

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

167th Legislative Day

7/10/2008

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PRESIDENT JONES:

The regular Session of the 95th General Assembly will please come to order. Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journals of May 30th and 31st, 2008.

PRESIDENT JONES:

Senator Hunter.

SENATOR HUNTER:

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

PRESIDENT JONES:

Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 744, offered by Senator Forby and all Members.

Senate Resolution 744 and 746, offered by... Senate Resolution 745 and 746, offered by Senator Haine and all Members.

Senate Resolution 747, offered by Senator Meeks and all Members.

Senate Resolution 748, offered by Senator Dillard and all Members.

Senate Resolution 749 and 750, offered by Senator Lauzen and all Members.

Senate Resolution 751 and 752, offered by Senator Haine and

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all Members.

Senate Resolution 753, offered by Senator Hultgren and all Members.

Senate Resolution 754, offered by Senator Watson and all Members.

Senate Resolution 755, offered by Senator Lauzen and all Members.

Senate Resolution 756, offered by Senator Watson and all Members.

Senate Resolution 757, offered by Senator Link and all Members.

Senate Resolution 758, offered by Senator Koehler and all Members.

Senate Resolution 759, offered by Senator Hunter and all Members.

Senate -- Senate Resolution 760, offered by Senator Haine and all Members.

Senate Resolution 761, offered by Senator Emil Jones and all Members.

Senate Resolution 762, offered by Senator Koehler and all Members.

Senate Resolution 763, offered by Senator Murphy and all Members.

Senate Resolution 764 and 765, offered by Senator Hultgren and all Members.

Senate Resolution 766, offered by Senator Noland and all -- and all Members.

Senate Resolution 767, offered by Senator Hunter and all Members.

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Senate Resolution 768, offered by Senator Emil Jones and all Members.

Senate Resolution 769 and 770, offered by Senator Haine and all Members.

Senate Resolution 771, offered by Senator Dillard and all Members.

Senate Resolution 772 and 773, offered by Senator Peterson and all Members.

Senate Resolution 774, offered by Senator Cullerton and -- and all Members.

Senate Resolution 775, offered by Senator Emil Jones, Senator Collins and all Members.

Senate Resolution 776, offered by Senator Radogno and all Members.

Senate Resolution 777 and 778, offered by Senator Althoff and all Members.

Senate Resolution 779, offered by Senator Lauzen and all Members.

Senate Resolution 780, offered by Senator Watson and all Members.

Senate Resolution 781, offered by Senator Dillard and all Members.

Senate Resolution 782 and 783, offered by Senator Koehler and all Members.

Senate Resolution 784, offered by Senator Hultgren and all Members.

Senate Resolution 785, offered by Senator Emil Jones and all Members.

Senate Resolution 786, offered by Senator Harmon and all --

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all Members.

And Senate Resolutions 787 through 791, offered by Senator Wilhelmi and all Members.

They're all death resolutions, Mr. President.

PRESIDENT JONES:

Resolutions Consent Calendar.

SECRETARY SHIPLEY:

And Senate Joint Resolution 106, offered by Senator Hultgren.

It is substantive.

PRESIDENT JONES:

Madam Secretary, Messages.

SECRETARY SHIPLEY:

I have a Message from the House by Mr. Mahoney, 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 2301, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1 to Senate Bill 2301 and House Amendment No. 2 to Senate Bill 2301.

We've received like Messages on Senate Bill 2520, with House Amendments 1, 3 and 4; and Senate Bill 2636, with House Amendment No. 3.

Passed the House, as amended, May 31st, 2008. Mark Mahoney, Clerk of the House.

And a Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate

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that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 4305.

We've received a like Message on -- on House Bill 5703. Passed the House, May 31st, 2008. Mark Mahoney, Clerk of the House.

And a Message from the -- from the Governor by Larry O'Brien, Acting Deputy Chief of Staff for Legislative Affairs, dated May 15th, 2008.

Mr. President and to the Governor -- to the Honorable Members of the 95th General Assembly - I have nominated and appointed the names -- the following named persons to the offices -- offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

Rod Blagojevich, Governor.

PRESIDENT JONES:

Madam Secretary, Communications. Senator Halvorson in the Chair.

SECRETARY SHIPLEY:

I have a letter dated May 23rd, 2008.

Dear Members, 95th General Assembly - I am nominating Diane Saltoun for appointment as the Executive Inspector General for the Office of Attorney General, and I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body.

Very truly yours, Lisa Madigan, Attorney General.

And a final letter, dated May 23rd, 2008.

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To the Illinois State Senate, 95th General Assembly:

Dear Members - I am nominating Shawn W. Denney for appointment to the Executive Ethics Commission on behalf of the Office of the Illinois Attorney General. I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body.

Very truly yours, Lisa Madigan, Attorney General.

PRESIDING OFFICER: (SENATOR HALVORSON)

WICS, Mike Brooks seeks leave to videotape. Seeing no objection, leave is granted. Senator Risinger, for what purpose do you rise?

SENATOR RISINGER:

Thank you, Madam President. The Senate Republicans would like to call for a -- a twenty-minute caucus immediately in Leader Watson's Office.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. That's always in order. So, a twenty-minute caucus is 11:35, but I'll tell you what, we'll give you till 11:40. The Senate will stand in recess to the call of the Chair. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate will come to order. And Rules Committee will meet immediately in the President's Antechamber. Senate will come to order. And Rules Committee will meet immediately. I want to remind everybody, Rules Committee is to meet immediately in the President's Antechamber. Madam Secretary, Committee Reports.

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SECRETARY SHIPLEY:

Senator DeLeo, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Senate Bill 2198, 2287, 2293, 2294, 2313, 2349, 2400, 2476, 2558, 2687, 2690, 2718, 2855, 2877, House Bill -- I'm sorry, House Bill 5585 and House Bill 415. Senator James DeLeo, Chairman. July 10th, 2008.

And a second report.

Senator DeLeo, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - a Motion to Concur with House Amendments 1 and 2 to Senate Bill 2400, Floor Amendment No. 2 to House Bill 5585 and Floor Amendment No. 1 to House Bill 415; refer to Judiciary-Criminal Law Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 2198, Motion to Concur with House Amendment No. 1 to Senate Bill 2287, Motion to Concur with House Amendment No. 1 to Senate Bill 2294, Motion to Concur with House Amendment No. 1 to Senate Bill 2349, a Motion to Concur with House Amendment No. 1 to Senate Bill 2476, Motion to Concur with House Amendment No. 1 to Senate Bill 2718, and a Motion to Concur with House Amendment No. 1 to Senate Bill 2855; refer to State Government and Veterans Affairs Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 2293, a Motion to Concur with House Amendment No. 2 to Senate Bill 2313, Motion to Concur with House Amendment No. 1 and 2 to Senate Bill 2558, a Motion to Concur with House Amendment 3 to Senate Bill 2636, a Motion to Concur with House Amendment No. 1 to Senate Bill 2687, a Motion to Concur with House Amendment No. 1 to Senate Bill 2690, and a Motion to Concur with House Amendment No. 1 to

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Senate Bill 2877.

Senator James DeLeo, Chairman. July 10th, 2008.

PRESIDING OFFICER: (SENATOR HALVORSON)

The Chair will make the committee announcements. At 1:30, Judiciary-Criminal Law will meet in Room 400. Executive will meet in Room 212 at 2 p.m. And State Government and Veterans Affair {sic} will meet in Room 409 at 2 p.m. Again, Judiciary-Criminal Law, Room 400 at 1:30. Executive, in Room 212 at 2 p.m. And State Government and Veterans Affairs, in Room 409 at 2 p.m. We will be returning back to the Senate Floor for Senate Floor action. So, please return after the committees. Senate stands in recess at the call -- for the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LINK)

Will the Senate please come to order? Will all Members at the sound of my voice please come to the Senate Floor immediately? We will be going to Floor action on final votes. All Senators at the sound of my voice, please come to the Senate Floor immediately. Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Wilhelmi, Chairperson of the Committee on Judiciary-Criminal Law, reports a Motion to -- Motions to Concur with House Amendment No. 1 to Senate Bill 2198, House Amendment No. 1 to Senate Bill 2287, House Amendment No. 1 to Senate Bill 2294, House Amendment No. 1 to Senate Bill 2349, House Amendment No. 1 to Senate Bill 2476, House Amendment No. 1 to Senate Bill 2718, and House Amendment No. 1 to Senate Bill 2855 recommend Do

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Adopt.

Senator Halvorson, Vice-Chairperson of the Committee on Executive, reports Senate Amendment No. 1 to House Bill 415 and Senate Amendment No. 2 to House Bill 5585 and a Motion to Concur with House Amendments 1 and 2 to Senate Bill 2400 recommend Do Adopt.

And Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, reports Motions to Concur with House Amendment No. 1 to Senate Bill 2293, House Amendment No. 2 to Senate Bill 2313, House Amendments 1 and 2 to Senate Bill 2558, House Amendment No. 3 to Senate Bill 2636, House Amendment No. 1 to Senate Bill 2687, House Amendment No. 1 to Senate Bill 2690 and House Amendment No. 1 to Senate Bill 2877 recommend Do Adopt.

PRESIDING OFFICER: (SENATOR LINK)

Madam Secretary, Messages.

SECRETARY SHIPLEY:

A Message from the House by Mr. Mahoney, 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 1130, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 to Senate Bill 1130, House Amendment No. 2 to Senate Bill 1130 and House Amendment No. 4 to Senate Bill 1130.

Passed the House, as amended, July 10th, 2008. Mark Mahoney, Clerk of the House.

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And another Message from the House by Mr. Mahoney, Clerk.

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

House Joint Resolution 130.

Offered by Senator Righter, and adopted by the House, May 31st, 2008. Mark Mahoney, Clerk of the House.

And it is substantive, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Rules Committee will meet immediately in the President's Anteroom. Rules Committee meeting in the President's Anteroom immediately. Senator Clayborne in the Chair. Madam Secretary, Committee Report.

SECRETARY SHIPLEY:

Senator DeLeo, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - a Motion to Concur with House Amendments 1, 2 and 4 to Senate Bill 1130.

Senator James DeLeo, Chairman. July 10th, 2008.

PRESIDING OFFICER: (SENATOR LINK)

We will be now going to Supplemental Calendar 1, House Bills 3rd Reading. House Bill 415. Senator DeLeo. Madam Secretary, please read the bill.

SECRETARY SHIPLEY:

House Bill 415.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

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Senator DeLeo, on House Bill 415, seeks leave of the Body to return House Bill 415 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 415. Madam Secretary, are there any amendments approved for consideration?

SECRETARY SHIPLEY:

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

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo, to explain your amendment.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Assembly. I'd like to adopt Floor Amendment No. 1 to House Bill 415. It's identical to Senate Bill 1900, the autism bill that we passed out of here a few weeks ago. I'd like to adopt the amendment and I'd discuss the -- the amendment becomes the bill and I'll discuss it in -- in final passage.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, Senator DeLeo moves for the adoption of Amendment 1 to House Bill 415. 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 SHIPLEY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is House Bill 415. Madam Secretary, please read the bill.

SECRETARY SHIPLEY:

House Bill 415.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

Thank you very, very much, Mr. President, Ladies and Gentlemen of the Assembly. Let me just start by saying, I said that when we adopted Floor Amendment No. 1 to House Bill 415, it was identical to Senate Bill 1900. We passed this out of this Chamber 50 to nothing. It passed the House 113 to nothing. And -- and Senate Bill 1900 contained anti-rulemaking...

PRESIDING OFFICER: (SENATOR LINK)

Excuse me -- excuse me, Senator DeLeo. Could we please have it a little bit quieter so that Senator DeLeo could explain his bill? Thank you. Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. As I mentioned, I -- I -- the bill went over to the House. It passed the House 113, 112 or something to -- to nothing, came back here with the JCAR -- the current -- the -- the JCAR motion -- language on the bill. I filed a -- a -- I filed a motion to nonconcur, sent it back to the House, and has not -- the House has not receded from the amendment. So the -- this bill is in limbo. Let me just remind everybody the importance of this bill. I -- I -- I didn't think -- I didn't want a bill for children with autism be caught up in this bickering of JCAR and who's going to assess the rules and who isn't and who's going to follow the rules, is the Speaker, is the Governor's Office. And as you know, and as I mentioned in -- in -- in a very spirited debate that day when the -- the

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Chamber was filed with families with autism, autism is a very complex neurobiological disorder impacting on an individual's ability to communicate, socialize and relate to their environment. There's a -- I -- I said in -- in -- in the hearing room just a few moments ago, you've heard this around here for a million years, either we pay now or we pay later. There was some debate about what this costs small business, what they're -- what it's going to cost. One of the most -- things that we heard in the hearing back in the Health Committee back in the spring of this year, most of the costs for providing services and care to a loved one with autism are borne by the family. Those who testified -- some of those families that testified that morning -- morning indicated that they're mortgaging their homes, they're living with relatives, they're accumulating a lot of debt. Some -- a woman testified they recently filed for bankruptcy in order to finance the medical seats that are necessary for -- to give these children the necessary health care for autism. The purpose of this bill is to lower the cost for caring for children with autism. We talked to experts in the -- in the health care industry; they asked us to put a cap in the bill of thirty-six thousand dollars. We put a cap in the bill. I'd ask for this very, very important piece of legislation. Let's keep it out of the political bickering. Let's help the children. Let's help the families in the autism community in Illinois. And let's send this back over to the House, get this to the Governor, a clean bill, and get it -- his signature and this could become law. Let's put fifty-some votes like we did four weeks ago and send it over to the House. Mr. President, thank you so much, and

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Ladies and Gentlemen of the Assembly.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR SYVERSON:

This legislation currently excludes ERISA-based employers. So, this would exclude basically every employer in the State that has more than fifty employees. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

So, in other words, the mandate is only going to be on the small employers in Illinois, those that are struggling the most, and unfortunately those who are -- the ones that are -- have been dropping their health coverage at a faster rate in Illinois than any other state in the country. So, clearly there's a concern. We all believe that these children need to be helped. The question is, is whether or not the insurance is the best way to do it. You had mentioned that the policies would have to pay thirty-six thousand dollars. Is that capped or does that have an inflation clause that that would go up starting in 2009? Is that correct?

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PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

There's a cap of thirty-six thousand dollars. In 2009, the Director of Insurance must, on an annual basis, adjust the maximum benefit for inflation using what -- the United States Department of Labor Consumer Price Index, like we do with our mileage, in our reimbursement on our housing here in Springfield, and the little travel money that we get to drive up and down I-55. We use the same index figures and that's how it would be determined if there needed to be an adjustment. That could come down, could stay the same. And the way gas is going, it'll probably stay the same.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Currently there are a number of these children that get health -- get coverage for this through different programs, either State programs or local programs at the school district. Does this make the insurance companies primary then and these other programs secondary? So the -- in -- in -- in other words, the employer's plan being primary then will be -- will be hit with a higher cost.

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

No. Coverage under this Section would be subject to copayment, deductibles, coinsurance provisions of policies. So, it -- no, just the opposite.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Let me clarify it. No, I'm not talking about the deductibles or coinsurance. Right now, many of these children that are being treated for autism are treated through State programs or treated through local organizations that have programs, or local school districts that have programs. Which one is primary if they -- if -- if -- if it's available to get coverage through a program, does the insurance become primary and so that gets used as opposed to the local program?

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

Senator, that's a very difficult -- I mean. Will there -- would somebody take advantage of the program? Somebody's receiving these -- these services through -- through the community or through the school or through -- will there be abuse of this? I -- I mean, I -- that's a -- that's a twisted question. And when I say twisted, I don't mean to be disrespectful; I'm saying -- this is for people that don't have access to what they're already getting. So, I -- I -- I -- I don't think that's a responsible analogy.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

I think that's -- if that were the case, that wouldn't be the problem. The concern is when they have both available. We do that now with employers. If Medicare is available and you

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have insurance, there are set rules that say certain one is primary and they pay first, and then the other one pays. So, my -- the question is, is this -- I don't think legislation spells that out. And so the question is, if it is available through a school district or through a special program, do they use that first or does the legislation say that the insurance policy has to pay first? 'Cause that will be a big -- that could make a big cost difference to that employer's plan.

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

Again, my response would be, what if they don't qualify for those programs? You know, so I...

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Maybe for legislative intent to rule. We're not talking about not qualifying. We're saying if a person qualifies for both, which plan pays?

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

I guess what you're asking me is which one would supersede? The -- is that where we're going with this? This -- it's -- it's not spelled out in the legislation. So I -- do we need to clarify this? Do we need to add additional language? I -- I don't know. I -- I mean...

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

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SENATOR SYVERSON:

I guess I would ask it, and I don't want to delay the vote on it, but we need to address that, because that's a -- that's a significant part of this legislation. We do that now with Medicare. We do it with Medicaid. There's a lot of programs where the -- the law is set who is primary and who is secondary, or who pays first and who pays second. It'll have a big bearing on the cost to the employer if that part isn't clarified and then there'll be disputes between both parties as to who is going to have to pay or not pay. Again, let me just wrap up by saying, clearly we want to find ways to help families get these coverages. The concern is, this is only for small employers. It's going to dramatically drive up the cost to that small employer. In fact, what it could do is make many small employers -- getting health insurance difficult. Because when that small employer has to go through underwriting and now they know that if they have a dependant child in that group that has autism, that small group will get rated with higher premiums and loads because of that health condition, which before has been covered through other programs. So, I think we should just be careful. This is only a mandate on small employers. It doesn't affect large employers or governmental units. And so, I'm concerned that this is going to have a negative effect on those small employers. And so, tough decision, but I guess I would urge people just to vote Present on -- on this and hope we can come up with a different way of funding to help solutions -- for these children, as opposed to on the backs of the small employers. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

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Is there any further discussion? Seeing none, Senator DeLeo, to close.

SENATOR DeLEO:

I don't know what's changed in this bill and I don't know what -- I -- I -- and I'm sure the insurance lobby has worked very, very hard in the last few hours since this resurrected. Nothing has changed in the language of this bill. Nothing has changed in three weeks since it went over to the House. Nothing has changed in the roll calls. But let me just say this, each day sixty-six children are -- are diagnosed with autism. You know, as I said before, we can pay now or pay -- pay later. There was a study, cost of long -- lifelong care can be reduced by two-thirds of early diagnoses and intervention. Again, we can pay now or pay later. In ten years - if we don't do anything - in ten years -- Doctor Michael Ganz, Associate {sic} Professor of Society and Human Development at Harvard School of Public Health, says it's going to cost -- the annual cost will cost between two hundred and four hundred billion dollars with the rate autism is being diagnosed, and we -- it's a major problem here. We need to address it. We've been sweeping it under the carpeting for -- for -- for seven, eight, nine years around here. It's time to address this issue. I ask for an affirmative vote on this very important issue for children and families with autism. Please vote Yes.

PRESIDING OFFICER: (SENATOR LINK)

This is now after May 31st; this will take a supermajority. It will require thirty-six votes. The question is, shall House Bill 415 pass. All those in favor will vote Aye. 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, there are 36 Ayes, no Nays, 4 voting Present. House Bill 415, having received the required constitutional majority, is declared passed. We have a change in sponsorship. House Bill 5585. Senator Clayborne, do you wish to continue? He does. Senator Clayborne seeks leave of the Body to return House Bill 5585 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 5585. Madam Secretary, are there any amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 2, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne, to explain your amendment.

SENATOR CLAYBORNE:

Thank you, Mr. -- Mr. President. Floor Amendment No. 2 just extends the Horse Racing Equity Trust Fund, which expired May 26, 2008, to July 1st, 2011.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator -- Senator Clayborne moves the adoption of Amendment 2 to House Bill 5585. 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 SHIPLEY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is House Bill 5585. Madam Secretary, please read the bill.

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SECRETARY SHIPLEY:

House Bill 5585.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne, to explain your bill.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. This extends the Horse Racing Equity Trust Fund, which expired on May 26, 2008, until -- to July 1st, 2011, which is a three-percent riverboat impact fee. It expires before that point if or when tracks would be authorized to operate electronic gaming, the wagering tax is increased to reflect a tax rate that is -- is at least as stringent or more stringent than the tax imposed July 1st, 2003 through July 1st, 2005, or if certain payments to the Horse -- Horse Racing Equity Fund are made. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator Holmes, for what purpose do you rise?

SENATOR HOLMES:

Thank you, Mr. President. I have a few questions of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

Sponsor indicates he will yield.

SENATOR HOLMES:

And I bring this one up first simply because I was a cosponsor on the underlying bill, which, actually, House Bill 5585 at that point created the New Generation Manufacturing

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Competitiveness Council to assist manufacturers in Illinois to compete in the global marketplace. My question to you right now is, how is this amendment in any way germane to that underlying bill?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

It's -- deals with the regulation of businesses and this is an -- an attempt by the State to regulate this industry, which the previous bill also required the State to provide regulation of this -- of an -- of an industry.

PRESIDING OFFICER: (SENATOR LINK)

Senator Holmes.

SENATOR HOLMES:

It was my understanding that the underlying bill actually created a council. So, I'm not -- I don't see any point where this is germane in any way, shape or form. But let me go on to the next question, which is - it's also my understanding that these dollars come right off the top - am I incorrect -- am I correct in assuming that Kane County, which has a couple of casinos in it, are going to lose dollars should this bill pass?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

This is currently in effect now. It just expired. So, whatever has happened over the last few years, then it -- it continues to exist.

PRESIDING OFFICER: (SENATOR LINK)

Senator Holmes.

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SENATOR HOLMES:

I do want to say, I do believe we're looking at 1.8 million dollars for Kane County, that they will be hit with here. My next question is, is Speaker Madigan, when this bill gets sent over, is he going to add his typical rulemaking language to this bill? Do we know that? I mean, he has added it to several bills that we have looked at this Session. As a matter of fact, I believe we just passed, once again, an excellent bill by Senator DeLeo because that rulemaking language was added. So, what do we anticipate for this?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator -- Senator Holmes, if I was able to determine what the Speaker would do, I wouldn't need to be a State Senator or a lawyer.

PRESIDING OFFICER: (SENATOR LINK)

Senator Holmes.

SENATOR HOLMES:

...wouldn't be here addressing this issue one more time. I -
- I just have another comment now to the bill. We, as a State, are quite fortunate. We get fifty percent off the top from our casinos. I don't know of another industry that does that for us. And as a small business owner, I'm frankly appalled. I can't imagine giving fifty percent off the top of any business or any industry. I would think as a State we would appreciate how lucky we are that we do have that advantage. However, when do we get to a point where greed becomes so overwhelming that we take an industry that has been so helpful to us and actually

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cause it such harm that it is not going to be able to help us? Are the casinos going to be in a position, if we keep doing this, especially when you look at what else we've done to them - - we've got an economic downturn - that's not our fault that that's happened, but it does affect their business - on top of that, we added in a smoking ban, which definitely has affected the business from our casinos. We have to get to a point where we ask ourselves "How much harm does this do to that industry?" Are we going to be at a point where we're forcing our casinos to lay people off? And I just have to say, you may see them as casinos. I have a few in my district. I don't look at this necessarily, "Oh, these are casinos." You know what these are? These are major employers in my district. So, guess what? These are jobs. These are jobs for over thirteen hundred people that live in my Senate district. So, I'm going to stand here on the Floor and I'm going to implore the rest of you, please vote No on this. Please do not take away jobs from the folks in my district. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR LINK)

Sponsor indicates he will.

SENATOR RIGHTER:

Thank you. Senator Clayborne -- in fact, I'd like to follow up on the previous speaker's comments first. There was testimony -- testimony in Executive Committee that I recall from opponents of the bill, when they were asked whether or not

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there'd actually been any layoffs in the two years that this tax had been the law, the -- the reply was, it's my recollection, that there hadn't been any laid off. Is that -- is that your recollection, Senator?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, please. Thank you. Thank you, Senator Clayborne. And -- and I hope -- I mean, I appreciate that we've all got to represent our legislative districts, but I do think we also need to stick to the facts here. And the facts is, over the twenty-four months this has been in place, there haven't been any layoffs in the casino industry. Another issue that was raised by a previous speaker was the issue of germaneness. It's my understanding, Mr. President, that whether or not the amendment that replaced the original substance of the bill, whether that -- those two are -- are germane, is not really relevant. The question is whether or not the language that's on the bill now is germane to the title of the Act, which it clearly is. So, I do not think that there's an issue there. The last time we talked about this on the Senate Floor, there were two issues debated. One was whether or not this was good policy and should be continued. The second was the constitutionality. I really rise on the second issue. That issue's been settled. I think everyone in

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this Chamber ought to know by now, the Illinois Supreme Court has ruled on this and said that the General Assembly has the ability to differentiate between riverboat casinos based on income, just like we differentiate among individuals for purposes of taxes, for purposes of eligibility for public aid, and we could go on and on and on. That's the way we do things in our society. This legislation really is no different and I would urge an Aye vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Leader Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. Appreciate it very much. Did -- that last bill, just for your information, thirty-six people voted Yes. Twenty-four {sic} people were absent. So, those of us who are supporting this bill need to be concerned about the fact that we need thirty-six votes on this. So, I'm just making everybody aware. We obviously appreciate your support. We need it. But we do have a high degree of absenteeism here and that could weigh into this. Now I don't disagree with -- with Senator Holmes at all, but the issue goes back to when this all began. When -- when riverboats were granted licenses, ten of 'em - and I'm not even sure how long ago that was, but it was quite a while ago - the horseracing industry, I believe, was asleep at the switch. They -- these little paddleboats that were going up and down the river, you know, no one looked at them as a big threat to horseracing. Horseracing was a good substantial industry in Illinois, was doing very well. Here came these paddleboats, and now they're no longer paddleboats. I mean, they're full-blown casinos. So,

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I don't like the idea of taxing 'em. I -- I don't like the idea of -- of what's happening to casinos and -- and the revenue that's down. So I don't disagree at all with, necessarily, what the previous speaker said, but we got to go back to day one. And the impact on the horseracing industry long term because of casinos in this State has been devastating. Devastating. And the number of jobs that was mentioned by one of the previous speakers that have -- potentially lost in the casino industry has happened - has happened - in the horseracing industry. And that's a big part of our agriculture economy in this State - is horseracing. There's more than just the people that work at the track and the jockeys and the people that you -- you see every day at the track. There are the people that are out there, the breeders, the trainers, the farmers, the people that -- that really get into this industry and have a big impact. So, this is not about punishing, I don't believe, the casinos. It's about trying to level the playing field, because there's just so much disposable income out there that people have that are willing to be a part of the -- the gaming industry in this State. Whether it's horseracing or casinos, there's just so much disposable income and I think that horseracing deserves their fair share. So I concur with Senator Clayborne and happy to vote Yes and hope that all of you will also. And those of you who's sitting there who -- not paying attention, it does take thirty-six votes. So we don't need to have a lot of absenteeism on the next vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Wilhelmi.

SENATOR WILHELMI:

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Thank you, Mr. President. To the bill: I rise in -- in opposition to this legislation. I, obviously, have very high regard and great respect for the sponsor and for all those who are supporting the legislation. I certainly understand why you all are. However, I do think it's important to ask the question that Leader Watson just presented, is whether this is good policy. Is it good policy to tax one industry to -- and subsidize another? Is it good policy to tax an industry that has flourished in this State and has provided thousands of jobs, revenues to our State and to local units of government like the City of Joliet, the City of Aurora, the City of Elgin? And -- and is it fair to -- to penalize for successful casinos who happen to have revenues over two hundred million? Is that -- does that strike a -- the right cord in terms of fairness? We want to promote business in Illinois. We want to see continued economic investment in the towns like Aurora and Joliet and Elgin. Joliet has seen a renaissance, in large part, many would argue solely, because of the industry, which is gaming. I certainly understand that we -- we want to see our horseracing industry continue to -- to prosper. But is it right to tax the casinos in order for that to happen? Or should we try to find other ways to promote horseracing, rather than punishing the casino industry? So I think that we have to ask these questions, and do we -- we see mom-and-pop drugstores all across Illinois and the nation; they've gone out of business because of places like Walgreens and CVS. Are we going to tax Walgreens and CVS to keep the mom-and-pop shop open at the corner of Larkin and Jefferson in Joliet? I don't think any of us would want to do that. I don't think it makes sense in this

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particular instance either to punish one industry that has provided thousands of jobs and economic development in towns that have been struggling for many years. And now we've seen the renaissance; we've seen the rebirth. Do we want to continue to punish this industry and keep them from making that investment in these towns that dearly need that economic development? So I ask for a No vote, and I have, of course, great respect for the sponsor, but I think we better think very carefully about what we're about to do. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank you. And I appreciate all the comments. I do want to address one though, that anyone receiving -- any municipalities receiving a host fee, this would not affect them. So we shouldn't be worried about those -- those cities that -- that have received the five-percent host fee. They will continue to receive that -- that host fee. As some of the previous speakers said, this is just to address a situation that has also produced thousands and thousands of jobs, an industry that relates to horseracing. And we want to continue to make sure that this -- this industry is viable. As was testified, they probably will not lose any jobs. So those front-line people who are working at these casinos, their jobs are probably safe. I would ask for your favorable vote to make sure that we keep this industry alive and well, and that's our horseracing industry.

PRESIDING OFFICER: (SENATOR LINK)

As was indicated, this is after May 31st. This will take a

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three-fifths vote. That means thirty-six votes. The question is, shall House Bill 5585 pass. 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 37 Ayes, 5 Nays, none voting Present. House Bill 5585, having received the required constitutional majority, is declared passed. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Thank you very much, Mr. President. Point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR DeLEO:

Thank you very much, Mr. President. I'd like to have a warm Senate welcome. I have a former resident from my district here visiting Springfield. Jill Rock and her four nieces. I'd like to welcome them to Springfield. Could you give 'em a warm Senate welcome, please?

PRESIDING OFFICER: (SENATOR LINK)

Welcome to Springfield. Senator Delgado, for what purpose do you rise?

SENATOR DELGADO:

Thank you, Mr. President. I'm sorry. Inadvertently, on the last bill, I -- my intention was to vote Present. And I would like the Journal to reflect my intention.

PRESIDING OFFICER: (SENATOR LINK)

Intentions will be recorded as such.

SENATOR DELGADO:

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Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

We will now continue on with Supplemental Calendar 1 for Concurrences. Senate Bill 2198. Senator Delgado. On the Order of Concurrence, Senate Bill 2198. Madam Secretary, please read the bill. The motion. I'm sorry, Madam Secretary.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2198.

Filed by Senator William Delgado.

PRESIDING OFFICER: (SENATOR LINK)

Senator Delgado, to explain your motion.

SENATOR DELGADO:

Thank you, Mr. President and Members of the Senate. House Amendment No. 1 retains Senate Bill 2198 and limits the -- the expanded forfeiture provisions to violations of the Cannabis Control Act involving more than two thousand grams of substance containing cannabis. It limits the expanded -- at the point, it would be a Class 2 felony, three to seven years. And I would be available for any questions and ask for your Aye vote. Ask for your concurrence.

PRESIDING OFFICER: (SENATOR LINK)

This is final action. The question is, shall the Senate concur with House Amendments {sic} 1 to Senate Bill 2198. All those in favor will say {sic} 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 42 Aye, no Nays, none voting Present. The Senate concurs on House Amendments {sic} 1 to Senate Bill 2198; having received

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the required constitutional majority, is declared passed. Senate Bill 2287. Senator Raoul. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2287.

Filed by Senator Kwame Raoul.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, to explain your motion.

SENATOR RAOUL:

The House Amendment of -- on Senate Bill 2287 puts a cap on damages that someone using the Safe Homes Act can obtain as a result of a landlord disclosing information and caps it at two thousand dollars.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR RIGHTER:

Thank you. Senator Raoul, thank you for the conversation we had immediately prior to this bill getting called for a vote. And I do want to talk a little bit about the issue that you and I discussed. As I understand the amendment that was -- has been put on by the House that you have moved to concur with, it will cap the damages that this victim can receive regardless of what he or she may be able to prove in a court of law. Is that your understanding of what the amendment does?

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PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

Yes, the damages as a result of landlord disclosing information.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Thank you. And thank you for the clarification, Senator. That -- that is an important distinction. We're not talking about someone suing the offender, the person -- you know, the abuser. We're talking about someone suing a landlord who breached the mandate of confidentiality to a third party. And so let me walk you through a hypothetical here. Let -- let's say that someone is the victim of domestic violence and they exercise their legal rights to step out of a lease and notify the landlord in an appropriate manner. The landlord then, in violation of State law, discloses that fact, let's say, to the victim -- a -- a potential employer of the victim's. And because of that, the victim can show that she didn't get that job and that would have been, let's say, between the job she winds up getting and the job she could have gotten, let's say that's ten, fifteen, twenty thousand dollars a year. It's your understanding that even though she could prove damages in that amount for however many years, she's going to be capped at two thousand dollars. Is that how you understand this bill is drafted?

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

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SENATOR RAOUL:

Yes, it -- it is, and I -- I should say, I -- you know, having checked references as -- as a employee -- considering applicants for employment, I've never checked references with a landlord. So the likelihood of the -- the hypothetical you propose is highly unlikely. And so I think that's something that you have to consider. I don't know how many landlords are disclosing information to potential employers.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Well, I appreciate that, Senator. Of course, if that were the case, then we wouldn't need this at all, I suppose. Okay, to the bill, if I might, Mr. President. Mr. President, clearly Senator Raoul is carrying a compromise bill, and I know from Senator Raoul's own words that he would prefer this not -- this cap not be on here. But I hope that for those in this Chamber who stood up and eviscerated the sponsor of the medical malpractice caps bill a couple of years ago - inappropriately in many instances - will look at this bill and think carefully about your vote. In that instance, those people stood up and objected to the General Assembly artificially capping damages that a victim of medical malpractice could prove and did so, many would guess, at the behest of the trial lawyer lobby. Now, there's no lobby out here on behalf of these -- these folks who are victims of domestic violence. And so you are going to be capping their damages just as artificially. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR LAUZEN:

I -- I do not have a -- a comprehensive understanding of this bill. I -- I don't understand how this can possibly help victims to cap damages under the -- how damages are used or how damages are received. How does this actually help people?

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

You -- you have to understand the history of this bill. So this is a amendment to a -- a -- a bill that I sponsored that came out of the -- the House. The underlying bill that we passed over to -- to the House tries to prohibit landlords from disclosing the fact that -- that a victim has been raped or the victim of domestic violence and, as a result of being such a victim, has utilized the Safe Homes Act that we passed out of the General Assembly a couple sessions ago. So the underlying bill that I sponsored and passed out to -- to -- to the House helps victims by keeping the fact that they've used the -- the -- the Safe Homes Act confidential, because I don't think we want that information spread widely. The -- the -- the -- our colleagues in the House thought that it was unreasonable to -- to have the potential to recover damages to be -- have no cap on there. And so they propose a cap. It'd be my preference to --

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to have no cap on it whatsoever.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, to close.

SENATOR RAOUL:

You know, on behalf of the -- I think it's important to note that what the underlying bill does, as I just explained, is to prevent -- is to prevent the disclosure of confidential information, that information of people who have been raped or the victims of domestic violence that should be kept confidential. I urge your Aye support on this -- Aye vote on this.

PRESIDING OFFICER: (SENATOR LINK)

This is final action. The question is, shall the Senate concur with House Amendment 1 to Senate Bill 2287. 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 41 Ayes, no Nays, none voting Present. Senate Bill 2287, having received the required constitutional majority, is declared passed. Senate Bill 2293. Senator Maloney. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in their -- in the adoption of their Amendment No. 1 to Senate Bill 2293.

Filed by Senator Edward Maloney.

PRESIDING OFFICER: (SENATOR LINK)

Senator Maloney, to explain your motion.

SENATOR MALONEY:

Thank you, Mr. President. Senate Bill 2293 raises the bid

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threshold for schools, community colleges, City Colleges from ten to twenty-five thousand dollars. We've done this for libraries. We've done this for park districts and forest preserve districts. The last time we raised the threshold was 1992. Also, this is permissive. If the boards want to keep that level at ten thousand dollars, they may do so. The amendment simply removes Chicago public schools' commodity-based contracts from the bill. And I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Senator, you know that I -- I have the deepest respect for you and so I -- I don't understand why we would put something into a bill that would exempt or make an exception for the -- unless you're saying that the competitive bid is going to stay at ten thousand for Chicago public schools, or is -- are they not going to have to competitively bid food and ancillary services?

PRESIDING OFFICER: (SENATOR LINK)

Senator Maloney.

SENATOR MALONEY:

The -- the exemption was the competitive bid process for the school lunches, we're taking out.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. So -- so, what you're saying is that that was a piece of the original bill, but it's being taken out so that

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it's consistent application across all school districts.

PRESIDING OFFICER: (SENATOR LINK)

Senator Maloney.

SENATOR MALONEY:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. I -- you know, again, Senator, that is much more consistent. Now that I have a -- a -- an accurate understanding of the bill, it's more consistent with what you would typically -- I would think you would typically do. So, thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Maloney, to close.

SENATOR MALONEY:

I would just ask for an affirmative vote. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

This is final action. The question is, shall Senate concur with House Amendment 1 to Senate Bill 2293. 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 41 Ayes, no Nays, none voting Present. Senate Bill 2293, having received the required constitutional majority, is declared passed. Senate Bill 2294. Senator Wilhelmi. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their

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Amendment No. 1 to Senate Bill 2294.

Offered by Senator A.J. Wilhelmi.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Senator Wilhelmi, to explain your motion.

SENATOR WILHELMI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1 to Senate Bill 2294. The House amendment clarifies that the enhanced Class 4 felony penalty for a second or subsequent violation applies where the original violation involved -- involved leaving the scene of an accident or a DUI. The underlying bill, as you may remember, provides that a defendant seeking to raise insanity as a defense to criminal prosecution must provide the State's attorney with proper notice. I'd be happy to answer any questions and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Maloney. Seeing no discussion, the question is -- this is final action. The question is, shall the Senate concur with House Amendment 1 to Senate Bill 2294. All those in favor will say {sic} 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 42 Ayes, no Nays, none voting Present. Senate Bill 2294, having received the required constitutional majority, is declared passed. Senate Bill 2313. Senator Garrett. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2313.

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Offered by Senator Susan Garrett.

PRESIDING OFFICER: (SENATOR LINK)

Senator Garrett, to explain your motion.

SENATOR GARRETT:

Yes. Thank you, Mr. President. This is the electronics waste recycling bill that passed the Senate unanimously. Some changes were made in the House. They're actually some good changes, some of which are technical. But the most significant change is that -- will allow municipalities and county -- counties to have waivers allowing them to put electronic waste in the landfill if, in fact, things don't go as planned. And we don't presume that will happen, but we wanted to make sure that the municipalities and the counties were taken care of. So I'd like to move to concur.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2313 -- shall the Senate concur with House Amendment 2 to Senate Bill 2313. 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 43 Ayes, no Nays, none voting Present. Senate Bill 2313, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Mr. President. On Senate Bill 2293, the one under my sponsorship, I inadvertently pressed the speak button rather than the Yes button. I would like to be recorded as a Yes vote on that.

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PRESIDING OFFICER: (SENATOR LINK)

Record shall reflect your intention. Senate Bill 2349. Senator Wilhelmi. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in their -- in the adoption of their Amendment No. 1 to Senate Bill 2349.

Offered by -- filed by Senator A.J. Wilhelmi.

PRESIDING OFFICER: (SENATOR LINK)

Senator Wilhelmi, to explain your motion.

SENATOR WILHELMI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1 to Senate Bill 2349. The House amendment retains the underlying bill and also it adds provisions that create the Illinois Child Online Exploitation Reporting Act, requiring entities subject to federal reporting requirements to also report to the State Tipline at the National Center for Missing and Exploited Children. The amendment also expands the duty of commercial film processors to report child pornography to include computer technicians who discover child pornography in computers and on computer equipment. It also allows these persons to fulfill their reporting requirements by reporting either to their local law enforcement agency or to the Illinois Child Exploitation e-Tipline. And finally the amendment expands the conditions of parole, mandatory supervised release, probation, conditional discharge and supervision to require sex offenders to submit to periodic unannounced examinations of their computer or other device with Internet capability. I ask for your support.

PRESIDING OFFICER: (SENATOR LINK)

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Is there any discussion? Seeing none, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2349. 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 43 Ayes, no Nays, none voting Present. Senate Bill 2349, having received the required constitutional majority, is declared passed. With leave of the Body, we will skip over Senate Bill 2400. We will come back, Senator Burzynski. Senate Bill 2476. Senator Hunter. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2476.

Filed by Senator Mattie Hunter.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter, to explain your motion.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment 1 basically moves the responsibility for providing staff and supportive staff from -- from the Illinois Juvenile -- Juvenile Commission {sic} to Jane Addams School of Social Work. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2476. 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

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question, there are 43 Ayes, no Nays, none voting Present. Senate Bill 2476, having received the required constitutional majority, is declared passed. Senate Bill 2558. Senator Sullivan. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments No. 1 and 2 to Senate Bill 2558.

Filed by Senator John Sullivan.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan, to explain your motion.

SENATOR SULLIVAN:

Thank you, Mr. President, Members of the Senate. This is actually a combination of two bills that had previously passed the Senate. The first bill is Senate Bill 2558, which is the same bill we're -- looking at today. But the bill, when it originally passed the Senate with unanimous support, required that any member of SERS who rendered full-time contractual services to an Illinois Veterans Home, that they may establish service credits for up to eight years of service. That has not changed. That is still in the bill. But the additional bill, what was added over in the House, is the language that was in Senate Bill 1985, which Senator Raoul carried here in this Chamber. And I'll explain what that bill does. The -- when the State Employees' Retirement System or SERS was originally coordinated with social security coverage - that was back in 1969 - the retirement formula was reduced or offset for those individuals with social security coverage to reflect the combined benefits. But in 1983, the plan was amended to provide a minimum survivor benefit, and so the -- now with the

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combination of the State Employees' Retirement System with the social security and that had already been -- had already reduced those benefits, it now created what is referred to as a double offset for survivor benefits -- widow and survivor benefits. So, what the changes made over in the House with what was also in Senator Raoul's bill with some changes, this new bill now corrects this double offset by removing the 1983 offset and require -- and requiring retirement systems to withhold 3.6 percent of participating retired employees' monthly benefits. And I do say, those that want to participate. This is voluntary. A retired employee may choose not to participate in the program, but if they choose not to participate, their surviving spouse will not receive the benefits of this new law. It is completely voluntary. Throughout the discussion, both here in this Chamber and over in the House, the attempt was to make the bill cost-neutral. And -- with the discussions that took place and this 3.6 percent -- percentage figure as to withholding coming out of the monthly payments that -- the attempt was to make the bill cost-neutral. Today I received, just before committee, a fiscal impact note from COGFA that basically says that the -- over the course of the next thirty years, that the impact -- the -- the cost of this could be estimated at seventy-one million dollars over the thirty years. Again, the attempt over in the House and all the discussions with SERS was to make this cost-neutral, but because of the actuaries that COGFA basically inserted into it, there -- it's estimated that there could be a seventy-one-million-dollar impact to the State. I want to point that out. I'll be more than happy to answer any questions.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR LAUZEN:

Senator, I certainly appreciate your attention to what the costs are. I know in the bill that you sent over to the House it was clean and we were all on board. It was cost-neutral, what I mean by -- by clean. Unfortunately, I've seen estimates where in the next -- the next time that we get a snapshot of where we stand as far as the unfunded liability in our pensions could go from approximately forty-three billion dollars to fifty-two billion dollars, and that's before the final fifteen days of June stock market crash. How is this in any way not being cost-neutral? You mentioned that the actuaries and -- and in the negotiations a cost was put in. How can this possibly help the situation?

PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan.

SENATOR SULLIVAN:

Again, when this bill -- when the bill originally -- Senator Raoul's bill originally passed the Senate here, there was a -- a percent number of one percent included in the legislation, because at the time, they did not know -- they -- they hadn't had enough time to actually analyze, you know, how many people would participate -- an estimate of how many people would participate; you know, how long the survivors would live,

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so on and so forth. So they put a one-percent number in, sent it over -- with the understanding that it would go over to the House, that they would debate it, discuss it, work with the -- the -- with SERS and try to come up with a number, a percent that would make it cost-neutral. They thought that they had done that. That's how they came up with the 3.6-percent figure. As I said earlier, just before committee today, I was handed something from COGFA that basically said that it could, based on some of the numbers that they have inserted into the actuaries, that it could have the impact that I mentioned earlier. It may not have that impact, as well. They have to -- some of these numbers they obviously have to estimate, and based on their estimates, that was the number that they came up with.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much for that explanation. If there is that -- assuming that there is that uncertainty, we are talking in these few moments about seventy-one millions {sic} of dollars. Wouldn't it just make the -- the -- just the common sense that, frankly, I think you're known for, to put this aside for awhile, get verification on what the actual numbers are, because I don't think that you want to make the situation any worse of this horrible deficit that we have -- by another seventy-one millions of dollars. Assuming that there is this uncertainty - you're just handed the papers before committee - I -- I sense that, well, maybe we all really don't know. Well, if we don't know, we sure in our personal lives and our constituents wouldn't spend seventy-one million dollars in just a few moments here

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this afternoon. So, wouldn't it be a better thing to take it out of the record until we know for sure?

PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan.

SENATOR SULLIVAN:

You know, I want to -- and I appreciate your comments, Senator Lauzen. I -- I want to reiterate, the discussion as to when they tried to arrive at this percentage, the -- the director of SERS, along with staff, worked -- spent many, many, many hours trying to come up with that percent of 3.6 percent to -- to -- to make every attempt to make sure that it was cost-neutral. Now COGFA has inserted some additional -- or, some different numbers and they have come up with a different formula. It is all speculation. And I feel very comfortable, and which is why I intend to move forward with this bill today, knowing that the -- that the Director of SERS, Tim Blair, feels very comfortable with these numbers. We've worked with our staff and the House staff, as well, and I have every intention to move forward with the legislation today.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. I very much appreciate the intention of the sponsor to -- to help people. On the other hand, the -- all of us together have a crushing obligation, unfunded liabilities, both -- for the pension. We have another twenty-five to thirty billion dollars staring us in the face for the present value of the future benefits of hospitalization that's been promised to public employees. We just can't dig the hole deeper. So, I'd

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advise a No vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. And, Senator Sullivan, could you elaborate? I don't think I heard you mention the need to revisit this in five years. Would you please elaborate on that occurring, and that if the 3.6 percent is not covering the cost, it could be adjusted then?

PRESIDING OFFICER: (SENATOR LINK)

The sponsor indicates he will yield. Senator Sullivan.

SENATOR SULLIVAN:

Thank you very much. And I appreciate you bringing that up, Senator Bomke, 'cause I did fail to mention that. Previous legislation passed in previous General Assemblies basically requires us to -- any additional increases to -- to the retirement systems to have a funding source for them. And we've tried to address that. That's what the 3.6 percent is. But there's also a statement in there that says that every five years that funding source or the retirement -- the -- the legislation that addresses that funding source will be reviewed. So, if in the event after five years, if the funding source, the 3.6 percent number isn't adequate, then we will be required actually by law to address that funding source at that time. If -- perhaps, maybe raise that percentage from 3.6 to 3.7, whatever. But thank you for that comment.

PRESIDING OFFICER: (SENATOR LINK)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR BURZYNSKI:

Thank you. Senator Sullivan, I appreciate you bringing this forward. As we all know, there are problems across the board with some of these social security offsets and what they do to some of our retirees in the teacher system, as well as in the State employee system. I -- I want to follow up on Senator Bomke's question relative to the reevaluation in five years. If the 3.6-percent contribution does not pay -- prove to -- to be enough to pay for the benefit in the next five years, it'd be revisited, mandated by statute - I think I heard you say. So, it'll be revisited and recalculated to make up that difference. Is that your understanding? Or, for future, or will it be retroactive to take care of the -- of the five years that we're in? Does that make sense, Senator? Okay.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan.

SENATOR SULLIVAN:

That does make sense, Senator Burzynski. And that is also my understanding. It -- it -- the language says that is has to be cost-neutral.

PRESIDING OFFICER: (SENATOR LINK)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. And -- and Senator, thank you for your response. And -- and I don't know if it's my understanding or not; it is just from what you said. I -- I haven't had a chance

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to read the bill itself, so I don't know. But -- but certainly I think that would ease a lot of the concerns of Members if we knew that the potential new rate would be retroactive to make up any potential losses for this first year -- or, first five years. You know, obviously, we want to help these people. We recognize a need to do something. We really do. But there is concern about adding to unfunded liability in the State's pension systems at a time when we're not making our contributions now. So, we just need to move cautiously. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Thank you. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR SYVERSON:

Senator, I'm a little -- I guess I'm a little concerned a little bit about the -- when -- when you talked about after five years that we'll be revisiting 'cause it needs to be cost-neutral. But you just read a report just saying that we have a -- COGFA says it's a -- seventy-one million dollars off. So what's going to change in five years? If we don't -- if we're not going to abide by COGFA, then five years from now, I guess, what difference is it going to make if COGFA comes back and says we still have that problem, but we're not going to listen to what the organization that we count on for those numbers? So, if the law says that it has to be neutral, how can we move forward if COGFA is telling us that it's not?

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PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan.

SENATOR SULLIVAN:

I guess the easiest way to explain it is that COGFA is saying this number; SERS is saying this number, that, indeed, the number that they -- that they plugged into this formula, the 3.6 percent, is cost-neutral. So we have a difference of opinion, and in the event five years down the road if it does, indeed, turn out to be not cost-neutral, by law we will be required to address it at that time.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Do you understand that COGFA used SERS numbers? They didn't -- this isn't a separate number. So, I -- I guess that's where I'm a little confused. They're -- COGFA is using SERS numbers when they come up with this number. And the other concern is, as you know, with pensions, five years is going to have virtually no impact. The impact is going to be felt ten and fifteen, twenty years down when it starts coming into play at a -- at a heavier level. So, not much is going to change over the five-year period. I guess I'm just concerned that if COGFA, which is the organization that we use to do all of our number planning on, if they're meeting with SERS and they're using SERS numbers and they're saying it's this big of a difference, I guess I'm concerned that even if they're only off by half, that's still thirty-five million dollars. And wouldn't it make sense, if nothing else, to wait until the fall Session or wait until spring and try to get a handle on these numbers.

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And if these numbers -- and if it's true that there is this big of a hole, that either we find a different revenue stream to help make it work. 'Cause I don't know how we -- how we can tell our constituents at a time when we have a -- a pension hole, which is the largest in the country, and just today we're making cuts in the budget, how we can spend seventy-one million dollars. So, I -- I guess I'm just -- I'm -- I'm concerned and I'm concerned about how that law -- if the law says that we have to use it. And maybe one more just quick question: Under that law, whose actuaries do we use if it says that it has to be revenue-neutral for that?

PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan.

SENATOR SULLIVAN:

I do not know the answer to it. It's my -- do -- do you have the answer? Are you -- my understanding is, is that it does not say whose figures you're supposed to use. But I could be mistaken on that, if you know the answer.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Yes. The law says COGFA's. And so, if the law says COGFA and COGFA says it's seventy-one million dollars short, then I -- we're -- we're passing something that is in direct violation of the -- of the law that we -- that we passed to try to strengthen this. And so, that's where I guess I -- I wish we could take some more time and make sure that we had the numbers right or the funding right or we meet with COGFA to find out if there is -- how they arrived at their numbers. But clearly, if this is

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in violation, we ought to, I think -- I guess reconsider what we're doing here, even though we certainly would like to do something to help these individuals that fall into this situation. But -- well, thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sullivan, to close.

SENATOR SULLIVAN:

You know, to -- to address the previous speaker's concerns, it's my understanding that SERS was the agency that came up with the percent to be used. And based on their calculations, they felt like it would be revenue-neutral. COGFA has taken those numbers and they've come up with a different figure. The bottom line is, because of previous legislation that has passed and signed into law, the -- the -- the -- any increases have to be revenue-neutral. If they are not -- at the end of five years they're not revenue -- revenue-neutral -- which, by the way, this legislation as drafted, even from COGFA's own numbers, it's revenue-neutral at least in the initial years anyway. So, in five years if it's not, if that percentage needs to be increased, as I said previously, it will be -- it will be increased. It will be addressed. It must be by law revenue-neutral. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill -- shall the Senate concur with House Amendments 1 and 2 to Senate Bill 2558. 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 34 Ayes, 4 Nays, 3 voting Present. Senate Bill 2558, having not

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-- the motion fails. The Chair would now -- the Chair would entertain a motion -- to -- to -- to nonconcur. Senator Sullivan, do you wish to make the motion? Senator Sullivan.

SENATOR SULLIVAN:

No.

PRESIDING OFFICER: (SENATOR LINK)

That was a very clear answer. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Mr. President. To further my embarrassment of voting the speaker button on my own bill, I checked the roll call on the following bill, Senate Bill 2294. I neglected to vote on that. I'd like to be recorded as a Yes vote.

PRESIDING OFFICER: (SENATOR LINK)

The record shall reflect that. We will have to watch your speaker button from now on. Senate Bill 2636. Senator Harmon. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 2636.

Filed by Senator Don Harmon.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon, to explain your motion.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill, Senate Bill 2636, is an attempt to regulate those private companies that, for a significant fee, will help reunite Illinois citizens with their lost property. When it left the Senate, it attempted to deal with that in two

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venues: the group of -- the category of property that will eventually come to the State as a part of the unclaimed property listing and that property that would not, primarily overpayments or payments in error on residential real estate property taxes. The House chose to amend it to deal only with the former. And while I look forward to dealing with the second prong in the next General Assembly, I move to concur in the House's amendment.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall the Senate concur on House Amendment 3 to Senate Bill 2636. 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 43 Ayes, no Nays, none voting Present. Senate Bill 2636, having received the required constitutional majority, is declared passed. Senate Bill 2687. Senator Demuzio. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2687.

Filed by Senator Deanna Demuzio.

PRESIDING OFFICER: (SENATOR LINK)

Senator Demuzio, to explain your motion.

SENATOR DEMUZIO:

Yes. Thank you, Mr. President. Senate Bill 2687, with House Amendment No. 1, amends the School Code regarding the Teaching Excellence Program and the P-20 Council members. There are two things that this particular motion does. As passed by

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the Senate, 2687 allows the mentors under the National Board Certified Teachers Program to receive incentive payments for thirty or sixty hours of mentoring instead of requiring sixty. It also changes -- the incentive payment is also increased from one thousand to two thousand for sixty hours of mentoring and from three to four thousand for sixty hours of mentoring. It also changes the membership of the P-20 Council including -- to include a special ed administrator and the President of the Illinois Adult Continuing Ed Association {sic}.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- is there any discussion? Seeing none, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2687. 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 42 Ayes, no Nays, none voting Present. Senate Bill 2687, having received the required constitutional majority, is declared passed. Senate Bill 2690. Senator Maloney. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2690.

Filed by Senator Edward Maloney.

PRESIDING OFFICER: (SENATOR LINK)

Senator Maloney, to explain your motion.

SENATOR MALONEY:

Thank you, Mr. President. Senate Bill 2690 left this Chamber a different subject, but I, nonetheless, want to concur with the House's amendment, which requires that community

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colleges make their buildings available for emergency purposes and cooperate with those emergency management agencies that are under the direction of the Illinois Emergency Management Agency. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Just a -- just a comment. This is Mr. Mahoney's {sic} bill that he's presenting here. And you need to punch the green button whenever you get through presenting the bill.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall the Senate concur on House Amendment 1 to Senate Bill 2690. 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 43 Ayes, no Nays, none voting Present. Senate Bill 2690, having received the required constitutional majority, is declared passed. And Senator Maloney voted Aye. Senate Bill 2718. Senator Wilhelmi. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2718.

Offered by Senator A.J. Wilhelmi.

PRESIDING OFFICER: (SENATOR LINK)

Senator Wilhelmi, to explain your motion.

SENATOR WILHELMI:

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

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Senate. House Amendment No. 1 to Senate Bill 2718, I think, makes a -- a good bill better. As you may recall, this bill involves forfeiture by wrongdoing. It allows for a hearsay exception under very limited circumstances. When -- originally the bill said when someone either murders or kidnaps a witness to prevent that person from testifying in a court of law in a criminal trial, there should be that exception to the hearsay rule. In the House, through the work of Representative Gordon, and because of the good work of many of the folks on the Judiciary-Criminal Law Committee, including Senator Raoul, Senator Harmon and Senator Cullerton, we've revised the bill to allow only when there is first degree murder. Only in the instance of first degree murder will that hearsay testimony be allowed into court. In addition to that, we strengthen the burden of proof on the State to make sure that this is done appropriately and, again, in limited circumstances. Now, under this amended version, there will be a -- a test that the judge will require the State to prove. There are three different specific findings that the court must come to the conclusion with and they must have those -- those findings in writing. So, we feel that we've tightened this bill up to make sure that it's used in limited circumstances and that we make sure that that hearsay only comes in when those tests have been met and the evidentiary foundation and requests -- prerequisites have been met, and therefore, we will allow justice to be served, because no longer can you kill someone to prevent that person from testifying against you in a court of law. This is a good bill. This will serve the ends of justice and bring people to justice, and I ask for your support.

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PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall the Senate concur on House Amendment 1 to Senate Bill 2718. 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 43 Ayes, no Nays, none voting Present. Senate Bill 2718, having received the required constitutional majority, is declared passed. Senate Bill 2855. Senator Holmes. Madam Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2855.

Filed by Senator Linda Holmes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Holmes, to explain your motion.

SENATOR HOLMES:

Basically it adds language that the ACLU wanted. And any electronic harassment done by a person eighteen years or older against a person under eighteen, it's declared a Class 4 felony.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall the Senate concur on House Amendment 1 to Senate Bill 2855. 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 42 Ayes, no Nays, none voting Present. Senate Bill 2855, having received the required constitutional majority, is declared passed. Senate Bill 2877. Senator Hunter. Madam

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Secretary, please read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2877.

Filed by Senator Mattie Hunter.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter, to explain your motion.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment 1 to Senate Bill 2877 basically clarifies that the Department of Human Services is empowered in their public health promotion and -- promotion programs and materials to include Hispanics, people of African descent and the elderly. And they also must submit a report February -- February 15 -- after February 15, '09, and every year proceeding. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall the Senate concur on House Amendment 1 to Senate Bill 2877. 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 43 Ayes, no Nays, none voting Present. Senate Bill 2877, having received the required constitutional majority, is declared passed. Senator Martinez in the Chair.

PRESIDING OFFICER: (SENATOR MARTINEZ)

With leave of the Body, we'll return to the top of the Secretary's Desk on Concurrence, Senate Bills. Senate Bill 2400. Senator Link, do you wish to proceed? Madam Secretary,

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please read the bill -- please read the motion.

SECRETARY SHIPLEY:

I move to concur with -- I move to concur with the House in the adoption of their Amendment No. -- Nos. 1 and 2 to Senate Bill 2400.

Filed by Senator Terry Link.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Link, to explain your motion.

SENATOR LINK:

Thank you, Madam President. The -- Amendment 1 and 2 are just at the request of the Bankers Association, City of Chicago and the Department of Corrections. Answers some of their problems. I'll be more than happy to answer any questions on the final bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

This is final action. Is there any discussion? Seeing none, the question is, shall the Senate concur in Senate Bill 2400 -- to -- to concur in House Amendments 1 and 2 to Senate Bill 2400. Those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 voting Aye, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendments 1 and 2 to Senate Bill 2400. Having received -- and the bill, having received the required constitutional -- three-fifths majority, is declared passed.

PRESIDING OFFICER: (SENATOR LINK)

We will now be going to Supplemental Calendar No. 2. Senate Bill 1130. Madam -- Senator Trotter. Madam Secretary, please read the motion.

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SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments 1, 2 and 4 to Senate Bill 1130.

Filed by Senator Donne Trotter.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter, to explain your motion.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. First, let me let everyone know, this is the last bill of the day. So, we can go real fast here. I'm going to concur on -- on Amendments 1 and 2. Amendment No. 4 actually is the bill itself. And Amendment No. 4 -- to Senate Bill 1130, they are line item capital projects that were affected by restrictive language that was included in the FY'09 appropriations bill, which was the House Bill 5701. It inadvertently included six lump sums that were reappropriated from FY'08 which pertained in ongoing capital projects that are administered by the CDB. This language could cause certain projects to be stopped and, in fact, they have been stopped. There's thirty-nine projects that are listed here for a grand total of thirty million three hundred and seventy-seven dollars. Then there's ten additional -- projects here in various stages of development of eleven million dollars. So, a total of forty-one million four hundred and fifty-nine million dollars. And to -- in advance of looking at any other problems -- contingency problems, another fifteen million dollars has been added for emergency repairs and hazardous material abatement at State-owned facilities, universities and the community colleges.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR BOMKE:

Senator Trotter, can you confirm that there's no money in this -- this bill to purchase property down in Harrisburg, Illinois? You know, there's a controversy surrounding moving Traffic Safety to Harrisburg or southern Illinois and the Governor has talked about purchasing property down there. Can you confirm that that's not in this bill?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

Senator Bomke, I do confirm that those dollars are not here. These are just ongoing projects that were started before '07 -- I mean, before '08 and going into '09. So, it's essentially just reappropriations.

PRESIDING OFFICER: (SENATOR LINK)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. Just want to comment on the -- on this bill in general. We've had some discussions about these projects that need to go forward and I think that this has been targeted pretty well to make sure that the money that we are appropriating goes just for these projects and there's an appropriate amount of emergency funding available. So, I would urge a Yes vote on this bill. Thank you.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR LAUZEN:

Did you say earlier that the other language in this bill has been removed and that the final amendment that we're going to be voting on only contains the language about funding those ongoing programs only -- or projects?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

That is correct, Senator Lauzen.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter, to close.

SENATOR TROTTER:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall the Senate concur with House Amendments 1, 2 and 4 to Senate Bill 1130. 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 42 Ayes, no Nays, none voting Present. Senate Bill 1130, having received the required constitutional majority, is declared passed. Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

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Thank you, Mr. President, Members of the Senate. I -- I would like to -- for you, if you will, to welcome my -- my -- my granddaughter -- eight-year-old granddaughter, Casean, is here today. So, if she'd stand up. If you'd welcome her, I'd appreciate it. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

A lovely young lady, Senator Luechtefeld. President Jones, for what purpose do you rise?

SENATOR E. JONES:

Yeah, thank you, Mr. President. A lot of rumors have been floating around here in the Capitol as to -- questions have been raised as to whether or not we will be in Session. The adjournment resolution, which we adopted back in May, on May 31st, was the adjournment resolution that takes us to our next scheduled Session, which will be in the fall of this year. At the conclusion of the regular Session today, we will adjourn until the date as set forth in the adjournment resolution. It is not our intent to bring the Senate back in Session next week. Now, I don't know what the other Chamber is going to do. But we do not intend to come back next week because we have done our business. We have passed revenue to support a budget. The House has failed to pass revenue to support the budget, all the things they want to put in the budget, and I don't intend to bring this Senate back in for any type of check-kiting activity. Now, if the House wants to do the responsible thing and pass the necessary revenue to support those budget initiatives, which they want, then that possibility exists. But as it stands right now on this date, July the 10th it is, it is not our intent to be here on the 15th, 16th and 17th of next week. But if the

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House come to their senses and do the responsible thing and pass the revenue to support the budget of all those items that the Governor vetoed out of the budget, then we may reconsider. But as it stands right now, we stand adjourned till the date as specified in the adjournment resolution. Everyone enjoy the balance of the summer.

PRESIDING OFFICER: (SENATOR LINK)

Madam Secretary, Introduction of Bills.

SECRETARY SHIPLEY:

Senate Bill 3044, offered by Senator Righter.

(Secretary reads title of bill)

Senate Bill 3045, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 3046, offered by Senator Harmon.

(Secretary reads title of bill)

Senate Bill 3047, offered by Senator Dillard.

(Secretary reads title of bill)

Senate Bill 3048, offered by Senator Murphy.

(Secretary reads title of bill)

Senate Bill 3049, offered by Senator Crotty.

(Secretary reads title of bill)

And Senate Bill 3050, offered by Senator Trotter.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR LINK)

Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 792 and 793, offered by Senator Demuzio and all Members.

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Senate Resolution 794 and 795, offered by Senator Viverito and all Members.

And Senate -- Senate Resolution 796, offered by Senator Hunter and all Members.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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

SECRETARY SHIPLEY:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion's carried. The resolutions are adopted. There being no further business to come before the Senate, the Senate stands adjourned until such time as the Senate assembles in regular, Veto or other Session pursuant to the schedule established and published by the Senate President and in accordance with Senate Joint Resolution 105, as adopted on May 31st, 2008. The Senate stands adjourned.