

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

HB0016	First Reading	2
HB0030	First Reading	2
HB0100	First Reading	2
HB0236	First Reading	2
HB0264	First Reading	2
HB0276	First Reading	2
HB0293	First Reading	38
HB0294	First Reading	38
HB0308	First Reading	38
HB0333	First Reading	2
HB0499	First Reading	2
HB0516	First Reading	38
HB0526	First Reading	38
HB1087	First Reading	2
HB1103	First Reading	3
HB1135	First Reading	3
HB1175	First Reading	38
HB1187	First Reading	38
HB1192	First Reading	3
HB1246	First Reading	38
HB1254	First Reading	3
HB1268	First Reading	3
HB1273	First Reading	3
HB1285	First Reading	38
HB1377	First Reading	3
HB1382	First Reading	3
HB1385	First Reading	3
HB1387	First Reading	3
HB1389	First Reading	3
HB1412	First Reading	38
HB1423	First Reading	3
HB1434	First Reading	3
HB1437	First Reading	3
HB1445	First Reading	3
HB1455	First Reading	38
HB1457	First Reading	3
HB1460	First Reading	3
HB1585	First Reading	38
HB2136	First Reading	39
HB2279	First Reading	3
HB2525	First Reading	39
SB0043	Third Reading	4
SB0044	Recalled	4
SB0059	Third Reading	5
SB0070	Third Reading	6
SB0076	Third Reading	11
SB0082	Third Reading	19
SB0106	Third Reading	20
SB0153	Third Reading	24
SB0154	Third Reading	40
SB0157	Third Reading	41
SB0170	Third Reading	42
SB0171	Third Reading	44
SB0193	Third Reading	44
SB0195	Third Reading	46
SB0206	Third Reading	47
SB0208	Third Reading	48

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SB0230	Third Reading	59
SB0235	Third Reading	60
SB0243	Third Reading	60
SB0244	Third Reading	70
SB0245	Other	72
SB0245	Third Reading	70
SB0256	Recalled	71
SB0257	Out Of Record	74
SB0257	Third Reading	73
SB0277	Third Reading	74
SB0292	Third Reading	78
SB0293	Third Reading	80
SB0311	Third Reading	81
SB0319	Third Reading	82
SB0329	Third Reading	85
SB0339	Third Reading	86
SB0348	Third Reading	88
SB0358	Other	98
SB0358	Third Reading	89
SB0381	Third Reading	90
SB0407	Third Reading	97
SR0088	Resolution Offered	1
SR0089	Resolution Offered	1
Senate to Order-President Jones		1
Prayer-The Reverend Jeff Chitwood		1
Pledge of Allegiance		1
Journals-Postponed		1
Messages from the House		1
Senate Stands in Recess/Reconvenes		37
Committee Reports		37
Messages from the House		38
Messages from the House		39
Adjournment		98

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the gallery please rise? The invocation today will be given by Reverend Jeff Chitwood, South Side Christian Church, Springfield. Reverend Chitwood.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDENT JONES:

Please remain standing while we have the Pledge of Allegiance. Senator Link.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDENT JONES:

Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the reading of the -- and the approval of the Journals of Tuesday, March 11th; Wednesday, March 12th; Thursday, March 13th; and Tuesday, March 18th, in the year 2003, be postponed, pending arrival of the printed Journal.

PRESIDENT JONES:

Senator Woolard moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. All the Members in their offices, kindly come to the Senate Floor. We will be going to 3rd Reading. So, if you're in your office, kindly come to the Senate Floor. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 88, offered by Senator Viverito and all Members.

It is a death resolution.

PRESIDENT JONES:

Resolutions Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 89, offered by Senator Obama. It is substantive.

PRESIDENT JONES:

Madam Secretary, Messages from the House.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SECRETARY HAWKER:

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

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

House Bills 308, 1632, 2136 and 2350.

Passed the House, March 18, 2003.

PRESIDENT JONES:

Senator Link, what purpose do you rise?

SENATOR LINK:

For purpose of an announcement, Mr. President.

PRESIDENT JONES:

State your purpose.

SENATOR LINK:

There will be a Revenue Committee in Room 400 at 1 o'clock.

PRESIDENT JONES:

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 6 {sic} (16), offered by Senators Cullerton and Crotty.

(Secretary reads title of bill)

House Bill 30, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 100, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 236, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 264, offered by Senator John Jones.

(Secretary reads title of bill)

House Bill 276, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 333, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 499, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 1087, offered by Senator Crotty.

(Secretary reads title of bill)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

House Bill 1303 -- pardon me, that's 1103, offered by Senator Garrett.

(Secretary reads title of bill)

House Bill 1135, offered by Senator John Jones.

(Secretary reads title of bill)

House Bill 1192, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 1254, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 1268, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 1273, offered by Senator Viverito.

(Secretary reads title of bill)

House Bill 1377, offered by Senators Petka or -- and Rutherford.

(Secretary reads title of bill)

House Bill 1382, offered by Senator Garrett.

(Secretary reads title of bill)

House Bill 1385, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 1387, offered by Senator Collins.

(Secretary reads title of bill)

House Bill 1389, offered by Senator Viverito.

(Secretary reads title of bill)

House Bill 1423, offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1434, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 1437, offered by Senator Hunter.

(Secretary reads title of bill)

House Bill 1445, offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1457, offered by Senator Ronen.

(Secretary reads title of bill)

House Bill 1467 -- pardon me, that's House Bill 1460, offered by Senator Munoz.

(Secretary reads title of bill)

And House Bill 2279, offered by Senator Rutherford.

(Secretary reads title of bill)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

1st Reading of the bills.

PRESIDENT JONES:

Senator Demuzio, what purpose you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. Let the record reflect that Senator Hunter, again, is not here today due to illness.

PRESIDENT JONES:

The record will so reflect. On the Order of 3rd Reading on page 20 of the Calendar. Senate Bill 4. Out of the record. Senate Bill 21. Out of the record. Senate -- Senate Bill 40. Senate Bill 40. Senator Walsh. Out of the record. Senate Bill 43. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 43.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. Senate Bill 43 basically says that before a plea is given in a felony or a misdemeanor case, the court must admonish the defendant that a plea could result in deportation or exclusion from the -- admission to the United States or deny naturalization. We gutted the bill. We -- this will just be an advisement by the court. I'll be happy to answer any questions.

PRESIDENT JONES:

Being no discussion, Senator Silverstein, to close.

SENATOR SILVERSTEIN:

Just ask for a favorable roll call, Mr. President.

PRESIDENT JONES:

The question is, shall Senate Bill 43 pass. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, no Nays, 1 voting Present. This bill, having received the constitutional majority, is declared passed. Senate Bill 44. Senator Silverstein. Senator Silverstein seeks leave of the Body to return Senate bill to the Order of 2nd Reading. Hearing no objections, leave is granted. On the Order of 2nd

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Reading is Senate Bill 44. Madam Secretary, are there any amendments from the Floor?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Silverstein.

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank -- thank you, Mr. President. I think this should be my amendment, not Senator -- oh, there we go. Okay. This -- the amendment was brought to my attention was -- in committee by Senator Dillard. We just add that -- prohibits collections agency from imposing costs or charges and we just added "including costs," Mr. President.

PRESIDENT JONES:

Is there any discussion? All in favor will signify by saying Aye. No Nays. The Ayes have it. The amendment is adopted. 3rd Reading. Are there any further Floor amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDENT JONES:

3rd Reading. Senate Bill 50. Out of the record. Senate Bill 59. Senator Obama. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 59.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported. Excuse me. I'm sorry. It's 3rd Reading.

PRESIDENT JONES:

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill establishes a hospital report card to address such issues as staffing levels, and orientation and training, reporting requirements for hospitals, public disclosure of data concerning hospitals and compliance with the Act, as well as whistleblower protections. This is an initiative that is designed to make sure that consumers are aware of the quality of their hospitals so that they can select their hospital care in the same fashion that they select cars and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

other consumer items. This was a bill that originally had some controversy and we were able to hammer out a agreed bill between the Hospital Association and the Service Employees Union that initiated it. I know of no opposition at this stage, and it was voted out of committee unanimously. I would ask for an affirmative roll call.

PRESIDENT JONES:

Are there any discussions? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill very briefly: Just my thanks to the Chairman, Senator Obama, for his work. When this bill was first introduced, it was a very contentious piece of legislation, faced opposition from the Illinois Hospital Association and some other health providers. Senator Obama got the groups together. They worked out an agreement. Just for the benefit of everyone on our side of the aisle, everyone's signed on to this piece of legislation. Thank you, Mr. President.

PRESIDENT JONES:

Senator Obama, to close.

SENATOR OBAMA:

I'd ask for an affirmative roll call.

PRESIDENT JONES:

The question is, shall Senate Bill 59 pass. The voting is open. All those in favor, vote Aye. Opposed, Nay. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, no Nays, 1 voting Present. This bill, having received the constitutional majority, is declared passed. Senate Bill 70. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 70.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill came out of the Education Committee. It has to do with driver's

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

education. Current law says that school districts can be reimbursed by the State for driver's ed and it spells out that the schools must provide thirty clock hours of classroom instruction and six hours of practice instruction behind the wheel, actually driving a car. Unfortunately, there's a -- a loophole that allows for the school districts to only have the driver have three hours of practice driving and this bill takes that out and requires that the students have six hours. The leading cause of death for fifteen- to twenty-year-olds is fatalities from motor vehicle crashes. Children between fifteen and twenty are involved in seventeen percent of all the crashes, even though they're only about seven percent of the -- the drivers. So, this bill is supported by the IEA, the IFT, the Illinois Department of Transportation, the Secretary of State's Office and the University Professionals of Illinois and the Illinois State Bar Association. Be happy to answer any questions and would ask for an Aye vote.

PRESIDENT JONES:

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDENT JONES:

He indicates that he will.

SENATOR BURZYNSKI:

Thank you. Senator Cullerton, when you had this bill in committee, I asked the gentleman that was there presenting testimony with you how many schools are abusing the current law relative to proficiency because his statement was that there were a lot of school districts that were just saying all of their students qualified for the proficiency exam and then they didn't have to do the driving, for even those students that most needed it, which I agree is a problem. Did he follow up? Do you know if he followed up with the number? He indicated a handful. I don't know what that means.

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

I don't have the answer to the question. I -- I personally think, though, that no matter what the answer is, I -- I still

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

think we should, you know, do this 'cause I think it's important to have -- six hours of driving instead of three.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator Cullerton, you know, now students are required to have also twenty-five hours behind the wheel in addition to their driving in driver's education or some type of course. Don't you think that that additional twenty-five hours that we just passed two or three years ago really does make up for some of the -- the school districts or some of the students who need driving?

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

Senator, the twenty-five hours that you're referring to was part of our graduated driver's license bill which we passed and all it requires is for a parent to sign a form saying that they have spent at least twenty-five hours behind the wheel with their son or daughter before they get the driver's license. I think that's a different type of a standard, as opposed to this, because this is driver's training with a -- a person who's teaching that -- that child how to drive right behind the wheel. So, I -- I think we need both. I think we need the six hours with the instructor and then the parent's self-certification that they've spent at least twenty hours. These are sixteen-year-olds. The crash rates for sixteen-year-olds are the highest of any age and it's -- it's really an -- an attempt to address that concern.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Senator Cullerton. Another question. Out of those sixteen-year-olds and seventeen-year-olds that are having accidents, how many of them are those that have fallen into this proficiency requirement -- I mean, they've proficiencied out of their driving after only three hours? Do we have any details with that? Or is it my understanding that you're just saying there should be no proficiency provision whatsoever?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

That's correct. I -- I personally feel that we need to have at least six hours. It's clear that the law was originally drafted for six hours of driving and then someone added this -- this loophole that, okay, if you take a test, you only have to do three. I just think they should have six. I hope you agree.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank -- thank you. Obviously, I'm -- I don't agree. I believe there are students throughout the State who are very proficient at driving by the time they go through their driver's ed course, before they even take their driver's proficiencies, in particular students that are in more rural communities, who grow up on farms, who drive trucks through the fields, who do all of these kinds of things, who understand the mechanics and know what they're doing behind the wheel. My concern with the bill, and I understand -- I understand what you're trying to do, Senator, and I -- I know it's to try and put better drivers out on the road, so I'm not questioning that, but my concern with the bill is if every student, even those that are qualified and can drive and exhibit proficiency in that aspect, that if they're mandated for that six hours as well, what we're going to see are students who need nine hours or ten hours behind the wheel will only get six hours. And I think that's more of a problem and creates more of a danger on our streets and roads than, perhaps, allowing those students who are qualified to proficiency out.

PRESIDENT JONES:

Is there any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

A question of the sponsor.

PRESIDENT JONES:

Sponsor indicates he'll yield.

SENATOR LUECHTEFELD:

Senator, you know, I agree with many of the things that you said in committee, certainly the more time a young person has

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

behind the wheel, maybe the better off they are. But in order to -- to have a bill like this, I think the one -- the one, single thing that would make some sense, if we had statistics of those people who have -- who have gotten a waiver from the three hours, is their accident rate higher than the other group. And I -- and I seriously doubt that. I mean, I -- I taught school for a long time and many of those people who were waived, there's -- there was no question in the teacher's mind that they were -- they -- they were ready to drive. I mean, they had had -- especially in rural areas, where kids drive tractors, for instance, a lot, these kids are way ahead of most of the other kids. And -- and in the process, as Senator Burzynski said, if they are able to waive those, then they can give kids who need more than the six hours more time. And in a lot of the small schools, that's the only way they're going to get more time. You know, if you had statistics that you could show me that those kids that are -- that are waived had a higher accident rate. I suspect that those kids who are waived have a less of an accident rate than those maybe who take the full six hours, because that teacher has made a decision that that particular student is way ahead of the other kids. And, again, I -- I -- I -- I -- I think your motive is great. I -- I agree that young kids are -- you know, our worse drivers - the longer they're behind the wheel the better - but I -- I just don't see the need for this bill.

PRESIDENT JONES:

Could the Members kindly hold their discussions down? It's getting really noisy in here, very difficult to hear. Senator Cullerton, to close.

SENATOR CULLERTON:

Okay. Well, I'll, perhaps, answer the comments of the last speaker. The bill was given to me by a school administrator who told me that there were widespread abuses - I don't have statistics - but that there were widespread abuses. In order to save money, the schools were only giving three hours to a blanket class. Everybody was only three hours. They all took a proficiency test. I guess there's no standards for the proficiency tests, so that they were, basically, only getting three hours instead of six. My philosophy here is that I think

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

the way this bill was -- law was originally drafted is everybody had six hours. There was a loophole that was put in at some point in time, and we should eliminate it. I don't have statistics about students who've had their proficiency test waived or not. I just know that, already, the statistics on sixteen- and seventeen-year-olds is -- is astronomical in terms of the -- of the fatality rate. So I just think those three extra hours is very important. If a school district wants to, without reimbursement, do more than six hours, that's kind of up to them and depends on how much money that school district might have. But I think to stay -- say that we need to have at least six hours of driving is -- is our standard. And, again, I -- I'm really encouraged. I didn't go out and seek the support of the IEA or the IFT or the Department of Transportation or the Secretary of State but -- or the Bar Association. They came, saw the bill, and -- and they supported it. So, with that, I urge an Aye vote. Thank you.

PRESIDENT JONES:

The question is, shall Senate Bill 70 pass. All those in favor will signify by voting Aye. The 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 36 voting Aye, 21 Nays, no one voting Present. This bill, having received the constitutional majority, is declared passed. Senate Bill 76. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 76.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. Senate Bill 76 creates the Nutrition Outreach and Public Education Act. It establishes a nutrition outreach and public education program within the Department of Human Services. The bill originally called for the Act to be administered by the Department of Public Health. It was amended in committee to make the Department of Human Services responsible for implementation.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

And the purpose of it -- the Act is to enroll targeted populations in federal food and nutrition assistance programs and to promote the fuller implementation and utilization of such programs in underserved or unserved areas of the State. We're attempting to reach the elderly, we're attempting to reach rural parts of the State where there is underutilization of federal food programs. And as you know, food stamps are a hundred percent federally funded, and the -- part of the -- at least fifty percent of the administrative costs are -- are reimbursable from the federal government. So here we have a bill that will ensure coordination between different State agencies to make sure that the assistance and the information that people need to enroll in these programs is provided. I'll be glad to answer any questions.

PRESIDENT JONES:

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDENT JONES:

He indicates he will.

SENATOR RIGHTER:

Senator, we had a pretty thorough discussion about this bill in committee a couple weeks ago and I'd like to touch on some of those points again here on the Floor. First, with regards to cost issues, I think that in every year, but especially this year, that's something that we need to look to first, to see if we have the money to pay for this. Can you tell us how much this is going to cost and, second, if you know that there is money set aside in the Governor's GRF budget to pay for this?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Well, first of all, let me say that this is going to bring the State federal dollars, millions and millions of federal dollars that we are currently eligible for and we are not receiving. These are federal dollars that will end up going to individuals, to feed children, they'll go to the elderly, and those dollars, then, will end up being spent in all the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

districts throughout the State and will be a boost for the economy because we will be spending federal dollars with our local businesses, particularly food businesses, that do not receive those dollars now. And so, food stamp is a hundred percent federally funded. Some of the -- fifty percent -- at least fifty percent of the administrative costs of administering it are federally reimbursable. And so, this is a gain. It's not a loss or a use of GRF dollars that's going to end up adversely affecting the budget. And in terms of the provision in the bill that allows for grants to be given to agencies who -- community-based agencies that may become part of the outreach effort, that part is subject to appropriation. So, it may be that we won't do much of that at the very beginning, but at least we will have the State agencies coordinating, collaborating, communicating and refining their -- their efforts in terms of reaching out to the population that is eligible.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Now, Senator, that's a -- used the term "subject to appropriation", and that is a term that has come up here on the Floor recently. I want to discuss that with regards to Senate Bill 76. You said that the grants Section of Senate Bill 76 is subject to appropriation. In other words, we obviously cannot send any taxpayer -- State taxpayer-funded grants out to the community organizations who are going to be responsible for the bulk of this work unless we have the money to send out those grants. But the mandate that they have to do this is not subject to appropriation. In other words, as I read your bill, we are telling the local community organizations, they're going to do this whether or not we send them any money, but if we -- happen to have any money available, we'll go ahead and send it out. Now, am I not reading the bill correctly?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Let me indicate that -- that the community outreach part that would be done by community organizations is a component of this. It's a component. It's not "the" bill. The bill itself

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

and the -- the -- the important part of the bill is the coordination among State agencies, existing programs now and activities in these different State agencies that will come together and develop a plan to conduct this outreach. The community grant piece is a component. It isn't "the" bill.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Well -- and I guess, Senator, that's -- and -- I didn't state it very well the first time. I guess that's my point. The point is, when we talk about subject to appropriation, as I read your bill, the only Section of your bill that is subject to appropriation is the part that says we're going to help the local communities with grants to do these things. The part that puts the requirements on them to go out and put together all the paperwork is not subject to appropriation at all. They're be -- going to be required to do that whether we send them a dime of grant money or not. Is that correct?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Again, fifty percent of the cost for administering this is reimbursable from the federal government. So we'll be getting in additional dollars, plus the millions of dollars that will be generated as a result of -- of individuals who are currently eligible but have not applied coming into the program.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

So you're saying that -- if you're saying that fifty percent of the administrative costs will be reimbursable to the local community agencies -- I mean, I don't know how it is in your district, Senator, but in mine, the local community agencies are already buried with paperwork. They're buried with the duties that they have to fulfill in order to help the people who need this help so desperately, and the number one complaint that I hear from them has more to do with the State and the Department of Human Services and the paperwork that they have to move around on a day-to-day business because of what we do here.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

How long, after they do all this work, will they have to wait to get the fifty-percent reimbursement in their administrative costs?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Senator, I'm -- I'm glad you made -- made the point about -- about the paperwork. That's exactly what we're trying to get at here. We're trying to streamline a process; we're trying to create a process that is more effective in getting information out to people and then making people -- helping them become eligible for -- for this program. This bill is very, very much supported by all those community organizations that -- that you say don't like all the red tape. They see this bill as a way of eliminating a lot of that red tape and making it easier for people to participate in the program. That's why the Illinois Hunger Coalition has aggressively lobbied for the passage of this bill, and they are the ones that are in touch with all the food pantries and all the community organizations out there that are currently having to deal with -- with hunger throughout the State of Illinois - by the way, not just in rural areas, not just in the City of Chicago, but in many of the suburbs. We had testimony in committee that came from individuals who live in some very well-off suburbs that are hungry, that are going hungry and do not know about the services that are available to them. So this bill allows us to be able to be more effective in our effort.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question...

PRESIDENT JONES:

I'm sorry, Senator. I didn't see you. Will you bring your remarks to a close?

SENATOR GEO-KARIS:

Oh. Is that better now? Thank you, sir. Will the sponsor yield for a question?

PRESIDENT JONES:

He indicates he will.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR GEO-KARIS:

...a little bit confused about the finances about it. How much will it cost the State? I didn't quite hear it.

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Well, I don't have an exact figure, and a fiscal note was not filed on this bill. Maybe you ought to have filed a fiscal note. But I do not have an exact figure. I do know that we will be generating millions of dollars that are not currently coming to the State from the federal government. You know, one of the things we talk about regularly here is -- is Illinois' track record in terms of capturing federal dollars that we're eligible for, dollars that work their way through our economy, that help lots of small businesses, and this is an example of how we can capture federal dollars because the program is a hundred percent funded by the federal government - food stamps are a hundred percent funded - plus there are administrative costs that come from the federal government. So, certainly, the -- whatever administrative costs is having -- we have to cover is more than offset - more than offset - by the huge amount of federal funds that are going to come into the State.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, like you said, there was no fiscal note filed on this bill. I'm not comfortable -- and I -- and I agree with you. I'd like to see the federal government give us more money. I can't -- I won't disagree with you; however, I'm not comfortable unless we have a fiscal note on it. Perhaps you ought to take out your bill and get a fiscal note on it, because I'm not comfortable if it's going to be millions and millions of dollars that the State has to spend when we are in such short, short fund area.

PRESIDENT JONES:

Senator del Valle. Senator Viverito.

SENATOR VIVERITO:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

State your point.

SENATOR VIVERITO:

The -- this is a very special day for Italian-Americans. Today is St. Joseph Day and perhaps -- is that all right? Can I do that? And what we have is a lot of pizzas over here. And really it's just in -- a day that I thought -- I note it's a heated battle going on right now, but some people asked me, "How did this ever start?" It started in Sicily, Italy, for the poor people. It was a feast that they would help to -- to feed the poor. So, please, all of you are invited, staff is invited, and the pizza's been delivered a while back and I didn't mean to interrupt you. Thank you very much, Mr. President.

PRESIDENT JONES:

Over the weekend we were all Irish; now we're all Italians. Senator Righter, for the second time.

SENATOR RIGHTER:

I think it's my first time, Mr. President. Is this a continuation of my first time?

PRESIDENT JONES:

Yes. Bring your remarks to a close, Senator.

SENATOR RIGHTER:

Thank you. Our records indicate, Senator, that a fiscal note was filed on the bill. It was filed on March 13th. And the answer to the -- the fiscal note includes two hundred and fifty thousand dollars for grants to community organizations to pay for this. My question to you is, do we know that we have this money set aside in the General Revenue Fund to pay for these grants?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Well, I think I'm going to work real hard -- if that's the fiscal note. I didn't see that fiscal note. So, I -- you know, I -- I don't know where you got it. Certainly, if you could send a copy over, it would be great. But if it's just two hundred and fifty thousand dollars, let me tell you: I will work hard to make sure that we get, in a fifty-four-billion-dollar budget, that we end up with two hundred and fifty thousand dollars that's going to feed hungry children and hungry elderly and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

disabled populations throughout the State of Illinois. Two hundred and fifty thousand dollars I'll take any day.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

To the bill, Mr. President. Thank you very much. The answer to the question is, it's not in the Governor's budget. And we are going to see a long list of bills today and tomorrow and the next day and the next couple weeks where we are spending money that we do not have. There's no money set aside in the Governor's GRF budget for this. Now, maybe the Senator is right that it will be easy to come up with two hundred and fifty thousand dollars, but with all the other programs that we are going to stand here and vote on, I question whether there's going to be room for all those. We can't pay for everything that we have on the table now. I question the wisdom of us reaching out and committing not just to us, not just to the Department, but to the local community agencies that we're going to be there for you to pay for the -- the work that we're going to ask you to do, that we're going to be there for you and we'll send you money, when, in fact, that money's not there. Thank you, Mr. President.

PRESIDENT JONES:

Senator del Valle, to close.

SENATOR DEL VALLE:

Okay. Thank -- thank you, Mr. President. You know, projections indicate that we can generate over a hundred million dollars in federal assistance. Now, if you don't think that putting two hundred and fifty thousand dollars into a budget, which, by the way, we haven't seen yet - it hasn't been crafted, so I -- I don't know -- I don't know what budget you're talking about. When you mentioned the Governor's budget, there isn't a budget yet. We have an opportunity to include this in a budget and if it means cutting another area in order to invest two hundred and fifty thousand dollars so that we could capture over a hundred million dollars. Well, let me tell you, I think that's a good investment and I'm -- I'm ready to fight for it.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

The question is, shall Senate Bill 76, as amended, pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 voting Aye, 22 Nays, 2 voting Present. This bill, having received the constitutional majority, is declared passed. Senate Bill 82. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 82.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President and Members of the Senate. Senate Bill 82 creates the Help Illinois Vote Fund as a special fund for the State treasury. Federal funds are going to be received by the State from the implementation of the Help American Vote Act of 2002, will be deposited in this fund. The program authorizes -- or mandated by -- in accordance with the federal legislation. What we have asked here is that the State Board of -- of -- of Elections has been working on putting together a program for us. We are anticipating federal dollars coming in to help with the upgrading of voting equipment. It's my understanding that as soon as the month of May, we are expecting forty-four million dollars to come into the State of Illinois in this program. And willing to -- answer any questions. Ask for a favorable vote.

PRESIDENT JONES:

Is there any discussion? Is there any discussion? Being none, the question is, shall Senate Bill 82, as amended, pass. All those in favor, vote Aye. Nays will vote... All those in favor, vote Aye. The Nays vote No. The question is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, no Nays, no one voting Present. This bill, having received the required constitutional majority, is declared passed. Senate Bill 96. Out of the record. Senate Bill 100.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Out of the record. Senate Bill 106. Read -- read -- read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill came out of the Local Government Committee and it was amended by a amendment proposed by Senator Wendell Jones, which I took as a friendly amendment and appreciate his input. What this bill will do, as amended, is to say that State's Attorneys or State's Attorney candidates or the Attorney General or Attorney General candidates cannot accept a loan, a loan guarantee, a promise of a loan, or a promise of a loan guarantee from an attorney or a law firm that, during the previous two years, has represented a defendant in a criminal matter in the circuit court of the county in which the State's attorney or candidate holds or seeks office and it would be a business offense if they do so. We in no way intend to prohibit the ability of these lawyers who practice in the criminal field with State's Attorneys and Attorney Generals from making campaign contributions. That's okay. Remains okay. That's reported under the -- under the law. But loans are different, because even if they're reported that there's a loan, we don't know about the terms of the loan, the -- the relationship between the State's Attorney and the defense lawyers. Everybody might -- might know this: There's a very -- there's a dependency there. The State's Attorney has a lot of control - for that matter, the Attorney General does too - over whether cases should be reduced or plea-bargained. And so, to have an outstanding loan from an attorney who's practiced in front of you, where that -- the terms of that loan can be changed or altered, is really not appropriate. That's what this bill is designed to do. And, again, I welcomed the amendment of Senator Jones to add the Attorney General to this bill. And I'll be happy to answer any questions and ask for an Aye vote.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Is there any discussion? Senator Jones.

SENATOR W. JONES:

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

PRESIDENT JONES:

He indicate he will.

SENATOR W. JONES:

We -- we -- some of us were wondering when we amended this, though, Senator Cullerton, that perhaps we might not want to go down this road because we don't know where to draw the line. We're drawing the line here for just a couple of offices. Who's to say we wouldn't draw the line for -- for Governor or any other elective office? What is your position on that?

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

Well, quite frankly, I was surprised to learn that there was a State's Attorney who had actually received a -- I think it was a hundred-thousand-dollar loan from a lawyer who was practicing in his office. That came out last year. I -- I don't think there was anything illegal about it. I just think it was probably not appropriate. And so we drafted this bill to address that situation. And you correctly pointed out that the Attorney General, who has also criminal -- criminal -- the ability to bring criminal prosecutions, is in a similar situation. So I am addressing the relationship between a prosecutor and a defense lawyer, and -- and -- and I really and truly think that loans are different than just campaign contributions. So, if you think maybe it should be expanded, that's another issue for us to debate, but I'm focusing in on this prosecutorial relationship, the relationship between the prosecutor and the defense lawyer. And it's really not appropriate, in my opinion, to have -- to have loans outstanding because of the unique nature of the loan, because of the fact that the terms can be -- can be changed. It can be an ongoing kind of a sword over that -- that prosecutor's head. So, for that reason, I welcomed your amendment, but I think this bill is appropriate because those are the two areas where there are criminal prosecutions that can be brought.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Senator Jones.

SENATOR W. JONES:

...President, will the sponsor yield?

PRESIDENT JONES:

He indicate he will.

SENATOR W. JONES:

It goes -- it goes beyond that, not just a prosecutorial relationship. I think it goes beyond that to any kind of relationship a person might have by view of the fact that they're in a public office. So why -- some of us were concerned about why we would only exclude -- or just make it narrow for these two offices. Why not have it cover everything? And also, does it include loans and -- and -- to the campaign fund as well, just for a person running for Governor or a person running for any other public office?

PRESIDENT JONES:

Senator Cullerton. I believe that was just a statement. It didn't require a response. Senator Roskam.

SENATOR ROSKAM:

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

PRESIDENT JONES:

He indicate he will.

SENATOR ROSKAM:

Senator Cullerton, can you just articulate to us the reason -- and I -- and I know there was a news item that you're concerned about and you disclosed that to us. But why is this criminal prosecution relationship a bright line? In other words, why not broaden the base of this bill to include any area where there is a -- an oversight relationship; for example, if the State Treasurer oversees banks or has a relationship, or if the Governor, God bless him, oversees, really, all aspects of State government? What is it about this criminal prosecution-type relationship that deserves special attention? I -- I don't understand it.

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Well, based on my -- my past experience, I -- I am aware of the relationship between a prosecutor and a defense lawyer. Okay? And so -- and I was not aware of any of these personal loans that were given to candidates, you know, during campaigns. The only one I was made aware of was -- was the incident that you -- you referred to. So -- and -- and I don't think -- I don't mean any -- I don't mean to cast aspersions about that; I -- I just think that we would be doing that person a favor if we take that possibility away from him or her. I'm -- I'm not saying that there might not be an appropriate bill that you might want to consider to deal with personal loans to legislators or -- or to other elected officials. That's something to be explored. I'm focusing in on the relationship between the prosecutor and the defense lawyer because we know that it is a relationship where that prosecutor has tremendous amount of control over what's going to happen with that client of that defense lawyer, and to have this loan outstanding, where the interest rate can be adjusted during the course of a -- of a -- of a campaign or during the course of a -- while a criminal trial is being negotiated, I -- I just think it's -- it's a unique situation that we should address. Not to say there might not be some other cases where it's appropriate, but that's what this bill does.

PRESIDENT JONES:

Senator Roskam.

SENATOR ROSKAM:

Senator, could partners in a law firm get together and create a PAC and then could that PAC, under your bill, make a loan to the -- to the State's Attorney?

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

Yes, they could. This is a -- this bill is designed to cover personal loans. And I -- and I guess the reason for that is because I'm fairly certain our campaign finance disclosure laws require the reporting of that loan. I'm not sure if it requires the terms of the loan, but this is designed to cover personal loans.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Roskam.

SENATOR ROSKAM:

To the bill. I -- I understand where Senator Cullerton is coming from and respect his efforts. But, with all due respect, I think that this is sort of based on a false premise, and that is, if the prohibition of loans is good for State's Attorneys and is good for the Attorney General, then it's good for everybody. Because, let's face it, there are relationships that elected officials have with other people who they -- they interact with professionally that's not unlike a criminal prosecution, that's not unlike that give-and-take. I think if the Senator has a desire to go after this, which is sincere, clearly, I think -- I think the scope either needs to be broadened to include everybody or we don't need to move this bill. I think, with all due respect, it's symbolism over substance and I would urge a No vote. Thank you.

PRESIDENT JONES:

Senator Cullerton, to close.

SENATOR CULLERTON:

I would request a symbolic Aye vote. Thank you.

PRESIDENT JONES:

The question is, shall Senate Bill 106 pass. All those in favor, vote Aye. Those opposed, Nay. The question 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 44 voting Aye, 10 Nays, 3 voting Present. This bill, having received the required constitutional majority, is declared passed. Senate Bill 130. Senator Obama. Out of the... Senate Bill 142. Senator Woolard. Out of the record. Senate Bill 152. Senator Link. Out of the record. Senate Bill 153. Senator Link. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 153.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Thank you, Mr. President. This bill amends the Local Government Debt Reform Act on revenue source and limited bonds. Amends the Public Building Commission Act in -- in reference to the public building commission lease rental base and levy and collection of tax to pay to lease rentals. Amends the County Code Act in reference to tax for county purposes. Be more than happy to answer any questions.

PRESIDENT JONES:

Is there any -- any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Sir, just a couple of questions for the sponsor.

PRESIDENT JONES:

The sponsor indicate he'll yield.

SENATOR LAUZEN:

Number one, Senator, is this another exception to the tax cap?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

No, I don't think this is an exception to the tax cap because what this is -- the attempt of the tax cap was that we would not exceed the five-percent cap. What this is, is...

PRESIDENT JONES:

Will the Members kindly hold their discussions down? It's getting very difficult to hear. Senator Link.

SENATOR LINK:

Thank you, Mr. President. What this basically would do is at the -- the tax cap would not go above the CPI or the five percent. What this is doing is having the levy which was at -- froze at the tax -- when the tax caps went in, and what it would do is bring -- allow them to use it up to that level. When this would come down, this would continue to stay at that level. It would not be able to exceed that level. It's the same thing we did for the municipalities and for the school and the education level, that we stayed at this level.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Actually, Senator, I -- I respectfully disagree with you and I would refer you back to the law that you're proposing. Under Section 10, where it says the aggregate extension of taxing districts to which this law applies, before 1995 these are the exceptions to the tax cap. And what you are adding in is another exception to the tax cap which would allow the public building commissions to recharge their borrowing. Could you respond to the language under Section 10 that puts another exception into the tax cap, please?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

I do not have Section 10 in front of me right here. If you could hold on one second. I -- I believe that in 1995, when this went in, that the intent was not to exclude these, that it is -- it is what Senator Lauzen indicates, but I do not believe that that was the intent, that that was the same thing that we did for education and that we did for the municipalities, to clarify this, that we did back in -- in -- in May of 1995 when we changed it for the educational funding in this Chamber, and we also changed it for the municipalities. I believe that we clarified that intent at that time.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Thank you. You know, rather than addressing the intent of a law, I think that we should actually read the law and the law says that this is an addition of another exemption to the tax cap. If we don't pass this legislation, isn't it true that the public building commission bonds get gradually paid off and then property taxes go down? Isn't that a fact?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

What -- what would -- Mr. President, if we could keep the noise down in the hallway, it seems. I don't think it's in the Chamber. I think it's in the hallway somewhere.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Will the Doorkeepers kindly deal with that issue as relate to the individual. The Members, hold your voices down so we can hear the discussion. Senator Link.

SENATOR LINK:

Thank you. You -- you are right, if we eliminate this levy, it -- that the property tax would go down; but if we eliminate this levy, we eliminate the public building commission. The public building commission was intended to oversee the -- the operation and the existence of the -- of the -- the buildings of the county government, as -- the same as this was for the public education system and the municipal governments. These were the exceptions of what the set up of -- when we put in the tax cap, they were set up for this exception, and I think that what we were -- what we are doing right now is to keep these going. We are not trying to exceed this levy. I agree, if we were to go over this levy, we must go to the voters and go to a referendum. We are not going over this levy; we are trying to do the same thing for the counties as we did for municipalities and education. That's all we are doing with this piece of legislation.

PRESIDENT JONES:

Senator Lauzen, bring your remarks to a close.

SENATOR LAUZEN:

Okay. Mr. President, this is a -- thank you very much. But I -- I have to ask two other questions. I served for three or four years on a public building commission in my home county of Kane County, and this is another puncturing to the tax cap. These bonds are going down. Anyone who votes for this bill today is voting against property taxes going down. Let me ask you -- let me ask the sponsor just two last questions. Last week you sponsored a hundred million dollars of borrowing without the taxpayers' approval. Let's look at the impact of -- of what this does, and I'd like you to answer just two questions. How many public building commissions are -- existence in -- in Illinois and how much borrowing does this -- authorize local officials to execute without voter approval? So, how many PBCs and how much debt are we talking about?

PRESIDENT JONES:

Senator Link.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR LINK:

I don't know the exact number of how many building commissions that this affects right offhand or the amount, but this does not exceed the amount of levy that they have authorized right now in existence. We are not increasing any amount of money that they have right now. We are keeping it at the levy that they have right now in existence. There will be no increase.

PRESIDENT JONES:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I appreciate the sponsor bringing this issue forward, and I know that the proponents that suggested he carry this bill probably didn't tell him a little bit about the history of the public building commissions and I'll just very, very briefly talk about why this bill is necessary. When I was first elected to the General Assembly, public building commissions were pretty controversial. What they had done was they had issued bonds and entered lease agreements with local governments and were running operations through their bonding program which was seen as an abuse. The Illinois Farm Bureau and taxpayers across the State were outraged and worked very hard to take away the public buildings commissions' ability to reissue its debt and to maintain an ongoing operation. So, the General Assembly acted to grant tax relief by ending public building commissions' ability to reissue bonds. This is not a mistake that we made or an oversight, regardless of how proponents may have introduced it to you. This was an overt act of the General Assembly in 1994 or 1995 to repeal their right to reissue these bonds. Now, the proponents come along and say, "Oh, this is a simple tax cap adjustment", or "We're just trying to take something..." and -- and I know that -- that the volume of bills that have been offered and asked for you people to carry this time have been immense. So, I know that the sponsor has good intentions, but this subverts, this overturns an act by this -- by the General Assembly in the past to take away from public building commissions the right to reissue their bonds. As these bonds expire, it will grant property tax relief and some of the --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

reduce some of the pressure on school districts and municipalities and other users. It brings into the sunlight that they -- if a county wants to build a building, if a -- if a community college wants to build a building, they have to go to referendum. For years they used the public building commissions to avoid telling the voters what they were doing with their money. So, I know the sponsor has good intentions, but I would just call everybody's attention to the reason this bill is before us; it's because we've acted in the past to take this authority away. In the halcyon rush and -- and all the confusion of the new administration coming in, all the changes, I just think that the people who worked hard to get this repealed have not been alerted to the fact that the public building commissions are trying to sneak in under the door under the guise of tweaking something or fixing something. This is not a tweaking, it's not a fixing; it's a restoration of authority that was taken away by the General Assembly. To the fundamental question of whether this adjusts the tax cap, I would just call the sponsor and the Members' attention to the bottom of page 19 on the bill where it says that this exempts from the tax cap payments to be made - and then the top of page 20 - from the public building commission lease rental base as defined in the Local Government Debt Reform Act, on and on and on. This is a change to the tax cap. It's an overturning of reform entered into by this General Assembly. It is a backdoor way of letting local governments do construction and operating costs through a -- a -- a bond base without the permission of the voters. So, if that's not a perversion or subversion of the tax cap, I don't know what is. I know the sponsor didn't intend this, and I know the proponents don't always tell the whole story. But because we're moving so quickly down there, I would argue that you need to give the taxpayers and the -- the people who worked hard to get rid of the public building commissions the benefit of the doubt and either perhaps consider taking this out of the record or I would ask Members to vote No or Present 'cause I know the sponsor's well-intended. This is not where we should be going on public policy in the middle of a difficult recession, at a time when almost half our school districts are

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

in financial trouble. Appreciate your good intentions, and thank you.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDENT JONES:

He indicates he will.

SENATOR GEO-KARIS:

With all the rhetoric we've had here, isn't it true that the counties cannot increase their levy without a referendum? Under...

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Yes.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

This bill does not exempt the counties from property tax caps, isn't that true?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Yes.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And then, do I understand then that this bill grants to the counties the same authority that has been given to schools and municipalities by the General Assembly?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Yes.

SENATOR GEO-KARIS:

Well, we have...

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Geo-Karis.

SENATOR GEO-KARIS:

...a public building -- thank you. We have a public buildings commission in Lake County, and I don't -- I don't think that this bill is as drastic as some of the opponents say it is. I may be wrong, but I feel it might be a step in the right direction when you've already given the authority to school -- the same authority to schools and municipalities. And I think we should be fair and give it to the counties, too.

PRESIDENT JONES:

Any further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDENT JONES:

He indicates he will.

SENATOR BURZYNSKI:

Thank you. Senator Link, I was looking at the bill and I noticed that when it talks about the levy in here, it -- it establishes it as the 1999 levy. Is there a particular reason for that rather than current year levy?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Could you tell me what page you're -- you're looking at, Senator?

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. It's Section 5 on page 2.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

I'm trying to find that because everything we're looking at, it looks at 1995 in the bill. Everything that we're showing is 1995. We don't show a 1999.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Thank you. It is section (n) on page 2 of the bill. Three. Yeah. I'm sorry. Yeah.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Is the question you're asking, why 1999 instead of 1995 or 2003? ...answer best qualified on this is that's where the -- the -- the levy maxed out -- or, leveled out at. At that year of 1999, it was figured out at, Senator.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Is -- is it maxed out or leveled out? Then -- then if you've got an idea that that's where it leveled out then, do we know what kind of dollars we're talking about to local units of government?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

No.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Well, then I am a little confused. If we know it leveled out in that year, then we've got to have some idea of -- of what the dollar amount was. To the bill, I -- I've long -- I don't know a lot about public building commissions but I do know a little, and I -- I've been around when a couple of them have been initiated and utilized for -- for new buildings in communities and in counties -- county government. And they do serve a very valuable purpose. There's no doubt about that. But I've always argued whether or not operations and maintenance should be included in public building leases. And what we're doing here by extending this and by this bill is we are, in effect, circumventing tax caps, because if this bill does not go into place, then those people will have to go back, they'll have to put those operations and maintenance funds back into their -- their general funds and they will have to go to the voters for a referendum. We are doing exactly what the bill intended. I --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

I suggest that Senator Rauschenberger was exactly right. I think that, you know, what we're allowing them to do is to bond for their operations and maintenances rather than just for new buildings. And not only are they doing this for new buildings, but they're also utilizing bonds for their existing buildings, older buildings, as well, and I just don't think that's in the best interest of the public. Citizens don't have input; they don't have the opportunity to vote on a referendum. So I really have some concerns with this.

PRESIDENT JONES:

Senator Lauzen, for the second time.

SENATOR LAUZEN:

Thank you, Mr. President. I ask the sponsor to pull this bill out of the record for two reasons: Number one, we don't know what the impact is of a bill that's as substantial as this; number two, the answers that -- that the sponsor has given in the questions that Senator Geo-Karis asked are inaccurate. They are contradicted by the language in his own bill. They are inaccurate. To the bill itself: This came up about two years ago over in the House. Waubonsee Community College in my area thought that the best way to take care of increasing the buildings at their campus would be to come to Springfield and ask the Springfield legislators to increase the tax and do exactly what this bill says. That was not moved forward, I believe, either in the House or the Senate, but it comes back here today. What Waubonsee Community College did is that -- led by a team of volunteer citizens, they went to the voters of that area, actually twice, and they asked the voters: This is our mission; this is how we intend to spend the money; would you authorize it. And the voters of our district said yes, go ahead and spend it. They went to the actual voters, rather than coming to the legislators, to get permission, and that's the way that we should do it in this State. They did it the right way at Waubonsee. I would encourage the -- either the sponsor to take it out of the record because the impact is very large and, by his own admission, does not know the impact of his own legislation; and, number two, the answers that he has given on this Floor are inaccurate, according to the language in his own bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. All we're asking for this bill is a very simple thing: To put the counties at the same equity as that we put -- on the same level as that we put education and municipalities. In 1995, May 25th, in this Chamber, we passed a bill that was sponsored by my colleagues on the right here, a bill that passed out of here with thirty-seven votes, a Majority-Republican-bill-sponsored vote, carried out of here to allow our educational system to do the same -- identical bill that we're allowing -- that we want the counties to do. We're asking for no other exception than what we allowed the educational system to do and what we're allowing the municipalities to do. I ask you to do the same thing for our counties to keep our efficient county government running in the same, exact way. I ask you for affirmative vote.

PRESIDENT JONES:

The question is, shall Senate Bill 153 pass. All those in favor will signify by voting Aye. The 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 30 voting Aye, 24 voting Nay, 2 voting Present -- Present. This bill, having received the -- the -- received the constitutional majority, is declared passed. Senator Lauzen.

SENATOR LAUZEN:

Mr. President, may I request verification of the vote, please?

PRESIDENT JONES:

Senator Lauzen have -- has requested a -- a verification. Will all Members be in their seats? Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Garrett, Geo-Karis, Haine, Harmon, Hendon, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Peterson, Radogno, Roskam, Schoenberg, Shadid, Sieben, Dave Sullivan, Trotter, Viverito, Woolard, and Mr. President.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Does Senator Lauzen have any question of the -- of the Members who are voting in the -- voting in the affirmative? Senator Lauzen, no questions? Senator Lauzen.

SENATOR LAUZEN:

Mr. President, I do apologize and I respectfully point out that some of the names that were read off were either No votes or Present votes. I don't know if we need to do that again.

PRESIDENT JONES:

It's recorded electronically. I'm quite sure the Secretary read what was presented to her. Secretary will re-read the affirmative votes. Evidently, there's a malfunction out here. We're awaiting a new list. We want to make sure that you all are recorded correctly.

SECRETARY HAWKER:

Following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Garrett, Geo-Karis, Haine, Harmon, Hendon, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Peterson, Radogno, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, Trotter, Viverito, Woolard, and Mr. President.

PRESIDENT JONES:

Senator Lauzen, are there -- any question of the affirmative votes?

SENATOR LAUZEN:

Yes, sir. Thank you very much for the courtesy of the repeating the list. Senator Schoenberg. Thank you. And then...

PRESIDENT JONES:

He's in the back of the room.

SENATOR LAUZEN:

Senator Trotter.

PRESIDENT JONES:

Senator Trotter is at his desk.

SENATOR LAUZEN:

Okay. Thank you very much.

PRESIDENT JONES:

On a verified roll call, there are 30 voting Aye, 24 voting Nay, 2 voting Present. Senate Bill 30 {sic} (153), having received the required constitutional majority, is declared

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

passed. Senator Cullerton. Senator Cullerton. Did you indicate you want to make your committee announcements?

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The Judiciary Committee will meet at 1:30 in Room 400 to consider amendments that were passed out of Rules yesterday. 1:30, Judiciary, in Room 400.

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

Rise for purpose of an announcement.

PRESIDENT JONES:

State your point.

SENATOR SILVERSTEIN:

The Senate Executive Committee will meet at 1 o'clock in Room 212. We'll be -- we'll be -- we'll be considering Floor Amendment 1 to Senate Bill 1, Floor Amendment 2 to Senate Bill 291, Floor Amendment 1 to Senate Bill 737, Floor Amendment 1 to Senate Bill 1865 and Floor Amendment 1 to Senate Bill 1997, plus all other -- matters that were previously posted, Mr. President.

PRESIDENT JONES:

Thank you. Senate -- Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. I'd like to announce a Democrat Caucus in the President's Office at noon, while we're in recess.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. The Republicans will be caucusing in Senator Watson's Office at noon, as well.

PRESIDENT JONES:

Senator Schoenberg, what purpose you rise?

SENATOR SCHOENBERG:

Thank you, Mr. President. The Calendar lists the starting time for the Economic and Fiscal Commission meeting to be 9:30. Those Members who are members of the Commission should note that that meeting will begin at 9 a.m., not at 9:30, in Room 122B of the Capitol.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Thank you. Okay. The Senate will stand in -- stand in recess until the call of the Chair. After -- after the committees have met, the Senate will reconvene for Floor action. The Senate now stands in recess. We expect to return at 3 p.m. and the plan is to work from 3 to 5 on Senate Bills 3rd Reading and perhaps some 2nd Readings. 3 p.m. on the Senate Floor. We now stand in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDENT JONES:

The Senate will come to order. For the Members who are in their office, we are ready to reconvene. If you can make it to the Senate Floor, we will commence reading on -- going to -- we will commence by going to 3rd Reading again. So if you're in your offices, kindly come to the Senate Floor. Christina Keegan of the Morris High School Oracle seeks leave to photograph the proceedings. Is leave granted? Leave is granted. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Link, Chairman of the Committee on Revenue, reports Senate Amendment No. 2 to Senate Bill 179 Be Adopted; Senate Amendment No. 2 to Senate Bill 334, Senate Amendment No. 1 to Senate Bill 362 and Senate Amendment No. 1 to Senate Bill 1864, all Be Adopted.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 1 to Senate Bill 1, Senate Amendment No. 2 to Senate Bill 291, Senate Amendment No. 1 to Senate Bill 737, Senate Amendment No. 1 to Senate Bill 1865 and Senate Amendment No. 1 to Senate Bill 1997 Be Adopted, as well as Senate Joint Resolution 24 also Be Adopted.

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, reports Senate Amendment No. 1 to Senate Bill 58, Senate Amendment No. 1 to Senate Bill 149, Senate Amendment No. 1 to Senate Bill 256, Senate Amendment No. 1 to Senate Bill 387, Senate Amendment No. 1 to Senate Bill 406 and Senate Amendment No. 1 to Senate Bill 883, all Be Approved for Consideration.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

House Bills 496, 2354, 2478, 2533, 2835, 2900, 3093, 3274 and 3480.

Passed the House, March 19, 2003.

I have a like Message with respect to House Bills 1493, 2146, 2441, 2453, 2579, 2843, 2849, 2860, 2913 and 3552.

All passed the House, March 19, 2003.

PRESIDENT JONES:

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 293, offered by Senator Martinez.

(Secretary reads title of bill)

House Bill 294, offered by Senator Trotter.

(Secretary reads title of bill)

House Bill 308, offered by Senator Silverstein.

(Secretary reads title of bill)

House Bill 516, offered by Senator Winkel.

(Secretary reads title of bill)

House Bill 526, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 1175, offered by Senator Winkel.

(Secretary reads title of bill)

House Bill 1187, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 1246, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 1285, offered by Senator Garrett.

(Secretary reads title of bill)

House Bill 1412, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 1455, offered by Senator Shadid.

(Secretary reads title of bill)

House Bill 1585, offered by Senator Sieben.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

(Secretary reads title of bill)

House Bill 2136, offered by Senator Cullerton.

(Secretary reads title of bill)

And House Bill 2525, offered by Senator Winkel.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT JONES:

Will all Members in their offices kindly come to the Senate Floor? We are about to commence on 3rd Reading. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President...

PRESIDENT JONES:

State your purpose.

SENATOR GEO-KARIS:

...and Ladies and Gentlemen of the Senate, I have two guests here sitting with me who are here on the -- the technological programs. One is my great-niece, Madeline -- Madeline Colis - C-O-L-I-S - and the other one is Brittany Reed. They are from Glenview and I believe that their State Senator is Senator Susan Garrett. And I would like you to welcome them. And up there in the gallery is Brittany's mother, Mrs. Dominique Reed, and - and Madeline's father, George P. Colis, my nephew. And I would like you all to welcome them here.

PRESIDENT JONES:

Will our guests in the gallery please rise? Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

House Bills 463, 1118, 1358, 1374, 1516, 2332, 2509, 2790, 2805 and 3467.

Passed the House, March 19, 2003.

PRESIDENT JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

On page 30 of the Calendar, on the Order of Senate Bills 3rd Reading. This is final action. Senate Bill 154. Senator Link? Madam Secretary, read the bill.

SECRETARY HAWKER:

House {sic} Bill 154.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This bill amends the County Code for the purpose and use of revenue for special county retail occupation tax. What this bill does is give the counties permission to hold a front-door referendum for transportation only to raise their sales tax. This is a front-door referendum. All we are doing is allowing non-home rule county to hold a referendum -- by county board authorization. I'll be more than happy to answer any questions.

PRESIDENT JONES:

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I stand in support of this bill, and this is a bill I passed twice in this Senate and twice it was held in the House. And we need it. What we're going to use it is for transportation purposes for the roads, our county roads. And -- and it's a front-door referendum. If the people don't want it, then they don't have to vote for it in my county. And I certainly urge support from everyone.

PRESIDENT JONES:

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

SENATOR LINK:

I just would look favorable to a lot of affirmative votes. Thank you.

PRESIDENT JONES:

The question is, shall Senate Bill 154 pass. All those in favor, signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

question, there are 52 voting Aye, 1 Nay, no one voting Present. This bill, having received the required constitutional majority, is declared passed. Senate Bill 157. Senator Lightford, what purpose do you rise?

SENATOR LIGHTFORD:

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

PRESIDENT JONES:

State your point.

SENATOR LIGHTFORD:

Mr. President, I'd like for this Body to welcome MECA Elementary School in Bellwood. They're here, some of my kids, from the district with staff and Peggy Alexander. If you could please welcome them. If you would rise, please.

PRESIDENT JONES:

Will our guests in the gallery please rise and be recognized by the Senate? Madam Secretary, please read the bill.

SECRETARY HAWKER:

Senate Bill 157.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. Senate Bill 157 allows counties to require surveyors to provide geodetic survey control values in connection with a subdivision plat. This also allows counties which have invested in a GIS system to do their plat work on a computer.

PRESIDENT JONES:

Is there any discussion? Is there any discussion? The question is, shall Senate Bill 157 pass. All those in favor, signify by voting Aye. Nay -- those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Aye, no one -- no Nays, 1 voting Present. This bill, having received the required constitutional

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

majority, is declared passed. Senate Bill 157 is declared passed. Senate Bill 170. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 170.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Members of the Senate. Senate Bill 170 amends the Property Tax Code. What this bill does is, the funds that are collected from the purchaser of property for delinquent taxes shall be used to defray the cost of providing electronic access to property tax collection records and delinquent tax sale records. I know of no opposition. This is not a fee increase. This is not a fee increase. It's just adding another way that the money that has come -- that comes in, how it can be used to provide the property tax records and things on the Internet.

PRESIDENT JONES:

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. Couple of questions for the sponsor.

PRESIDENT JONES:

Sponsor indicate he'll yield.

SENATOR LAUZEN:

Okay. I understand, from the description just now, that this is not a -- an increase of an existing fee but an expansion of what the existing fee can be used for. Is that right?

PRESIDENT JONES:

Senator Walsh.

SENATOR WALSH:

That's correct.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Can you tell us why Cook County is excluded in this bill?

PRESIDENT JONES:

Senator Walsh.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR WALSH:

Excuse me? I -- I -- I didn't catch that.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Can you tell us why Cook County is excluded on this bill? If it's good for the rest of the State, why not Cook County?

PRESIDENT JONES:

Senator Walsh.

SENATOR WALSH:

It's my understanding that they already have the necessary funding for their Internet's websites.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Just a -- just a caution on the bill. I -- I understand and I respect the sponsor, understand what we're trying to accomplish. If I'm not mistaken, this is a clarification - maybe in your closing comments - a clarification based on some decision from a judge or Attorney General, at some point, saying that it couldn't be used, where many State -- many counties already believe that it can be used for this purpose. My -- my only caution would be that any expansion of uses puts pressure on obtaining more fees. But if you could clarify the -- where this came from, that would be helpful.

PRESIDENT JONES:

Senator Walsh, to close.

SENATOR WALSH:

Well, thank you, Senator. I appreciate the questions, and you are correct. In -- in -- in committee we discussed the issue about your belief that -- that what we are trying to do here and the next bill that I'm going to have, Senate Bill 171, are both issues that come from the clerks and the recorders' offices, and it has -- it was spelled out by Attorney General Jim Ryan, in a decision on -- in a statement on October 12th of 2000, that neither the clerks nor the recorders had the statutory authority to use the fees that they have right now that are coming in to be used for the purchase of automation on the Internet. And so, that's what this -- this issue is -- is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

about. Again, it's not a fee increase; it is just using the existing fees coming in to better provide service to the -- to the constituents. I ask for an Aye vote.

PRESIDENT JONES:

The question is, shall Senate Bill 170 pass. All those in favor, vote Aye. Those opposed, vote Nay. The -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, there are no Nays, 3 voting Present. Senate Bill 170, having received a constitutional majority, is declared passed. Senate Bill 171. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Members of the Senate. 171 is a companion bill. Basically deals with the exact same issue that allows the recorders to -- to use their fees to provide more information on -- on the Internet.

PRESIDENT JONES:

Is there any discussion? Is there any discussion? The question is, -- shall Senate Bill 171 pass. All those in favor, vote Aye. The opposed, Nay -- vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, no Nays, 2 voting Present. Senate Bill 53 {sic} (171), having received the required constitutional majority, is declared passed. Senate Bill 180. I'm sorry. Senate Bill 179. Take it out of the record. Senate Bill 180. Senate Bill 186. Madam Secretary, read the bill. Out of the record. Senate Bill 190. Out of the record. Senate Bill 193. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 193.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 193 extends the deadline for application for early retirement. The reason for this bill, and in the discussion in the committee, it was brought out that if we don't do this, extend the deadline, that we will force a number of teachers, because in the contracts they usually need one or two years' notice, that we're going to force a lot of teachers out earlier than what they would go. And with the shortage, we don't think that's a good idea, and I just ask for an Aye vote.

PRESIDENT JONES:

Is there any discussion? Senator Brady.

SENATOR BRADY:

Senator, this issue passed out unanimously and this is an issue that we pass approximately every five years, typically unanimously.

PRESIDENT JONES:

Senator Jacobs.

SENATOR JACOBS:

Yes, it is.

PRESIDENT JONES:

Senator Brady.

SENATOR BRADY:

Thank you.

PRESIDENT JONES:

Senator Jacobs, to close.

SENATOR JACOBS:

Just ask for an Aye vote.

PRESIDENT JONES:

The question is, shall Senate Bill 186 pass. All -- all those -- I'm sorry, Senate Bill 193 pass. All those in favor, signify by voting 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 55 voting Aye, no Nays, no one voting Present. This bill, having received -- received the required constitutional majority, is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

declared passed. Senate Bill -- Senate Bill 195. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 195.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 195 allows for certain retired teachers to remain in retirement status and continue to receive their -- retirement annuities while engaging employment in a designated subject shortage area. In effect what it says, if you have an area that has a shortage, there are no teachers available and there is a mechanism of which we must go through on that, that if they are -- are -- are -- don't have any teachers then teachers, can come back and teach and still retain their -- their retirement, but, yet, at the same time, they don't -- don't contribute into the retirement fund. I ask for...

PRESIDENT JONES:

Is there any discussion? Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you. The sponsor yield?

PRESIDENT JONES:

He indicates he will.

SENATOR BRADY:

Senator, this is the second of three bills that in committee we agreed we'd move ahead without going to the Pension Laws Commission. But these are the -- the second of only three. And the rest, it's still your intention to take through the Pension Laws Commission?

PRESIDENT JONES:

Senator Jacobs.

SENATOR JACOBS:

Yes, sir. In fact, I'll talk to you about that a little later 'cause my intentions are to -- to do even more than that. But, yes, you're absolutely correct.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDENT JONES:

Senator Brady.

SENATOR BRADY:

Great, and I stand in support of the legislation. I think it'll help school districts that need this kind of help. Thank you.

PRESIDENT JONES:

Senator Jacobs, to close.

SENATOR JACOBS:

Ask for an Aye vote.

PRESIDENT JONES:

The question is, shall Senate Bill 195 pass. All those in favor, signify by voting Aye. Opposed, Nay. The question is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, no Nays, no one voting Present. This bill, having received the required constitutional majority, is declared passed. Senate Bill 196. Senator Sullivan. Dave Sullivan. Senate Bill 200. Senator Watson. Out of the record. Senate Bill 206. Senator Lightford. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Senate Bill 206 amends the provisions of the School Code relating to waivers and modification of School Code mandates. It requires that local public hearings on district waivers are held a day different from the actual regular board meeting. It requires that a written notice of public hearing is given to the State legislator and that a compliance notification goes out to the public in an accurate manner and brings back a description of what actually happened in the public hearing. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I was just trying to remember. I was one of the No votes in committee on this, Senator Lightford, and I was trying to remember exactly why. And I think one of the concerns that I had when I looked at this bill was simply from the standpoint that it is a mandate on local school districts again relative to providing all of this information, not only changing the date of the hearing - they already had their local school board meetings set - but also notification of legislators and whether or not that's necessary when we're talking about mandates. We see all those mandates down here anyway, so, you know, I -- I just wanted to make those points and indicate that it is a -- a mandate on school districts, will cost them some funds to come into compliance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Lightford may close.

SENATOR LIGHTFORD:

Thank you, Mr. President. Senator Burzynski, thank you for those comments; however, there is not a funding problem here. There would absolutely be no fiscal impact, and I believe, as legislators, we need to know what we're voting on when we have booklets full of mandates and waivers that we're not familiar with. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 206 pass. All in favor will vote Aye. Opposed will -- will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 17, none voting Present. Senate Bill 206, having received the required constitutional majority, is declared passed. 208. Senator Lightford. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 208.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Senate Bill 208 deals with -- it creates the actual Teacher Homebuyer Assistance Act. This is an effort to address our teacher shortage problem that we will be facing. It gives the Housing Development Authority the ability to establish and administer a program to provide down payment assistance to public school teachers purchasing residences within a district with low-performing challenging schools and assists those teachers with the ability to do deferred payment at a low interest rate up to five percent. If the teacher remains in the district for that five-year period, then the loan would become a grant. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Risinger.

SENATOR RISINGER:

Will the Senator yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator indicates she will yield. Senator Risinger.

SENATOR RISINGER:

Senator, this is a -- a -- a good bill from the standpoint that we need to give some incentives to have teachers to remain in these school districts, but we -- we don't have a value on the impact -- the -- the dollar impact. There was a fiscal note on it and came back unknown. Do you have any idea or any feeling for what the cost of this program would be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Risinger, there's actually no concept in full of the total fiscal impact from the Housing Development Authority, depending on what the market rate will be of homes within that five-year following period.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Risinger.

SENATOR RISINGER:

But do we have an idea? Is this a million-dollar hit, or is this a half-million-dollar hit, or is this a five-million-dollar hit? Do you -- do we have any idea at all?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

No dollar amount was given, but I believe if there were, it would be extremely low.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator -- Senator Risinger.

SENATOR RISINGER:

I also understand that they can live anywhere within the school district. So in the Chicago school district, which is rather large, a person would be able to buy a home that would actually be several miles away from maybe the school that they teach in. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Within the district area of the low-performing challenging school. So, whatever the range of that particular school district is, then that would be the area that the teacher would have to live in, in a five-year period, in order to receive the loan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Risinger.

SENATOR RISINGER:

Thank you, Senator. I -- I -- I think this a good bill from the standpoint that we do need to have incentives for teachers. I am concerned about what the dollar impact will be, and I would urge this side of the aisle to vote No or Present on this bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Burzynski.

SENATOR BURZYNSKI:

I didn't quite hear. Is there money set aside or allocated for this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Lightford.

SENATOR LIGHTFORD:

Thank you. Actually it's a loan, Senator Burzynski, and it would not become in the form of a grant until five years from now. So, actually, it would just be a loan to provide them with a five-percent down payment of whatever the market rate of the home is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

I understand it's a loan, but where does the money come from for the loans?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

It's from with whom they get their financing from, Senator. The bank area that they get their financing from. It's not a loan that's coming from our funding here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Well, the money has to come from someplace, so I'm assuming this is a State program, since we've got State legislation. So, what State agency is involved with this and do they have funds appropriated? And if they do so, how much and where do their funds come from? Are they general obligation bonds? Are they revenue bonds? Is it General Revenue Fund? That's what I'm looking for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

No. Actually, it would be administered, again, through the Illinois Housing Development Authority, and there has not been a price tag labeled to this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. And where does the Illinois Housing Development Authority get their funding from?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

From this great Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

And what is the mechanism from which they get their funding from? Is it G.O. bonds, revenue bonds? Is it General Revenue Fund?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Actually, Senator Burzynski, they -- they're neutral on this legislation. They did not include a fiscal impact, and if it were, I'm sure it will be at a low cost. And I think the key here is that we're trying to attract teachers into areas where it's hard to staff. And we all know that there will be a enormous teacher shortage that we're facing, and this is just an attraction to get teachers to go to areas where children need services most.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. I do understand the intent. I'm asking where the funds come from. Very simply, where does the money come from? And if -- well, just where does the money come from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

What funding, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

For the fourth time, I believe, is it G.O. bonds, revenue bonds, General Revenue Fund? Who's going to pay for it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Thank you. For the final time that number has not been determined by the agency.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

I will -- let me try and enunciate a little more clearly. I'm not asking about the dollar amount now. We've already -- we've already indicated that we don't know what the dollar amount is. Where are the dollars coming from? What obligation of the State? General Revenue Fund? Revenue bonds? G.O. bonds? Or whatever. Vending machines.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Senator. I clearly understand you. I don't have a problem that I'm hooked on phonics. There is no general obligation funding mechanism that has been provided for this legislation from the Illinois Department Housing Authority. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

So then there's no funding for the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

There was no fiscal impact provided at this time for appropriation, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. To my colleagues, I -- I understand what the Senator is getting at, but I'm not asking questions that are out of line here at all. Just looking for a source of funds for the program, number one. Number two, looking for a set of rules. I didn't even ask about the rules to implement the program and what those might be, where we might focus that on. But it just seems to me like there are an awful lot of unanswered questions, and I would encourage either a Present or a No vote. Thank you.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further -- further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

My community was one of the first communities in the State to do resident officer programs and the goal was to get police officers to occupy dwellings in more transitional neighborhoods of the -- of the town of Elgin, where I live in. And it was quite a success. I'm just a little curious. The concept there was that a police officer living in a neighborhood became kind of invested in his neighborhood and kind of helped stabilize areas. I guess my question is on this, the residency requirements. I mean, obviously, for a teacher in the Chicago public school system it's not a big problem to select, but in some of the smaller downstate districts and some of the districts in the suburbs, I just don't understand why the provision in here of residency in the district is important. I don't think we look to teachers to stabilize neighborhoods. And in particular, you know, if a teacher wants to live two miles outside the boundary of a school district, I mean -- can you tell me what the origin or the -- the logic behind residency in an artificial school district? I mean, it may just be -- have been picked up or copied from the resident police officer program, but it just seems to me that this might be something that you might want to think about taking out of the bill, 'cause it -- it doesn't seem, to me, the residency requirement has much to do with attracting new teachers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Oh do we have an answer there for that question?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, first of all, I didn't know it was a question. He didn't ask leave...

SENATOR LUECHTEFELD:

He asked for a question of the sponsor. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates -- All right. Let's go back to Senator Rauschenberger. You wish to have your question answered? Senator Lightford.

SENATOR LIGHTFORD:

Thank -- thank you, Mr. President. Thank you, Senator Rauschenberger, for bringing up that point. Actually what I'm hoping to address there is that teachers face housing problems that exacerbate a school district's efforts to attract and retain qualified teachers and many of them cannot afford to live in the communities in which they teach. They're coming fresh out of college and need a home and so -- making it difficult for them to become active members of their school's community. So, we're hoping to provide opportunities for them to participate in after-school activities, tutoring, coaching and benefits that they would bring to children and the community in which they are employed to teach.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Do you have a definition for a low-performing school? I mean, is -- is there a -- is there a standard?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Yes, I do. Low-performing challenge schools means a public school that does not meet State goals, as defined and designated by the State Board of Ed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luechtefeld.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR LUECHTEFELD:

Are there -- you know, I know there are different -- there are standards, different levels. Does -- is it more specific than that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Another question. You know, again, I -- I guess I look at this as -- you know, I taught school for an awful long time and -- and I understand what you're trying to do. You know you're trying to -- trying to get better teachers to come into schools, that maybe it's very hard to attract those -- those good teachers. I -- I just look at it as the philosophy of -- of -- of -- again, I take it at the end of five years they get to keep the money, is that right? It's a loan until the end of five years?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Correct. It becomes a grant after five years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I -- I -- my -- I really have a -- a little bit of a problem with the philosophy of that. Who next? Who do we do that to next to attract them to stay within the community? I -- it -- you know, it -- it's just a philosophical problem that I have with that, Senator. I understand what you're trying to do, but I'm not real sure we want to go down that road.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First I want to compliment you on the patience that you've shown the length of some of these questions that have been answered more than two or three times

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

and you've allowed Members to continue asking the same questions. But at some point, we don't want to overdo it. I'd like to move the previous question. I think it's an excellent bill and we should move forward.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you very much. First let me say that the Chair does not accept your admonishment. Further discussion? Senator Brady.

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Brady.

SENATOR BRADY:

Senator Lightford, there are various loan programs today out there that allow someone to borrow a hundred percent of the purchase price and receive down payment assistance through various programs. Would your program allow them to, in fact, borrow more than a hundred percent of the purchase price?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

No, it's up to five percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

But if they're already borrowing a hundred percent and they borrow another five percent from you -- through your program, could they then owe a hundred and five percent? 'Cause many of these programs, people can finance over -- up to a hundred percent of it already. So, this, then, allow a -- a teacher to have an obligation against the property higher than a hundred percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Senator, we're only dealing with the down payment portion here and that would be up to five percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR BRADY:

No, what I'm saying is that in today's marketplace, you can borrow a hundred percent without this program. And if this program allows someone to borrow five percent from the State, would that mean they could, in fact, owe a hundred and five percent? What -- what stipulations do you have in here that don't allow them to borrow a hundred percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lightford.

SENATOR LIGHTFORD:

Thank you. No. To your question, and this only provides for up to five percent of down payment. The hundred percent has nothing to do with this legislation. It has to be used only for a down payment up to five percent. No, it cannot exceed, in any way, to cover any other costs occurred in the purchase of a home, only the down payment portion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further -- Senator Brady.

SENATOR BRADY:

I -- I must not be explaining.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

SENATOR BRADY:

I guess one of the problems I find with this -- and unless you can answer it differently, I'll have to assume is a problem - is that in today's marketplace, someone can borrow a hundred percent of their purchase price, without this program. You're now allowing them to get five percent from the State. That would mean that they would owe a hundred and five percent and the State would have a second mortgage without any equity. So, I -- I -- just -- without an answer to that question, that's what I have to assume. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? All right. Senator Burzynski, for a second time.

SENATOR BURZYNSKI:

Thank you, Mr. President. I -- I really am hesitant to rise for a second time; however, since I obviously missed the answer to my question and Senator Hendon heard the answer to my

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

question, maybe he can answer. Is it Revenue bonds, G.O. bonds, or General Revenue Fund?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Lightford may close.

SENATOR LIGHTFORD:

Thank you, Mr. President. Senator Brady, actually you do not fully understand the bill and what it's intended to do in terms of only providing a five percent down payment of the cost. But I just don't want us to get lost in the point of the legislation in assisting schools to attract quality teachers to help in low-performing challenge areas, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 208 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the -- take the record. On that question, the Ayes are 35, the Nays are 20, 1 voting Present. Senate Bill 208, having received the required constitutional majority, is declared passed. Senate Bill 229. Senator Link. Senator Link? 230? On the Order of Senate Bills 3rd Reading, middle of page 31, is Senate Bill 230. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This amends the School Code and the State Mandates Act in reference to teacher leaves of absence for collective bargaining organization -- representations duties. What this bill basically does is for teachers who are in collective bargaining organizations, that they shall be granted a leave of absence up to six years or a period of time that a teacher serves as an officer, whichever is longer, and it amends the State Mandates Act to require the -- implementation

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

of this and it's without reimbursement for the State. It is at no cost to the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? If not, the question is, shall Senate Bill 230 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 15, 1 voting Present. Senate Bill 230, having received the required constitutional majority, is declared passed. 232. Senator Trotter. 233. Senator Trotter. 235. Senator Silverstein. All right. On the Order of Senate Bills 3rd Reading is Senate Bill 235. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 235.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank -- thank you, Mr. President. What this bill does is requires bank notification to a principal of a power of attorney of the bank's reliance upon the power of attorney to be sent by certified or registered mail. It increased the consumer time to object to the power of attorney from ten days to thirty days.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Discussion? If not, the question, is shall Senate Bill 235 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 235, having received the required constitutional majority, is declared passed. 243. Senator Silverstein. On the Order of Senate Bills 3rd Reading, Senate Bill 243, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 243.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This creates the -- the Computer Lemon Act. Establishes rights for purchasers of defective computers and other related items, including ineffective repairs under warranty. Nothing else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. Speaker -- or, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Just to slow this freight train down a little, Senator. Can you tell us -- I don't recall. Did this bill come through Exec or did it go through another committee? Judiciary or something?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Went through Judiciary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Senator, were there any opponents, either in committee, or do you have any information about any opponents on the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

There are no opponents. Oh, Senator Petka, I think, voted No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

There may not have been and -- and I -- I just was just handed this. You know, it's just one of those bills you just kind of remember something and we're moving so fast that you

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

kind of jump up and you're not sure what you're doing. But here's my question. The IMA apparently filed a witness slip, staff just handed to me, in opposition to the bill. Do you recall what their opposition was?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

I don't remember ever receiving an opposition slip on this bill from the IMA.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Okay. I mean, I take that at face value, that -- that you haven't been contacted by 'em. Let me ask you to guess what their opposition might be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator -- Senator Silverstein.

SENATOR SILVERSTEIN:

I would object. That's a speculative answer. I don't know what -- I don't know what their opposition would be. I've been around here for the last eight weeks and we're trying to get the freight train moving, even though we're not moving that fast right now, as you say.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Ladies and Gentlemen, I -- you know, I beg to differ with you. We are not moving fast. All right. Senator Roskam.

SENATOR ROSKAM:

Just a word of caution to my colleagues on -- on this side of the aisle. The IMA is concerned about this bill. They have voiced some opposition, at least in the form of a witness slip in committee, and I'd urge a No or Present vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Dillard.

SENATOR DILLARD:

...If the sponsor would yield for a couple questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Dillard.

SENATOR DILLARD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Silverstein, are we going to make a customer who buys a computer, rather than dealing with the retailer, where it might be our neighborhood vendor who sold us the computer, are we now going to have to deal with some manufacturer a long distance away and pay mailing costs and everything, as opposed to our retailer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

That's correct. It'll only deal with the manufacturer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

How long would a typical manufacturer's warranty be on a computer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

It has to be twenty-four month minimum.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? Senator Dillard.

SENATOR DILLARD:

Is -- is there -- what's the statute of limitations in your bill? Is it two years also then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

I don't believe there's a statute of limitation in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Don't most manufacturers, Senator Silverstein, offer somebody the option to buy an extended warranty?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Yes, if it's greater, according to this Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

All right. Further discussion? All right. Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator, I'm looking at Section 15 of the bill, entitled "Coverage and coverage period." And as I read that Section, it creates a two-year warranty for the purchaser regardless of what the purchase agreement or the contract might have been between the customer and the manufacturer. Is that fair to say?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Silverstein.

SENATOR SILVERSTEIN:

That's -- that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Thank you. What is -- what's the thinking behind two years, as opposed to a year and a half or three years, and putting in the warranty in law like that, as opposed to letting that be decided between the purchaser and the manufacturer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

I think you want some -- definite time and I don't know what -- you know, I think you need some -- some definite time and you need some finality here. But I -- I don't see anything wrong with twenty-four months. I think that's perfectly reasonable.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Well, now, you use the term "finality". Does that mean that after two years, the manufacturer would not be allowed to be sued under this Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Silverstein.

SENATOR SILVERSTEIN:

No. After their repair, they have additional twenty-four months.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Righter.

SENATOR RIGHTER:

I'm -- I didn't hear that last response, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

I refer you to page 3, "All repairs must be guaranteed by the manufacturer for a term of 2 years." That's on line 16, page 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Then after that two years, if I have a computer and at two years and 1 month it goes bad on me, then do I have a cause of action against the manufacturer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

I don't believe so. But I -- I -- that's another speculative question, but I don't believe so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

With all due respect, Senator, it's not a speculative question. In Illinois law, we have statute of limitations so that parties know exactly how long they have to commence an action, and I would think that a manufacturer would be entitled to know, if they're going to be on the hook for a bad computer, how long they're on the hook for. I mean, with this -- I mean, there are certain areas in law, like forgery and -- and murder and other -- and stuff and other cases where you don't have a statute of limitations, but I'm not aware of one in -- in civil actions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator -- Senator Silverstein.

SENATOR SILVERSTEIN:

Was that a question or a comment? I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

I'll rephrase it. Why isn't there a statute of limitations? And if there is one, what is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

It's two years under this -- under this Act or two years for repair. Yeah -- yeah...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Righter.

SENATOR RIGHTER:

I'm not talking about the warranty. I'm talking about the cause of action. This bill entitles someone to file a lawsuit, does it not? And if it does, how long do they have to file that lawsuit after they realize that the computer is no good?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

On page 5, Section 25, gives the right for a cause of action, but there is no statute of limitation. So this solves the problem, in my mind, that if -- I mean, if you look at civil actions, Section 25.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

In most of the other areas of civil law that I'm familiar with, there is a statute of limitations - products liability, medical malpractice, other -- these areas. What is your rationale for not putting any statute of limitations whatsoever in it? So someone can come back ten or fifteen years later and say, "You know, you sold me a bad computer back then and now I'm going to file the suit." What -- what's the rationale for leaving it totally open-ended? That's my question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Silverstein.

SENATOR SILVERSTEIN:

First of all, I think maybe, you know, if we consider this a written contract between the consumer and the purchaser, there might be a ten-year statute of limitations. So, there's something there. But I think this protects the consumer. I -- I don't think we should have a -- you know, I -- I understand what you're saying, but I think the -- and if you read the whole bill I know, we're just nitpicking over here, which we've been doing today - if you read the whole bill, it gives -- it has the two years -- two year limitation in there, twenty-four months, and it also gives them the right to file a lawsuit if they want -- if they want.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? All right. Senator Righter, one more and then your time's expired, and I'll come back and get you the second time. Senator Righter.

SENATOR RIGHTER:

Senator, when we create civil law and causes of action, we do so to protect both parties so both parties know what their rights are. And, you know, some may take this as nitpicking, but the bottom line is that when this case goes to court or goes to administrative agency, they're not reading the transcripts of what we all intended here; they're reading what we put on paper. And I think it's important that both parties know what their rights are under the litigation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Yes, thank you, Senator. Does -- does your legislation cover the computers that we have on our desks? I -- I certainly hope it does, 'cause mine's a piece of junk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I -- I think that that was more rhetorical. Senator -- further discussion? Senator Lauzen.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR LAUZEN:

Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I beg your pardon. I beg your -- Senator Watson. Senator Silverstein indicates he will not -- oh yeah, he will yield. Okay, Senator Silverstein. I mean, Senator Watson had asked a question. He wants a response.

SENATOR SILVERSTEIN:

I -- I have no idea. I'm...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Just an observation and then a question. First, of all, the observation on the nitpicking. I mean, there are some of us who are not trained in law and so when I hear, on another piece of legislation that many of us are working on in this Chamber on criminal sexual abuse, and there's a statute of limitation currently for ten years on that, I would think that what we're talking about here would also have a statute of limitations. So, there are some of us who don't have the same level of training in what you're talking about. So, it's not nitpicking at all. But the question that I have for you is, I understand that your bill -- I understand that your bill has an additional award of six thousand dollars in a civil action, which can be two or three times as much as the cost of a new computer. So, in this bill, do I understand it correctly that there's, like, treble damages, and doesn't that give an incentive for me to find what the problem was with my computer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

First of all, I apologize for that comment. But, yes, there is a six thousand -- dollar award.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lauzen.

SENATOR LAUZEN:

Why -- why would we put in triple damages -- double, triple damages in some cases for some computers? Isn't that going to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

create just a hornet's nest in commerce? And isn't it almost a hostile kind of piece of legislation -- and I know you're a real nice guy. But isn't that a hostile kind of thing for people who want to sell us computers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Was that a -- Senator Lauzen, I hope that wasn't a -- further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

To the sponsor. Will he yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

My understanding of this bill is that there's -- if they do not complain -- that whoever buys the computer does not complain about the lack of service or what -- the repair that was supposed to have been done for two years, after two years it's done. Is that -- they can't complain then, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

That's -- that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, to me, it's, in effect, the statute of limitations, and I think when you think that some of these computers are so expensive and they don't work, and ours have not been working too well, frankly, and I think these are expensive, I think maybe this bill is a step in the right direction. I'm -- and I'm going to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- do you wish to close, Senator Silverstein?

SENATOR SILVERSTEIN:

Yes, because I'm such a nice guy. I would ask for everyone's support. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 243 pass. Those in favor will vote Aye. Those opposed will vote Nay. The

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 14, none voting Present. Senate Bill 235 -- I'm sorry, 243, having received the required constitutional majority, is declared passed. 244. Senator Silverstein. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 244.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This amends the Consumer Fraud and Deceptive (Business) Practices Act. A person, which -- basically says that a person who accepts credit cards for a transaction of business may not print more -- no -- more -- not print more than the last four digits of the credit card number or print the expiration date upon receipt provided to the cardholder.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? If not, the question is, shall Senate Bill 244 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, and none voting Present. Senate Bill 244, having received the required constitutional majority, is declared passed. 245. Senator Garrett. Madam Secretary, read the bill. Senate Bill 245.

SECRETARY HAWKER:

Senate Bill 245.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. Senate Bill 245 simply permits highway commissioners of a road district to build alleys and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

bike paths in unincorporated communities using any funds belonging to the road district in which that community is located. It also adds that a highway authority may convey a vacated highway or portion of a highway under its jurisdiction to a township road district which has petitioned for vacation of the highway and intends to use it as an alley or a designated bike path.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Bomke.

SENATOR BOMKE:

Actually I have two questions, one -- and I'll ask 'em both. Is this your first bill? And secondly, just for the record, is there any motor fuel tax funds? Can they be used - MFT funds - can they be used for these bike paths? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

No motor fuel tax funds can be used. This is strictly through the road commissioner's budget.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 245 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1, 1 {sic} voting Present. Senate Bill 245, having received the required constitutional majority, is declared passed. 256. Senator Haine. Madam... 256. I beg your pardon. This is on the recall list, Senator Haine. Take it out of the record. Beg your pardon. On the recall, okay. Senate Bill 256. Madam Secretary, read the bill. Are there any amendments?

SECRETARY HAWKER:

Yes. Amendment No. 1, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR HAINE:

Yes. Mr. President, thank you very much, and Ladies and Gentlemen of the Senate. This is a -- a bill that amends the Criminal Code relating to eavesdropping, the prohibitions on eavesdropping, allowing a video and audio recording to be made of the driver's area on a public transit bus vehicle and in a school bus. The -- the amendment had to do with adding a -- a school bus. Now a transit district -- or -- can have a video recording of the driver area but cannot do an audio, and they believe that it helps law enforcement to aid the driver in a question of disorder on the bus. So, again, they -- this is consistent with posting a sign on the vehicle which informs the public that there is video and audio.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen...

SENATOR HAINE:

I -- I would respectfully request a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. First of all, Senator Haine, 256 -- Senator Haine sought leave of the Body to return Senate Bill 256 to the Order of 2nd Reading for an amendment. Is leave granted? Leave is granted. Senator Haine has now explained Amendment No. 1. Is there discussion? Senator Link.

SENATOR LINK:

On a -- on a personal matter, on Senate Bill 245, Mr. President, I pushed a green button for a Aye vote. I'd like to be recorded on it as a Aye vote on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so reflect what your intentions were. Thank you.

SENATOR LINK:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Haine has moved the adoption of Amendment No. 1. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. Speaker {sic}. To the bill and to the amendment, actually...

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Mr. President.

SENATOR ROSKAM:

Sorry about that, Mr. President. Mr. President, to the bill and to the amendment. Just really a -- a procedural point, not to the substance of the bill. We've come to a new day in the Illinois Senate and the new day is one that's represented on the Calendar. We now have -- and those of you who are new to the Senate, you'll know that the House has the reputation, actually, of being the Chamber with more bills on it on the Calendar and we have eclipsed them by many, many, many times. We have twelve hundred bills now on the Senate Calendar. I stand in support of this bill, but my point is this: We are now in a position in this Chamber to have government essentially run on one-hour notice. There are hundreds of shell bills that are on the Calendar that are poised to move very, very quickly through this Chamber, and it is my sincere hope that as the time pressure moves on in the coming weeks, that we resist the temptation to move bills through this process so quickly. Now, this is a great sponsor. It's a good bill. But lets face it: In the coming weeks, all of these aren't going to be great bills and I think it's incumbent upon all of us to go slowly through this process, to be diligent about this process, because the danger is, this slippery slope will start to erode underneath us and we're going to end up passing some very, very bad bills if we're not careful. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator has -- Senator Haine has moved the adoption of Amendment No. 1 to Senate Bill 256. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 257. Senator Sieben. Madam Secretary, Senate Bill 257.

SECRETARY HAWKER:

Senate Bill 257.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This legislation amends the Wildlife Code and effectively would allow handgun hunting in counties in this State that currently don't have it. We have approximately twenty-nine counties right now that allow for a handgun deer hunting season. Now, in committee last week, there were several questions that were asked about this and wanted some information from the Department of Natural Resources. And since I don't have that information available to share with the Members of the Body, and also because I recognize there may be a few Members here that might be somewhat uncomfortable with the handgun hunting of deer in this State, I would like to use this opportunity to invite anybody that has questions or concerns about this bill to attend the Sportsmen's Caucus tonight at 6 o'clock out at the Fairgrounds at the Orr Building. There will be deer hunters there. There will be representatives from the Department of Natural Resources. You'll have an opportunity to familiarize yourself a little bit more with the great sport of - - of deer hunting in Illinois, whether it be with a shotgun, with a bow and arrow, with a handgun or whatever. So, to educate and inform yourself on this good legislation, please attend the Sportsmen's Caucus tonight. And since I don't have all the complete information from DNR about the success of this program to answer those concerns of the Members that raised the question in committee last week, I'd like to take the bill out of the record at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take the bill out of the record. 268. Senator Jacobs. 272. Senator Walsh. All right. Let's page -- let's go to page 32. 274. Senator Cullerton. 277. Obama. Cullerton, you want 274? All right. I'm sorry. I skipped it. Senate Bill 277. On the Order of Senate Bills 3rd Reading, top of page 32, is Senate Bill 277. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 277.

(Secretary reads title of bill)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is -- was introduced at the request of the Illinois State Medical Society. For years they have asked to be taken out of the process of by -- by which we execute people for the death penalty. This bill simply says the Department of Corrections shall not request, require, or allow a health care practitioner to participate in an execution. The coroner, in this bill, would be the one that would determine the cause of death, which is the function that the -- that the physician does now. It's pretty straightforward. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

In this case though, when you say the coroner makes the determination, the coroner may not be a doctor may not know how to do it. And I don't know that this bill is such a good idea. I think a medical practitioner should be around. After all, an execution is a serious matter. And I don't -- much as I love you, Senator, I cannot agree with your bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator, who, in the absence of physicians or maybe the physicians haven't been doing them at all, and just for the benefit of the Members who were not in committee, will be taking part in the executions if this becomes law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

What happens is, the defendant is executed by lethal injection, and under this law, the cause of -- the -- the law spells out the type of chemical which is used. It's to cause death until death is pronounced by a coroner, who is not a licensed physician. That's what the bill would do. The coroners are in favor of the bill. They're in favor of the responsibility to pronounce death.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

So would it be -- I would be correct, then, in understanding that the duties that the coroners will pick up, if this becomes law, are duties that are now being carried by physicians?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

That's correct. That -- and that duty is to pronounce death.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Righter.

SENATOR RIGHTER:

My last question, Senator. In my home county, the first individual to be returned to death row was convicted some weeks ago and sentenced to death. Is it fair -- can I fairly say that you don't assume that -- that once the death sentence, assuming that it is up and being utilized again in Illinois, that this wouldn't cause any delay -- undue delay with regards to carrying out those sentences?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Cullerton.

SENATOR CULLERTON:

No -- absolutely not. The coroners accept the responsibility. They're qualified to do it, and doctors just have -- you know, the Oath of Hippocrates is what they cite when they say they would like to not be part of the process. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

All right. The question is, shall Senate Bill 277 pass. Those -- I beg your pardon. Senator Petka, I didn't see your light. I beg your pardon.

SENATOR PETKA:

Thank you very much. Will the sponsor again yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Petka.

SENATOR PETKA:

Senator, I did not understand or perhaps the answer wasn't given. Who exactly will be empowered to then administer a -- a lethal dose to a condemned prisoner?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Senator, I'm reading the current statute and it is silent as to who it is that administers lethal injection. That must be for a reason so as not to identify the person who injects it. But the current law does not require that to be a physician. The current law only requires the physician to pronounce death and that's the part that they would be removed from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Petka.

SENATOR PETKA:

If a -- if a doctor is removed from this process then, Senator, who -- who would be authorized, in your opinion, under Illinois law, to issue a subcutaneous injection containing a lethal dose?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

No, my understanding is the law does not say that a physician currently does the lethal injection. It's silent on that. So, we're not changing that. Whoever administers the lethal dose now, they would not -- I assume it's not a doctor, quite frankly. But whoever does it now would continue to do it. We're not changing that. We're only changing the function dealing with pronouncing death and we're switching it from a physician to a coroner. Physician doesn't want to do it; coroner willingly accepts it.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Petka.

SENATOR PETKA:

So just for the -- for purposes of legislation intent, it is not -- it is not the intent of the sponsor of this legislation to -- by this legislation, to remove the requirement of subcutaneous injection being administered by someone other than a doctor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

That's correct. We are not changing in any way or attempting to -- in this bill, attempting to delay or -- or limit the current practice by which we execute people. It's only that function dealing with the actual declaring or pronouncing the death, and we're switching that from physician to a coroner.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Cullerton, you wish to close? Senator Cullerton. Madam -- Madam Secretary -- the question is shall Senate Bill 277 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 7, 6 voting Present. Senate Bill 277, having received the required constitutional majority, is declared passed. 281. Senator Haine. Senator Haine, do you wish that bill called? Madam Secretary, read the bill. All right. Take it out of the record. Senator Haine, what did you want me to do? Pardon? Oh, well, yeah. We'll certainly do that. Okay. Senate Bills on 3rd Reading, the top of page 32, Senate Bill 292. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 292.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Shadid.

SENATOR SHADID:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Thank you -- thank you, Mr. President. Senate Bill 292, as amended, simply permits the Secretary of State to issue American Cancer Society license plates. I'd -- no -- no opposition that I know of. Appreciate favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rutherford.

SENATOR RUTHERFORD:

The -- the only reason I have to do this and it's not in -- it is with total deference to this sponsor. I know we're going to have boy scouts coming up here soon. In 1997, the Illinois General Assembly, I think unanimous in both the House and the Senate, signed into law, provided for a universal charitable plate which would allow any organization to apply to the Secretary of State to be able to create and participate in a fundraising effort through a universal -- plate program. The plate would have a standardized look so that law enforcement would not have a conflict or concern with it. Since that time, the Secretary of State's Office has not promulgated the rules to do that. After speaking personally with Secretary White, I find out that the reason they hadn't done it was because the law did not provide for the charitable organization to get the funds off of the renewable. Later when we get down to 3rd Reading, we're going to have Senate Bill 1362, which Senator Shadid is a cosponsor, that will provide for that. And to be consistent in the standard in which I believe that we have a proliferation of charitable plates or -- or, specialty plates, regardless of the underlying intent for it, I'm going to be rising and voting No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there further discussion? Further discussion? If not, Senator Shadid, you wish -- may close.

SENATOR SHADID:

You know, Senator, I'm sorry that -- I'll still stay on your bill. I like your bill. I'll vote for yours. I'd appreciate a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 292 pass. Those in favor will vote Aye. Those opposed will vote No -- will vote -- will vote Nay. Those -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. Senate Bill 292, having received the required constitutional majority, is declared passed. 293. Senator Radogno. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill adds multiple sclerosis drugs to the Circuit Breaker Program. It will cover about six hundred people a year who both qualify and have MS. Be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to indicate strong support for this bill. I think it's a good idea. Those of you who -- whose families have been affected by MS, I think are aware of what a debilitating illness this is. I know my father-in-law was a -- a MS victim, and so there -- there really is no downside to this expansion. I -- I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just a question for the sponsor, I intend to vote Yes on the bill, but I'd like you to let us know how much the Circuit Breaker costs now and then how much this addition costs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Radogno.

SENATOR RADOGNO:

The addition is estimated to be about 1.5 million. I can get -- but Circuit Breaker -- the cost has been reduced with the SeniorCare expansion because we've shifted some of that on to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

the Medicaid Program. Also, interestingly, in Appropriations the other day, we were listening to the Appellate Defender's Office budget and they have nearly three quarters of a million dollars that they won't be needing next year because that money is used to -- for appeals for people who are on death row. And since we've emptied death row, there's some money right there that we could use. And additionally, this is consistent with the Governor's State of the State Address where he expressed his desire to expand the Circuit Breaker Program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hendon. Senator...

SENATOR HENDON:

Thank you, Mr. President. Even though this will have a price tag on it, it's a good piece of legislation and we're going to vote Aye for it. And I just want people to keep that in mind when those other good pieces of legislation come through that also have a small price tag.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall Senate Bill 293 pass. Those in favor will vote Aye. Those opposed will vote Nay. The -- voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are none, 8 voting Present. Senate Bill 293, having received the required constitutional majority, is declared passed. 311. Senator Sieben. Madam Secretary, Senate Bills 3rd Reading, Senate Bill 311. Read the bill.

SECRETARY HAWKER:

Senate Bill 311.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation deals with the issue of passing a stopped school bus that has the arm out and the lights on. Comes from -- at the request of Bureau Valley School District where they had a motorist that passed a stopped school bus with

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

the arm out, the lights on. Happened in the school parking lot. The ticketed motorist then went to court, asked for a jury trial, and they were able to convince the jury that they were not guilty because the law only applied to highways and roadways. This makes it clear that anytime you pass a stopped school bus, the arm is out and the lights are on, you have violated the law. That's all it does. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 317 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 311, having received the required constitutional majority, is declared passed. 317. 318. Senator Shadid. 319. Senator Schoenberg. On the -- on the Order of Senate Bills 3rd Reading, middle of page 32, Senate Bill 319. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 319.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 319 creates private cause of action for nursing home employees who suffer damages that were caused in violation of the Nursing Home Act as well as those violations caused by -- through the Elder Abuse and Neglect Act. Right -- as defined under the Act, mandated reporters have to report their suspicions to an appropriate agency or department; however, there's no remedy if the employer ignores the prohibition against discriminating against an employee or a reporter does indeed report a suspicion. This is a product of the Illinois State Bar Association Elder Law Committee and I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Righter.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator, are there already remedies in law for individuals who are subject to, say, retaliatory discharge, which I think is one of the -- one of the reasons you can have an act -- or, have an action under your bill? Aren't there other avenues that a -- that an individual could pursue, as far as litigation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schoenberg.

SENATOR SCHOENBERG:

While there may be other alternatives for recourse; however, after studying this at length, the State Bar Association's Elder Law Committee felt that employees really were lacking when it came to being able to deal with employers who continually and deliberately chose to ignore -- to ignore what the findings had been previously and to potentially retaliate or discriminate against those employees. So, this simply -- while there are some other legal remedies in some cases that may be available, nonetheless those were found to be inadequate and that's why the State Bar recommended this course of action, following up on the 1999 Fisher versus Lexington Health Care case.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

There's two entities that took positions in committee that I want to ask you about, Senator, and see if you can comment on why you -- what your understanding is or what conversations you've had with them on these issues may be. The Illinois Health Care Association was opposed and the Department on Aging did not take a position. They didn't sign in -- in -- in -- in favor of the bill, and I wonder if you've had conversations with them, you can share with everyone what those were and why they took those positions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schoenberg.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

SENATOR SCHOENBERG:

The Department on Aging did not take a position and did not communicate with me on this and I attribute that to the Department of Aging just getting its bearings. They found no objection to it. They just took no position. As far as the other interest, they -- I have to admit, came to me rather late - in fact, shortly before the hearing - came to me with a position paper stating their opposition. It seemed to be in very broad terms, and I would hope that through further discussion, we'd be able to satisfy that. Frankly, I'm not quite sure as to why they do oppose it but they did indicate very belatedly that they did so, and reluctantly, I might add.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Last question. Senator, does this bill give the licenser, the Department of Public Health or Public Aid, those entities that regulate nursing homes, does this give them the ability to take an adverse action against the health care facility if they are subject to a lawsuit under this bill or are found to be liable under this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

This is really designated as a protection for the employee to ensure that the employer cannot use any loophole in the existing law to continue to discriminate against an employee who is arguably felt to be acting responsibly in protecting the health and well-being of nursing home patients.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Righter, I thought you indicated it was your last question. Senator Righter.

SENATOR RIGHTER:

To the bill, very briefly. I'd just like to make sure and make sure that the Members of the Chamber, especially on my side of the aisle, are aware, we all know about the Medicaid cuts that the nursing home industry has undergone in the last year, two years or so. This would impose another potential liability on them which means their malpractice or whatever liability

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

insurance will go up as well. This will increase costs on those facilities that we are so concerned about even more, and perhaps in a year when we can't deliver any additional funds. And I hope we all keep that in mind in this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? If not, Senator Schoenberg may close.

SENATOR SCHOENBERG:

Thank you. With all due respect to the prior speaker, only those owners who repeatedly and blatantly continue to ignore the prohibitions would -- would be affected and therefore I would disagree with the gentleman's blanket statement. Urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 319 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 22, 1 voting Present. Senate Bill 319, having received the required constitutional majority, is declared passed. 329. Senator Link. Madam Secretary, on the Order of Senate Bills 3rd Reading, is Senate Bill 329. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 329.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. What this bill does is it amends the Consumer Fraud and Deceptive Practice -- Business Practice Act. It makes it unlawful to practice -- the practice of knowingly mailing or sending a postcard or a letter to a person that contains a request that a -- receipt {sic} call a telephone number so that merchandise may be offered for the sale of -- the receipt -- if a postcard or a letter does not disclose that merchandise may be offered for the sale if the recipient calls

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

the telephone number. This is the same bill that we had last year that we passed out of here. It's an identical bill that passed out of the House also, was vetoed by the Governor and that we overrode in the Senate. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 329 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 329, having received the required constitutional majority, is declared passed. 339. Senator Woolard. Madam Secretary, on the Order of Senate Bills 3rd Reading, Senate Bill 339. Read the bill.

SECRETARY HAWKER:

Senate Bill 339.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. This is just one of those questions you used to ask. My computer is stuck on 3276 for some reason, so I don't have the bill up in front of me. It might be a lemon, but I'm sure these are out of warranty anyway. So, I don't know how we can keep up with the process here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, I -- I suspect -- is -- is this gentleman the only one that has a problem with his computer? That's what I thought. He was the only one that has trouble with his computer. Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Just for announcement. Those people that have trouble with the computer, did they vote for or against my bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Ladies and Gentlemen, it just seems to me that we're -- stand at ease for one second here. Is -- is there leave to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

go ahead and continue while the gentleman works on the -- the computers? All right. Everyone should be up and running. Is that correct? Senator Cronin, for what purpose do you rise? That's what I thought. All right. Senator Woolard. All right. Ladies and Gentlemen, we're back to the regular order of business. Senate Bills 3rd Reading. Senate Bill 339. Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Body. This allows adult students pursuing a teaching education in special education to apply for the State special education teacher tuition waiver program. It would -- simple appropriation. Would allow them to, in fact, be able to save us money by collecting those delinquent recipients of these awards. I think it's a very positive thing. Would encourage your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. And thank you for your indulgence awhile ago with the computers. Hopefully we're up and going now. But I do have paper in front of me...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Anything for you.

SENATOR BURZYNSKI:

Would -- would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator Woolard, when we had this bill in the committee, I think I was the only No vote on it, which doesn't surprise me, but -- but part of the concern I had was simply that it did take money from the General Revenue Fund that would now go into the -- General Revenue Fund, is my understanding. Also, I think it sets a -- precedent. I -- Department of Revenue collects fees. They collect things all the time, outstanding debts. It's -- you know, I don't know that their agency itself gets to keep the funds. I think they all go into the General Revenue Fund. So, I do have some concerns relative

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

to that. I guess that's more of a statement than it is a -- a question, but I just wanted to let the Body know that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Woolard may closed {sic}.

SENATOR WOOLARD:

I -- I agree with Senator Burzynski. I think that these things do raise red lights sometimes, but when we really look, we're -- we're creating an atmosphere and an opportunity for ISAC to, in fact, have more moneys available for these loan programs because they'll have a better opportunity to collect those delinquent funds. I, once again, encourage your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 339 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3, none voting Present. Senate Bill 339, having received the required constitutional majority, is declared passed. 348. Senator Silverstein. Madam Secretary, on the Order of Senate Bills 3rd Reading, Senate Bill 348. Read the bill.

SECRETARY HAWKER:

Senate Bill 348.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This amends the Civil Code of Procedure. Requires a party to state the relief sought for each count in a complaint and counterclaim.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I'm actually rising for the purpose of an announcement. I was trying to do it in between bills but it's not working out. So I just wanted to remind the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Body that COWL is having a reception tonight, and you're all invited and it's only..

PRESIDING OFFICER: (SENATOR DEMUZIO)

No, she said COWL, not howl, COWL.

SENATOR RADOGNO:

Thank you. Thank you, Mr. President. It's -- only legislators have been invited and the purpose of it is for us to have some time to get to know the folks in the other Chamber, as well as across the aisle. So, hopefully, everyone will be able to come. It will be only the legislators. It's at Pasfield House from 5 till 7. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senate Bill 348. Is there discussion? If not, the question is, shall Senate Bill 348 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 348, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 358. Senator Dillard, do you wish that bill called? Well, on the Order of Senate Bills 3rd Reading is Senate Bill 358, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 358.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill would allow the Secretary of State to issue a Boy Scout license plate. I was a little surprised, with the proliferation of plates we have statewide, that we didn't have one to honor the American institution of boy scouting, and I'd appreciate the same roll call we gave Senator Shadid on his fine bill a moment ago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Is there discussion? If not, the question is, shall Senate Bill 358 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 3, 1 voting Present. Senate Bill 358, having received the required constitutional majority, is declared passed. Senate Bill 368. Senator Shadid. 372. 381. Senator Crotty. On the Order -- at the bottom of page 32, Senate Bills 3rd Reading, is Senate Bill 381, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 381.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This creates the Continued Reading Improvement Block Grant Program. Currently we have such a program for kindergarten through sixth grades. This will enhance the studies that were in that previous grant by allowing seventh through twelfth graders to also get the help in reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? All right. Senator Burzynski. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in opposition to this bill. Senator Crotty and Members of the Education Committee had a very productive exchange during committee, and, if I may, I'd just like to share a little bit about that -- that discussion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Hold on just a moment, Senator Cronin. Ladies and Gentlemen.

SENATOR CRONIN:

I understand...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Seems like it's always the Jones boys. Senator Cronin.

SENATOR CRONIN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

I've been around here long enough to know that this bill is going to fly out of here and it's going to fly out of the House and people around here are going to stand up and pound on their chests and say "I feel good because I've done something wonderful for seventh through twelfth graders." But, you know what? I would argue that not one of those children in seventh through twelfth grade will be able to read any better after your vote today, and let me tell you why. We implemented the Early Childhood Block Grant program, Reading Improvement Program, several years ago. It was targeted at the early grades, K through six. The idea was that we would intervene at that -- or, those early stages. We would devote significant resources to this special group of people who need it at early stages of their lives, teach them how to read. When they learn how to read, they have the tools to learn and they can move on. People won't -- children are not supposed to be graduated. We outlawed social promotion some years ago. I don't know if the school districts got that memo yet, but in any event, this may be well intentioned, but please don't kid yourself when you vote on the bill because it's not going to help anybody. We need to focus on the K through six. We need to help those kids. We need to find out why we need this, why Senator Crotty's here. If K through six, they're not learning how to read, let's go back to the drawing board, let's figure out what it is in the methodology that's not working. Is it a question of more resources? Because, Lord knows, if we have to fund this, I don't care what your bill says, there's a limited number of dollars out there. It's going to dilute the number of dollars available to K through six. So, I offer these remarks to you. It's one of those complicated things down here that you know the right thing to do, you know what's right, you know what's true. I hope you do it. Please vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. I appreciate the sponsor's intent, but just would like to warn Members, having served for eight years on Appropriation and listened to the frustration of school districts in trying to get their other programs funded - and --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

and as we kind of consider the fact that we have yet to see an appropriation bill out of any part of the General Assembly, since we swore in the new General Assembly, dealing with the general State aid payment problem - that maybe it's not a good idea that we begin to pass promises for expansion of programs, that maybe we ought to really just think about putting these into subcommittee or taking 'em out of the record or hold 'em or send 'em back to the Rules -- maybe the computers would work better if we take a hundred and seventy programs out of the -- the computer and send 'em back to the Rules Committee. Because some of these things ought to be decided after we hear the Governor's budget or we're not going to have a lot of flexibility. So I just would urge people to -- it's good to be for reading and I think we're all really excited about eighth graders being able to read in Illinois, but I -- I don't think that we ought to be passing new promises to school districts now, even if they are subject to appropriation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Burzynski. All right. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill. Last summer, or maybe the summer before, a number of us on both sides of the aisle participated in some hearings on reading and inquiries into the State Board of Education. I went into that a little bit of a skeptic in terms of the caliber of the reading programs that we were going to be hearing about. And, in a nutshell, I came away very impressed, came away impressed with the change that can take place in young children's lives. But the -- the overwhelming nature of the testimony was that in order for this money to be effective, you have to invest it early and the earlier the better. This -- this is not ambiguous. This is not a situation where one study says this and another study says that. The educators, the professionals, the reading people all say that if you're going to invest in -- in reading, you've got to put every precious dime in early. So with all due respect to the sponsor, I would urge a No vote. I think that this ultimately is going to squander resources that are precious at

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

this time, and as Senator Cronin said, it's not ultimately going to move the ball.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, again, I -- I'm -- I'm sure that you're doing this with really good motives you know, and we all know that when -- when it comes to putting -- together an education budget, there's a lump sum of money. And in the process, you put that money into different place. Now, I know your bill, I think, has a provision in it that says you -- you can't take it from the one through six to -- or, K through six to put it into this, but what's that mean. You know, there's a lump sum of money there. And, you know for instance, if, lets say, a year or two down the road we had more money, we might decide that that K through six is a good program, let's try to make it better because that, probably, most people seem to agree, is the place to put it. But you're -- you're raising expectations, I think, of teachers and parents and whatever that -- that they want that filled, and in the process, we may leave the K through six the same, put money in that, because there's only so much money in the program. You know, again, I -- I've been involved with education all my life and there are no real easy answers, but this bill, I think, on both sides of the aisle, you need to really give some thought to. Don't raise those expectations, and if you're going to improve the reading program, improve it where they say it does the most good -- there -- there's not a -- there probably is not enough money to do this this year. It's just not a good idea this year, at this time, and hopefully -- and hopefully people will see that on both sides of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. Chairman. I -- I rise in strong support of this bill. You know, reading -- and in listening to -- to the comments here about -- about the importance of reading programs at -- at an early age, you'd think that -- that a kid at the third-grade level would be ready to read a science book

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

and would be ready to -- to read anything put in front of the child. Reading is a developmental process. Learning to read is a developmental process. We are not, with this bill, I think, adversely affecting the reading program that is in place. What we're doing is expanding it. And let me tell you, that expansion is necessary. If you look at test scores in many parts of the State of seventh and eighth graders, if you look at the Prairie State scores, you will see that there's a lot of work that needs to be done out there with the grades that we're talking about in this bill - seven through twelve. We are under some tremendous pressure, because of our own fine legislative work here, to help kids meet State standards. We are also under tremendous pressure to meet the No Child Left Behind federal standards that were established. And you know that recently the State Board established some goals, and they loaded up the back end because they don't feel that we can reach the goals within the next few years because there's so much work that needs to be done. And so, what this bill does is it allows us to help kids at the different grade levels improve their reading. One of the reasons why we have, in my district, the drop-out rate that we have is because kids when they graduate from eighth grade, they aren't reading at the level that they need to read at, they aren't doing math at the level they need to do math at, and when they get into the freshman year, they fail courses they become frustrated. Once they reach the age of sixteen, they're out of there and they become a drop-out statistic. This program -- the expansion of this program will help keep some of those kids in school by reducing the level of frustration that they feel right now because of their inability to read. That's what this program will do. And so in the long run, you could argue that it'll save us dollars. It'll save us dollars. And so, yes, there is a concern here about the budget - and I would not want to take away dollars from the reading program that's in place right now - but as we develop our education priorities and as we try to comply and allow school districts -- and to be able to give 'em the tools that they need to meet the standards we have set and the standards that the federal government has set, then it's important to support this kind of initiative.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Further discussion? Senator Winkel.

SENATOR WINKEL:

Senator, I -- I, too, understand your intention, and I think your intentions are good. But I think you -- I think the testimony we had in committee made it very clear that we need to concentrate on the early years, the K through six. I appreciate what Senator Roskam has said. The research certainly has directed us, and we, as a State, have directed our efforts over the years to -- to directing our resources to the early years. And, indeed, I can just remember, it was just last week that Governor Rod Blagojevich, in his State of the State, said the very same thing, that we need to concentrate on the early years. Now, if you're serious about expanding this, I think it's a mistake. I think it dilutes the resources. In fact, I think the Governor sent a pretty clear signal. I don't know what he's going to say April 9th, but it sounds like, to me, from the State of the State when he said we need to concentrate on the early years, that's probably where he wants to concentrate, or at least propose the -- concentration of resources. I think the Governor's right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Crotty may close.

SENATOR CROTTY:

I thank you very, very much for the comments. This is -- this is -- and I -- I agree, we definitely want it from kindergarten through six. We've done that. But I also have worked with kids with behavioral disorders and many of -- many of their problems stem from low self-esteem and they feel like they're a failure because, at a certain age, when you drop kids from a reading program way before they need to be dropped, we really are asking for more problems. So, I encourage everyone to give a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 381 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 20, 3 voting Present. Senate Bill 381, having received the required constitutional

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

majority, is declared passed. Page 33, Ladies and Gentlemen, is Senator Schoenberg. 405. I'm sorry. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. I'd like to verify that vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson has requested verification. Of those that voted in the affirmative, Senator Watson? Senator Watson, you wish the -- you want the affirmative vote? We'll try that? Okay. Secretary will read the -- all the names of those who voted in the affirmative. Madam Secretary.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, do you question the presence of any Member who voted in the affirmative? Senator Watson.

SENATOR WATSON:

Senator Clayborne.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne on the Floor? Senator Clayborne? Back of the Chamber. Senator Watson.

SENATOR WATSON:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch on the Floor? Senator Welch? Senator Welch on the Floor? Strike his name. Senator Watson.

SENATOR WATSON:

Senator Sandoval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sandoval on -- is sitting in his seat. Senator Welch -- Senator Welch is -- is at the back of the Chamber, Mr. -- Senator Watson. Restore -- restore Senator Welch to the roll call. Senator Watson.

SENATOR WATSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton is with Senator Obama and Senator Walsh.

SENATOR WATSON:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On a verified roll call, the Ayes are 31, the Nays are 20, 3 voting Present. Senate Bill 381, having received the required constitutional majority, is declared passed. All right. Page -- is leave -- the Associated Press has sought leave to photograph the proceedings. Is leave granted? Leave is granted. Thank you very much. 405. Turn the page. 405. Senator Schoenberg. 407. Senator Silverstein. Top of page 33. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, I understood that we were going to go till 5 o'clock today. Am I wrong?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Apparently. We're beyond 5 o'clock. I'm -- I'm not quite sure, but I'm sure we'll have some indication here before long what we're doing.

SENATOR GEO-KARIS:

It's past 5 now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you for pointing that out to me. All right. Senate Bills 3rd Reading. Senate Bill -- 407. Senator Silverstein. We have it in the record. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 407.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Yes. Thank you, Mr. President. This amends the Criminal Code. The underlying bill adds a prohibition for harassment through electronic means to an offense of committing a hate crime. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

21st Legislative Day

3/19/2003

Is there discussion? If not, the question is, shall Senate Bill 407 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 407, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, the hour of 5 has -- has been rightly pointed out. Are there any announcements or... Senator Roskam.

SENATOR ROSKAM:

Mr. President, on Senate Bill 358, I inadvertently voted No. I intended to vote Yes, and I'd like the record to reflect that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The record will so reflect. Further business to come before the Senate? The Senate stands adjourned till tomorrow morning at the hour of 10:30, Thursday, March the 20th. Senate stands adjourned.