty years if they thought these kids were in jeopardy. When we talk about an audit, maybe the State should have done a lot of audits if something got through the cracks for thirty years of reimbursement. Maybe shame on the State and the auditing that we're doing if something gets through for thirty years. But

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let's not blame the local school districts who are trying to save their local taxpayers some money and can find a way that could be better transporting of kids at a less cost for their school district. I urge a strong Aye vote on this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 763 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 39 Members voting Yes, 17 Members voted No, no Member voted Present. House Bill 763, having received the required constitutional majority, is declared passed. With leave of the Body, we will pass House Bills 810, 811 and go to House Bill 852. Senator Shadid seeks leave of the Body to return House Bill 852 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 852. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 3, offered by Senator Shadid.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid. Could we break up the conference in front of Senator Shadid? I wanted to break up the conference in front of you, Senator, so we could see you. Senator Shadid. Is the mike on? Senator -- Senator, hold on. We can't hear you. Is the Senator's microphone on? Could somebody check that microphone? No, we cannot hear you. Could you go to Senator Walsh's microphone? Senator Shadid, at Senator Walsh's microphone.

SENATOR SHADID:

Thank you. Do I sound like Senator Walsh?

PRESIDING OFFICER: (SENATOR WELCH)

A little bit. Yes.

SENATOR SHADID:

He's my idol. Senate Amendment 3 is the amendment that gradually phases out the commercial distribution fee and reverts the rolling stock exemption to its -- to its form prior to July 1, 2003. I'd be glad to -- debate it when we go to 3rd.

PRESIDING OFFICER: (SENATOR WELCH)

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

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 852. On the Order of 3rd Reading, Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 852.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. On July 1, 2006, the rolling stock exemption reverts to its form prior to July 1, 2003. This amendment gradually phases out the commercial distribution fee. For the registration year beginning on July 1, 2003, it is thirty-six percent of the fees currently charged by the Secretary of State for license tags. On July 2004, the fee will be twenty-four percent, and on July 5th {sic}, the fee will be twelve percent and it will be zero for the registration fee beginning on July 1, 2006, and for each registration year thereafter. I'd be more than happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Call -- call the question, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney calls the previous questions. There are four speakers. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

The sponsor indicates he'll yield to all questions.

SENATOR LUECHTEFELD:

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Senator, I -- I realize what you're trying to do. We -- we passed a law last year that -- you know, we all talk about we want to -- we want to create jobs and, you know, there's not a -- not a person in here that doesn't say that when they go out and campaign. And then sometimes we -- we tend to forget about that by doing things that really hurt business, and -- and let's face it, that's where the jobs are. It's hard to see business go down the tubes and then in -- in the next breath, say you're going to create jobs. You know, we passed a bill last year that just almost -- I think we're going to see devastating effects in the trucking industry. You probably agree with that. And now we're coming back with sort of a -- face-saving bill that -- that maybe will phase this -- phase this out. But by that time -- would you agree that by that time, it may be just too late, really, to save that industry maybe from leaving the State or a lot of people going broke?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid.

SENATOR SHADID:

Thank you, Senator. The information I have is that Illinois, I'm sure you're aware, has a lower corporate tax rate and a lower individual tax rate than Iowa, Wisconsin and Indiana. So what I'm trying to do with this legislation is to sort of ease the -- burden a little bit and lighten the load on the trucking industry. And I realize they have a big load and I realize also that we could lose a lot of them. So I'm trying to make some amends here, if I might, with this legislation. And I've talked to some big trucking industries in our State, in my area, who are glad to see us doing something like this, and they said this is -- they're willing to pay their fair share but they didn't like what we did before and with no sunset. So that's why I put a sunset on, because we're supposed to be doing this to take care of the deficit.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I understand that a trucking firm would probably say -- something is better than nothing. I have a bill in the Legislature simply to -- to turn that around and change it right

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now, before it's too late. And again, you know, I really believe these trucking companies are going to make decisions over the next year or two that will be devastating to this State for a long period of time. We already have a reputation of being a state that's not very friendly to business. Obviously, a trucking company would say, "Yes, we would like something better than nothing." But, again, this is -- this is simply a face-saving bill that -- to try to say to the trucking industry, "Yes, we -- we want to help you." And -- and I understand that you -- you probably very -- very much do and realize that what we did was simply wrong last year. You cannot go after business and then in the next -- in the next voice, start economic development regions all over the State. You know, with one stroke of the pen -- of the Governor's pen, he did more to destroy business in this State, with that one stroke of the pen, than all of those economic development regions are going to do for the rest of -- you know, the next year or two. So, again, I -- I -- I really have mixed emotions about this bill and I think everyone should. There's a bill that would really solve this problem if we could get it out of Rules. If you'd help me do that, I would appreciate it. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill. Here's the incredible weakness of this approach and it's an analogy that we used today in the Executive Committee and that is, the State of Illinois, through the conduct of the administration last year, grabbed the -- grabbed the neck of the trucking industry and starting squeezing it, squeezed it incredibly, incredibly tight, so much so that now businesses that are not speaking in hyperbole - they're not making this up, they're not issuing press releases - they're saying, "We've got to leave the State of Illinois because you've created such a hostile environment for us financially." So what this -- what this bill does, House Bill 852, is it doesn't say, "Let's solve the problem." It doesn't say, "Let's release the chokehold and breathe fresh air into the industry." Instead, it says, "We're just going to leave -- let the squeeze up ever so much," so that the trucking

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industry, while they can't hardly speak right now, after this bill theoretically passes - if it even sees the light of day in the other Chamber, if the Governor decides to sign the bill - they'll be able to say, "Thank you very much," but they won't be able to be back and refreshed and vital like they are today. We are at risk of killing the goose that lays the golden eggs. These trucking companies are not going to sit around and wait for three years to -- for this program to phase in. That's not the way it works. If this is not repealed, these people are simply gone and they won't come back. The -- the -- the stakes are high on this. You saw how animated these folks were yesterday when they came in and they circled -- literally circled the Capitol with their trucks and so forth. Now we have this going on, and at the same time, after this passes, we have an administration that has created a complete mess of this bill, of this whole underlying topic, and they say, "Well, now we've got to come up with credits and incentive programs for companies to stay in the State of Illinois." I read one article from October where Senator Granberg -- or, Representative Granberg now has to run interference with the administration to try and get the Department of Community -- Commerce and Community Opportunities {sic}, and so forth, to come up with a program to keep the Henderson Trucking Company in his area. That's absurd. You know, we have a bill that's sitting in the Rules Committee, an amendment to this bill, that takes the stranglehold away immediately, that releases the -- the -- the -- the death vice grip that the administration has on the trucking industry, and it can be released and we can debate on that with the twinkling of an eye. You know, my wife and I - in closing - last year we were traveling to Ireland, and the Irish economy is exploding. It's just -- like eight or nine percent a year. It's doing great. And we were at a bed and breakfast, and I asked the young guy who was making breakfast for us, I said, "What is it that you've done here in Ireland to make the economy grow so ferociously?" And he paused and he said, "Well, a really interesting thing. What the government decided to do was to cut taxes, and the other thing they decided to do was to cut the regulation on business. And you know what? Businesses from all over Europe and all over North America are coming to Ireland."

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Well, lo and behold, they're acting like it's rocket science and we know better. We know the effect. Here we are. We see it every day now, the effect of confiscatory taxes on honest, good businesses in State of Illinois. We are at risk, Senators, of killing the goose that lays the golden eggs. We should release the death grip on this industry and let 'em breathe some fresh air. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo. Senator DeLeo.

SENATOR DELEO:

Yes. Thank you very much, Mr. President. Just -- I just -- I just got an idea. I think what we should do -- after listening to the former speaker talk about changing this, I -- I was kind of confused. I don't know if they're for it or against it, do we help the truckers or we don't help the truckers, maybe we should help the truckers. And then there was some gasping of some breath and I -- I was -- I was worried. I was going to call 911 just to make sure you were -- but I -- I think there's an idea. Maybe if we want to lose some more revenue to the State, we could call Special Session in December. We could all come down to Springfield and we could suspend the gasoline tax again and we could have a loss of revenue, and we could -- and we could put a sticker -- we could put a sticker on every pump in the State of Illinois that says, "Look what your General Assembly Members did," and take that four or five cents a gallon, the State's share to -- to the gasoline tax, and we can lose hundreds of millions of dollars in revenue and then we wouldn't have to impose all these taxes. We could -- we could find some other new revenues. If we wouldn't have lost and we would have been a little more responsible a few years ago and we didn't suspend the sales tax on the gasoline, we wouldn't be in this fiscal crisis we are today. So, I think this is the right thing to do. Let's vote for House Bill -- 852. Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

The last speaker. Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. District I represent is northwest Illinois --

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bordered on the west by Iowa, bordered on the north by Wisconsin. The Freeport Journal-Standard, about three weeks ago, said, "We're hearing from our trucking companies, a major industry in northwest Illinois, about the impact of this new thousand-dollar license fee on the trucking industry." So the newspaper said, "I think we better do some research here and get the facts for the people in northwest Illinois, a lot of them who drive trucks. They haul corn. They haul soybeans. They haul milk. They haul cheese. They haul eggs. They employ a lot of people in northwest Illinois." And they looked at the fees, and what Illinois has done and what our Governor proposed is to raise this license fee by a thousand and five dollars. Now costs a truck in northwest Illinois three thousand eight hundred and seventy-five dollars annually for their licenses and fees. So how does that compare to Wisconsin, right across the border? Wisconsin's costs are about nineteen hundred dollars compared to our thirty-eight hundred and seventy-five. Okay. How does it compare to a trucking business that wants to operate in Dubuque, Iowa, just down the road on Route 20? Figure in Iowa that the Freeport Journal-Standard came up with, about sixteen hundred dollars. So, sixteen hundred dollars in Iowa, nineteen hundred dollars in Wisconsin, thirty-eight hundred and seventy-five dollars in Illinois. Generate revenue? You bet it does. And I comment Senator Shadid for trying to address this issue and do - - do something about it, a recognition that this is a serious problem. We need the revenue. It's a short-term fix; will have long-term consequences. We'll actually lose money by doing this. The right thing to do is to repeal this tax, eliminate it now - not phase it out over three years. Find some other source, whatever it be. But when you're looking at a business that can go to Monroe, Wisconsin, those trucks aren't assets that are set in concrete. It's easy to pick up, hop in a truck, turn the key on and move that truck and that job to Monroe, Wisconsin. Easy to hop in that truck, turn on the key, move that truck and that job to Dubuque, Iowa. That's what's happening in northwest Illinois. We need to completely repeal this tax. For thirty-eight hundred and seventy-five dollars compared to nineteen hundred dollars, compared to sixteen hundred dollars, it's a no-brainer. This is a bottom-line issue to jobs. This is a bottom-

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line issue to working men and women, working families that live to drive a truck and they want to live here in Illinois to drive their trucks. They don't want to move to Monroe or Dubuque to keep their job. You're taking jobs away from hardworking men and women that have been truck drivers for a long time. We ought to get the bill out to repeal this thing completely. Senator Shadid, you're doing the right thing to get us moving in that direction. This isn't the right bill to get the job done to keep the jobs in Illinois, to keep people working here to keep paying taxes. The other part of the bottom line on this for the trucking industry is when they look at their cost of workers' compensation in the State of Wisconsin, considerably less than their cost in Illinois. Workers' comp issue is a big cost to doing business. We're going to talk about unemployment insurance in the State of Illinois and what we have to do to keep the Trust Fund solvent. Our cost for the unemployment insurance to employers here, the trucking companies in Illinois, higher than Iowa, higher than in Wisconsin. This literally is the straw that breaks the camel's back or breaks the trucker's back and takes the jobs out of our State. I'm going to vote for this bill 'cause we don't have an opportunity to vote for a better bill, but I just think we're not doing the right thing here. We ought to do the right thing. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid, to close, at Senator Walsh's microphone.

SENATOR SHADID:

Senator Walsh gave me permission to use his mike. Thank you. Thank you very much for all those comments. I appreciate them and I know you're sincere about 'em, but I can only do what is doable right now. And all the fees and all the other things that we've done over the years - I've been here a little over ten years - I've not seen any -- anything that came down and we put anything on, we never put a -- put an end to it. This has a sunset to it where this will end. What I'd like to also remind everybody, that Illinois does have a lower corporate tax rate and a lower individual tax rate than Iowa, Wisconsin or Indiana, but I have no control over that either, what their tax rate is. So what I'd like to do is tell you that I think this is a reasonable approach. We'll give 'em some relief, and I think

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they will gladly accept that relief and hopefully nobody will leave the State of Illinois. Thank you, and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 852 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question...on that question, there are 34 Members voting Aye, no Members voting No, 22 Members voted Present. House Bill 852, having received the required constitutional majority, is declared passed. House Bill 863. Senator Link. With leave of the Body, we will return to House Bill 906. House Bill 953. Senator Emil Jones. House Bill 960. Senator Link. House Bill 1029. Senator -- Senator Watson, for what purpose do you rise?

SENATOR WATSON:

What do you have? We're just going to -- we're going to question the Chair's recent ruling on how many votes it needed to pass that bill. It had an immediate effective date, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

You are now asking for a ruling?

SENATOR WATSON:

No, I'm just telling you. It had an immediate effective date. I assume it should have taken thirty-six votes. You ruled the passage. I think that was just a mistake on your part. It had thirty-three and needed thirty-six.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson, you are correct. House Bill 852, not having received the required constitutional majority, is declared failed. Senator Shadid, for what purpose do you rise? ...to page 2 of the Calendar. House Bill 1029. Senator Maggie Crotty. Senator Crotty seeks leave of the Body to return House Bill 1029 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1029. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

...Amendment No. 1, offered by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Crotty, on the amendment.

SENATOR CROTTY:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. House -- the Amendment No. 1 to House Bill 1029 is a quick-take on parcels of property - no homes - for the building of a school. The school that is currently there is a 1923 -- a school that was built in 1923 and it qualifies for that hundred-year-old building with the Capital Development Board. And again, this quick-take is of no homes. It's property surrounding homes that are on anywhere from three to ten acres. And at this time, the school district and the six property owners are already negotiating for the selling of the price.

PRESIDING OFFICER: (SENATOR WELCH)

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

SECRETARY HAWKER:

Yes. Floor Amendment No. 3, offered by Senator John Jones.

PRESIDING OFFICER: (SENATOR WELCH)

Floor Amendment 3. Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Floor Amendment No. 3 to House Bill 1029 is a quick-take for Mt. Vernon Township in Jefferson County, Illinois. Quick-take proceedings under Section 7-103 may be used for a period of three years after the effective date of this amendatory Act of the 93rd General Assembly by Mt. Vernon Township in Jefferson County for the acquisition of all property necessary for the purpose of improving Green Road with an overpass over the Union Pacific Railroad and Casey Fork Creek. And I might just add that this property that we're talking about is -- is property that floods about ten times a year, but it -- with this -- with this overpass, along with the one Mt. Vernon Township built about five years ago, would give the citizens of Jefferson County on the east side of the -- the county emergency access that they don't have now with about thirty-one trains a day going through the community.

PRESIDING OFFICER: (SENATOR WELCH)

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

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 1029. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1029.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President. I have nothing more to add than what I just did on this amendment at the 2nd Reading. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR LAUZEN:

Senator, it sounds like worthy public cause for this project. If the parties are already negotiating, why is -- why is quick-take necessary?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Because if there -- if there happens to be some -- some of those parties that aren't able to negotiate or won't negotiate in good faith, then at that time we would do quick-take. But I can tell you that I know this school board and I know the people that are -- that are in this and they're -- most of them are quite happy, if not all of them, that this school is going to be

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there. And it's just also to allow the developer to know that -
- that this property will be made available.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR CROTTY:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 1029 pass. All those in
favor, vote Aye. Opposed, vote Nay. The voting is open. Have
all voted who wish? Have all voted who wish? Have all voted
who wish? Take the record. On that question, there are 42
Members voting Yes, 10 Members voting No, 1 Member voted
Present. House Bill 1029, having received the required
constitutional majority, is declared passed. House Bill 1078.
Senator Lightford. Senator Lightford seeks leave of the Body to
return House Bill 1078 to the Order of 2nd Reading. Leave is
granted. On the Order of 2nd Reading is House Bill 1078. Madam
Secretary, are there any Floor amendments approved for
consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford, on the amendment.

SENATOR LIGHTFORD:

Thank you, Mr. President and Members of the Body. Senate
Amendment 1 to House Bill 1078 amends the Illinois Credit Union
Act regarding fee decrease. It retains all annual-fee credit
unions must pay to the Department of Financial Institutions to -
- the FY03 amounts, except for the credit unions with total
assets over five million, and it also reduces fees for credit
unions with assets over five million and not over five hundred
million to twenty-seven percent of the FY03 amounts. I'd be
happy to answer questions.

PRESIDING OFFICER: (SENATOR WELCH)

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

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SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 1078. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1078.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'd be happy to answer any questions. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Just to congratulate the Senator. Now this is a way to run a bill. You go in, you move a bill that -- that immediately reduces fees, and it will blow out of here, I'm sure, unanimously. So, my hat's off to you, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, the question is, shall House Bill 1078 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, and none voted Present. House Bill 1078, having received the required constitutional majority, is declared passed. The top of page 3. House Bill 2696. Senator Obama. House Bill 3413. Senator Emil Jones. With leave of the Body, we will return to the top of the Order on page 2. House Bill 610. Senator DeLeo. Senator DeLeo, do you wish to proceed?

SENATOR DeLEO:

Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Wait. Wait. Wait. Madam Secretary, read the bill.

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SECRETARY HAWKER:

House Bill 610.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 610, Amendment No. 1 -- Amendment No. 1 deleted everything in the original bill and it's -- what -- what -- what it does, is it allows certain employees of the Toll Highway Authority to qualify for a pension equal of 2.5 percent of their final salary for each year of service under the alternative pension formula. In this amendment, the term "tollway employee" means a person employed by the Illinois Toll Highway Authority, such as a lane walker, a senior lane walker, a toll collector, senior toll collector, money room truck driver, money room cash handler, and -- custodians. This amendment would impact approximately eight hundred and sixty tollway workers. The reason this was brought to -- and we're in Veto Session doing this, there was a -- some major dangers inherent in the positions that warrant this inclusion into the alternative formula. Just this past August, matter of fact, on August 28th, a lane collector by the name of Howard Collier was killed when a car was going over forty miles an hour, failed to stop and -- barreled through the toll lane, striking the tollway employee with full force when he was crossing the lane. These workers have a very high fatality rate. As you know in the past couple of years, there's been three people killed in the line of duty. Actually, their fatality rate is higher than the State Troopers, which also qualify this alternative formula. So, I'd ask for a -- a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I stand in support of the legislation. It seems like the right thing to do.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Question or two of the sponsor, if he'd be willing to yield.

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield to all questions.

SENATOR RAUSCHENBERGER:

Senator DeLeo, I guess I was a little confused. Is this a survivorship benefit to go to the widows or to the family of -- of a toll worker that was killed? I mean, it seemed to me that you were talking about fatalities. And so does -- does this -- is this limited to benefiting the families of -- of toll road workers who are killed?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Is the question, is it retroactive?

PRESIDING OFFICER: (SENATOR WELCH)

No.

SENATOR DeLEO:

It -- it..

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger, please restate the question.

SENATOR RAUSCHENBERGER:

I -- I could be really confused, but, you know, I kind of thought pensions involved people -- people's financial security and retirement. If -- if you're killed in the line of duty, whether it's as a policeman or anything else, we generally talk about those as survivor benefits. You just cited toll workers being killed. Does this bill only affect -- is this survivor -- benefits for the -- for the family or for the widow? Or is this -- what -- what does this bill do?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

I understand your question. It's not survivor benefits. It's for -- we're -- recognition of people that work in a very dangerous situation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Okay. Well, I just wanted to make sure the Chamber wasn't confused, 'cause the body of work that a firefighter does or the body of work that a -- that a policeman does day in and day out is -- is very dangerous and sometimes, I guess, recognized by the fact that they have a shorter life expectancy. So the argument for the alternate formula initially, just so people remember, was that firefighters seldom lived to full retirement to collect their benefit, so you accelerated their benefit. But that's not necessarily true for all workers who might be subject to accidental death or something. So I just was concerned. Seemed like you were talking about a survivorship benefit. But let me go on to another question. This -- the cost of this enhancement in benefits to the pension system is how much? What's the net present value of the unfunded liability we're adding to the pension?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

I am -- I am told that this is amortized over forty some years. And you must understand, this is a very important part -- let me finish my -- Senator, let me finish my answer. The current rate that the tollway employees pay into their contribution for their tollway pension fund is four percent. Under this new formula, it rises to eight and a half percent. So the unfunded, mandated liability for the first couple years is next to nothing. There -- the -- they have told me the pension impact is almost zero the first year.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

So, Senator DeLeo, just, you know, to put a fine point on it, so the first few years, it may be is no outlay because you don't have people retiring under the alternate -- formula, but as you get out further, it's presumed that future tolls and -- and -- will pay for the unfunded liability of this pension, which is about forty million dollars. Isn't that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

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SENATOR DeLEO:

No, that's not correct. It could be -- the last, it was around thirties -- thirty in the middle thirties.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Okay. So it's not forty. It's a middle -- middle thirty to thirty-five million dollars over the next forty years from a system that the last two Governors have both talked about abolishing. So keep in mind, you're increasing a pension benefit to be funded by future toll collections in a -- in a system that (a) we can't afford to rebuild, (b) we can't get agreement with any Governor or any toll road commission on their toll structure, and (c) the people have talked about abolishing the tolls. I have a great deal of sympathy for SIU workers -- or, SEIU workers who work in the toll road, but included in your provisions, I think, are -- are actually custodians that clean toll booths and money counters who -- who run machines that count coins. So, I just think it -- we'd all like to do something nice for people. Let's go back to -- to Senator Shadid's bill, get -- get Senator Luechtefeld's version out of Rules and let's do something there and hold off before we expand pension benefits, increase unfunded liability, and depend on funding from the toll system that we've all talked about abolishing at one time or another.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Soden.

SENATOR SODEN:

Will -- will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

He'll yield, Senator.

SENATOR SODEN:

Senator DeLeo, what positions are covered presently?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Under this amendment it would mean a lane walker, a senior lane walker, a toll collector, a senior toll collector, clerk, money room truck driver, money room cash handler, and custodian.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Soden.

SENATOR SODEN:

What about people in the sign shop who have a very dangerous job?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

They're not in this amendment. They're not included in this language. You'd like to put a...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Soden.

SENATOR SODEN:

Then I would recommend a No vote until they're covered. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR LAUZEN:

I understand the -- the question and answers with Senator Rauschenberger. The thirty-five million dollars by which the unfunded liability increases is just going to create a thirty-five-million-dollar larger hole in the State Employee Retirement System. Are you aware that that system right now is only funded at approximately forty-three percent, according to our analysis, that only forty-three percent of the dollars that are supposed to be on deposit to pay for the present value of all those future promises versus what's actually deposited is only forty-three percent? Are you aware of that? Or would we agree on that analysis?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

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SENATOR LAUZEN:

Then my question would be, how are we going to fully fund that obligation? How can we -- in the private sector, if we're not at a hundred percent, the first step that the federal government does is they disallow the deductibility. If it's not corrected after that point, the small business owner actually goes to jail. They're prosecuted and go to jail if it's not at a hundred percent. How do we solve this problem?

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

There's -- there's two things. First of all, the -- the -- it's not about the unfunded liability. It's about the danger of these jobs. Number two, as I mentioned to you earlier, mentioned to the -- the Body, the current employee contribution is four percent. It raises -- goes to eight and a half percent, which pick -- will pick up a large part of that unfunded mandate. Currently, the actual liability for SERS is -- I don't know if you're familiar, but our actual liability is 14.2 billion. 14.2 billion. So, when we're talking about this impact, it's not a large dollar amount for a very dangerous job.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

I'm sorry. You know, Senator, I -- I appreciate what you're saying, but when you talk about just the liabilities -- or, excuse me, the asset side of the formula, you're -- you just referred to the large amount of money that is there on the asset side. I think you have to take a look at the liabilities. The liabilities in this case are twice as much as the assets. So, I know it's a big number, but the liabilities is a much, much bigger number. And if we -- so a comment to the bill is that if we -- if we want to know how we got into that problem in the first place, it's promising more than we're depositing, and this is another example of one of those promising more than is being deposited.

PRESIDING OFFICER: (SENATOR WELCH)

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

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SENATOR DeLEO:

Thank you very much, Mr. President. Again, Ladies and Gentlemen of the Senate, in closing on House Bill 610, I'd like to simply add, we're simply adding the job titles that are just as dangerous as the ones currently included in the alternative formula. As -- as I mentioned, lane walkers, for example, have the highest rate -- higher rate than the State Troopers. Over the past three years, there was one fatality per year. I ask for a favorable roll call on House Bill 610.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, will House Bill 610 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 Members voting Yes, 6 Members voted No, 1 Member voted Present. House Bill 610, having received the required constitutional majority, is declared passed. With leave of the Body, ABC Channel 7 shall be granted leave to film. Senator Dave Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR D. SULLIVAN:

Ladies and Gentlemen of the Senate, many of you know the great Father John Smith from Maryville Academy, but today we are joined by one of his colleagues from Maryville Academy, Father David Ryan, in the back with Senator Cronin. If we could welcome him.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Father -- welcome to the Senate again. Also -- also, with leave of the Body the Journal-Register has requested permission to photograph. Is leave granted? Leave is granted. We have on page 2 -- Senator Welch, with leave of the Body, requested leave to go back -- to return to 906. House Bill 906, Madam Secretary.

SECRETARY HAWKER:

House Bill 906.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Take it out of the record. Okay. It's my understanding, with leave of the Body, we're going to page 6 on your Calendar at the bottom, Motions in Writing, Override Item Vetoes. Is House Bill -- we'll stand at ease for a moment till some paperwork catches up.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, the Senate will come to order. Page 7, page 7 on your Calendar, is House Bill -- page 7 is House Bill 2716. Senator Trotter. Madam Secretary. Madam Secretary.

SECRETARY HAWKER:

I move that the item on page 81, lines 27 through 30 of House Bill 2716 do pass, notwithstanding the item veto of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. And House Bill 2716, this is the first of five overrides that I'll be asking you to -- to restore dollars that the Governor took out. In this instance, we're asking to restore three hundred and sixteen thousand dollars for the family practice grants to public and private agencies for residency programs, which were overridden. They were overridden in the House. The resident programs provide grants to qualifying medical residency programs operating in medically underserved areas of our State, and I would like to have those dollars restored to the budget.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Is there any discussion? If not, the question is, shall the item on page 81, lines 27 through 30 of House Bill 2716 pass. All in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 2716, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. Okay. Ladies and Gentlemen, page 7, Motions in Writing to Restore Item Reductions is House Bill 2663. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move that the item on page 15, lines 27 to -- through 29 of House Bill 2663 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Lines 27 through 29 of House Bill 2663 deal with the Illinois State Board of Education, in particular the Standard, Assessment and Accountability Program, and through this reduction veto, funding for the Standards, Assessments and Accountability Program was reduced by 1.1 million dollars. According to the State Board, the veto will result in the closing of the Board's Nonpublic (Schools) Recognition Office, which had been staffed by four full-time employees. The veto's amounts will be reflected through administrative cuts to this office. The office is responsible for evaluating and recognizing nonpublic schools, putting them on par with public schools. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Welch, it's my understanding that some of this money is linked to nonpublic school recognition. Is that correct?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

How much?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Two hundred thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Now -- right now it's my understanding that the Illinois State Board of Education has the discretion whether or not to offer that recognition or not and there's legislation that is either on its way over here or is here in the Senate that would mandate that they offer that recognition. If that bill either fails in the Senate or passes the Senate but is vetoed by the Governor, then do we know what would happen with that two hundred thousand dollars if this override passes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, the bill is out of the committee and is on the Floor of the Senate, I believe on 2nd Reading, and the Board would continue to do this program, probably regardless.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Further discussion? If not, Senator Welch -- the question is, shall the item on page 15, lines 27 through 29 of House Bill 2663 be restored, notwithstanding the item reduction of the Governor. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. This bill takes thirty affirmative votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. The item on page 15, lines 27

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through 29 of House Bill 263 {sic}, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. 2671. Senator Trotter. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move that the item on page 18, lines 17 through 22 of House Bill 2671 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. In 2671, we're asking to restore three million seven hundred and eight thousand dollars, which affects the funding formula impact grant that was presented in the Illinois Community College Board. These dollars were put in as -- for -- as a hold harmless provision to help these universities -- excuse me, these -- these colleges in southern Illinois. It impacts on thirty-nine of those colleges, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the item on page 18, lines 17 through 21 of House Bill 2671 be restored, notwithstanding the item reduction of the Governor. Those in favor will vote Aye. Those opposed will vote Nay. I beg your pardon. Motion... Beg your pardon. I read the wrong line. It says, shall the item on page 18, lines 17 to 22 of House Bill 2671 be restored, notwithstanding the item reduction of the Governor. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The item on page 18, lines 17 through 22 of House Bill 2671, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. Bottom of page 7 is House Bill 2700. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

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I move that the item on page 232, line 8 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor. Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Welch, we'll take -- the first motion, 2700, out of -- out of the record. That's the one we placed. I understand you're not calling that. Take it out of the record. Bottom of page 7 is House Bill 2700. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that the item on page 235, line 28 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This item, the Governor reduced the line from five million seven hundred and seventy-six point nine thousand to four -- to five million four hundred and thirty one point three thousand, a difference of 345.6 thousand dollars {sic}. The Secretary of the State felt the Governor's veto would provide for a shortfall in funds the Secretary needed to pay Social Security contributions for -- employees. I would move to reinstate the money in the budget, your Honor...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicate he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Welch, what's the source of the money for this restoration?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Could you ask the question again, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Righter.

SENATOR RIGHTER:

The source of the money that would be for this restoration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

What? I -- I can't hear you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter, it seems to me that the level of the noise here is down, so speak up.

SENATOR RIGHTER:

I will do that, Mr. President. Thank you for that suggestion. Senator Welch, what's the source of the money for this restoration? What specific fund in the State Treasury is the money for this restoration coming from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The source is the Road Fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Of the three hundred and eighty-seven million dollars or so that's being diverted for the road -- from the Road Fund this year in the Fiscal Year 2004 budget, is this four million, would that be on top of that, do you know, or is this part of it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Welch.

SENATOR WELCH:

This is part of the original three hundred eighty-seven million dollars' appropriation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the item on page 235, lines 28 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor. All in favor will vote Aye.

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Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 12, none voting Present. The item on page 235, lines 28 of House Bill 27 {sic}, having received the required constitutional -- majority, is declared restored, notwithstanding the item reduction of the Governor. Page 8, Ladies and Gentlemen. Page 8. At the top of the page is House Bill 2700. Senator Welch. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

I move that the item on page 236, line 28 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor.

Filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Mr. President, this is a motion to restore 345.6 thousand dollars to the budget to pay for Social Security contributions for employees of the Secretary of the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Righter.

SENATOR RIGHTER:

Thank you. Same question, Senator Welch, the source in the State Treasury for this restoration. And I'll have the same question for the next one I assume you're going to call as well, if you want to tell us that in the opening.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I'll yield again to the next question, too, so... It's the Road Fund. Same answer of the three hundred and eighty-seven million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Yeah. For purposes of correction, I just want to make sure that I understood. I -- I think that the sponsor just said this was a three-hundred-and-forty-five-thousand-six-hundred-dollar override motion. And -- and my recollection was that that's what he referred to the last one being. So -- 'cause I -- I think for the benefit of the Members, and correct me if I'm wrong - it's easy to misread the lines - I think the last override that we voted on was actually four million three hundred and thirty-six thousand. This one is three hundred and forty-five thousand. So, is that correct? Have I got those -- 'cause I think he just transposed the lines reading it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Yes. They're nonsequenced on the sheet I have in one hand, but sequenced on the sheet I have in the other.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. Just so Members understand, the last veto override was the one on your sheet showing four million three hundred and thirty-six thousand, for Republicans, and now this one is the three forty-five. So we're -- we're back in order. The one that we skipped over, if I'm correct, Senator Welch, was the General Revenue restoration of one million nine hundred thirty-eight thousand. Thank you. Appreciate the clarification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the item on page -- I'm sorry, on page 236, lines 28 through -- House Bill 2700 be restored, notwithstanding the item reduction of the Governor. All -- those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The -- question is -- on that question, the Ayes are 45, the Nays are 11, none voting Present. The item on page 236, lines 28 of House Bill -- 2700, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. Let's skip the next one.

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Third... Senator Welch, it's my understanding we're -- we're skipping the next motion. We're going to the third motion? All right. Page 8. It's the third motion, Ladies and Gentlemen, on that page on House Bill 2700. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move that the item on page 255, lines 17 through 20 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a restoration of funds out of the Mandatory Arbitration Fund already held within the Secretary -- within the Supreme Court's Office. It's a restoration of 2.941 million dollars. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the item on page 255, lines 17 through 20 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor. All in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 21, none voting Present. The item on page 255, lines 17 through 20 of House Bill 2700, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. Again, I want to repeat that it takes thirty motions -- 30 votes on the restorations. House Bill 2716. Senator Trotter. Madam Secretary, read -- read the motion.

SECRETARY HAWKER:

I move that the item on page 5, lines 24 to 25 of House Bill 2716 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

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Thank you very much, Mr. President, Members of the Senate. This is the second of -- of four more restorations that we'll be requesting today. This one specifically restores dollars of one million six hundred and fifty thousand dollars to the Hospital, Inpatient, Disproportionate Share Alzheimer's Disease Program. The Governor -- what -- by taking these dollars out of the budget, what we've essentially done is we've cut clinical services to patients and their families. These -- we cut the educational services to both medical professionals and laypersons, and also in here are research dollars, and we're asking for the restoration of those dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would just like to point out that I -- I am going to -- vote Yes on this, even though I'm not a sailor and I'm only drinking diet Pepsi today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

For the record, that's David Sullivan. Further discussion? If not, the question is, shall the item on page 5, lines 24 through 25 of House Bill 2716 be restored, notwithstanding the item reduction of the Governor. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none voting Present. The item on page 5, lines 24 through 25 of House Bill 2716, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. Next motion. House Bill 2716. Again, Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move that the item on page 25, lines 18 through 22 of House Bill 2716 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

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...much, Members of the Senate, Mr. President. We're asking here to restore thirty-three thousand dollars for psychotropic medication a program for the mentally ill. On this particular one, it would be thirty-three thousand dollars. The Governor and OMB are -- are total agreement that this is something that should not have been reduced in the first place, and I ask for the Body to vote favorably to restore the dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Brady.

SENATOR BRADY:

Point of privilege, Mr. President. I had meant vote Yes for the last bill. I was -- got wrapped up in my colleague's comments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will show -- will so reflect. Is there further discussion? If -- if not, the question is, shall the item on page 25, lines 18 through 22 of House Bill 2716 be restored, notwithstanding the item reduction of the -- of the -- of the Governor. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 4, none voting Present. The item on page 25, lines 18 through 27 {sic} of House Bill 2716, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. House -- again, the next motion with respect to House Bill 2716. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move that the item on pages 56 and 57, lines 34 and 1 of House Bill 2716 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Mr. President, Members of the Senate, this was a reduction in the Department of Human Service's budget. It impacted on the Teen REACH Program. Those of us who were here five years ago when we were passing the juvenile justice bill and rewriting

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that bill, we felt that we had to do something that made sense and that was give us ourselves and our children a prevention and intervention program. That's what Teen REACH funds. In that and those programs, it includes recreation, academic enrichment, positive adult mentors and life skill education. We're asking today to restore five hundred and fifty-one thousand dollars to that line.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just want a clarification to make sure. Senator Trotter, isn't it right that there's about twenty million dollars in the Teen REACH program as proposed by the Governor? This additional money that he vetoed was actually an add-on, I think, by our good friends over in the House Chamber initially to the budget. So, the Governor vetoed just the additional funding into Teen REACH?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That is absolutely correct. But, as you know, the program, which benefits almost fifty thousand children in our State, was essentially underfunded. So this was something that we felt to try to enhance that worthwhile program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. I -- I certainly agree with the intent of the sponsor. He's worked real hard on the Teen REACH Program, but just so Members know, there's a twenty-million-dollar program still left, you know, if we want to avoid being re-categorized as mariners who spend time imbibing. Thanks.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator Trotter, to close.

SENATOR TROTTER:

Just ask for Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

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The question is, shall the item on page 61, line 1 {sic} of House Bill 2716 be restored, notwithstanding the item reduction 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, 45 Members voted Yes, 11 voted No, and no Member voted Present. The item on page 61, line 1 {sic} of House Bill 2716, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Point of order, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SHADID:

Is my mike working? My mike working?

PRESIDING OFFICER: (SENATOR WELCH)

No. Senator Shadid, at Senator Larry Walsh's desk. Please proceed.

SENATOR SHADID:

Thank you, Larry. What I'd like to do, Mr. President, is on my bill, House Bill 852, I'd like to take this opportunity to put that on a motion to consider it -- for a motion to Postponed Consideration, as of Senate Rule 7-12.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid seeks leave of the Body to put Senate Bill - - House Bill 852 on Postponed Consideration. Leave of the Body? Seeing no objection, leave is granted. For purposes of clarification, returning to page 8 of the Calendar, House Bill 2716, Senator Trotter's last motion referred to page 56, line 34 and page 57, line 1 of House Bill 2716. The following motion by Senator Trotter refers to the misstated page 61, line 1 of House Bill 2716. Madam Secretary, on House Bill 2716, read the motion.

SECRETARY HAWKER:

I move that the item on page 61, line 1 of House Bill 2716 be restored, notwithstanding the item reduction of the Governor. Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Trotter.

SENATOR TROTTER:

Mr. President, Members of the Senate, this is the last motion on 2716 and what we're asking here is for restoration of five hundred thousand dollars for the Homeless Youth Services Program. These dollars will go for case management, job training and -- and just an investment in our future. Again, we can invest now or we'll pay later by dealing with these individuals in the Department of Corrections, and I ask this Body to vote with me in restoring those dollars.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Again, for Members of both sides of the aisle, I compliment the sponsor on bringing this issue before the General Assembly, but there is a 4.3-million-dollar-base homeless program that the General Assembly - I think the House - added an additional five hundred thousand dollars to. And as we kind of work in these dangerous times, I just want people aware that if you decide to support the Governor's decision to re-reduce this back to his introduced level, there's still a 4.3-million-dollar program underneath it. But appreciate Senator Trotter's effort in bringing the motion so we can rethink this as a corporate Body.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR TROTTER:

Thank you very much, and thank you very much, Senator Rauschenberger. And he's absolutely correct. There is a -- four million dollars in this budget; however, this -- these dollars here will address really at-risk children, who -- thirty-three percent of these homeless individuals have been physically attacked, twenty percent have been sexually assaulted, seventy-five percent have been asked to sell drugs and twelve percent of them engage in prostitution. This will help us keep those children safe and give them a safe haven, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

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The question is, shall the item on page 61, line 1 of House Bill 2716 be restored, notwithstanding the item reduction 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, -- 35 Members voted Yes, 21 Members vote No, no Member voted Present. The item on page 61, line 1 of House Bill 2716, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. On page 8 of the Calendar is the Order of Motions in Writing to Accept the Specific Recommendations of the Governor. House Bill 88. Senator Trotter. Senator Trotter. House Bill 88. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 88 in manner and form as follows:

Amendment to House Bill 88

in Acceptance of Governor's Recommendations.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Looks like I'm the only one working this evening. What? Has everybody else gone out for a drink?

PRESIDING OFFICER: (SENATOR WELCH)

We are all sober here tonight, Senator.

SENATOR TROTTER:

With this motion, I just ask that we accept, in this case accept the Governor's amendatory veto, which he is -- which amends the Mental Health and Developmental Disabilities Administrative Act to add duties to Department of Human Services in monitoring and reporting care of mental health patients.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? The question is, shall the -- shall the Senate accept the specific recommendations of the Governor as to House Bill 88 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

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that question, there are 56 Members voting Yes, no Member voted No, no Member voted Present. The specific recommendations of the Governor as to House Bill 88, having received the required constitutional majority, are declared accepted. House Bill 313. Senator Shadid. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 313 in the manner and form as follows:

Amendment to House Bill 313

in Acceptance of the Governor's Recommendations.

The motion, by Senator Shadid.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid. Senator Shadid at Senator Walsh's desk.

SENATOR SHADID:

Would you -- would you call the maintenance guy for me, Mr. President, to fix..

PRESIDING OFFICER: (SENATOR WELCH)

Yes, we will.

SENATOR SHADID:

I move to accept the recommendation of the Governor to House Bill 313. The bill, as passed last spring, requires owners of vehicles registered in another state to obtain an Illinois safety inspection when a vehicle is used by a contract carrier transporting the employees in the course of their employment on an Illinois highway in a vehicle designed to carry fifteen or fewer passengers. The Governor's recommended changes make sure that the provisions of the bill do not conflict with federal laws and regulations. So, I move to accept the recommendation of the Governor.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is shall the Senate accept the specific recommendations of the Governor as to House Bill 313 in the manner and form set forth in the motion. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, none voting Present. The specific recommendations of the Governor as to House Bill 313, having received the required

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constitutional majority, are declared accepted. House Bill 684.
Senator Link. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the
Governor as to House Bill 684, in manner and form as follows:

Amendment to House Bill 684

in Acceptance to Governor's Recommendations.

The motion, by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Terry Link.

SENATOR LINK:

Thank you, Mr. President. The Governor's recommendations
are a result of negotiations between the -- disabled advocates
and DHS. And I move for its approval.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is,
shall the Senate accept the specific recommendations of the
Governor as to House Bill 684 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 58 Members voting Yes, none voting No,
and none voting Present. The specific recommendations of the
Governor as to House Bill 684, having received the required
constitutional majority, are declared accepted. House Bill 816.
Senator Larry Walsh. Senator Larry Walsh. Read the motion, Mr.
Secretary.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the
Governor as to House Bill 816, in manner and form as follows:

Amendment to House Bill 816

in Acceptance of Governor's Recommendations.

The motion, by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President, Ladies and Gentlemen of the
Senate. I move to accept the specific recommendations of the
Governor. In his recommendations, we just changed the dates in

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regards to the reports that are due annually every year after June 30th of 2004.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 816 in the manner and form set forth in the motion. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, no Member voted Present. The specific recommendations of the Governor as to House Bill 816, having received the required constitutional majority, are declared accepted. House Bill 1516. Senator Lightford. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 1516, in manner and form as follows:

Amendment to House Bill 1516

in Acceptance of Governor's Recommendations.

The motion, by Senator Lightford.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Members of the Body. If you recall, this bill had a lot of changes that the Board at the credit union wanted to implement, and the Governor made a change just regarding the fiscal date, moving that -- regulatory fees to March 1st of each year. The thought of the credit union was to change that to July 1st to coincide with the State's fiscal year, but we'd like to concur with the Governor's change and have that moved back to March 1st. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1516 in the manner and form set forth in the motion. 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

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that question, 56 Members voted Yes, no Member voted No, and 1 Member voted Present. The specific recommendations of the Governor as to House Bill 1516, having received the required constitutional majority, are declared accepted. House Bill 2545. Senator John Cullerton. With leave of the Body, will return to that bill. House Bill 3048. Senator Larry Walsh. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 3048, in manner and form as follows:

Amendment to House Bill 3048

in Acceptance of Governor's Recommendations.

The motion, by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur with the motion made by the Governor. While the Governor supported the intentions of House Bill 3048 to ensure that State construction projects are not let -- are let to responsible contractors, the bill, as written, may conflict with federal highway -- highway -- regulations, which could jeopardize the receipt of federal funds. This definitely was not the intention of House Bill 3048 and organized labors, and we both support the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Yeah. You know, all the years that I was in Department of Transportation, Department of Transportation has a lot of regulations and -- and so forth. I can't imagine why the State of Illinois wants to heap regulations on -- on our contractors and on our contracting position that's greater than what the federal government is. The federal government has a lot of regulations and the -- the federal government is big government. I just can't imagine why we want to be more restrictive in the State of Illinois than the federal government. So, I -- I really question why we need this bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RIGHTER:

Senator Walsh, what's the rationale -- I mean, your communication with the Governor's Office on -- on the amendatory veto? Why did they do exactly what they did?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Why did the Governor do exactly what he did? Is that what you asked me, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR WALSH:

The Governor's statement says that, "While I support the intentions of House Bill 3048 to ensure that state construction projects are let to responsible contractors, using well-trained, highly skilled workers, the bill as written may conflict with federal highway regulations which could jeopardize the receipt of federal highway funds." With these changes, which I -- are -- with these changes, I will... "With these changes, which are necessary to ensure the continued viability of federal funding for our highway projects, House Bill 3048 will have my approval." And the actual provision that he wrote in there on page 2 of the language, it says, "The provisions of this Section shall not apply to federally funded construction projects if such application would jeopardize the receipt or use the {sic} federal funds in support of such a project." What the Governor is actually stating here is -- is -- it's language that says that if a project that is being funded by the federal government or partially funded by the federal -- federal government, if the powers that be say that this -- meeting those requirements may affect that, we are saying we are not asking that to take place. All we want to do is get along with the federal government, but to make sure that -- as I read earlier that we use responsible contracts with highly trained, highly skilled workers.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator Walsh, the Department of Transportation was opposed to the legislation when it came through the Chamber before, to my recollection. Are they still opposed even with the amendatory veto, do you know?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

No. Actually, when we passed the piece of legislation on the Floor, the night or the day that we passed the legislation, they were neutral on the legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you for the correction, Senator. Finally, most of the IDOT projects, at least the ones of any size that I'm familiar with, have some mix of federal funds in them. I mean, can you give us an idea of how severely this amendatory veto restricts the effectiveness of -- of your bill? That's the last question I have. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

We -- we really don't have, you know, that many federally funded projects, that many of the -- the issue that we're dealing with here is basically the day-to-day projects, contracts that we, as IDOT, submit for bid, and what we are stating is, and what the Governor made perfectly clear, is that if there's something within -- within here as a regulation that -- that the federal -- the federal people are uncomfortable with, we're not -- we're not pursuing it, that we will not jeopardize the securing of federal funds if that's -- if that's the case. And he basically is stating that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh, to close.

SENATOR WALSH:

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I just ask for a -- I think this is a good piece of legislation. The -- the -- the idea behind what we were doing was to -- to make sure that we -- we let contracts to responsible bidders, that we let contracts that people that -- apprentice programs, that we use highly skilled, highly skilled employees on projects out on the roads, ones that know how to be -- be safe when they're working on road projects. And I think with the Governor's amendatory veto, we have a good piece of legislation, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3048 in the manner and form set forth in the motion. 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 40 Members voting Yes, 18 Members voting No, no Member voted Present. The specific recommendations of the Governor as to House Bill 3048, having received the required constitutional majority, are declared accepted. House Bill 3080. Senator Halvorson. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 3080, in manner and form as follows:

Amendment to House Bill 3080

in Acceptance of Governor's Recommendations.

The motion, by Senator Halvorson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. The Governor's amendatory veto to House Bill 3080 no longer uses the median levels of assessment, but the most recent year of the three-year average level of - of this assessment. The census data is applicable to those counties who have inhabitants of above fifty thousand. But with this veto, what it did was if this fell between -- below fifty thousand, they -- they would be no longer eligible to apply, because the other bill, basically,

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once they were at fifty thousand, they were able to get the stipend. So this way if they fall below fifty, they will not.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3080 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 56 Members voting Yes, 2 Members voting No, no Member voting Present. The specific recommendations of the Governor as to House Bill 3080, having received the required constitutional majority, are declared accepted. Mr. Secretary, Messages from the House.

ACTING SECRETARY HARRY:

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 771, with House Amendment 1 to Senate -- to that Senate Bill.

We have like Messages on Senate Bill 865, with House Amendment 1; Senate Bill 867, with House Amendment 1; and Senate Bill 978, with House Amendment 1.

All passed the House, as amended, November 19th, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Introduction of Bills.

ACTING SECRETARY HARRY:

Senate Bill 2131, offered by Senators Demuzio, DeLeo and others.

(Secretary reads title of bill)

And Senate Bill 2132, by Senator Sieben.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WELCH)

Mr. Secretary, are there any motions in writing?

ACTING SECRETARY HARRY:

Yes, Mr. President. Senator Watson has filed a motion with respect to House Bill 2700.

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PRESIDING OFFICER: (SENATOR WELCH)

That will be reflected on the Calendar. Ladies and Gentlemen, please turn to page 9 of your Calendar. Motions in Writing to Override the Specific Recommendations of the Governor. House Bill 1480. Senator Trotter. House Bill 3412. Senator Garrett. Read the motion, Mr. -- read the motion, Madam Secretary.

SECRETARY HAWKER:

I move that House Bill 3412 do pass, notwithstanding the specific recommendations of the Governor.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you -- thank you, Mr. President, Ladies and Gentlemen. We have had this conversation before. This is to override House Bill 3412 and this is the beginning of hopefully introducing a comprehensive, agreed-upon ethics reform package. But before we can do that, we must override 3412, and I'd be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR GEO-KARIS:

Is this the so-called ethics bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator Geo-Karis, this was the ethics bill that we passed out of the -- the House and the Senate last spring that the Governor did an amendatory veto on. Now what we're saying is that we are going to override his amendatory veto, because following, coming up in the next day, will be a much more comprehensive ethics reform package, hopefully agreed upon by both sides.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, as I stated a few days ago, I have voted for many of these bills on ethics disclosure. I don't -- feel they go far enough. And none of them, as far as I'm concerned, -- have complete disclosure, and it's time we have a bill of complete disclosure for the taxpayers. Therefore, I'm going to vote Present, because I'm not for the bill and I'm not against it, but I -- I can't go for either way.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR ROSKAM:

Senator, I'm told that -- for purposes of legislative intent -- I don't know if your -- your staff kind of waved me off. I don't know if you want to wait. Could we just pause for one second, Mr. President?

PRESIDING OFFICER: (SENATOR WELCH)

Yes. Senator Ronen, on the bill. Senator Ronen. Yeah. Senator -- yeah, Senator Ronen, on House Bill 3412. Senator Carol Ronen.

SENATOR RONEN:

Thank you, Mr. President. I just wanted to clarify a point. We're voting right now to override the veto because we will be seeing shortly, hopefully today or maybe tomorrow, a bill that has been agreed to that deals with the issue of ethics. Is that correct, Senator Garrett?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett, to close.

SENATOR GARRETT:

To Senator Geo-Karis and anybody who wants to make sure that we have a stronger piece of legislation; the reason why we are asking for this override is because there is going to be a more comprehensive, stronger piece of legislation following this. This is an agreement between the Legislative Leaders and

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the Governor. It has been worked on over the last two weeks. In order for us to see that legislation and be able to vote on it, we must override House Bill 3412. So, I ask you to please vote Yes.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate accept the specific recommendations... Question is, shall House Bill 3412 pass, notwithstanding the specific recommendations of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 Members voting Yes, 3 Members voting No, and 7 Members voting Present. House Bill 3412, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. Ladies and Gentlemen, we are passing out a corrected First Supplemental Calendar. The difference between the corrected one and the not corrected one is that there are certain motions on the corrected one that don't appear on the first handout. Nonetheless, it is Supplemental Calendar No. 1, corrected. Senator Forby, for what purpose do you rise?

SENATOR FORBY:

Mr. President, I want the record to show that I would have voted Yes on page -- line 27 - 30, House Bill 2716.

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect, Senator Forby. Ladies and Gentlemen, -- please proceed to the Supplemental Calendar No. 1 on the Order of Secretary's Desk, Concurrence on Senate Bills, appears Senate Bill 783. Senator Obama, do you wish to proceed? Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 783.

The motion, by Senator Obama.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Comprehensive Health Insurance

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Plan, or CHIP, Act to comply with the federal Trade Adjustment Assistance Reform Act of 2002. Essentially, what happened was that House Bill 707, as passed this spring by all of us, waived the sixty-three-day limit on breaks in credible coverage for those that who were eligible for the health care tax credit under the federal Trade Act of 2002. There were some issues as to whether the language might cause some problems relative to the U.S. Treasury Department. This bill fixes that language, and I know of no opposition. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I just rise in support of the legislation. It passed unanimously out of committee earlier today.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 783. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Members voting Yes, no Member voted No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 783 and the bill is declared passed. Senate Bill 794. Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 794.

The motion, by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. This came from the Auditor General. It's a technical bill that makes changes in the definitions of financial, compliance, performance, and special audits that are performed by the Auditor General in order to comply with the governmental

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accounting standards adopted 6/1 of '03 by the federal government accounting office for governmental audits that have begun or completed after January the 1st of '04. I know of no opposition. No fiscal impact is anticipated. Would ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 794. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 58 Members voted Yes, no Member voted No, and no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 794 and the bill is declared passed. Senate Bill 963. Senator Cullerton. With leave of the Body, we will return to that bill. Senate Bill 1014. Senator Maloney. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1014.

The motion, by Senator Maloney.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. 1014 would require that the State Board of Education provide for voluntary registration and recognition of non-public schools. If we accept the premise that the educational development of every student serves the public purpose of the State, this is a necessary and worthwhile program. While the bill has many implications, the most important is that it ensures that non-public schools are in compliance with curriculum relative to minimum standards, they are in compliance with health examination, immunization and attendance regulations. And being from a recognized school is a prerequisite to participation in Illinois High School Association sanctioned activities. And finally, in my experience as an administrator in both the public and private school system, I can tell you that the recognition process is a

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valuable tool in documenting successes and in clarifying and acting on deficiencies within a school system. I urge an -- I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in enthusiastic support of Senate Bill 1014. Want to commend Senator Maloney and Senator del Valle who worked on this issue. You know, we know the history of this. The Governor cut back the budget at the State Board, specifically the line item for this office that oversees accountability measures and reviews schools for purposes of certification. This is important to the non-public school community. Anytime we can use a measuring stick to compare the schools to see how they're doing, whether public or non-public, I think it's in the best interests of all the schoolchildren in the State of Illinois. This is an important function. It now becomes a mandated function. I know there's some concerns and issues regarding the funding. That issue is on its way to being solved. But the bottom line is, this shall be, with this legislation, a duty, a responsibility, a mandate, a directive to the State Board that this is -- needs to be done because it's important. This is important for all the schoolchildren in the State of Illinois. So, I rise in support and urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Very quickly, I -- I concur with Senator Cronin. It's important that we pass this bill to make sure that we -- we basically codify what has been a practice on the part of the Board. It's been done by administrative rule, so to speak. This will put it in the statute and hopefully this will serve to protect that recognition program, that's so important to all our non-public schools, in the future. So, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney, to close.

SENATOR MALONEY:

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Thank you -- thank you, Mr. President. Thank you for the Senators for their support and thank you for the cosponsors for your support on this issue. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1014. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Members voting Yes, 1 Member voted No, no Members voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1014 and the bill is declared passed. Senate Bill 1668. Senator John Sullivan. Senate Bill 1935. Senator Obama. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1935.

The motion, by Senator Obama.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. This is just a technical amendment. You'll recall that during the spring we passed the expansion of the earned income tax credit to make it refundable using solely federal funds, not using any State monies. There's nothing wrong in substance with the bill, except there was a technical glitch where there was some question as to whether we effectuated our intent to make sure that the bill did not sunset. And -- and because of this technical language change, the Department of Revenue believes that they're okay with the existing bill, but this is really just a safeguard to make sure that since they're preparing tax return information, that there's no potential problems. This just basically is an insurance policy to make sure that our intent was clear from the spring Session. So I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill

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1935. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Members voting Yes, no Members voted No, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 2 to Senate Bill 1935 and the bill is declared passed. Senate Bill 1937. Senator Halvorson. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House and the adoption of their Amendment No. 1 to Senate Bill 1937.

The motion, by Senator Halvorson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. Basically, Senate Bill 1937 is the agreement of how we are going to deal with IDOT reimbursing the -- the Will County area for the loss of land being bought because of the -- the airport. So, it requires IDOT to pay those taxes so that the schools and the fire protection districts and the library do not lose money. So, I just encourage everybody to concur.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1937. 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 56 Members voting Yes, no Member voted No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1937 and the bill is declared passed. Senate Bill 1957. Senator del Valle. Senator del Valle. Mr. Secretary, Messages from the House.

ACTING SECRETARY HARRY:

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

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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 1559, along with House Amendment No. 2.

We have like Messages on Senate Bill 1656, with House Amendment No. 1, and Senate Bill 1704, with House Amendment No. 1.

All passed the House, as amended, November 19th, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

There will be a meeting of the Senate Rules Committee in Senator Demuzio's office in five minutes. Five minutes. Ladies and Gentlemen, we are returning to the Supplemental Calendar. Supplemental Calendar No. 1, corrected. On the Calendar on the Order of Secretary's Desk, Concurrence on Senate Bills, appears Senate Bill 963. We gave leave to Senator Cullerton to call this bill. Senator Cullerton has filed a motion. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 963.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill passed unanimously out of the House. It's a repeal of an Act that was declared to be unconstitutional. It repeals the Soft Drink Industry Fair Dealing Act, which was struck down as unconstitutional in July of this year. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 963. 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 56 Members voting Yes, no Member voted No, no Member voted Present. Having received the required

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constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 963 and the bill is declared passed. With leave of the Body, we will turn to the regular Calendar, page 9, Motions in Writing to Accept the Specific Recommendations for Change. House Bill 2545 appears. Senator John Cullerton. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2545, in manner and form as follows:

Amendment to House Bill 2545

in Acceptance of Governor's Recommendations.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Senate Bill -- strike that -- House Bill 2545 is known as "Redeploy Illinois." I sponsored it along with Senator Dillard and Winkel, and it passed by wide margins in both Chambers because it was designed to give counties a fiscal incentive to provide services for nonviolent juvenile offenders at the local level, rather than sending them to the State correctional system. The Governor's amendatory veto merely addressed a technical issue regarding the manner in which the funds are to be distributed to the counties. In no way affects the substance of the bill. It strikes that technically incorrect language, and I would move to accept the Governor's veto.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just a -- an inquiry of the Chair. I know that some of our Members had questions on this particular bill and they are now in the Rules Committee meeting, John.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, I'll take it out of the record, but I would point out that I'm on the Rules Committee and I don't think we're meeting

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yet. They're back there waiting for it to start, but I'll take it out of the record. Be happy to.

PRESIDING OFFICER: (SENATOR WELCH)

Well, then we'll just stand around for awhile. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Environment and Energy Committee - Floor Amendment No. 4 to House Bill 2200; refer to Executive Committee - Motion to Concur with House Amendment 1 to Senate Bill 713; and Be Approved for Consideration - House Bill 585.

Senator Demuzio, Chairman of the Committee on Rules reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment No. 1 to House Bill 585, Motion to Concur with House Amendment 1 to Senate Bill 978 and Motion to Concur with House Amendment 1 to Senate Bill 1656; refer to Insurance and Pensions Committee - Motion to Concur with House Amendment 1 to Senate Bill 1704; and Be Approved for Consideration - Senate Bill 713.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

Thank you, Mr. President. The Energy and Environment Committee will meet at 6:55 in Room 212. 6:55 in Room 212.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, returning to the Calendar on page 9 where we left off with Senator Cullerton, House Bill 2545. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2545, in manner and form as follows:

Amendment to House Bill 2545

in Acceptance of Governor's Recommendations.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

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Yes. Thank you, Mr. Speaker {sic}. We took this out of the record because I believe there was -- it was anticipated there was some questions concerning the amendatory veto. I believe I -- I can anticipate what those questions might be, and that is, what's the nature of the amendatory veto? In this particular case, I would characterize this as a classic amendatory veto, what was envisioned by the constitutional drafters back in 1970 to give the Governor the authority to make a technical change to a bill, and that's exactly what's happened here. The -- the bill, as we drafted it, contained a -- a technical issue regarding the manner in which these funds were to be distributed to the counties. The Governor's amendatory veto did not rewrite the bill at all. It just corrected that technical error, which is, if I understand it, in -- as I said earlier, kind of a classical way in which the amendatory veto was meant to work. The bill itself, just to refresh your memory, is a very significant bill. It -- it's entitled "Redeploy Illinois." It passed by wide margins. It's designed to give counties a fiscal incentive to provide services for nonviolent juvenile offenders at the local level rather than sending them to the State correctional system. Once again, I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2545 in the manner and form set forth in the motion. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 34 Members voted Yes, 24 voted No, and no Member voted Present. The specific recommendations of the Governor as to House Bill 2545, having received the required constitutional majority, are declared accepted. Returning to the Supplemental Calendar, Supplemental Calendar No. 1, at the bottom of the page is Senate Bill 1957. Senator del Valle. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1957.

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Motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill contains the language that would have us in compliance with the No Child Left Behind Act. It's a bill that -- that was passed out of the Senate and went over to the House, and we ran out of time in the House during the Session, so we've come back with it to make sure that the -- that we're in compliance. It requires each school board in Illinois -- in Illinois to establish and implement a policy governing the transfer of students within a district from a persistently dangerous school to another public school in the district that is deemed to be persistently -- dangerous. I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1957. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 58 Members voted Yes, no Member voted No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1957 and the bill is declared passed. Ladies and Gentlemen, there being no further business to come before the Senate, the Senate will stand in recess to the call of the Chair. The Senate will reconvene later today in perfunctory Session for receipt of Messages, the introduction of bills and other matters not requiring Floor action, after which the Senate will stand adjourned until the hour of 11 o'clock A.M. tomorrow, Thursday, November 20th, 2003. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

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Senator Clayborne, Chairperson of the Committee on Environment and Energy, reports Senate Amendment No. 4 to House Bill 2200 Be Adopted.

PRESIDING OFFICER: (SENATOR WELCH)

Anything else, Madam Secretary? There being no further business to come before the Senate, the Senate stands adjourned until the hour of 11:00 o'clock A.M., on Thursday, November 20, 2003. The Senate stands adjourned.