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48th Legislative Day

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The regular Session of the 98th General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? Our invocation today will be given by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois. Pastor Lewis.

PASTOR SHAUN LEWIS:

(Prayer by Pastor Shaun Lewis)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, May 8th, 2013.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter.

SENATOR HUNTER:

Madam President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Senator Hunter moves to postpone the reading and the approval of the Journal, pending arrival of the printed transcripts. Being no objection -- there being no objection, so ordered. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

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Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, reports Senate Amendment 1 to Senate Bill 628 and Senate Amendment 4 to Senate Bill -- 2226 Recommend Do Adopt; Senate Resolution 122 Be Adopted; House Bill 479, 2764, 2879 and 3207 Do Pass; House Bills 2947, 2955, 3049 and 3260 Do Pass, as Amended; Senate Amendment 1 to House Bill 2363 and Senate Amendment 2 to House Bill 3359 Recommend Do Adopt.

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, reports House Bills 140, 1849, 2517, 2767, 2993 and 2996 Do Pass; and House Bills 84, 595, 2720, 2721 and 3186 Do Pass, as Amended; Senate Amendment 1 to House Bill 3088 Recommend Do Adopt.

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendment 2 to Senate Bill 1361 and Senate Amendment 2 to Senate Bill 2404 Recommend Do Adopt; and House Bills 1, 105, 962, 973, 996, 1351, 2408, 2418, 2620, 2747, 2869 and 2943 Do Pass; and House Bills 11, 101, 1573 and 3133 Do Pass, as Amended.

Senator Hutchinson, Chairperson of the Committee on Revenue, reports House Bill 438 Do Pass; and House Bills 189 and 3157 Do Pass, as Amended.

Senator Haine, Chairperson of the Committee on Insurance, reports House Bills 3139 and 3227 Do Pass, as Amended.

Senator Holmes, Chairperson of the Committee on Environment, reports Senate Resolution 163 Be Adopted; House Bills {sic} 2036 Do Pass; House Bills 702 and 3319 Do Pass, as Amended.

Senator Jacobs, Chairperson of the Committee on Energy, reports House Bills 1745, 2232, 2586 and 2753 Do Pass; and Senate Amendment 2 to House Bill 2623 Recommend Do Adopt.

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Thank you, Mr. Secretary. Please read the resolutions.

SECRETARY ANDERSON:

Senate Resolution 299, offered by Senator Koehler and all Members.

And Senate Resolution 300, offered by Senator McGuire and all Members.

They are death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Resolutions Consent Calendar.

SECRETARY ANDERSON:

Senate Resolution 298, offered by Senator Trotter.
And it is substantive.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

James R. Carder from the Blueroomstream.com seeks leave to videotape. Leave is granted. Seth Perlman, Associated Press, requests permission to take photo. Leave is granted. Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 2520, offered by Senator Muñoz.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you, Madam President. Nice to see you in the Chair. The Republicans would request a caucus immediately in Room 400 for approximately forty minutes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. And it's nice to be in the Chair. Senator

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Hastings, for what purpose do you rise?

SENATOR HASTINGS:

Thank you, Madam President. I rise today for a point of personal privilege. I'd like to introduce a special Mayor, who I don't represent, but I do represent. He's one of the best lobbyists of the southwest suburbs. He just so happens to be my father. He's been Mayor of Orland Hills now for around twenty-five years. He told me that when he took office, he had jet black hair, and this is what happened to him. So, we just want to give him a warm Springfield welcome.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Welcome, father of Hastings and Mayor. Welcome to the Illinois Senate. Senator Althoff moves that the Senate recess for purpose of a forty-minute Senate Republican Caucus. Seeing no objection, the motion is granted. The Senate now stands in recess to the call of the Chair. After the Senate Republicans caucus, the Senate will reconvene for the purpose of Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will now come to order. Ed Cross from WAND-TV requests permission to video. Leave is granted. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 301, offered by Senator Delgado. It is substantive, Madam President.

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Ladies and Gentlemen of the Senate, will you please come to the Senate Floor? We will be going to Floor action - Floor action. Please come to the Senate Floor for Floor action. Ladies and Gentlemen of the Senate, please turn your Calendars to page 24, on the top of page 24, the Order of House Bills 2nd Reading. We will begin 2nd Readings. Senator Silverstein, on House Bill 2832. Do you wish to proceed, Senator? He indicates he does. Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 2832.

(Secretary reads title of bill)

2nd Reading of the bill. Committee on Judiciary adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. On the order of House Bill 2856, Senator Bertino-Tarrant. Senator Bertino-Tarrant. Out of the record. House Bill 2862. Senator Noland. He indicates he wish to proceed. Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 2862.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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3rd Reading. Senator Harmon, on the order of House Bill 2905. Senator Harmon, on 2905. Out of the record. Senator Manar, on House Bill 2918. Senator Manar. He indicates he wish to proceed. Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 29 -- 2918.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. Senator Bertino-Tarrant, on Senate {sic} Bill 2934. Senator Bertino-Tarrant. Out of the record. Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Good afternoon, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Good afternoon, Senator.

SENATOR KOTOWSKI:

The mikes are a little bit hot today. I just wanted to take this moment to introduce a good friend of mine, Patti Vasquez. Patti's a stand-up comedian. She has a show on WGN Radio and she's here today. She has a son named Declan, who's seven, who has autism and is trying to make sure that we figure out a way in our State to get better services for children with -- who have autism and also to make sure that we do our best to make sure those services are available in a better, more comprehensive manner. So can you please give her a great Springfield welcome - to Patti Vasquez?

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Welcome, Patti, to the Illinois Senate. Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

And, by the way, she's performing on Friday in Mason City, which is only about twenty minutes away. She's a -- she's the headliner there. So, anybody who's going to be sticking around, please go to her show. She's just off the charts funny, even as funny as Noland is, so really funny. All right. Thanks.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments, will you please come to the President's Anteroom immediately? The Senate will stand at ease. (at ease) Senator Silverstein in the Chair.

PRESIDING OFFICER: (SENATOR SILVERSTEIN)

Senator Kotowski, what purpose do you rise? Oh! (at ease) Bob Hoehn from WICS-TV has asked leave to videotape and record. Leave is granted. Senator Lightford back in the Chair.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Environment Committee - House Bill 1391; refer to Executive Committee - House Bill 1375 and 2520, and House Joint Resolution 9; refer to Labor and Commerce Committee - House Bill 922; refer to Local Government Committee - House Bill 2239; re-refer to Assignments Committee - Senate Bills 2 -- 2555 through 2559; Be Approved for Consideration - Senate Bill 20 -- 629, Floor

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Amendment 3 to Senate Bill 1361, Floor Amendment 4 to Senate Bill 2404 and Floor Amendment 5 to Senate Bill 2404.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, we will go to the Order of 3rd Readings. May I please have your attention? We will be going to the Order of 3rd Readings. Senate Bill {sic} 3rd Readings. Senator Kotowski, on Senate Bill 1361. He indicates he wish to proceed. He seeks leave of the Body to return Senate Bill 1361 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 1361. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Kotowski.

SENATOR KOTOWSKI:

Yeah. Floor Amendment No. 2 makes changes to the original bill. I'd like to address it on 3rd Reading.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Kotowski.

SENATOR KOTOWSKI:

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Thank you, Madam President. Floor Amendment No. 3 is simply a technical amendment.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1361. Senator Kotowski. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 1361.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Madam President. Senate Bill 1361, as amended, streamlines and modernizes the current statement of economic interests, while also increasing disclosure and transparency. The -- the document hasn't been amended or changed since 1972. {sic} It simply makes it uniform. I would like to, you know, commend Lieutenant Governor Sheila Simon for her efforts on this, as well as our -- our work with our counterparts on the other side of the aisle, the Republican staff there, and Leader Don Harmon for all his hard work on this. More than happy to answer any questions.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion on the gentleman's bill? Senator LaHood, for what purpose do you rise?

SENATOR LaHOOD:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR LaHOOD:

Thank you, Madam President. I rise in support of Senate Bill 1361 and commend Senator Kotowski for bringing this forth and also Lieutenant Governor Sheila Simon for her leadership on this bill, and thank them for working with us on this legislation. And, I had two bills that were incorporated into this bill that really brings transparency to the statement of economic interests and sheds light on that document and, as Senator Kotowski alluded to, it has not been updated in a long period of time. There's been a number of editorial boards that have written about this, and this is really bringing Illinois up to speed and compliance with transparency. I think this is a -- a good bill and I would ask for support. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR KOTOWSKI:

I would simply ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall Senate Bill 1361 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 52 voting Yea, 1

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voting Nay, 0 voting Present. Senate Bill 1361, having received the required constitutional majority, is declared passed. Senator Forby, for what purpose do you rise?

SENATOR FORBY:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

State your point, Senator.

SENATOR FORBY:

Today on the Floor, we have the Lieutenant Governor on the Floor, Sheila Simon. Let's give her a big welcome for {sic} the Senate Floor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Welcome, Lieutenant Governor, to the Senate Chamber. Senator Frerichs, for what purpose do you rise?

SENATOR FRERICHS:

For a point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR FRERICHS:

I've got a visitor here today. Vincent Drake is visiting Springfield. He's a recent graduate of Eastern Illinois University, very interested in politics and how that -- we govern this State. And would like to have the Senate join me in giving him a warm welcome to our State's capital.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Welcome to the Illinois General Assembly. Please rise and be welcomed. With leave of the Body, we will -- going to the Order of 3rd Readings. Senate Bill 2404. President Cullerton, do you wish to proceed? He indicates he does. Senator Cullerton seeks

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leave of the Body to return Senate Bill 2404 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 2404. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton. Ladies and Gentlemen, please quiet down so that the sponsor can be heard. Please quiet down. President Cullerton.

SENATOR J. CULLERTON:

Yes, thank you, Madam President. Senate Amendment No. 2 becomes the bill. It passed out of the Senate Executive Committee yesterday. I ask for its adoption and I will explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Yes, thank you, Madam President. This amendment was discussed in the Executive Committee yesterday. It clarifies that the State would begin contributing one billion dollars of additional money to the pension system in fiscal year 2020 once the pension bonds

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are paid off. I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 5, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton, on Floor Amendment No. 5.

SENATOR J. CULLERTON:

Yes, thank you, Madam President. This also was discussed in committee. This amendment clarifies that if any of the benefit changes contained in one of the Pension Code Articles is found unconstitutional or otherwise invalid, then the funding guarantee in that Article is also invalid since the funding guarantee is an element of consideration. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR MURPHY:

Question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

On the amendment, correct?

SENATOR MURPHY:

Correct.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates he will yield. Senator Murphy.

SENATOR MURPHY:

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Mr. -- Mr. President, I know we went over number -- we're up to No. 5. Amendment No. 3 was filed by Senator Righter. Is -- is that going to be adopted?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

From what I understand, the Committee on Assignments did not send that amendment to the Floor. I just talked to Senator Righter. I was going to discuss, in our debate on 3rd Reading, the merits of that amendment and why I would have opposed it had it come out of the committee.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Any further discussion? Senator Murphy.

SENATOR MURPHY:

Is there -- is there any reason we couldn't just wait for the rest of this bill till that one comes out?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Well, I'm not on the Committee on Assignments and it didn't come out. But if it did, I would have opposed it and asked people to vote No, 'cause I don't want it on my bill, and I'm going to very thoroughly discuss the -- the merits of the amendment and why I would have said no. And so I hope that would be informative in helping you determine how to -- how you want to vote on the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

No further discussion. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

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SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2404. Senator Cullerton, do you wish to proceed? He indicates he does. Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

Senate Bill 2404.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Yes, thank you, Madam President, Members of the Senate. Senate Bill 2404 with these Senate amendments represents the pension reform proposal supported by public employee unions. This legislation uses the contractual framework embodied in two other House bills that passed this Chamber on bipartisan roll calls on two occasions last Session. It's also the framework that was sponsored by Speaker Madigan and House Leader Tom Cross in Senate Bill 1673 last May. This bill affects four hundred and ninety-two thousand active employees and two hundred and twenty-seven {sic} retirees. Under the contractual framework, Tier I employees and retirees in the four systems affected - General Assembly, Teachers, State Universities and State Employees - are offered something of value, or consideration, in exchange for taking a lower COLA or forgoing COLA increases for a certain period of time. As I have said, the contractual approach, I believe, is necessary because of the pension clause of the Illinois Constitution. Just

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to review, the pension clause absolutely protects the pension rights -- pension benefit rights of public employees contained in the Pension Code as of when a person joins a pension system. And I believe you cannot take unilateral reductions -- be forced on them by the General Assembly. The clause's protection also extends to employee contribution rates and benefit increases added during the person's term of service. Also, while the clause does not require the pension systems to be funded at a specific funding ratio, it does mandate that pensions will be paid when they become due. But since pension benefit rights are contractual in nature, they can be changed through contract modifications of principles - of offer, consideration and acceptance. And this legislation uses these modification principles to obtain benefit reductions. So, under the bill, active members would basically have three options. They could agree to a three percent simple COLA - not a compounded COLA, which they now have - and they would receive that two years later than when they would otherwise receive it, and they'd have access to retiree healthcare. They'd receive all future salary increases as pensionable. They'd be able to enroll in a cash balance plan, and members of the TRS would be eligible for an early retirement option. Choice B has two -- two options to it. They can retain their three percent compounded COLA, but they would have no access to retiree healthcare and all their future salary increases would be non-pensionable. But we have added a choice even to Choice B, another option, where you could retain your compounded COLA. There would be a three-year delay. You can have access to retiree healthcare. And your future salary increases will be pensionable, but you'd have to contribute an additional two percent of your salary into the pension system.

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Retirees are also affected by this bill. These would be all members who've given notice of retirement as of January 1st, 2013, and they would have two choices. They could keep their current compounded COLA, but they would lose access to retiree healthcare. Or, they can keep their compounded COLA, skip their compounded three percent COLA on a two-year basis, and then, in exchange, they would keep their retiree healthcare access. The bill also does some other things. It -- it -- it also guarantees future payments under the current funding schedule and the State would contribute an extra one billion dollars to the systems starting in 2020. Now I think it's important that we understand how this guarantee of future State payments under the current funding schedule would work. We currently have a continuing appropriation for our pension systems, where the money goes out the door. I think it goes out once monthly. But it's true that the General Assembly could always change that law, and if they did and, for some reason, the certified amount was not paid, the systems are obligated to file a lawsuit against the State to compel payment. And if, for some reason, they didn't do that, even though it's a fiduciary duty, any individual who chose -- any one of the seven hundred and nineteen thousand people that have an option in this, if they chose to take the deal, they could have standing to compel that system to file a lawsuit. And the lawsuit's outcome is predetermined. There's no defense and the court then would order the money to come directly from the Comptroller to the systems. There wouldn't have to be an appropriation at the General Assembly. So we feel that is an ironclad guarantee of future funding. And there's been other suggestions that, perhaps, another way of doing that would be to say if the State doesn't pay in money, then the

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actives don't have to pay in their contribution. The problem with that is the system - if it actually came to that - the system would actually lose money. And there'd be no way -- it would be a -- a true, well-intended effort to make sure we didn't underfund it, but it sure would be logistically very difficult, and if it actually happened, there'd be less money into the systems. And that's why I'm not in favor of that approach. The bill creates a Tier II Task Force that would report back to the General Assembly about the status of Tier II benefits. Now, the Tier II system was passed in 2010 and, for the last two years, folks who have been hired have a much less generous pension system. And there's been some concerns raised that we might be not in compliance with federal law, that eventually that minimum social security benefit levels would not be achieved, and so therefore there's a task force to come back with any recommendations on how we can avoid falling out of favor with the federal government. It's not a task force to decide how we can get out of the benefits of this bill or to propose future benefit increases; it's just designed to talk about the problems that may have been caused, inadvertently, by us passing that bill back in 2010. The bill also makes other changes to implement the bill, as well as other reforms regarding who can participate in the pension system. We obviously expect to have the crowding out effect on our State budget be dramatically improved by passing this bill. Our best guess as to how much money that would be saved here is, overall, in the next thirty years, a range, anywhere from forty-five to fifty-one billion dollars that would be saved over the next thirty years. And in next fiscal year, 2015, we expect, if the average was used of forty-six billion dollars in savings, that we would have eight hundred and fifty

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thousand dollars available -- eight hundred and fifty million dollars available for our pension system, plus at least a hundred and fifty million to two hundred million of savings to our group health insurance, because many people would be deciding not to take -- their access to health insurance, so that we would have over a billion-dollar savings in the next fiscal year. And then when we do our budget, we can decide what to do with that billion dollars, but it would be a billion dollars that would not have to be going into the pension systems or to group health. The retirees are definitely included in this bill. This was agreed to, of course, by the -- the -- the union representatives at the meetings we had, and those retirees have to make a choice as well. They are retired now. We're not going to take away any of their future pay raises, but they do have access to group health insurance, and so we say to them, if you want to keep your -- your compounded COLA and you don't care about retiree healthcare access, you -- you can give it up. But if you want to keep your retiree healthcare access, you're going to have to pay for it. And the way you pay for it, in effect, is to take a two-year delay, a two-year freeze, if you will, a two-year skipping of your -- your COLAs. And that is how the retirees are -- are involved in helping out with this. We feel that this bill, obviously, has strong, sound, constitutional principles. Other versions of pension reform are riskier. And we know that there's going to be litigation for sure. Having these unions that represent public employees supportive is helpful. Anybody can file a lawsuit, but we feel that this is an extremely strong constitutionally supported bill. I would be happy to answer any questions and I would urge everyone here to please vote for the bill.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Tremaine Williams, WGN, requests permission to video. Leave is granted. Brittany Harris, WCIA News, requests permission to shoot video. Leave is granted. Is there any discussion? Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR MURPHY:

And, you know, Mr. President, I appreciate we had a -- a good conversation, I think, in committee and there were a lot of questions in committee that I don't know that we necessarily need to rehash all of here, but there are some points that I think need to be made here. I think it's always important to reiterate in this conversation that it is regrettable that we're here at all. We've got a huge problem here that has to be solved. The fact of the matter is, a promise was made to people that the State is no longer in a position to keep. And while, you know, many of us didn't contribute to that particular problem arising, we're here at this point in time where it has to be solved, and -- and nobody relishes that - certainly I don't. I -- I want to reiterate, you know, my appreciation for your work on this issue. As with your previous bill, you're adhering to a framework that is unfortunately limiting to the point where it really doesn't solve the problem, and this really is a very similar concept to the Senate Bill 1 that came up before, before it went over and became the new and improved Senate Bill 1 in the House. Couple of things I want to touch on. This bill does not change the ramp from the 1995 law,

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the ramp that has been so vilified and -- and even those who were involved in creating it said, should have been revisited every few years, but never was. The importance of the ramp not changing is the rating agencies don't like the current ramp. They like what's in Senate Bill 1 now, that's already passed the House, that gets us to a hundred percent funded in thirty years. They do not prefer this version in that regard; they prefer the version of the bill that passed the House. Secondly, and the -- the President mentioned this, and I appreciate your candor in this regard, any delusion that somehow, because this is union-backed, we're not going to be in a lawsuit, is nothing more than that. It is delusion. And the arguments about constitutionality, this place isn't necessarily always known for its humility and this is a glaring case of that. Folks, there isn't anybody in this room who has an opinion that matters even a little about the issue of constitutionality, period. There are seven people on the Illinois Supreme Court whose opinions are the only ones that matter. You will find lawyers who will tell you this bill is constitutional. You will find lawyers who will tell you this bill is not. You'll find lawyers who will tell you that the Senate Bill 1 that passed the House is constitutional. You'll find some that will tell you it's not. The bottom line is, our job is to legislate. We meet our oath threshold by supporting Senate Bill 1. We meet our -- we meet our oath threshold by supporting this bill, but to not vote for one bill or to vote for another over the issue of constitutionality just cuts it too fine. We don't know whether it's constitutional or not and the only ones who are going to tell us are the Supreme Court. And I asked the President yesterday - you know, the Speaker has four -- four justices - I asked how many

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he had and he was smart enough to not take the bait. But don't get bogged down by these constitutionality arguments. There are sound legal arguments that Senate Bill 1 is constitutional and there are, frankly, sound constitutional arguments that this bill right here even isn't. So don't get too hung up on that, because, frankly, we have a court for that. The big problem with this bill is that it doesn't solve the problem. You've got a choice over in Senate Bill 1 that saves us a hundred and forty billion off of future liabilities. It shaves about thirty billion off of the hundred-billion-dollar deficit we have in our pension funds. And instead of eight hundred and fifty million next year, in 2015, it reduces the payment by two billion, which, by the way, for those of you who want to keep that promise about the tax rate going back down, that's a nice two-billion-dollar head start. So, this is a bill that perpetuates this crisis mode and will bring us back here. We're here - let's make no mistake - we're here today because the pressure of the pension payment going to about twenty-five percent of our budget has crowded out other spending and has made doing budgets very difficult. This bill doesn't do enough to change the trajectory of our pension funds and you will be back here reliving this nightmare. And more importantly than you reliving it, the constituents you care about and hope to protect the pension as much as you can will have to be dragged back into the uncertainty of pension reform all over again. And if you think that's not right around the corner if this is the bill that becomes law, you're mistaken. I want to conclude with this: I've meant it every time I've said it, that I appreciate, Mr. President, your commitment to solving this problem. I don't share your need to adhere to the construct of offer and acceptance, but I respect

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where you're coming from with it. The bottom line is it's May. This issue has dragged on for too long. We have a bill that is in all likelihood constitutional that has passed the House, a bill that in all likelihood would have broad support in the Senate Republican Caucus, and a bill that the Governor has indicated he would sign. Mr. President, you can take Senate Bill 1, put less than half of your Members on it and finally end this issue for the long term. I'm asking you - you're on an island right now, given what I've just described - please, please, take yourself off the island, focus on Senate Bill 1, and let's finally get the meaningful pension reform that seems to be so close to our grasp, if only you would be willing to take it. Thank you. I urge a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR RAOUL:

You know, when we take our oath, part of our oath is to uphold the Constitution. We can't say, "Don't get hung up on the Constitution." It's part of our oath. It's part of our oath to know what is in the Constitution, and mostly, as a -- as a lawyer Legislature -- lawyer legislator, you can't just say, "Aw, screw the Constitution. Let's just proceed without it." We've taken an oath. And I think what the Senate President has done - and -- and -- and I really applaud the Senate President and Eric Madiar - is

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-- is -- is they've read the Constitution. Eric Madiar has gone back and looked at the Constitutional Convention and looked at what they were discussing back then and looked at what the situation was back then, with the grossly underfunded pension system back then, when they passed -- when they put the language in the Constitution. And in committee yesterday, some said, "Well, I'm not a lawyer, so, you know, I don't know." It doesn't take a lawyer to read the plain language in the pension protection clause of our Constitution that says it's a contractual -- a contractual relationship, the benefits of which shall not be diminished - plain English. You have to know the English language, but you don't have to be a lawyer. Now, you may have to be a lawyer -- you don't necessarily have to be a lawyer to understand the contract principles; that when two parties enter into a contract, one of those parties cannot just down the line say, "Oh, I've changed my mind. Oh, I don't care that we had this contract. I changed my mind. I'm changing the terms of the contract." You don't have to be a lawyer to understand that. You really don't have to be a lawyer. And that's what the Constitution puts in play with regards to our pension system, that it is a contractual relationship. And under contract principles, to modify that contract, you need a couple of things: You need the mutual assent of the parties and you need consideration. And these are the principles that are put into this bill. Options are given. And you just can't shrug your shoulders and say, "Don't get hung up on it." With regards to the other bill, it's not constitutional just because you declare it's constitutional. You got to make an argument based on the law. You don't just say, "Oh, it's constitutional. We can feel confident it's constitutional." The one witness who said they

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think it's unconstitutional yesterday in committee, I asked the question, "Well, on what grounds?" They said, "I don't know." That's not an answer. You got to make an argument of why it's unconstitutional. Is -- is -- is this a perfect fix? By no means is it. And it took -- took us decades, not just what happened over the last decade, it took us decades of both Democrat and Republican leadership that got us into this mess, and it was wrong. Meanwhile, the employees, on a year-to-year basis, were fulfilling their obligation of making their payments. Now, the one witness that challenged this was -- represented Retired Teachers Association and he was right in one regard; that it was morally wrong. This is -- this -- this is morally wrong, because you've had people who've made -- held up their end of the bargain. However, he acknowledged that, you know, we have a challenge before us, and -- and it's the solvency of our pension system and it's the ability for us to do what we need to do as a State, because our pension payment is crowding out our other obligations in -- in terms of our budgetary obligations. I support this bill because I believe it's our best option that can be upheld by -- by the courts, based on, again, reading the Constitution and understanding the principles of contract law. Secondly, I support this because, the process that was taken to reach the language of this bill, it took into account that there are people and there are representatives of people and public employees, the public employees who consistently made their payment, that those people should be at the table. It should not be done to them, but they should be at the table; that they have a stake in this and they have a voice in this, and they were given a voice. Again, it's imperfect, but I really applaud the Senate President for his work

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on this over time. And it's been stressful work. And I think -- I urge all my colleagues to support this and -- and to not buy this just -- "Well, it's the same. They'll both be sued. There'll -- there'll be a suit no matter which one we support, so we might as well support the one with the greatest savings." No, you're all bright enough to see beyond that. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will. Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Senator Cullerton, I want to talk a little bit about the -- what's been referred to, anyway, as the payment guarantee. And you and I have had a couple/three conversations about that. I've enjoyed those conversations. But I have some questions about what's -- what's actually in the bill. It's my understanding that the bill creates a fiduciary duty for the pension systems and they owe that duty to the annuitants and the retirees in the system. Is that correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Now, but the language in the bill says that the systems "may"

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sue the General Assembly and the Governor if there's a diversion of the payment, as opposed to "must" initiate an action. Why -- why give them the latitude whether or not to take a legal action if the General Assembly and the Governor have decided in one year not to make the payment that their actuaries said was necessary?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

On page 55, line 5, it says, "It shall be the mandatory fiduciary obligation of the Board of the System to bring that action if the State fails to pay in the fiscal year the amount guaranteed under this subsection..."

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. There's not language in the bill that talks about the board may institute an action? That's not in the bill?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Well, it was your question. I just read to you what is in the bill. So...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Actually, same page that you quoted, Mr. President, page 55, line 18, "that request, the Board may commence...an action". If it's a fiduciary duty, then why are we giving them the option

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whether or not to act on behalf of the annuitants and the retirees?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

They have a mandatory duty to bring the action. If they don't, the bill allows for anyone who had signed up for the deal to file a mandamus to force them to do it. This is not a -- meant to be a trick. This is meant to be ironclad. And I -- I think you and I share the same view, that we want to make sure, in the future, none of these payments are skipped. And that's the language that we drafted, which we think is as powerful as we can, and as we've said, you had other options that I think were logistically very difficult to implement.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

I -- I think that this General Assembly is well practiced at using the work "shall", as opposed to "may", but maybe you and I have a different view of that word. Let's -- those two words. Let's move on. Let's say that, then, one of the annuitants who takes the deal - and those are the ones who have been afforded the right to then file an action against the Board to get the Board to do something if the Board chooses to not do something because the word is "may" in the statute - if they decide to initiate that action, then is there a provision in the bill that allows for the recovery of costs or attorneys' fees for that individual who had to sue a Board to sue State government to do what they said they would do?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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President Cullerton.

SENATOR J. CULLERTON:

Part of your question assumes something that I'm not going to concede. The language is "shall" and there is -- to answer your specific question, there is not any language in there affording someone attorneys' fees, although I'm sure they could ask for it.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

If the judge at the circuit court level sides with the -- with the -- the Board - I guess the Board is suing - does the State have the right to appeal that decision to the appellate court?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

It would go directly to the Supreme Court - has to do with revenue. So the answer is yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

So the State would have the -- the ability then to go to the Supreme Court and claim that the Board is in error that the State did not make its full payment. That's correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

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SENATOR RIGHTER:

You made a comment earlier, Senator Cullerton, that you believe that this mechanism allowed for a lawsuit that could not be lost. Is that -- I mean -- now, that was between -- is that your opinion, for the record, that this creates a mechanism for a lawsuit that cannot be lost?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Yes, we're -- we're putting this in the law to make it crystal clear that there's an obligation that this money goes out. It's not dependent upon any appropriation. It's clear to the systems that they have to -- that -- that they have to make sure this money comes from the Comptroller. And -- and, theoretically -- hypothetically, there could be a Comptroller that -- or a General Assembly that for some reason doesn't want to make these payments, so we allow people to sue, and there's no defense to it that I can even imagine. And so I -- I am sort of almost fascinated by your fascination with this small provision, important provision, but this small provision of the bill, because we're on the same page. We want to make sure that in the future we don't skip any payments.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Well, I'm fascinated, Senator Cullerton, because small areas are where lawyers and loopholes crawl through. I mean, we all know that. But let's -- let's move on. You've -- you've mentioned the Comptroller. Is there a mechanism in the bill by which the court, if it finds that the State has not made its full payment,

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is to direct the Comptroller to simply make the payment without a supplemental appropriation from the General Assembly. Is there language in the bill to that effect?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Yeah, I think the analogy is, there was a -- a lawsuit filed by judges, because we had passed a law that was unconstitutional, taking away their cost-of-living increases, 'cause it diminished their salaries, which we can't do during their term, and they filed a lawsuit and they, obviously, won the lawsuit and they said that -- they ordered the Comptroller to send the money out. So it didn't require an appropriation by the General Assembly. That's the analogy we're using here. The Comptroller is ordered to send the money to the systems.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

I appreciate the analogy, but what I asked was whether or not there is something in the bill that says if the court finds that the payment has been shorted by the General Assembly and the Governor, it will order the Comptroller to make the transfer without a supplemental appropriation. Is that language in the bill or are we just kind of hoping that that's what the judge will do?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

No, we're not hoping. We're acknowledging that there's a --

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other statutes that say that the Comptroller has administrative duty to pay the fund and that the court -- that is what the court would order the Comptroller to -- to do.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

To the bill, if I might, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please, Senator, to the bill.

SENATOR RIGHTER:

Thank you very much, Madam President, and I appreciate your indulgence. I've been in the General Assembly, Ladies and Gentlemen, for sixteen years and I don't think that I've ever in that time filed an amendment to any Leader's bill, like I did on this one, the one Senator Murphy asked about before. And my suggestion was that the true payment guarantee was to be found in a simple concept that said if the State, in any fiscal year, fails to make its full payment, then the people who are paying into the system, our constituents, don't have to make their full payment. All of us have heard from our constituents back home, who depend -- who are going to depend upon these systems or who depend upon these systems now for their retirement benefits, and I suppose, like in any other complicated and mass discourse like we're having on this issue, there are several themes, but one central theme surely is, I did my part. Where were you? Where were you? I paid mine in. Why didn't you pay yours in? I understand that there's a crisis, but you largely manufactured the crisis yourself because you didn't pay in. In 2003, you decided to borrow ten billion dollars with the promise that some kind of arbitrage would

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guarantee that the pension funds made more than the interest on the borrowing, but what you didn't tell us is that you went ahead and made the payment with the borrowed money, rather than out of the General Revenue Fund, like you were supposed to. And then in 2005, the Democrat Majority - and with all due respect, only the Democrat Majority - passed Senate -- enacted Senate Bill 27, which said that over fiscal years 2006 and 2007, 2.3 billion less than what the actuaries said had to go into the systems would actually be deposited in the systems. Our payment is hundreds of millions of dollars more expensive right now because of that one bill - because of that one bill. The notion that we have set up now a lawsuit that can't be lost - and I'm sure that the Senate President and many people in this Chamber are better lawyers than I - but I've never encountered a lawsuit that couldn't be lost, particularly when, in the statute, you were -- you use words like "may" or you're not willing to reimburse the plaintiff, who has to sue the Board so the Board will sue State government to do what it said it would do in the first place. Yesterday in the Senate Executive Committee, there was testimony from the Retired Teachers Association that said they have one hundred thousand dollars. That's the whole association. That's not one of the retired teachers. The whole association has a hundred thousand dollars. How quickly do you think they'll burn through that if State government decides not to make its payment? How quickly do we think? It'll go just like that. If we want to really -- if we want to really feel good about a bill we're passing, if we want to really address what the Commission on Government Forecasting and Accountability has told us is the most significant driver of the unfunded liability that has accrued since 1995, which is people in

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this Chamber or people who filled these seats before you people came down here and Governors before not paying what you're supposed to pay in, if you really want to deal with that, then take it head on. I understand that saying the annuitants don't have to pay any bigger percentage than State government did if State government fails, it's a big step. I get it. That's a long pass down the field. That's risky. But understand that sometimes that kind of risk is warranted. Sometimes the threat has to be that real. In order to begin to rebuild, not complete, begin to rebuild the trust between us and the people who depend upon these systems, you've got to take a bold step, and this is not a bold step. That mistrust of the people in this Chamber is as deep as the Pacific. And in order to really begin to make progress on that and really ensure that State government's going to do what it said it would do, then let's take a bolder step than a complicated lawsuit scheme. Please vote No on 2404. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank you, Madam Chairman {sic}. To the bill: I just find it interesting that we want to pretend like this is somebody's pension problem. It's not a Democrat problem. It's not a Republican problem. It's an Illinois problem. The fact is, in 1994, when some of you on the other side may have been here, you might remember Jim Edgar, the Republican Governor, when he was going to fix the pension plan, and he stated that by 2045, we would have a hundred percent pension fulfillment. Well, obviously, that plan didn't work so well. I just get tired of folks saying, "Hey,

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look, it's not my fault." They want to point fingers at everybody else to make it their responsibility. It's our responsibility. You know where the bill room is. You can go to the bill room and ask for a bill, move it through the Floor. I don't know of Senator Cullerton to stop any bill from moving through the Floor, sometimes to my dismay. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, I spoke to a young woman today, eight-one years old, Virginia Ray, from my district in Fulton, Illinois, retired teacher. Her and her husband are both retired teachers, married fifty-six years. And she is highly opposed to this bill. And I was just wondering what you would tell her if you were me. She -- she is saying that she made so little money that now this -- losing her retirement -- or some form of her retirement, her healthcare, that this is going to have a devastating effect on her. Now, she did tell me that she does get Social Security, because she worked a second job. So it -- what -- what -- what would you have me tell her, Senator?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

President Cullerton.

SENATOR J. CULLERTON:

Well, there's no question that we're asking folks to sacrifice. We're giving 'em options, but under either option, there is sacrifice. In her case, if she's the -- a beneficiary of the retiree healthcare subsidy that we're affording them and she needs to keep that, she would have to sacrifice by getting her compounded COLA, but there would be a freeze in the increase.

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She'd still get her pension. There'd be a freeze in the increase for a couple of years. That would be her sacrifice. And the unions that she used to be a member of are a hundred percent behind the bill in our negotiations. So that's -- that's what I would ask {sic} to say to her, that she, you know -- she also will be the beneficiary, though, of a system that will be sound, will be able to pay her her money for the rest of her life. And then, quite frankly, we'll have money left over to put back into our schools, where she used to work, in the -- in the next -- over the next thirty years, which I think she might be concerned about as well.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Jacobs.

SENATOR JACOBS:

I think the point is, is that, you know, promises are a little bit like babies: They're easy to make; they're hard to deliver and raise. And we're trying to deliver a baby and -- and raise a child by making promises, and maybe we got to quit making promises to people. Because in this case, I'm telling Mrs. Ray that it's easier and better for me to break this promise than to do worse and keep the promise and not be able to pay her her future -- future payments. I think Senator Cullerton has earned this vote. He's worked hard. I would just call on my friends across the aisle not to politicize this. Let's put the best face on it we can and move forward. If, in fact, my friends on the other side of the aisle support Speaker Madigan's plan, which will fundamentally change - fundamentally change - how things are -- are -- are -- operate, then wait for that vote, 'cause I'm sure that vote will come and you'll get an opportunity to vote on that one as well.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Leader Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill.

SENATOR RADOGNO:

Well, first of all, I do, like others, want to thank Senator Cullerton for his unwavering commitment to this very difficult issue and to Eric Madiar, who I know put in a lot of time on this particular framework. I think we've discussed some of the pros and cons of the bill. It does save some money. Clearly, the other bill coming from the other -- or, that's here from the other Chamber saves a great deal more. Another concern I have is that this template really ties the State into retiree healthcare forevermore. We're not there right now. The other bill does not do that. And particularly with healthcare changing, I'm not sure that that's something that we want to do, is keep government in the retiree healthcare business. But those are just a couple of flaws with -- within the bill that -- that concern me. But I think what we're doing here -- and a lot of the discussion I've heard has us not focused on the goal, and the goal is to stabilize and save as much money as we possibly can in order to stabilize pensions and secure them. We've been sort of off track, talking about which plan is more constitutional, and it's interesting to me that Senator Raoul is an attorney, Senator Murphy is an attorney, clearly they disagree. But more importantly, Senator Cullerton is an attorney, Speaker Madigan is an attorney, and

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clearly they disagree. It is not our job to be the judiciary. There are good legal arguments on both sides. I think our job is to pick the plan that does the most to stabilize the system and ensure that our retirees will get the most money we can possibly provide to them going forward. And unfortunately, in my view, despite the good work on this bill, I would have to ask you to vote No, because this is not the bill that saves the -- the most for the people of this State. And what they're really counting on us to do is to come together and figure out the best plan to send up to the court. So I would encourage you, despite the lot of good work put in by the Senate President, and many, many others for that matter, to vote No on this bill. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes, for what purpose do you rise?

SENATOR HOLMES:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR HOLMES:

I think everybody here in this Chamber understands the history of this problem and there's probably no sense in rehashing that. I think we completely understand that the cause of this problem wasn't just the recent financial downturn, which certainly made the problem a little bit worse, but the real problem is the fact that we shirked our responsibility and we have underfunded or unfunded our pensions since their inception. So we're talking about seventy years of mismanagement has gotten us into this mess. Now it's time for us to try to figure out a way to resolve it and move on from here. And I think that's what we have done with the

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many pension bills that you've seen come out of both Chambers. Many of you in this Chamber, since there were twenty-five cosponsors on the original 2404, which I had introduced, had signed on to that. This, the new Senate Bill 2404, which I like to call 2404 on steroids, sort of takes some of the best features of that bill with the guaranteed funding, the pension stabilization plan, but it does add in some significant cost savings. In order to get those cost savings, Senate President Cullerton spent weeks and weeks of time in negotiation with our labor unions, our public employee unions, our teacher unions, our police unions. This was weeks of negotiations and these were tough negotiations, because I was there for most of them. And they weren't easy. We were looking to try and save money to offer some budget relief in order to get through this mess. They, of course, were trying to strike a deal, because to their credit, and I want to thank the unions, because they really stepped up and said, you know what, we aren't responsible for this problem; however, we want to do what's best for the people of our -- of Illinois, the people in our unions, and the people of this State, and, therefore, we're going to step up and this is going to be shared sacrifice in order to help resolve this problem. So they came to us with several different options. And like I said, it was -- it was weeks of negotiations in order to create this bill. And I'm very proud of what ended up coming out of this bill, because I think it is something that is fair. And to me, that was the biggest, biggest factor. Some of you look at this bill and say, well, gee, the other bill saves us so much more money. Gee, it really does save us so much more money, and if this was simply a numbers problem, we can save the most money; but, can I tell you that this isn't just a numbers

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problem - this is people. This is people who have spent decades teaching our children, working in our State government, working out there in public safety, working in Corrections to help all the people of Illinois. We're talking about people. This isn't just a numbers problem. Oh, gee, let's save the most money. Yes, the Civic Federation -- the Tribune, yes, it's wonderful. "This is not the plan that's saving the most money." "We need to save money." "Do the thing that's fiscally responsible and save the most money." Sure, you can make your choice. Do you want to be so-called fiscally responsible or do you want to be morally bankrupt and cheat the people who have helped us as a State for decades and take away the promises, the absolute promises, that we made? And do you know what? We're taking away some of those promises, and I'm sorry that we're taking away some of those promises, and I want to thank those unions for stepping up and saying, we're willing to have you take away some of what you promised us, because you screwed up for decades and didn't pay us. I don't see how anybody in this Chamber cannot support 2404 and do what's best for the people of Illinois and do what is morally responsible. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Barickman, for what purpose do you rise?

SENATOR BARICKMAN:

Madam President, to the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR BARICKMAN:

Madam President, my fellow colleagues, we have heard a lot of discussion today about things like the Constitution, the courts,

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bond houses, union negotiations, actuaries, who we're supposed to blame, how much money we're going to save, and while all of those are important topics for us to consider here, I, too, think the human element is one that can't be missed as we consider how we're going to reform our pension system. We're a -- we're a large State; we're a huge State. We've got thirteen million people. We have small towns and big ones, and we ask thousands of people to work for us. That's what this is about, is the individuals who work for us, who have worked for us, and who will work for us in the future. They educate our children. They protect us from criminals. They house those criminals. And as much as we all feel that we need to do something - I think all of us agree we need to do something - what I feel that we cannot lose in this desire to do something is to lose track of that human element. But while it's about those employees and retirees, it's about those future employees too. And in this quest for us to do something, I think we have to ask ourselves, are we doing enough so that we don't have to go back to those who've worked for us and say we're going to change the rules on you again, and that's my concern, Mr. President, with this bill. We all recognize that if we're going to be a successful State, if we're going to be a great State, that we need individuals who are willing to work for us, to do the work that we need done in our State. And the problem that I see in this bill is that we do not allow ourselves here to fix the system and to create that predictable employment environment where people say, I want to work for the State of Illinois, because if I do, I know that I'll earn a fair wage and that if the State tells me they're going to do something, they'll follow through on it. My concern here is that this bill does nothing more than change the

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rules today and that many of us who are here tomorrow are going to be in the unfortunate circumstance where -- where we are going to have to turn to those same employees and retirees, and some new ones, and tell them, "We're sorry. We didn't fix the system last year and so we need to change the rules yet again." And what does that say for us in trying to create a State that hires and retains the best people to do the work that we ask them to do if every time we hire them, we make them a promise, they serve some time, doing the work that we ask them to do, and then we change the rules again? Mr. President, I -- I commend you on this piece of legislation, because, in doing so, you're acknowledging that we need to do something, but I don't think this bill is the one that does enough. This bill only puts us in a scenario where we're going to have to go back to those same employees, those same retirees, yet again in the future and tell them we still cannot live up to the promises that we've made to you. We need to fix our pension system. We need to fix our retirement system so that a young employee -- a young person who graduates from ISU with a teaching degree says, "I want to be a teacher in Illinois, where I grew up, my parents live, where the grandparents live, and I know that if I work in the State of Illinois and do all the things that they ask me to do for them, that the State of Illinois will give me my retirement plan." These are reasonable questions that our employees and our future employees will ask us. They're the same questions that employees ask businesses when they take jobs. What's the pay? What's the benefits? What's the retirement plan? And the problem in the State of Illinois is, we can't tell you what the retirement plan is. We can tell you what it is today. We can tell you that we don't have enough money to pay what's there

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today, and we can tell you that we're probably going to change the rules on you tomorrow. What does that do to our workforce? What's it do to our future workforce? So I ask for a No vote on this bill and I ask this Body to work to reform our system so that we can employ, we can attract, we can maintain that next generation of workers that we need here in Illinois to make our State the great State that it can be. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any further discussion? Seeing none, President Cullerton, to close.

SENATOR J. CULLERTON:

Thank you, Madam President. There -- for purposes of legislative intent, I want to indicate that this bill is not intended to impact a Tier I retiree's automatic annual increase until he or she has had the opportunity to make the irrevocable election, as provided for under this legislation. Now, if I can address some of the points made in debate. This is a thirty-year ramp that will be over with in 2045 and we will have a ninety percent funded pension system. Fitch rating agency says that eighty percent is satisfactory and that's the number that the private sector uses. So, don't be alarmed about the fact that it's ninety percent funded in 2045. The issue of constitutionality has been debated. I don't need to repeat it other than to say that the bill that the House has passed, I believe, is risky if we pass that bill by itself, because there would be a -- a lawsuit. I think it has a very difficult time of being upheld and we would delay by at least a year passing a reform and we would then have to run back here, pass another law, there'd be another lawsuit. We would lose at least a billion dollars to -- of -- of additional

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money we'd have to put in the pension system that otherwise could have been saved that we could have used for education. You know, we -- we have voted on a bill similar to the one that came over from the House, and I just want to emphasize this is not a partisan issue. That bill would have passed, for example, if every Republican had voted for it, but there were Republicans that didn't want to. There's -- hopefully, some Republicans will vote for this bill, but there will be a small category of folks who will have voted, I suspect, after today on -- on neither one of them. And I would say, I'd like to hear your suggestions, because we need to do something. The funding guarantee issue, it's been acknowledged that we apparently skipped making our payments under the current law in the past. This is a thousand times better than what the current law is. That's a reason to vote Yes, not a reason to vote No. Now, it's been mentioned that we're going to get in the healthcare business for a long time. We -- we make this real clear, we're offering people healthcare access, no guarantee as to what those benefits are. And we know, from the recent contract that was negotiated, the healthcare benefits were changed pursuant to that contract. We are only offering access under this bill. Now, remember also, this bill applies to us. This bill applies to the General Assembly Retirement System as well. So we also have some skin in the game. I would say to you that this framework is not a broken promise. This framework is not a broken promise. This is not a unilateral reduction of people's benefits. We are telling folks they can keep their pension promise if they want to. They might be losing something they thought they had a right to, but they didn't. They might have thought that all their pay raises were going to be part of the pension. No, we could pass a law

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taking that away. They might have thought that they had access to healthcare forever. Some people have even sued to try to get -- win that point and they haven't won. So, however, they're getting a contract. They're getting guarantees in the future that those benefits will be there. So we're not breaking our promises to them. Ladies and Gentlemen, we -- we have to pass a bill. We have to pass a bill. We have to get thirty votes. This is the best chance to get a majority vote in both Chambers and have the Governor sign the bill. I want to thank the unions for their sacrifice and all the time that we spent together to try to get to a bill that they support, because they -- it was not easy for them. But this is generational. This is not a bill that just helps us this year and next year. This will help us for the next thirty years and we have to be practical. We have to pass a bill. This is the best chance to do so. Please vote Aye.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall Senate Bill 2404 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 40 voting Yea, 16 voting Nay, 0 voting Present. Senate Bill 2404, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 2226. Senator Sandoval. Senator Sandoval. He indicates he wish to proceed. Mr. Secretary, please read the gentleman's bill. Senator Sandoval seeks leave of the Body to return Senate Bill 2226 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 2226. Mr. Secretary, are there any Floor amendments approved for consideration?

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SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Sandoval.

SENATOR SANDOVAL:

Yes, Miss -- Madam President. I'd like to adopt Amendment No. 4 and speak to the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2226. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2226.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Madam President. Senate Bill 2226 requires the EPA develop rules that prohibit disposal of materials for recycling. Senate Floor amendment represents an agreement between the asphalt recyclers and the waste disposal industry. A lot of work has been -- gone into this bill and I would ask a favorable

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vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR KOEHLER:

Thank you, Madam President. Just a question of the sponsor for the purpose of legislative intent.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will yield. Senator Koehler.

SENATOR KOEHLER:

Senator Sandoval, previous amendments to this bill not only banned shingles from disposal in a landfill under certain circumstances, but also prohibited landfill operators from using asphalt shingles to cover the waste in a landfill at the end of the workday. Is the ban on the use of shingles as cover still in your bill?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any further discussion? Oh, excuse me. Senator Sandoval, for questioning.

SENATOR SANDOVAL:

The answer is no.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 2226 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 49 voting Yea, 0 voting Nay, 1 voting Present. Senate Bill 2226, having received the required constitutional majority, is declared passed. Senator Steans, on

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Senate Bill 2340. Senator Steans, wish to proceed? Senator Steans -- seeks leave of the Body to return Senate Bill 2340 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 2340. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Steans.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans, on Floor Amendment No. 2.

SENATOR STEANS:

Yes, that -- it deletes all and becomes the bill. I'll discuss it on 3rd.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2340. Senator Steans, wish -- indicates she wish to proceed. Mr. Secretary, please read the -- lady's bill.

SECRETARY ANDERSON:

Senate Bill 2340.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

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SENATOR STEANS:

Thank you very much, Madam President and Members of the Senate. This bill is very critical for the Illinois State Board of Education. Right now, the way the current statutes read is the Illinois State Board should be intervening in seventy-seven school districts, and that means they would even have the power to go in and take over a school board. It's only happened two times where that -- they actually done this. But clearly we do not want them to be intervening in seventy-seven districts. I really want to thank Senator Luechtefeld and all the school groups and ISBE for working together on this bill. We've come to a general agreement, where there's no longer any opposition to the bill, to narrow it and set up criteria on when the school -- when ISBE can actually intervene in a -- in a -- in a school board and exit criteria on when it should leave. So we're now saying that for the lowest five percent of the districts, based on academic performance, only then can they be part -- subject to this new Act, and when they're in that situation, we will now actually provide them support and guidance. ISBE will contract with a third party accreditation organization and help the district get accredited. If the district cannot get accredited and -- because of a governance issue, only then would ISBE be able to go and have the ability and then -- now it's just a "may" - to intervene in that board. Want to thank folks who have really helped provide more criteria on how this should work. We've also made changes so that the independent authority that can get put in place can be five or seven members and to ensure that it has to have a majority of its members be from the local district to ensure local control. Happy to answer any questions.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall Senate Bill -- oh, excuse me. Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

For -- question for the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates she'll yield. Senator Rezin.

SENATOR REZIN:

Senator Steans, originally, at the beginning of this bill, we received many phone calls from our school board members with concerns. They were opposed; now they're neutral. Could you tell us the agreement that you came to in order to satisfy their concerns?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes, that is the case and I really do want to thank the Illinois Association of School Boards for really working through these issues with us. We put a lot more specific criteria in there around when they could get intervened - in a school district board - to help provide guidance and it can be really used as training to ensure that the -- school boards know what's expected of them. So I think that had a lot to do with it. We also expanded the number of folks that could be on the independent authority and ensured that they have to have a majority of them from the local district to ensure that we're maintaining local control. We also took away -- there was a ban in there that if they'd gotten removed, they could never run for school board again. We took that lifetime

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ban away and only put it in for ten years. So we've made a number of changes. I think it's a better bill as a result and they're - they are now neutral. Thanks.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Any further discussion? Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please, Madam President?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

She indicates she will. Senator, please present.

SENATOR RIGHTER:

Thank you. Senator Steans, and I apologize, I may ask you a question or two that you've already answered. It's -- it's loud in here and I'm not sure I could hear what -- everything that you said. The -- we are -- is this restricting what the State Board's powers are with regards to intervention in local school districts?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

It is absolutely restricting it. Right now, it's a "shall". The Illinois State Board of Education is supposed to be going in and intervening in what would be about seventy-seven districts. This is very much narrowing it down to only a pool of thirty-five. And after providing support, only then "may" they go and intervene. It's very much restricting it. It's also setting out exit criteria for if they do go in and intervene, making it clear when they should be exiting. So it's very much tailored to restricting the intervention of the Illinois State Board of Education.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Righter.

SENATOR RIGHTER:

Now I've heard some, Senator Steans, say that -- that this is being done because it's the right policy to restrict the State Board of Education's powers in intervening in the governance matters of local school districts, but I've heard some also say that the reason -- that what's driving this is the lack of resources. The State Board of Education can't afford to appropriately be involved in seventy-seven school districts, so we're just going to narrow -- we're going to narrow the target field, if you will, so that the State Board can intervene sufficiently in thirty-five. I mean, can you characterize this on one side or the other for me?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

You know, I -- I don't think it's a -- would be a good policy at all for the Board to be going in and intervening in seventy-seven districts across the State. I think this is very much driven by policy considerations - that we do not want to be mandating them to go in and take over seventy-seven districts. This provides a lot greater ability to actually put in real criteria on when it makes sense for them to do it and to have that really drive the decisions.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 2340 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

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record. On that question, there are 45 voting Yea, 8 voting Nay, 0 voting Present. Senate Bill 2340, having received the required constitutional majority, is declared passed. Senator Sullivan in the Chair.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes, for what purpose do you rise?

SENATOR HOLMES:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR HOLMES:

I would like everybody to take the opportunity to say welcome to the Illinois Senate to a dear friend of mine, Dr. Max McGee. He's in the President's Gallery, along with Purva Rushi of IMSA, who I know has some news. She's got an upcoming wedding in July. But I just want to welcome them here and let them know that Max, after many years, is retiring as the President of IMSA, an absolutely fantastic school within my district. I do have a proclamation, which we will be presenting to him, and I know many in this Chamber have signed it. And I just want everybody in the Senate to give him a warm welcome. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Senate. Senator McGuire, for what purpose do you rise?

SENATOR McGUIRE:

Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator McGuire.

SENATOR McGUIRE:

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Thank you. I rise to introduce a very special guest from the 43rd District. Lieutenant John Batusich, of the Lockport Fire Department, is here with his wife, his two sons, his mother and father. John was honored today at the Fallen Firefighter Memorial Ceremony. He received the Medal of Honor. I'd like to briefly tell you why. He saw a house on fire. It was his off day. He ran into the burning home, wearing a sweatshirt and jeans, no protective equipment, and rescued a woman from the fire and he's up here to my upper left, standing. And so could we please give a true Illinois hero a Springfield welcome.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Lieutenant, welcome to the Illinois State Senate. Thank you for your service. Thanks for joining us today. Ladies and Gentlemen, on page 4 of the printed Calendar, we have Senate Bill 1762. Senator Lightford, do you wish to proceed? Mr. Secretary, Senator Lightford seeks leave of the Body to return Senate Bill 1762 to the Order of -- hold on one second. Mr. Secretary, this -- we do not need to recall it. Senator Lightford would like to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 1762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Leader Lightford.

SENATOR LIGHTFORD:

Thank you -- thank you, Mr. President. Senate Bill 1762, two amendments were adopted on yesterday - one to address a date change and the other to identify with some significant reforms. Senate

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Bill 7 was passed a couple years ago. There were four areas of need that we needed to come back with a trailer bill. We did say that the day we passed it. The groups came back to the table and there is four separate items here that addresses some challenges that they were experiencing, either in collective bargaining, addressing attainment of contractual continued services for teachers, the date when school district waivers from statutory evaluation ratings are terminated, and the last area was the establishment or {sic} (of) a list of teachers, placement of part-time teachers. And the amendment also made a couple -- several grammatical changes. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall Senate Bill 1762 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill -- 1762, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we're going to start at the top of the Order with Senate Bills 3rd Reading -- or, excuse me, House Bills 3rd Reading. On the bottom of page 5, we'll start at the top of the Order, House Bills 3rd Reading. With leave of the Body, we'll come back to Senate {sic} Bill 3. We'll go to Senate {sic} Bill 58. Senator Althoff. House Bills 3rd Reading. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 58.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President. House Bill 58 is actually kind of a cleanup piece of legislation. It amends the Illinois Municipal Code and it spells out and clarifies that a municipal official may serve on a board of an electrical cooperative, as long as it is not an investor-owned public service corporation. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Seeing none, the question is, shall House Bill 58 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 58, having received the required constitutional majority, is declared passed. Senator Muñoz, for what purpose do you rise?

SENATOR MUÑOZ:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Leader Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A colleague, Senator Lightford, tomorrow is her birthday. If we can wish her a happy birthday, I'd appreciate it.

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Senator Lightford, happy birthday. Let's -- wish her a very happy birthday. Congratulations. Ladies and Gentlemen, we're on the bottom of page 5 of your printed Calendar, on the Order of House Bills 3rd Reading. We have House Bill 61. Senator Martinez. Senator Martinez. Out of the record. Let's go to the top of page 6. We have House Bill 64. Senator Collins. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 64.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. House Bill 64 creates the Privacy in the School Setting Act. The bill makes it a petty offense for institutions of higher learning to request or require a student to provide a password or other related account information in order to gain access to a student's account on social networking website. The bill requires elementary and secondary public schools to include in their disciplinary rules or policies that such information can be requested or required of students if the school has reasonable cause to believe that the student's account contains evidence that the student violated a school disciplinary rule or policy. I would ask for an affirmative vote. Thank you. There's no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 64 pass. All those

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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? Mr. Secretary, take the record. On that question, there are 50 voting Aye, 5 voting Nay, 0 voting Present. House Bill 64, having received the required constitutional majority, is declared passed. House Bill 83. Senator Holmes. Out of the record. House Bill 99. Senator Collins. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 99.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. House Bill 99 amends the Mortgage Foreclosure Article of the Code of Civil Procedure. It extends the sunset of the provisions that establish procedures for protection of homeowner rights in residential real estate foreclosure proceedings from July 1st, 2013, to July 1st 2016. Ask for an affirmative vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 99 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? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 1 voting Nay, 0 voting Present. House Bill 99, having received the required constitutional majority, is declared passed. Next up on the Calendar is House Bill 104. Senator

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Holmes. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 104.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes.

SENATOR HOLMES:

Very simply, House Bill 104 allows the Department of Healthcare and Family Services to impose monetary penalties on insurance companies and healthcare plans that fail to provide information regarding their policyholders as required by statute to the Department. Basically, what this says is, current law already says they have to provide; this just imposes an enforcement mechanism.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Seeing none, the question is, shall House Bill 104 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? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 104 -- excuse me, Mr. Secretary. 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 104, having received the required constitutional majority, is declared passed. House Bill 116. Senator Biss. Out of the record. House Bill 160. Senator Bush. Senator Bush, on House Bill 160. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 160.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Bush.

SENATOR BUSH:

Apologize for the wait. Thank you. So, House Bill 160 amends the School Code in a Section that concerns interfund transfers. It extends the time period between -- during which a school district, other than the Chicago School District, may transfer moneys from specified funds for any purpose from June 30th, 2013, to June 30th, 2016. It allows the school board of any school district that's subject to the Property Tax Extension Limitation Law that has a population of less than five hundred thousand inhabitants. I know of no opponents to the bill and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 160 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? Mr. Secretary, take the record. On that question, there are 52 voting Aye, 0 voting Nay, 0 voting Present. House Bill 160, having received the required constitutional majority, is declared passed. House Bill 181. Senator Haine. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 181.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is initiative of the State Police and it -- amends the -- the fine, money, portion of the statute relating to child pornography and rearranges the fines based upon the contribution of the State Police, and it goes into a fund to allow them to investigate more efficiently child pornography cases. No opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Haine. Is there any discussion? Seeing none, the question is, shall House Bill 181 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 181, having received the required constitutional majority, is declared passed. House Bill 183. Senator Mulroe. Out of the record. House Bill 181 {sic}. Senator Radogno. Leader Radogno, on 188. Out of the record. House Bill 192. Senator Morrison. Mr. Secretary -- what'd you say? Senator Morrison seeks leave of the Body to return House Bill 192 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 192. Mr. Secretary, are there any Floor amendments approved for consideration? Mr. Secretary, just one minute. We need to check on some paperwork.

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Morrison.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Morrison, on Floor Amendment 2, to explain it.

SENATOR MORRISON:

Thank you, Mr. Chairman {sic}. This amendment simply adds Township High School District 113 as the body that is asking for an extension of their bonds from twenty to twenty-five years. It guts the bill and makes this the new one.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on the amendment? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. 3rd Reading. Next up on the Calendar, we have House Bill 194. Senator -- Leader Clayborne. Senator Clayborne. Out of the record. House Bill 496. Senator Steans, on House Bill 496. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 496.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Yes, thank you, Mr. President, Members of the Senate. Last General Assembly, we had put in a new process for renewing Professional Educator -- Education {sic} Licenses to replace the certification renewal process. This is now updating the renewal

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process to -- consistent with the new licensure system. There's a number of changes to the professional development process. Currently, teachers need a hundred and twenty hours of professional development every five years. This changes it to -- a hundred hours, making sure you get at least ten hours each year. National Board Certified Teachers will be required to have fifty hours. It also says of the eight thousand, right now, Professional Development Providers, they now must align their standards to the renewal process to make it more meaningful for the districts and they have to go through one of the aligned organizations to provide the professional development. There's -- they're enumerated in the bill. I would ask for an Aye vote and I think this will really improve our professional development system in the State.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 496 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 496, having received the required constitutional majority, is declared passed. Next up on the Calendar, we have House Bill 576. Senator Hunter, on 576. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. This bill requires water utilities with greater than fifteen thousand total customers to use bill inserts to inform customers of potential bill impacts, previous rate increases, dates of increases, options to install separate water and sewer meters, and water conservations. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 576 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 576, having received the required constitutional majority, is declared passed. House Bill 630. Senator Holmes. Senator Holmes. Out of the record. House Bill 631. Senator Hunter, on 631. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 631.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. This bill gives the Board of Trustees at Chicago State University the authority to establish a comprehensive policy regarding the service and sale of alcoholic

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liquors at events that the Board may determine are public events and not related to student activities. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 631 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? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 631, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, at the bottom of page 6, we have House Bill 774. Senator Hutchinson. Out of the record. Let's turn to the top of page 7. On the Order of House Bills 3rd Reading is House Bill 627 {sic} (827). Senator Kotowski. Out of the record. House Bill 923. Senator Noland. Out of the record. House Bill 956. Senator Mulroe. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 956.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. This is a trailer bill to a bill we passed last year that was signed into law. House Bill 956 amends the Counties and Municipal Codes. It requires charitable organizations seeking exemption from charitable solicitations prohibition to provide the county or municipality, as applicable, with -- with a list of three

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alternative solicitation locations. I know of no opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Rose, for what purpose do you rise?

SENATOR ROSE:

Question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield for a question. Senator Rose.

SENATOR ROSE:

What -- what does that mean?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

All right. The -- last year, we passed a bill where municipalities, counties could not prohibit charitable organizations from soliciting for charitable organizations if they used first -- first responders - police officers, firemen - on the corners. And there was no limitations actually as to -- to what location they could use. So this, when they're doing that application, if there's concerns about the intersection, the charitable organization has to provide three alternatives.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Rose.

SENATOR ROSE:

So -- so this would be like your -- the -- the Lions Clubs that sells the Certs, or whatever, in the street?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

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SENATOR MULROE:

Yes, and it -- you know, I think we referred to it last year as "fill the boot". The firemen go out and -- and raise money for different charitable organizations.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Rose.

SENATOR ROSE:

Does that then -- does the municipality get to determine the alternative locations, or does the charity get any input into that?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

The charities actually would -- would suggest the locations and they would work with the municipality determining which ones would be the -- the appropriate location to do the solicitation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Rose.

SENATOR ROSE:

So, right now, we've prohibited -- what we -- we prohibited the municipalities from saying no, from denying that? Is that correct?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Rose.

SENATOR ROSE:

So, this then would restrict that, though, back to three

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locations?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

It would give the municipalities, you know, a choice to -- you know, where they would put 'em, so that the charitable organization couldn't say, "I want that intersection and that's it." The municipality could say, "That's a dangerous intersection. We don't want" -- "we think you should go to some other intersection or location."

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Rose.

SENATOR ROSE:

Yeah, I appreciate your explanation. I do -- I actually think I like it the way it is, but I appreciate your explanation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Senator Mulroe, do you wish to close? Ladies and Gentlemen, the question is, -- shall House Bill 956 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? Mr. Secretary, take the record. On that question, there are 51 voting Aye, 1 voting Nay, 0 voting Present. House Bill 956, having received the required constitutional majority, is declared passed. Next up, we have House Bill 958. Senator McGuire. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 958.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McGuire.

SENATOR MCGUIRE:

Thank you, Mr. President, Members of the Senate. House Bill 958 creates a progressive penalty system for repeat domestic battery offenders. The bill is identical to House Bill 4637, as amended, which passed out of this Chamber last year with 52 votes, but was not called for a concurrence vote in the House. I ask for an Aye vote, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 958 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? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 958, having received the required constitutional majority, is declared passed. Next up, we have House Bill 963. Senator LaHood. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 963.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator LaHood.

SENATOR LAHOOD:

Thank you, Mr. President. House Bill 963 pertains to the Village of Ohio in my district. This extends the TIF district there from twenty-three years to thirty-five years. Be happy to

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answer any questions. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 963 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? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 963, having received the required constitutional majority, is declared passed. Next up, we have House Bill 982. Senator Haine. Please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 982.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I must read this. This is an initiative of the Department of Insurance. It's a -- involves a -- a technicality in the law and I have to read this for legislative intent. I would profoundly appreciate it if Senator Rose would not ask me any questions on it. House Bill 982 will make Illinois law consistent with the NAIC model regulations on variable annuities and variable contracts. This also aligns Illinois law with separate accounts laws in other states and, in addition, this will now make Illinois consistent with the standards this Legislature has adopted when we passed the interstate compact. Modernization of the law will allow

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Illinois domestic insurance companies to be on a level playing field with companies domiciled in other states in regard to separate account products. Such as - one type of separate account product is a fixed annuity contract, typically a market value adjusted annuity, which holds assets in a separate account for that product. This allows companies to invest the assets in a way that is tailored for that contract. Another separate account is one that is filed with the Securities and Exchange Commission. This type of product is for a customer who owns a variable life insurance policy or a variable annuity contract and these assets are placed in a separate account, invested in specific sub-accounts chosen by the contract holder. All this bill does is modernize Illinois law to provide for equal treatment for our domestic companies on these types of products, relative to companies domiciled in other states. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Haine. I think we've found a new occupation for you when you get done here. Think you could be an auctioneer. Ladies and Gentlemen, is there any discussion? Senator Syverson, for what purpose do you rise? Any other discussion? Senator Haine, do you wish to close? Ladies and Gentlemen, the question is, shall House Bill 982 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? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 982, having received the required constitutional majority, is declared passed. House Bill 984. Senator Martinez. Out of the record. Senate {sic} Bill 986. Senator Althoff. Mr. Secretary,

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please read the lady's bill.

SECRETARY ANDERSON:

House Bill 986.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President. This is a cleanup piece of legislation from the passage of the SMART Act. It repeals the provisions that created the Senior Pharmaceutical Assistance Act {sic}, which was actually taken out of the SMART Act. So, I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Seeing none, the question is, shall House Bill 986 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 986, having received the required constitutional majority, is declared passed. House Bill 991. Senator Haine. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 991.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is another initiative of the Department of Insurance, authorizing the Director to file a complaint in an order of rehabilitation or liquidation, pursuant to the provisions of the Code concerning grounds for rehabilitation and liquidation. It's been suggested by Senator Cunningham that I can hire out as one of these voices after the pharmaceutical ads, telling the side effects. So I'm going to take that -- take him up on that. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 991 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 991, having received the required constitutional majority, is declared passed. House Bill 1003. Senator Stadelman. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1003.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Stadelman.

SENATOR STADELMAN:

Thank you, Mr. President, Members of the Senate. This simply amends the Wild -- Wildlife Code by exempting pure water as a form of baiting technique used to take wild turkey or white-tailed deer.

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This is identical legislation that was approved by this Body several weeks ago. There's no opposition. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you very much. Ladies and Gentlemen, is there any discussion? Is there any discussion? The question is, shall House Bill 1003 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? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1003, having received the required constitutional majority, is declared passed. House Bill 1005. Senator Syverson. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 1005.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation amends the Mental Health and Developmentally {sic} (Developmental) Disabilities Code and authorizes restraints or seclusions to be used only with a written order of clinical professional counselor. There's no opposition. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Any discussion? If not, the question is, shall House Bill 1005 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?

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Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1005, having received the required constitutional majority, is declared passed. Next up is House Bill 1009. Senator Sandoval. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 1009.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President. HB 1009 prohibits the issuance of a graduated driver's license to any minor under the age of eighteen for an applicant that has unresolved traffic citations. It's an initiative of the Secretary Jesse White. I ask a favorable vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1009 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1009, having received the required constitutional majority, is declared passed. House Bill 1013. Senator Harmon. Leader Harmon. Out of the record. House Bill 1020. Senator Link. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 1020.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link.

SENATOR LINK:

Mr. President, this amends the County Codes {sic} (Counties Code) by removing the requirement that buildings be residential and two stories or less in height to be eligible to be expanded {sic} to removal by the county board if they are continuing hazard to the community. I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1020 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? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1020, having received the required constitutional majority, is declared passed. Next up is House Bill 1045. Senator Holmes. Out of the record. Ladies and Gentlemen, let's turn to the top of page 8 of the printed Calendar. On the Order of House Bills 3rd Reading is House Bill 1046. Senator Hunter. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1046.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

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Thank you, Mr. President. 1046 allows for inmates to apply for Medicaid at any time prior to their release or discharge from an institution for the continuity of care for mental health -- mental health, as well as for behavioral health. And I'll ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will. Senator Righter.

SENATOR RIGHTER:

Senator Hunter, can you tell me, what is it about the system or the enrollment system with regards to people who are in prison or in jail that isn't working right that you're seeking to fix here?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Currently, the way the -- the -- the law is -- is set up is that they cannot apply for any kind of Medicaid services until after their release. And many of -- and these inmates, they -- they're presenting with serious and chronic medical issues, as well as behavioral health issues, and they need to apply prior to their discharge in order for them to get on -- on Medicaid to receive their medications.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

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SENATOR RIGHTER:

Senator Hunter, I -- I may be mistaken, but it's my understanding that the law allows an inmate to apply for Medicaid thirty days prior to their scheduled release.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

They do, but now we are finding that the -- the Medicaid offices are finding that thirty days is not enough, because you have shortages of all of the offices statewide and they need more time to allow for these persons to come in to apply. So they are -- so this -- what this bill will do is allow them to apply thirty days or earlier than their release.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Now, once they apply for Medicaid, Senator Hunter, and they're accepted into the program - let's say that we have an inmate who's serving a five-year prison sentence, and a year or a year and a half before their scheduled release, they apply for Medicaid and they're put on the program - are they then going to be served, in terms of their medical bills, by the taxpayers in the Medicaid program beginning at that point whenever they're on the program, even though they're still in prison?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Their benefits do not kick in until after release, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Righter.

SENATOR RIGHTER:

I'm -- well, I want to check that, Senator Hunter. I -- I'm not sure that that's our interpretation of the statute. But regardless, if we're worried about how long they need in order to get on the program because of a paperwork delay, then what about going from thirty days to sixty days, or even seventy-five days? Because, otherwise, what you're going to do is, you're going to have people at the Department processing claims or applications for Medicaid for someone who's not - if -- if you're correct that they can't start accessing the services until they get out of prison - who won't be using the -- the -- the -- they won't be using the program for a year from now. Why -- why would we have them processing applications that far ahead of time?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Senator Righter, while these persons are incarcerated, they are receiving the services that they are in need of; however, once they are -- once they are discharged, they have no medical care and they need their medications for whatever reason. And this also will reduce recidivism and it also will promote a continuity of care for these persons.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Okay, and maybe I misunderstood you, Senator Hunter, and I'm listening as closely as I can. All right? When someone is incarcerated and they are on Medicaid, are they -- are -- is -- is

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the Department receiving bills for services rendered to them while they're incarcerated?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Can you repeat your question, Senator Righter?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter, would you repeat that question, please?

SENATOR RIGHTER:

I sure will, Mr. President. Senator Hunter, while someone is incarcerated and if they have been accepted onto the Medicaid program, at that point does the Department start paying their bills for services rendered, even -- even though they're still incarcerated? Yes or no, if you can help me with that.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

No.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Okay, if that's the case, then why would you want the Department, who is -- as you said, is short-handed and trying to keep up on applications, processing an application for someone who is not even going to be able to utilize the program until they get out, rather than using that time to process an application for someone who's not in prison and who needs the benefits now?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

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SENATOR HUNTER:

Senator, the Department prioritizes their applications. Okay? So what happens is, if they are going to be -- if the -- if the inmates are going to be discharged a year from now, they are not going to apply right now, a whole year in advance. What we're trying to do is to reduce the amount of backlog at the Department by allowing these inmates to apply for Medicaid prior to their discharge. So if the Department feels as though -- if the person has applied for discharge already and they're incarcerated and the Department will know -- they'll know, based upon whatever the record indicates, of their date of discharge. So if they're still incarcerated, no, their -- their benefits will not kick in until after - until after they are discharged.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Mr. President, I think at this point I'm going to wave the white flag, but I may come back to you after Senator Syverson talks to Senator Hunter and ask to be recognized a second time just so I can understand what the bill does. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Syverson, for what point -- purpose do you rise?

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield for a question. Senator Syverson.

SENATOR SYVERSON:

Thank you. Senator, I -- you know, unless we're thinking

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about a different piece of legislation, and I -- I supported this in committee, but I -- I think your statement is in error about the Medicaid, because I think the issue that we talked about is the purpose of this is to enroll the individuals into Medicaid while they're in prison because then the cost for those inmates will be bore by the Affordable Care Act, as opposed to GRF. And so I think we want to -- I think we want -- is -- is -- unless that's a different piece of legislation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

No, you're in error, Senator. Medicaid will not pay for any incarcerated person and that is what the HFS manager articulated while in committee last week -- or earlier -- earlier this week or last week, whenever that was.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

Okay, so under this -- I guess -- I have my notes from the committee when we talked about this, that they -- that they had said that this would be hospitalization costs for inmates, as well as county prisoners; that hospitalization costs would be covered by the Affordable Care Act under this and not bore by the counties and bore by the State of Illinois. Am I -- is it a different bill or is this the bill that we discussed?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

That part is correct, Senator, but there is a fifty percent

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Medicaid match for persons going in -- coming -- going into the jails. Oh! Only if they're receiving hospitalization services, yes. Outside -- outside of the jail, not while they're inside, but outside of the jail.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

Okay. Thank you. Then I'm -- I guess -- then I feel better about that. So, the -- as I stated, so, with the passage of this, this will have inmates in the -- in our correction system and in our county jails that have hospitalization expenses are -- we are enrolling them and they will be covered under Medicaid under this legislation, and so then the shift -- that cost shift will bear -- go from Corrections to Medicaid. So it is -- to Senator Righter's question, this is -- the goal of this is to enroll them into Medicaid so they can get coverage right away, not for them just to enroll -- not to get re-enrolled when they -- they leave. And so I just wanted to make sure that was clear, that regardless of how you feel about whether or not who should be paying for this, if it should be Medicaid or if it should be the State, this is a change and it just means that when this passes that hospitalization costs will be bore by Medicaid, both at the county level and at the State level. Thank you, Mr. President, for allowing me to clarify it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Delgado, for what purpose do you rise?

SENATOR DELGADO:

Thank you, Mr. President. To the bill: As a member of the Human Services Committee, I, too, had an opportunity to discuss

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this with the sponsor. I rise in support. I -- as -- we have many attorneys in here and many other professions have come here to the General Assembly. I want to speak from two points of view. In the child welfare system - we pointed this out in committee - prior to return home of a child to the family, we always make sure we want seamless transitional services, and that's for the purpose of making sure when we return home that mom and dad, whoever's at home with two or three other children, they're bringing another body home and we want seamless transitional services and you transition out at -- and a counselor does that work. Now, from a felony parole and probation level, we're talking about the prison system, and the way that was achieved when I became a member of the General Assembly was incorporating and making sure that the DPA had software that talks to the Department of Children and Family Services, so we would not interrupt the services and make sure that as long as all conditions were met to return home, that we were able to do so and not take it out on a person who was probably already on that Medicaid or Public Aid prior to being removed or incarcerated. So those two agencies talk to each other through the computer system. And, of course, they get a motor/voter -- and now let's go to the prison system, same principle. As you're ready to have an exit interview, your counselor, correctional counselor, will come to you and they will put that knowledge together for you and also where you're going to live, because your folks may not want you at that address. So if DPA would have software - and going down the road here, another bill - that would go ahead and talk to the Department, have seamless transitional services, then when mom or dad is coming home, there would not be an interruption. That is the least we

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can do after they've paid their time and that's what this legislation really does. And I would stand in strong favor and ask all of you to give an Aye vote and make our systems operate the way they're supposed to, and that is seamless, and make sure that those transitional services are in place, for not only the person coming out of prison, but for those loved ones who they're coming home to, and not further create problems with that family structure. I would ask for an Aye vote, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Seeing no further discussion, Senator Hunter, do you wish to close? Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. The intent of this legislation is to ensure continuity of behavioral and medical care in the community upon release from jails or prisons by making it possible for ex-offenders to go through an application process and an enrollment process in advance of release. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill -- excuse me, 1046 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? Mr. Secretary, take the record. On that question, there are 36 voting Aye, 16 voting Nay, 0 voting Present. House Bill 1046, having received the required constitutional majority, is declared passed. Next up on our Calendar, we have House Bill 1048. Senator Cunningham. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

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House Bill 1048.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Cunningham.

SENATOR CUNNINGHAM:

Thank you, Mr. President. House Bill 1048 is a cleanup bill for the Secretary of State's Office. It streamlines administrative procedures, corrects errors and omissions, and clarifies some confusing statutory provisions by making three separate Acts consistent. Would be happy to answer any questions and I ask for the Chamber's support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? I don't see any. Ladies and Gentlemen, the question is, shall House Bill 1048 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? Mr. Secretary, take the record. On that question, there are 53 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1048, having received the required constitutional majority, is declared passed. Next up, we have House Bill 1052. Senator Steans. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1052.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

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SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. This bill is an agreed bill, really compromise between the Illinois Society for the advanced practice nurses and the Med Society. It provides more authority for advanced practice nurses under their collaborative agreements by doing things like adding APN-provided services under MDs, generally that -- provided -- or may provide, like nurse practitioners can provide gynecological care, even if the physician may choose not to that they're operating under. It also allows for -- absent employment relationships, the -- the written collaborative agreement may not restrict the type of a third party reimbursement. So it allows the APNs to provide -- get Medicaid reimbursement. And it specifically states that an APN may provide -- may provide primary healthcare, so that it can be a -- determined to be a primary healthcare provider under MCOs. I would ask for an Aye vote and I don't know of any opposition to the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Haine, for what purpose do you rise?

SENATOR HAINE:

I -- I wish to thank the sponsor of the bill and the Medical Association and the Illinois Nurses Association, all those who contributed to a very fine bill. We had another bill last Session which started us down this road and Senator Steans has avoided, I believe, a minefield with this bill. Thank you so much.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Seeing no further discussion, Ladies and Gentlemen, the question is, shall House Bill 1052 pass. All those

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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? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1052, having received the required constitutional majority, is declared passed. Next up, we have House Bill 1191. Senator Delgado. Out of the record. House Bill 1192. Senator Mulroe. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1192.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Thank you, Mr. President and Members of the Senate. Currently, a municipality in a county with two million or more people must regulate and inspect retail food establishments unless that municipality is served by a local health district or enters into an intergovernmental agreement with the county where it -- it resides. House Bill 1192 permits that municipality to enter into an intergovernmental agreement with another local health district that serve -- would serve the entire municipality. This would apply when a -- a municipality does not want to create its own local health district or go through the county.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1192 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish?
Mr. Secretary, take the record. On that question, there are 54
voting Aye, 0 voting Nay, 0 voting Present. House Bill 1192,
having received the required constitutional majority, is declared
passed. Ladies and Gentlemen, we are going to go to the Order of
House Bills -- excuse me -- yes, House Bills 2nd Reading. House
Bills 2nd Reading. With leave of the Body, we'll start with House
Bill 163. It's up on the board. Senator Link. Mr. Secretary,
read the bill.

SECRETARY ANDERSON:

House Bill 163.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments
reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. With leave of the Body, we'll go to House Bill
167. Senator Link. Senator Link, on 167. Mr. Secretary, read
the bill.

SECRETARY ANDERSON:

House Bill 167.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments
reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. House Bill -- with leave of the Body, let's go
to House Bill 226. There it is. Senator Link. Mr. Secretary,
read the bill.

SECRETARY ANDERSON:

House Bill 226.

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(Secretary reads title of bill)

3rd -- 2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. With leave of the Body, let's go to House Bill 1349. Senator Link. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 1349.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. With leave of the Body, let's go to House Bill 1604. Let it come up on the board. Senator Link. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 1604.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. With leave of the Body, let's go to House Bill 2480. Senator Link. Mr. Secretary, please read the bill. Mr. Secretary, my correction, should be House Bill 2488. It's up on the board. Mr. Secretary, please read the bill.

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SECRETARY ANDERSON:

House Bill 2488.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. With leave of the Body, let's go to House Bill 2807. 2807, Senator Link. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2807.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Ladies and Gentlemen, we will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the resolutions? 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 resolution is adopted. On the Order -- on the Order of Resolutions is Senate -- Joint Resolution 37. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

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Senate Joint Resolution 37.

(Secretary reads SJR No. 37)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 37. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the -- and the rules are suspended. Senator Clayborne moves for the adoption of Senate Joint Resolution 37. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Pursuant to Senate Joint Resolution 37, there being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 noon on the 14th day of May, 2013. The Senate stands adjourned.