

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

HB0051	First Reading	3
HB0056	First Reading	3
HB0298	First Reading	3
HB0470	First Reading	3
HB0497	First Reading	3
HB0532	First Reading	3
HB0535	First Reading	3
HB0544	First Reading	3
HB1274	First Reading	3
HB1469	First Reading	3
HB1493	First Reading	3
HB2186	First Reading	3
HB2188	First Reading	3
HB2849	First Reading	3
HB2913	First Reading	3
HB3466	First Reading	3
HB3587	First Reading	3
HB3692	First Reading	3
SB0021	Third Reading	4
SB0040	Third Reading	5
SB0044	Third Reading	6
SB0058	Out Of Record	9
SB0058	Third Reading	6
SB0078	Third Reading	9
SB0100	Third Reading	11
SB0100	Out Of Record	12
SB0108	Third Reading	12
SB0131	Third Reading	13
SB0149	Third Reading	14
SB0179	Recalled	18
SB0190	Third Reading	19
SB0191	Third Reading	21
SB0192	Third Reading	24
SB0201	Third Reading	25
SB0210	Third Reading	26
SB0218	Third Reading	28
SB0228	Third Reading	28
SB0256	Third Reading	29
SB0257	Third Reading	30
SB0266	Third Reading	30
SB0268	Out Of Record	32
SB0268	Third Reading	31
SB0270	Third Reading	32
SB0270	Other	38
SB0278	Third Reading	33
SB0289	Third Reading	39
SB0320	Third Reading	40
SB0320	Other	43
SB0336	Third Reading	42
SB0356	Third Reading	43
SB0356	Other	45
SB0359	Third Reading	44
SB0362	Third Reading	46
SB0371	Third Reading	47
SB0382	Third Reading	50
SB0384	Third Reading	54
SB0385	Third Reading	54

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SB0386	Third Reading	56
SB0387	Third Reading	57
SB0402	Third Reading	62
SB0406	Third Reading	64
SB0413	Third Reading	67
SB0414	Third Reading	69
SB0460	Third Reading	70
SB0641	Third Reading	72
SB0737	Recalled	72
SB0805	Third Reading	73
SB0810	Third Reading	74
SB0810	Out Of Record	77
SB0880	Third Reading	77
SB1028	Third Reading	91
SB1034	Third Reading	91
SB1037	Recalled	92
SB1040	Third Reading	93
SB1063	Third Reading	97
SB1075	Third Reading	97
SB1124	Third Reading	98
SB1147	Third Reading	99
SB1154	Third Reading	100
SB1166	Third Reading	101
SB1202	Third Reading	102
SB1211	Third Reading	102
SB1363	Third Reading	105
SB1366	Third Reading	106
SB1368	Third Reading	108
SB1369	Third Reading	109
SB1370	Third Reading	113
SB1382	Third Reading	116
SB1401	Third Reading	116
SB1498	Third Reading	117
SB1578	Third Reading	119
SB1997	Third Reading	120
SR0095	Resolution Offered	2
SR0096	Resolution Offered	2
SR0097	Resolution Offered	2
SR0098	Resolution Offered	126
Senate to Order-Senator Demuzio		1
Prayer-Father Rodney Schwartz		1
Pledge of Allegiance		1
Journals-Approved		1
Journals-Postponed		1
Messages from the House		2
Message from the President		2
Senate Stands in Recess/Reconvenes		4
Message from the Minority Leader		4
Committee Reports		125
Adjournment		127

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, the hour of noon having arrived, the Session will come to order. The Members will please be at their desks. Our guests in the gallery will please rise. Our prayer today will be by Father Rodney Schwartz, St. Francis -- Cabrini Church, Springfield, Illinois. Father Schwartz.

FATHER RODNEY SCHWARTZ:

(Prayer by Father Rodney Schwartz)

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and Gentlemen, let me indicate, before we start with our regular order of business here, that we're going to go immediately to the Order of Senate Bills 3rd Reading, for those of you that are listening to the sound of my voice. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journals of Tuesday, March 11; Wednesday, March 12; Thursday, March 13; and Tuesday, March 18, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woolard.

SENATOR WOOLARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Woolard has moved the approval of the Journals just read by the Secretary. There being no objections, so ordered. Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journals of Wednesday, March 19th; Thursday, March 20th; and Friday, March 21st, in the year 2003, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

All right. Senator Woolard has moved to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objections, so ordered. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 95, offered by Senator Dillard.

Senate Resolution No. 6 {sic} (96), offered by Senator Dillard and all Members.

Senate Resolution 97, offered by Senator Bomke.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Resolutions Consent Calendar. Messages. 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 1624, 2527, 2537, 2887, 2951, 2955, 3692.

All passed the House, March 21, 2003.

I have like Message with respect to House Bills 337, 2413, 2434, 2491, 2543, 2634, 2648, 2930, 2972, 3063, 3090, 3101, 3385, 3487, and 3587.

All, again, passed the House, March 21, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Messages.

SECRETARY HAWKER:

Dear Madam Secretary - Please be advised that the Senate Gaming Revenue Committee will consist of five Members. The three Majority Caucus Members are as follows: Senator Denny Jacobs, Chairman; Senator James Clayborne and Senator Patrick Welch.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Leave of the Body, Ladies and Gentlemen, we'll go to House Bills 1st. Again, let me point out to the Membership that we will go to the Order of 3rd Reading here momentarily. Madam Secretary, House Bills 1st Reading.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SECRETARY HAWKER:

House Bill 298, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 470, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 1469, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 1493, offered by Senator Radogno.

(Secretary reads title of bill)

House Bill 2186, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 2188, offered by Senator Schoenberg.

(Secretary reads title of bill)

House Bill 2849, offered by Senator Schoenberg.

(Secretary reads title of bill)

House Bill 2913, offered by Senator Righter.

(Secretary reads title of bill)

House Bill 3466, offered by Senator Harmon.

(Secretary reads title of bill)

House Bill 51, offered by Senator Silverstein.

(Secretary reads title of bill)

House Bill 1274, offered by Senator Halvorson.

(Secretary reads title of bill)

House Bill 56, offered by Senator Silverstein.

(Secretary reads title of bill)

House Bill 497, offered by Senator Trotter.

(Secretary reads title of bill)

House Bill 532, offered by Senator Munoz.

(Secretary reads title of bill)

House Bill 535, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 544, offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 3587, offered by Senator Lightford.

(Secretary reads title of bill)

And House Bill 3692, offered by Senator Sieben.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Ladies and Gentlemen. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. I'd like to request a Republican Caucus immediately in Senator Watson's Office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. That request is in order. Senator Burzynski has requested a Republican Caucus in Senator Watson's Office. Senator Burzynski, do you have any idea how long it will be? Pardon? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. I would guess approximately forty-five minutes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The -- the Senate will stand in recess to the hour of 1 o'clock.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and Gentlemen, the hour of 1 o'clock having arrived, the Senate will come back to order. Messages.

SECRETARY HAWKER:

Dear Madam Secretary - Please be advised that I have appointed the following persons to the Senate Gaming Revenue Committee: Senator Ed Petka, Minority Spokesman; and Senator Peter Roskam.

Sincerely, Frank Watson, Senate Republican Leader.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, on the Order of Senate Bills 3rd Reading, with leave of the Body, we'll move to that order of business. Leave is granted. Okay. At the top of page 23. On the top of page 23. Ladies and Gentlemen, this is final action. Senate Bill 4. Senator Obama. Senator Obama on the Floor? 21. Senator Dillard? Madam Secretary, Order of Senate Bills 3rd Reading, top of page 23, is Senate Bill 21. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 21.

(Secretary reads title of bill)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'll get us started for the week here. This is a bill that would make it illegal to and prohibit the installation of somebody who is unauthorized from putting a signal preemption device in their vehicle. It's become pretty prevalent up, at least, in the metropolitan Chicago area that emergency vehicles have a signal preemption. As they approach an intersection, they can make the light green so they can go through. And as technology changes, certain individuals have taken it upon themselves to illegally have these signal preemptions. They don't like waiting for red lights and, like a fire truck or an ambulance, they just change the light to green whenever they want to go through, and this would stop that practice. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? If not, the question is, shall Senate Bill 21 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 54, the Nays are none, none voting Present. Senate Bill 21, having received the required constitutional majority, is declared passed. Senate Bill 22. Senate Bill 40. Senator Walsh. On the Order of Senate Bills 3rd Reading is Senate Bill 40. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 40.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 40 makes it permanent the Freestanding Emergency Center demonstration program for the Bolingbrook

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Medical Center in the Village of Bolingbrook. Program admits ambulances from the Village of Bolingbrook to return to the Bolingbrook Medical Center with patients needing basic life support. This is an issue that we dealt with last year. Senator Dillard had a similar bill that passed out of here unanimously. I know -- know of no opposition and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 40 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 53, the Nays are none, 1 voting Present. Senate Bill 40, having received the required constitutional majority, is declared passed. 44. Senator Silverstein. Madam Secretary, on the Order of Senate Bills 3rd Reading, Senate Bill 44.

SECRETARY HAWKER:

Senate Bill 44.

(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 Collection Agency Act. What it does, it imposes a fee not less twenty-five percent that a collection agency can collect on obtaining child support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 44 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 none, none voting Present. Senate Bill 44, having received the required constitutional majority, is declared passed. Senate Bill 50. Senator Cullerton? 58. Senator Cullerton? Senator Cullerton. I don't know what we're doing. What bill we doing here? All right. Senate Bill 58. Madam Secretary, read the bill.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senate Bill 58.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill deals with our graduated driver's licensing Act and it's been amended so as to have the bill limited to a recommendation of the National Transportation Safety Board having to do with the number of passengers that would be in a vehicle when a person who's under eighteen first gets their driver's license. What it says is, for the first six months that they're driving, they can have one passenger who's under twenty. There's an exemption for family members, and we -- I want to emphasize that we amended the bill, so there is no nighttime curfew found in this bill anymore. So it's just the recommendation of the National Transportation Safety Board. They came out with this recommendation last November. It's based on statistics showing that there is a very high crash rate when there are passengers in a vehicle, for a young driver. In fact, for every passenger that's added, there's an increase of -- a fifty-percent increase in the fatality rate, such that when there's three or more, it's four times more likely for there to be a fatality. Be happy to answer any questions. Got bipartisan support in the -- our committee, and appreciate an Aye vote. This bill will definitely save -- save some lives.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, just to -- question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

To make it a little more clear to me, you're saying that -- let's say a kid's going home from school in the afternoon, could not have more than one person -- one other student in the car at the same time, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Cullerton.

SENATOR CULLERTON:

Yes. The -- the -- for the first six months that they get their driver's license, that would be the case, and that's -- when I first heard about this recommendation - and I'm glad you raised that - I said, well, maybe we might want to exempt car pools. And they showed me the data that shows the time of day - - the most fatalities by time of day for this age group. It's 3 o'clock in the afternoon. That's when there's the most fatalities. So, it's obvious when -- it is meant to apply to the car pools. We scaled it down from the first year because we know it could be a potential inconvenience for some parents, but then when the parents see the incredibly high fatality rate for those type of kids, I think that's when they recognize that this is a -- an inconvenience that they can put up for, with the idea of their -- fact that their children will be alive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So -- so if -- at least for the -- for six months. Now, if they get their -- if they get their driver's license at age sixteen, then sixteen plus six months after that, then they can go back to normal, take as many as they want. Now, you...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR LUECHTEFELD:

...you say relatives. Just brothers and sisters? Or is there -- is there some cousins, whatever?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Siblings, step-siblings, children or stepchildren of the driver. That was an amendment we put on at the suggestion of Senator Dillard in committee. And if -- I just want to remind you, if there's somebody twenty years old in the car, then you can have as many passengers as you want.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

What -- what's the penalty for one of our potential sixteen-year-olds violating this Act and being caught?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

I have to look it up. I don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

He's looking it up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, I beg your pardon. Senator Cullerton, one...

SENATOR CULLERTON:

Senator, this amends the existing graduated driver's licensing Act, and the bill itself does not, you know -- since it's already the law, it doesn't reference it, so I'd have to look it up. If you want me to take it out of the record until I get that information for you, I'd be happy to. Okay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I would appreciate that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. Senate Bill 63. Senator del Valle. Madam Secretary, on the Order of Senate Bills 3rd Reading, middle of page 23, is Senate -- Senate Bill 63. No, take it out of the record. Going to be here all day. 78. Senator del Valle. Madam Secretary, Senate Bills 3rd Reading, Senate Bill 78.

SECRETARY HAWKER:

Senate Bill 78.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. Senate Bill 78 has two amendments, Amendment No. 1 and Amendment No. 3. The first amendment requires that the Department of Professional Regulation make available on the Internet in English and in Spanish the requirements for obtaining a nursing license in Illinois, and the second amendment requires the Department to develop a list of approved nursing programs and other educational resources related to the Test of English as a Foreign Language and Commission on Graduates of Foreign Nursing Schools Examination for the purpose of -- of providing this information to individuals who inquire, particularly those who are residents of -- of Puerto Rico or other territories of the United States. Again, the purpose here is to facilitate communication and the dissemination on information regarding requirements so that we could help address the nursing shortage that exists here in the State of Illinois. The Department can facilitate this process through these -- the use of the Internet, and this bill is supported by the Health Care Association and the Illinois Nurses Association, as well as the Illinois Hispanic Nurses Association. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Questions? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, this doesn't change any requirements or licensure, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

No. With the amendments, it doesn't change any requirements.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, question is, shall Senate Bill 78 pass. Those in favor will vote Aye. Those opposed will vote

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

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 78, having received the required constitutional majority, is declared passed. Senate Bill 90. Senator del Valle. 95. Senator Shadid. Senator -- Shadid. 96. Cullerton? 100? On the Order of Senate Bills 3rd Reading, page 23, Senate Bill 100. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 100.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill deals with the issue of the Compensation Review Act. Last year we all voted to eliminate the COLA, not only for ourselves but also for the judges. And we did that, obviously, in light of our fiscal condition. After we did that, it was brought to my attention that there was about to be a lawsuit filed by some, I believe, retiring judges who indicated that the Constitution of the State of Illinois has a provision, and the provision in the Constitution dealing with the judges is different than from us. So, it says that judges' shall -- salaries shall not be diminished during the terms of their office, and the reason for that is obvious: If some controversial Supreme Court decision came down, we are -- we are prohibited from, you know, lowering their salary, that sort of thing. So, it turns out that what we did, in effect, was illegal or unconstitutional, and as a result, I put this bill together; but, at the same time, I wanted to kind of send the message that obviously we are -- we are in a very bad state of affairs here with our finances. So, we prohibit the Compensation Review Board from even making a recommendation the next year that they would -- they would be eligible to do that. So, we put off any pay raises for a year. That's also included in this bill. That's -- it's -- so, it's meant to correct an error that we made because of the -- the way

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

the Constitution is written. And again, be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, normally I would agree with the sponsor, but these are times of great sacrifices for many of us. Our boys and girls are overseas, sacrificing their lives for us. I think it behooves the judges, too, to be a little sacrificial. And much as I would like to agree with them - and I happen to be an attorney and I'll probably get filleted alive in court - but I don't feel this is a time for a pay raise for any of us, and that includes the judges. And I regretfully rise to oppose the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. You know, all of us, I think even the sponsor...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me. Just a moment. Senator Cullerton, what -- what purpose do you rise?

SENATOR CULLERTON:

...apologize. There's a technical amendment. I don't think it was adopted. I'd rather take this out of the record until we can correct that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take it out of the record. All right. 108. Senator Cullerton. On -- on the Order of Senate Bills 3rd Reading, Senate Bill 108. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 108.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a bill put in at the request of the Department of Corrections.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

This -- we had a Supreme Court case that invalidated some of these laws that we had already passed due to the violation of the single subject rule of the Constitution in the People versus Foster case. All this does is to reenact those laws that we had already passed. There were fifteen different Sections of the statute covering the State Employee Indemnification Act, the Code of Criminal Procedure, the Criminal Code and the Unified Code of Corrections. It deals with disciplinary procedures utilized when an inmate commits a rule infraction. And be happy to answer any questions. I don't believe it's controversial. Would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussions? If not, the question is, shall Senate Bill 108 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 46, the Nays are 6, 1 voting Present. Senate Bill 108, having received the required constitutional majority, is declared passed. 111. Senator Jacobs? 123. Senator Cullerton? 130. Senator Obama? 131. Senator Obama. On the Order of Senate Bills 3rd Reading, bottom of page 23, is Senate Bill 131. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 131.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This bill deals with the issue of hospice care. It essentially makes some changes with respect to how a terminally ill patient is defined for purposes of the Hospice Program Licensing Act. It received no opposition in committee, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Righter.

SENATOR RIGHTER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you much, Mr. President and Ladies and Gentlemen of the Senate. Just for our -- our Members here, this bill did come out of Health and Human Services unanimously. I want to thank the sponsor for his good work on an important piece of legislation, and I would urge an Aye vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 131 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 131, having received the required constitutional majority, is declared passed. Page 24, at the top. Top of page 24 is Senate Bill 133. Senator Garrett? Madam Secretary, read the bill. 133. Take it out of the record. 142. Senator Woolard? 149. Senator Cullerton? On the Order of Senate Bills 3rd Reading, Senate Bill 149, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 149.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. In explaining this amendment -- this bill is basically Amendment No. 1, having to do with the fees that one has to pay for -- in an adoption case where there's a confidential intermediary. This bill would waive the miscellaneous filing fee that varies from county to county. It's in Cook County, it's -- I know it's two hundred and seventy-one dollars. This is because when there's a confidential intermediary, the case -- the -- the petitioner has to pay the confidential intermediary a five-hundred-and-twenty-five-dollar fee. This is a situation where the Adoption Act provides that an adopted person over the age of twenty-one, when they want to get medical information, they could petition the court for an appointment of a confidential intermediary, and then that person keeps the -- obviously,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

confidential information is -- is not shared between the -- the parties if they don't wish it to be, but the purpose of this is to encourage the use of the confidential intermediary. Happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Senator, your bill -- I'm not quite clear what it does. Now, if someone wants some medical information on an -- of a child to be adopted, just exactly where does the intermediary come in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

The intermediary is appointed by the court to obtain information about genetically based medical problems without breaching the confidentiality of the adoption proceedings. That's the current law. All this bill goes to is the issue of addressing the cost of filing the request. It would waive the -- the fee, the miscellaneous filing fee which is being charged right now. That's because it -- once you -- once the -- confidential intermediary is -- is adopted -- or, is appointed, you still need to pay five hundred and twenty-five dollars for that purpose. So, this bill only addresses the issue of the fee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Does the party that wants the information and does get it, does -- does that party have to still pay the five hundred and twenty-five dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

You have to pay the five hundred and twenty-five dollars whenever the confidential intermediary is appointed. And so, that -- that's a cost of -- of trying to exchange this -- or, obtain this information.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...that cost be attributed to the adopting parents?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

No, it's the petitioner, whether it be the birth mother or the adopting parents, or the adopting child. It's -- it's only to -- it's existing law. It's -- it allows for confidentiality and this bill only deals with the issue of the fees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator, can a -- a adopted person request a DNA test of the person who is their natural parent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Can the adopted person challenge the intermediary's report in court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

I don't know. I -- my understanding is, it's -- it's -- a person who is a middleman who exchanges information. Doesn't force -- doesn't have the power to force anybody to provide

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

any more information than they want to. And, again, this bill only goes to the issue of the fee, not the existing law with regard to what confidential intermediaries can do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

If a person has put a child up for adoption and doesn't want their new family to know that they did that, how does that intermediary get in touch with the parent to request this information without revealing the person's background to their family?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, let me see if I can read to you what the Adoption Act provides right now, even though it has -- not directly related to what this bill does, but I'll be happy to share that. Any adopted person over the age of twenty-one or any adoptive parent or legal guardian of an adopted person under the age of twenty-one may petition the court for appointment of a confidential intermediary for the purpose of obtaining from one or both birth parents or a sibling or siblings of the adopted person information concerning the background of a psychological or genetically based medical problem experienced or which may be expected to be experienced in the future by the adopted person or obtaining assistance in treating such a problem. So, the only purpose of the existing law, which allows for a confidential intermediary, is to make sure that the two parties which don't -- one of which doesn't want to meet up with the other one, there's an intermediary that can provide this information. And so, this bill goes to the issue of how much it costs to file in order to get the confidential intermediary appointed. It was the -- the intent of the bill was to make it easier to do so. It already costs five hundred and twenty-five dollars once that person's appointed. This would waive the miscellaneous filing fees, which vary from county to county, but in Cook County, is two hundred and seventy-one dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

All right. Is there further discussion? Senator Cullerton, do you wish to close? Senator Cullerton.

SENATOR CULLERTON:

Happy to ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 149 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 149, having received the required constitutional majority, is declared passed. 152. Senator Link? 168. Senator Cronin? 179. Senator Jacobs? On the Order of Senate Bills 3rd Reading, Senate Bill 179, Madam Secretary. Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute. You wish -- you wish to recall that bill for the purpose of -- of adopting an amendment? As I understand there's an...

SENATOR JACOBS:

The amendment has -- Amendment No. 2 was done in committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Madam Secretary, read the bill -- or, read the amendment.

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we still need to take this bill back to the order of 2nd Reading for the purpose of adopting the committee amendment. All right. With leave of the Body, Senator Jacobs requests that Senate Bill 179 be returned to the Order of 2nd Reading for the purpose of the adoption of a committee amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 179, Madam Secretary.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 179, Amendment No. 2, merely adds a qualifying number of a hundred and fifty -- counties of a hundred and fifty thousand or less. Know of no opposition. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? ...discussion? If not, Senator Jacobs has moved the adoption of Amendment No. 1 {sic} (2) to Senate Bill 179. All those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further -- has there been any other amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

I think we might have a little confusion here. I think that was Amendment No. 2 which we had just discussed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes.

SENATOR JACOBS:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We adopted Amendment No. 2.

SENATOR JACOBS:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 3rd Reading. 185. Senator Walsh. 186. Senator Jacobs. 190. Senator -- on the Order of Senate Bills 3rd Reading, middle of page 24, Senate Bill 190. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 190.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Risinger.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR RISINGER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill No. 190 provides that a dentist's written order to a hygienist of necessary services for patients in a long-term care facility or in a mental health facility or developmental disability facility who are unable to travel to a dental office must be implemented within one hundred and twenty days, rather than the ninety days, of its issuance. This -- this bill is brought at the support of the Illinois Dental Society and it hopes to address a lack of hygiene participation in treating patients in these long-term care facilities. Be glad to answer questions about the bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senate -- WICS has sought leave of the Body to -- to photograph or videotape the proceedings. Leave granted? Leave is granted. Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

I'm -- I'm a little bit confused, Senator Risinger. This was my bill. Is there any particular reason why you have this bill today?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Risinger.

SENATOR RISINGER:

Yes, Senator. This was a very good bill and I was afraid you wouldn't be able to present it properly, so...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Burzynski, you wish to say something? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Are you sponsoring this in preparation for your own future?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Risinger.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR RISINGER:

You know, Senator, everybody has to start sometime. So, you might say that, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

Mr. President, I think I'm going to sit down, but I would encourage a No vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Senate -- Ladies and Gentlemen of the Senate, I'm very glad that it's Senator Risinger. I prefer him over Senator Burzynski. And I support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I'm -- I'm sure we don't want a roll call on that. But, Senator Risinger, you wish to close? You may close, sir.

SENATOR RISINGER:

Thank you, Mr. President. And I do ask for an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 190 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 190, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading. Senate Bill 191. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 191.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 191 amends the Children with Disabilities

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Article of the -- of the School Code regarding reimbursement for special education classes for children from orphanages, foster family homes, children's homes or State housing units. It requires that if a child who is eligible to receive services is adopted and that child continues to -- receive support services...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Crotty. Ladies and Gentlemen? Senator Crotty.

SENATOR CROTTY:

Thank you. It just requires that if a child who was eligible to receive services is adopted and that child continues to -- that that child would continue to receive support services from the Department of Children and Family Services, then that child shall -- shall continue to be eligible to receive those services. We have proponents to this bill. It's the IFT, Child Care Association of Illinois, CPS, Alliance for Administrators of Special Ed, ED-RED and IFT. The State Board is still out on it. I'd entertain any questions that somebody might have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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:

Thank you. I'm trying to remember, when we had this bill in committee, we were talking about the cost. Do you recall what the cost was?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Crotty.

SENATOR CROTTY:

Well, right now -- I have a cost, and all of those dollars are if all children would be adopted. But, right now, the average claim for a child that needs these services are about ten thousand eight hundred and forty-two dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

The average claim per child is? Okay. And so we don't know exactly what the entire cost would be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Crotty.

SENATOR CROTTY:

There really isn't an additional cost because any of those children that are -- are getting services, the State is paying for it now. So, there really isn't an additional cost. We're just saying that, God willing, that a parent or a -- a couple would want to adopt any of these children, and many of 'em have some severe problems and would need some support, that we, as a State, will continue to make sure that those kids get the support and, additionally, so would the family that this child is going to. So, there's no additional cost. We're just not going to drop them. We're going to -- we're going to try to make this work for that family.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. I just would beg to differ a little bit with the sponsor's explanation. There -- there is an additional cost to the State because each year new kids enter DCFS and each year kids are adopted out. Once a child is adopted, it takes the same status of anyone else's child, where the State reimburses for extraordinary costs but does not pay the special education costs. So, there is an additional cost. The fiscal note estimating about, I think, five percent take-up rate in special ed is about 3.5 million dollars. It could be substantially higher because a lot of children in DCFS would probably qualify for -- as special needs. Keep in mind that the State continues its subsidization after adoption, so this -- the State is with the family. The whole question here is whether the school district that gets an adoptive child shall treat that child just as he does any other child, from a financial point of view, or whether the State of Illinois is not only on the hook to subsidize the adoption, to continue to provide services to the child, and then also has the responsibility after adoption to continue to provide full-cost reimbursement to the school district for whatever services the school district provides.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

So, there is an additional cost. It will require either a smaller increase in the foundation level, an increase in the proration of the -- the -- the rest of the mandated categorical. So there's a cost associated with this of at least 3.5 million dollars. The child receives the services regardless of what we pass here. The question is whether we'll accept an additional responsibility in State government or whether we'll tell school districts, "Once a child is adopted, you treat them like every other child in your enrollment base."

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Just a -- comment. I think this is an excellent bill, and I believe that every Senator in the Chamber should support it. What Senator Crotty is doing here is -- is the right thing to do, and I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CROTTY:

I would just ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 191 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 54, the Nays are 1, none voting Present. Senate Bill 191, having received the required constitutional majority, is declared passed. 192. Senator Crotty? On the Order of Senate Bills 3rd Reading, Senate Bill 192. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 192.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Crotty.

SENATOR CROTTY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, again, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 192 amends the Children with Disabilities Article of the -- of the School Code regarding reimbursable administrative expenses. It allows for the reimbursement of administrative expenses incurred by a responsible school district for children whose residence is other than a -- a foster family home and who are educationally placed in a nonpublic -- nonpublic special education facility, public out-of-state school, or a county special education facility. It requires that these administrative expenses that -- must be associated with supervisory and case coordination responsibilities specific to these eligible students. It just allows -- I think we only have two school districts. Senator Sullivan, this -- this bill came from his school district. It has to do with Maryville, and they have an administrator in the public school system that goes out to Maryville and does a lot of planning with Maryville but is not able to take a portion of that administrative cost and put in for -- for the reimbursement. So, I ask for a Yes vote. It's fair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 192 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 -- take the record. On that question, the Ayes are 48, the Nays are 6, 1 voting Present. Senate Bill 192, having received the required constitutional majority, is declared passed. 196. Senator Sullivan. 200. Senator Watson. 201. Senator Lightford. Madam Secretary, Senate Bills 3rd Reading, Senate Bill 201.

SECRETARY HAWKER:

Senate Bill 201.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Senate Bill 201 creates the Math and Science Block Grant Program. This legislation is subject to appropriation. It would, in fact, help every school district

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

use some assistance in the area. The range is about up to about five million. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 201 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 -- take the record. On that question, the Ayes are 36, the Nays are 16, 2 voting Present. Senate Bill 201, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 201. Madam Secretary, read the bill. Pardon?

SECRETARY HAWKER:

Senate Bill 210...

PRESIDING OFFICER: (SENATOR DEMUZIO)

210. I beg your pardon. 210.

SECRETARY HAWKER:

Senate Bill 210.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne, on Senate Bill 210.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. Senate Bill 210 just creates the Metro East Sports Authority. Currently, the St. Louis Cardinals are in the process of trying to build a stadium. This is just in case, if things fall apart over in St. Louis, Missouri, that at least we'll have a bill out there to -- we'll have a bill out there to at least be able to -- to possibly negotiate with the Cardinals and consider bringing them to Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion...

SENATOR CLAYBORNE:

I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, this, in its current posture, is a vehicle bill, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

That's -- that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

And you have no other intentions other than this bill being limited to the wooing of the Cardinals, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there further discussion? If not, the question is, shall Senate Bill 210 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 46, the Nays are 7, 1 voting Present. Senate Bill 210, having received the required constitutional majority, is declared passed. 211. Madam -- 211. 212? Senator Clayborne. 212. Senator Clayborne, what purpose do you rise?

SENATOR CLAYBORNE:

On 211, I think there's an amendment that we bypassed last time. I would ask that we recall it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne, apparently that amendment is still in Rules.

SENATOR CLAYBORNE:

No. No, it's not in Rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry. It's in Judiciary.

SENATOR CLAYBORNE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

It's -- it's -- it's passed out of Judiciary. We passed it out a week or so ago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's in Rules. We're getting ready to send it to Judiciary. Maybe. All right. Take it out of the record. 212. Senator Clayborne. 212? All right. Top of page 25 is 216. Senator Clayborne? 216? 218. Senator Munoz. On the Order of Senate Bills 3rd Reading, Senate Bill 218. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 218.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President and Members of the Senate. Senate Bill 218, as amended, gives the Liquor Control Commission the power to issue warnings for minor violations. Presently the Commission only has powers to suspend or revoke or issue a fine for violations of the Liquor Control Act. There's no opposition to the bill, and I'd be willing to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. I rise in support of the bill. It passed -- unanimously out of the Executive Committee and I urge its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 218 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 55, the Nays are none, none voting Present. Senate Bill 218, having received the required constitutional majority, is declared passed. 226. Senator Cronin. 227. Senator Link. 228. Senator Link. On the Order of Senate Bills 3rd Reading, top of page 25, is Senate Bill 228. Madam Secretary, read the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SECRETARY HAWKER:

Senate Bill 228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this bill does is create the Automotive Collision Repair Act. Requirements for disclosure of estimates to consumers and notice of consumers' rights. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Wojcik.

SENATOR WOJCIK:

Mr. President and Members of the Senate, I just rise in support. This bill passed out of the committee unanimously, and I would ask for its favorable passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 228 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 53, the Nays are none, none voting Present. Senate Bill 228, having received the required constitutional majority, is declared passed. 229. Senator Link. 232. Senator Trotter. 233. Senator Trotter. 256. On the Order of Senate Bills 3rd Reading, middle of page 25, is Senate Bill 256. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 256.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill provides that it will no longer be a violation of the eavesdropping statute to make a video and audio recording with publicly visible security cameras in the driver

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

area of vehicles authorized by a transportation system, which means a -- a public transit bus, including a school bus. Prior to the recording, a sign posted in clear view would indicate that there are audio and video recordings and that must be displayed on the vehicle. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 256 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 256, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 257. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 257.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. This legislation amends the Wildlife Code to permit the use of handguns during the open season for deer hunting, providing that the individual uses only centerfire handgun of thirty caliber or larger with a minimum barrel length of four inches. Currently we have twenty-six counties in the State of Illinois that do allow a handgun deer hunting season. This vote -- we've been doing this since 1991. Appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 257 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 47, the Nays are 5, 2 voting Present. Senate Bill 257, having received the required constitutional majority, is declared passed. 266. Senator

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Walsh. On the Order of Senate Bills 3rd Reading, Senate Bill 266, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 266.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 266 amends the Unemployment Insurance Act. Deletes language making it a Class A misdemeanor for a person to charge or receive a fee for representing a claimant that has not been approved by the Board of Review or the Director of Employment Security or solicit the business of appearing on behalf of a claimant or solicit employment for another in connection with any claim for benefits. Adds language providing that, after notice and hearing, an attorney found to be in violation of these provisions concerning compensation of attorneys should make restitution of any excess fees charged plus interest at a reasonable rate. I know of no opposition and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Wojcik.

SENATOR WOJCIK:

Thank you, Mr. President. I, too, rise again in support of this bill. It did pass out of committee unanimously and it does reduce the penalty for overcharging their clients.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Walsh, do you wish to close? On that question, the Ayes are... Ah! Question is, shall Senate Bill 266 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 4, none voting Present. Senate Bill 266, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 268. Madam Secretary, read the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SECRETARY HAWKER:

Senate Bill 268.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Mr. President, I think that bill has an amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs, my Calendar indicates that there's a Floor amendment but it's still in Exec. Either that or it's on the Rules Report for this afternoon. I'm not sure which. Senator Jacobs.

SENATOR JACOBS:

Well, it just shows an amendment on here, and the only amendment we've put on it has not come out of Rules and/or has not been heard in committee, so I didn't know what you wanted me to do with this one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, let me think about -- why don't we take it out of the record and see if we can figure out what -- what is going on with it, with leave of the Body to come back to it if it's necessary. Leave is granted. 270. Senator Peterson. Madam Secretary. Senate Bills 3rd Reading, Senate Bill 270, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 270.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. Senate Bill 270 is an initiative of the Illinois Bar Association. It amends the Property Tax Code to extend the window within which a tax objection complaint must be filed. It would extend the window from seventy-five to a hundred and sixty-five days after the first penalty date of the final tax installment in Cook County. The amendment that was put on this bill took away the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

concerns of the Illinois Treasurers Association and Cook County Clerk David Orr. I know of no opposition to the bill. I appreciate your vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...discussion? Yes, Senator Garrett.

SENATOR GARRETT:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Garrett.

SENATOR GARRETT:

Senator, I just want to make sure I have this correct, that this will give the consumer -- or, the taxpayer more time or less time to file an appeal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Peterson.

SENATOR PETERSON:

More time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

It wasn't clear from my analysis. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there further discussion? Senator Peterson, you wish to close? On that question, the -- all right. Those in favor will vote Aye. Those opposed will vote Nay. On Senate Bill 270. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 270, having received the required constitutional majority, is declared passed. Senate Bill 272. Senator Walsh. On the Order -- 274. Senator Cullerton. 275. Senator Cullerton. 278. Senator Cullerton. On the Order of Senate Bills 3rd Reading is Senate Bill 278. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 278.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is -- been -- deals with the Uniform Mediation Act, and it was drafted by the Uniform Laws Commissioners in conjunction with the American Bar Association Section on Dispute Resolution. Mediation is a consensual process by which disputing parties decide the resolution of their dispute without having to go to court, and it's been a growing industry, if you will, because it's been found to be effective and much less expensive. So, the Uniform -- the -- the National Conference of Commissioners on Uniform State Laws worked on this, and the main provision in this bill is to provide, first of all, the certainty. There's so many different, various state statutes and federal statutes dealing with mediation, so now we have the certainty that we can -- even in multi-state, complex issues, you know what the -- that the law will be uniform. And it provides one law for privileges and confidentiality in mediation. This is the central purpose of this Act, provide for a privilege that assures confidentiality so that anything that's talked about with the mediator, you don't have to disclose it later on with, of course, some exceptions to that privilege which are -- deal with infliction of bodily harm or crime. Or when they -- there's allegations of child abuse or neglect, the privilege wouldn't provide. It also promotes mediation by requiring the disclosure of known conflicts of interest by the mediator as well as disclosure of the mediator's qualifications. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, I'm just looking at the analysis and I know we all voted for this in Judiciary Committee, but as I stand here today, I don't have a real good recollection of the discussion. And here -- here's the question that came to me: Would parties

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

be able to mediate a case outside of the scope of this -- this bill? In other words, could -- well -- yeah, I mean, that's the question at face value. I just want to make sure that -- that parties don't -- that -- that want to mediate a case don't have to fall in to a particular national statute and that they would be free to -- to sit down. And I'm -- I just don't recall. I'm sure there was some national expert that was in. Could you -- could you walk us through that again?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The -- the witness was John McCabe, from the Uniform Law Commissioners, and I don't believe that particular question was -- was asked. But I -- I -- I do believe - I'm looking for the exact language - but I do believe that there is the ability to contract to -- the parties -- again, this is a voluntary procedure. You come together with a third party to try to mediate. The two parties, up front, can contract to not have these provisions apply if -- if they don't want to. But the -- the real key to this is the fact that there should be a privilege put into the law that -- that communications are confidential. That way people are encouraged to try to settle the dispute. That's the -- the heart of the -- of the -- of the -- the bill. But I believe that if you want a contract and not have that privilege apply, I guess you could, but I can't imagine anybody ever -- ever wanting to -- to do that. But there's no requirement that you follow the rest of the -- the laws which are in this Act if you want to contract upfront to have it excluded.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Senator, for your answer. How would it work? I mean, in terms of admissibility, pre-settlement offer -- pre-settlement offers are inadmissible anyways. So, how would -- how would this privilege interact, or -- or what are the limitations of the privilege? Are you precluded from -- from giving your -- your impressions of a case to -- to somebody else, or -- I'm --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

and I'm not trying to give you a hard time. I just cannot remember this guy that you had in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I don't believe he testified to this, but there -- maybe we should look at the exceptions. First, it should be -- it's -- it's the privilege extends only to the mediation communications, not to the underlying facts of the dispute. Evidence that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery by reason of the use in mediation. A party that discloses a mediation communication and thereby prejudices another person in a proceeding is precluded from asserting the privilege to the extent necessary for the prejudiced person to respond. And if you -- obviously there's a -- if you use the mediation to attempt to commit a crime or to conceal a crime, they cannot assert the privilege. So, that -- that goes to the exceptions to the privilege. The -- I don't know if that answers the -- the question. But, again, the heart of the -- the heart of the bill is to assert -- put in the law the fact that you have this privilege so that -- so as to encourage people to settle the dispute.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

So -- so, just so I'm clear. You're not outlining in this bill, Senator, new procedures or a new framework within which cases have to be resolved. What you're doing is you're creating a privilege rule. Is -- okay, I got it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

In our analysis, Senator, it says that the mediation that takes place in another state, for example, will not be admissible to this State for -- is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, it's a uniform Act which has to be adopted by other states for them to have the provisions of this law to govern them. So, this has been introduced, I think, in six states this year and -- and I believe it depends on whether or not those states have adopted this Act. As with all uniform Acts, they have -- the other states have to adopt them for them to apply.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In our analysis, it says that the -- the adoption -- this privilege is consistent with the current trend of State law protections for mediation and if adopted uniformly, will assure the -- that mediation communications in one state will not be subject to admissibility in another state. My question is - you and I understand interstate comity, as lawyers - if we have interstate comity, how can that mediation communication from another state not be subject to admissibility to this State?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

You know, I -- I -- I'm not certain of -- not having shared your analysis, I'm not certain of -- of what the point is of the person who did the analysis other than to say that I -- I believe that when you have a multi-state compact -- not a multi-state compact, but a uniform law proposal, that it obviously depends on which -- which states adopt that law. And -- and the -- the provisions in our law would not cover another state if they haven't adopted it. I don't know the answer to your direct question about admissibility of out-of-state mediation if they haven't adopted this Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

I'm not questioning your -- your answer except to the -- let's say both states are involved -- have adopted it. If so, then I still think the old law of interstate comity would prevail, and our analysis says, for example, if we adopt this, it will assure that mediation communications in one state will not be subject to admissibility in another state. If both states have adopted them -- this bill, I still don't think they can get away from the matter of the law of comity, interstate comity. This is what I'm driving at. And I mean, I'm not against your bill, but I think it strikes me funny that it's not admissible, but I won't belabor the point but I'll bring it -- I just thought I'd bring it up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CULLERTON:

Yes. Thank you. I believe this is a very good Act because it spells out the use of privileges in mediation. Mediation is something that should be encouraged that keeps people out of court and saves money. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 278 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 55, the Nays are none, none voting Present. Senate Bill 278, having received the required constitutional majority, is declared passed. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Mr. President, I rise because on Senate Bill 270, I inadvertently hit the wrong button and I'd like to vote Yes on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so indicate your...

SENATOR HUNTER:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...intention. Senator DeLeo, for what purpose do you rise?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR DeLEO:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your -- state your point.

SENATOR DeLEO:

Thank you very much. Mr. President, joining us today from Chicago, Illinois, behind our friend and colleague, Senator Lauzen, up in the gallery, is members of Local 2, and that's our Chicago Fire Fighters Union. Like to welcome 'em to Springfield today, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be recognized by the Senate? Welcome to Springfield. All right. Senate Bills 3rd Reading, bottom of page 25. Senate Bill 281. Senator Haine. Madam Secretary, read the bill. Senate Bill 281. All right. Take it out of the record. Well, he's new. 289. Senator Rutherford. Madam Secretary, bottom of page 25, Senate Bill 289. Read the bill.

SECRETARY HAWKER:

Senate Bill 289.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, thank you very much. Ladies and Gentlemen, this is an extension of the TIF for two communities in my district. One of 'em is the City of Leroy and the other is for the City of Lexington. For the City of Leroy, they're in need to extend it because there is multiple projects that have started, and due to various reasons, have gone beyond the original time of the -- of the original TIF. And for the City of Lexington, the reason for the extension is primarily because of an EPA citing, a need for them to do dramatic improvements on their sewage system. I've got letters from the school superintendents from both of the communities that support the extension of the TIF that have been on file with the committees that heard this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Discussion? Senator Link.

SENATOR LINK:

Thank you, Mr. President. Just to comment. I want to say that the Senator did obtain these letters from the community to indicate that the communities are definitely in favor of this, something that we enacted in the Revenue Committee, and I strongly support this bill and hope that we pass it unanimously.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rutherford, the question is, shall Senate Bill 289 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 4, none voting Present. Senate Bill 289, having received the required constitutional majority vote, is declared passed. Top of page 26. 317. Senator Haine? Senator Haine indicates we have got a winner. On the Order of Senate Bills 3rd Reading, Senate Bill 317, Madam Secretary. Read the bill. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

I -- Mr. President, may I move the Chair to withdraw this from 3rd Reading and put it on 2nd Reading for purposes of an amendment? We have an agreement, we think, by tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we normally do that when the amendment is ready and filed. And I would think that the proper time would be -- would be tomorrow. So let's just take it out of the record. On the Order of Senate Bills 3rd Reading, Senate Bill 318. Senator Shadid? Senator Shadid. 318? We're on page 26. You want it held. All right. Sometime in my lifetime. All right. 320. Senator Schoenberg? Madam Secretary, on the Order of Senate Bills 3rd Reading, Senate Bill 320. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 320 amends the Water Reclamation District Act to increase its bond authorization for any indebtedness during a budget year from one hundred million to one hundred and fifty million. It does not increase the District's statutory debt limits nor provide any exemption on debt limits imposed by the tax cap, and it would take into account for inflation, the first time in over thirty years. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator Schoenberg, these are non-referendum bonds, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

And under this proposal, the -- the current ability for indebtedness raises by -- by fifty percent where they're currently at, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct, and it's necessary because the current forecasts to maintain the existing District's infrastructure and complete the McCook and Thornton Reservoirs and to meet the new permit requirements would make -- make this necessary. I'd be happy to show you a map of these areas, if you'd like.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR ROSKAM:

To the bill. I want to thank the sponsor for his direct answers. Two key points: One is, this is non-referendum bonding; number two, it is increasing this amount by fifty percent, which is a ferocious amount. And finally, this is an agency that has three billion dollars in authority right now. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schoenberg may close.

SENATOR SCHOENBERG:

Thank you. The annual limit hasn't increased in over thirty years. This is a necessary adjustment, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 320 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 17, 4 voting Present. Senate Bill 320, having received the required constitutional majority, is declared passed. Senate Bill 330. Senator Link. 332. Senator DeLeo. On the Order of Senate Bills 3rd Reading, Senate Bill 332, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 332.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeLeo. Take it out of the record. 336. Senator Wojcik. All right. Senator Wojcik wishes Senate Bill 336 called. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Wojcik.

SENATOR WOJCIK:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, Mr. President and Members of the Senate. This Senate Bill 336 merely extends the sunset for the Wine Council in Illinois to June 30th, 2006. There is no known opposition and I would just ask that it be passed favorably.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Schoenberg. All right. If not, the question is, shall Senate Bill 336 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 54, the Nays are none, none voting Present. Senate Bill 336, having received the required constitutional majority, is declared passed. Senator Schoenberg, for what purpose do you rise?

SENATOR SCHOENBERG:

Thank you, Mr. President. I'd like the record to reflect that -- I neglected to vote for my own bill, Senate Bill 320. Like the record to reflect that I would have voted Aye. I'm new here. Forgive me. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

356. Senator Dillard. Madam Secretary, on the Order of Senate Bills 3rd Reading, Senate Bill 356. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill would require the Illinois State Police to publish a list of handguns that melt down or deform at a temperature of less than eight hundred degrees Fahrenheit. That is a magic number today in the law, and there just is not a list as to what melts at eight hundred and two degrees or seven hundred and some degrees. So, this would say the State Police need to give firearm owners notice of which guns melt at eight hundred degrees and which ones do not, and it says that before a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

public nuisance violation could occur under this part of the Act, the Illinois State Police would have had to have published the list of prohibited eight-hundred-degree firearms. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I guess it just caught my attention as to why. Why would we...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Senator, today's law, at eight hundred degrees, the guns are illegal because they melt and there's not a list published, and the National Rifle Association and others want to have a list to know what melts at eight hundred degrees and what doesn't. Most of us don't have a chemistry set in our garage and we can't figure it out ourselves, and the State Police is much better at this than anyone else and they ought to publish a list of what melts at eight hundred degrees and what doesn't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall 356 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 none, 2 voting Present. Senate Bill 356, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading. Senate Bill 359. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 359.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill makes a couple of minor adjustments into an Act which was passed a number of years ago under the alternative health care delivery model system, and it deals with - there's only one in Illinois that I know of - for a respite house dealing with medically fragile children. And this has been on the books for a number of years. It's worked very, very well, but the respite house now known as CoACH House, which services children from all over Illinois, needs a couple of modifications. One of the things they want to do - and this has no fiscal impact on the State of Illinois; the bill, in general, does not have any fiscal impact - is they want to take the number of children they can serve up from ten to twelve, and they also want to, in one category of children, service transitional children who might be between a hospital and not in a hospital up to a hundred and twenty days. I'd be happy to answer any questions. I don't know of any opposition to this, and it's just a minor refinement to a good law that's been on the books for a number of years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 359 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 359, having received the required constitutional majority, is declared passed. 362, on the -- Senator Wojcik, for what purpose do you rise?

SENATOR WOJCIK:

Thank you, Mr. President. I couldn't get to my switch fast enough to vote for Senate Bill 356. Had I, I would have voted Aye. Could you record that, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

SENATOR WOJCIK:

You guys are just too fast!

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

The automating machine will make note of it. On the Order of Senate Bills 3rd Reading, Senate Bill 362. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 362.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. Senate Bill 362 allows for an income tax deduction for individuals who contribute money to the Illinois Prepaid Tuition Program. Basically what this does, it brings it into line with the Treasurer's Bright Start Program. There is a sunset of 2007. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Actually, just a couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Okay. I understand that -- and just -- we'll just check these off. College Illinois! equals Bright Star {sic} but it doesn't make a deduction for other states' plans, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

And you mentioned that there is a sunset which puts it in line with other legislation. That makes sense. The fiscal impact, according to the Economic and Fiscal Commission, is what amount?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

Two and a half to three million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

And then final question is, is the Treasurer a proponent or opponent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

My understanding, the Treasurer's in favor of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 362 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 55, the Nays are 1, 1 voting -- 0 voting Present. On that -- Senate Bill 362, having received the required constitutional majority, is declared passed. 363. 368. Senator Shadid. Madam -- 371. On the Order of Senate Bills 3rd Reading is Senate Bill 371. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 371.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Members of -- and Ladies and Gentlemen of the Senate. Senate Bill 371 basically is on the Agreed Bill List. Also, it bans the sale, distribution or promotional gift of mercury fever thermometers. The intent of the bill is to limit the risk of mercury exposure and to avoid contamination, and I ask for a favorable vote on this bill. Oh, I'm sorry. I also would like to thank the cosponsor, Senator Dave Smith. I'm sorry -- Dave Sullivan, pardon me, please.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will happily yield. Senator Jacobs.

SENATOR JACOBS:

Senator, you said this is on the Agreed Bill List. Can you explain that process to me?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yeah. Senator Hunter.

SENATOR HUNTER:

Yes, sir. What happens on the -- the Agreed Bill List is when the Republicans and the Democrats come together and they all agree on that same bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I -- Senator Jacobs.

SENATOR JACOBS:

Yeah. Well, Senator, I would suggest that you give a little bit of your expertise to a lot of the other Senators in this Body so that they also then could get this joint agreement between all the Republicans and Democrat Senators. That's a very difficult thing to do in this Body. And there's an adage that we always use around here: If it's a bill that everybody likes, it must not be a very good bill. You know, usually you like it -- if -- if everybody's a little dissatisfied, that's a pretty good bill. So, you know, I just think that beings this is an agreed bill, that you should probably take it out of the record and just forget it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis, to the rescue.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think that Senator Hunter answered the question very directly and very properly earlier, and I think it's high time that we old veterans in here recognize the ability of the Lady to provide us with some common sense. And I'm not sure that I have

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

to throw away my thermometer that's got mercury in it, but anyway, I'm all for her bill. And I move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Dillard.

SENATOR DILLARD:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Dillard.

SENATOR DILLARD:

Senator Hunter, I know that you mentioned to us that Senator Dave Sullivan is a cosponsor on this bill, but I notice that Senator Sullivan isn't here today. Is he running from this bill, do you think?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hunter.

SENATOR HUNTER:

Oh, no, absolutely not, Senator. I'm sure that he had some other commitment and he was simply unable to be here at this moment. But he is in full support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

I'm also curious. You know, I like astronomy quite a bit and I was wondering how are we going to know what the temperature is on the planet Mercury if we can't measure it with the thermometer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hunter.

SENATOR HUNTER:

Senator Dillard, you would have to use the digital thermometers that has replaced these particular ones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hunter may close.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On this agreed bill, the question is, shall Senate Bill 371 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Oh my! Have all

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 1 voting Present. Senate Bill 371, having received the required constitutional majority, is declared passed. 372. Senator Hunter? 376. Senator Hunter. 377? 382. On the Order of Senate Bills 3rd Reading, bottom of page 26, is Senate Bill 382. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 382.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 382 is an unusual bill in that it addresses the sale of firearms and is not opposed by the NRA. This, I believe, corrects a drafting error. A person who commits the unlawful purchase of a firearm does so by either knowingly purchasing or attempting to purchase firearms in certain circumstances. The way the original bill -- legislation was drafted however, in providing for sentencing, because it's stratified by the number of guns involved, it addressed only actual purchases, thereby making any attempted purchase a petty offense and not providing adequate sentencing. This bill corrects that oversight.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, I recall in committee that there was a discussion about sort of the stratification of these offenses. Isn't it your understanding that in pretty much other -- all other areas of criminal law, an attempted offense -- well, an actual offense is more serious than an attempted offense. Is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Harmon.

SENATOR HARMON:

In terms of, for instance, murder and attempted murder, I agree with you. In this case, the offense itself is the actual or the attempted purchase. It's more akin to fraud or forgery than it would be to -- or narcotic offenses than it would be to murder or -- or robbery.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Well, with due respect, that's kind of circular logic. That's just simply renaming the offense as an offense. So, you would, under your logic, have an attempted attempted sale and then a sale. So -- but let me just ask you the question and let's not Mickey Mouse back and forth. Why are you putting an attempt on the same par as the actual offense? I -- I -- I've heard testimony, I've heard answers, and I still -- I just don't understand it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

I appreciate your concern, and -- and I -- it's shared by many lawyers in the Judiciary Committee, but I believe that this is not -- this does not fall into your -- your -- your area of concern. Let me give you an example from the bill. A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on the United States Department of the Treasury transaction record form. The offense is committed when that form is filled out fraudulently, not when the gun is actually purchased. The way the bill is drafted however, that -- that offense would be a petty offense and not punishable under the statute -- the sentencing guidelines. It -- the -- the transaction would have to be completed, even though the offense took place upon the filling out of the forms.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

To the bill. I appreciate the sponsor's answers, but I -- I think that this is a philosophical shift, that we've really not gone this direction before. In the past, this Senate and this General Assembly has implicitly said, "Look, an attempted offense is different than an actual offense." And I appreciate the sponsor. I appreciate what's trying to drive this, but I think it's flawed and I would urge a No vote.

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 he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just one question. What if someone went in to purchase a firearm, had their FOID Card, filled out their information and everything else, but they had recently moved? FOID Card has old address rather than a new address. They're -- they have no crimes. Nothing would change when they redo their FOID Card with exception of their address. How would they fall under this category?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

I believe that if they filled out the form accurately and correctly, that no crime would be committed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

Even if their FOID Card indicated a prior address.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Again, it -- it's driven by the information placed on the form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Burzynski -- I'm sorry, Senator Harmon may close.

SENATOR HARMON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh. Beg your pardon. I didn't see Senator -- Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Right. Thank you, Mr. President. I rise in support of the bill. Senator Roskam raised a -- a good question, the same question that -- that I raised in committee and privately with Senator Harmon. I didn't understand it at first myself because, obviously, attempt always is traditionally one less penalty than -- than the actual committing of the offense. But if you look at the -- the statute, paragraph b, the -- the actual elements of the offense includes, specifically, attempting to purchase a firearm. So, it -- it spells it out. A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase. Okay? We say right in the actual elements of the offense, the attempt is just as much of the offense as the element. And if you still don't get it, as -- I would suggest, this guy went to the University of Chicago Law School, and I'm just going to defer to him. So -- and we didn't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Seeing none, then, Senator Harmon, you may close.

SENATOR HARMON:

Thank you, Mr. President. Law schools aside, I -- I would urge an Aye vote, and in -- in -- in due respect to the concerns raised, this is -- this is, in fact, not a radical departure. It is very similar to the -- the rules applied to narcotics offenses. And again, I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 382 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 17, 1 voting Present. Senate Bill 382, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senate Bill -- bottom of page 26, is Senate Bill 384. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 384.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President and Members of the Senate. Senate Bill 384 amends the Regulatory Sunset Act. Extends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 to January 1st, 2014. Effective immediately. There's no known opposition. I will try to answer any questions, if any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. I would just note that this bill passed out of the Licensed Activities Committee unanimously, and I rise in support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 384 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 56, the Nays are none, none voting Present. Senate Bill 384, having received the required constitutional majority, is declared passed. Top of page 27. Senate Bill 385. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 385.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President. Senate Bill 385 amends the Regulatory Sunset Act. Just extends the Illinois Occupational

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Therapy Practice Act to January 1st, 2014. Effective immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. As with the previous bill, this bill passed out of Licensed Activities unanimously, and I rise in support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 385 -- Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Munoz, ten years is a long time to extend a sunset date. Why is it ten years? Usually we go with six years so we can actually review the law. Is there some reason this should be ten?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Munoz.

SENATOR MUNOZ:

That's the standard in licensing, Senator. That's the -- the standard in licensing for the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, most of the commissions or committees that we've created over the years have a six-year sunset date. How did we get to ten on a -- on a license?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Munoz.

SENATOR MUNOZ:

I don't know about the other committees with regards to the six years. I'm just going based on what they had prior to this, Senator, the sunset from the last time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, Mr. President. Just as a point of information. Historically, at least since I've chaired that committee over the last six years, every Sunset Act that we've done has been extended ten years. It is a matter of practice and something that's done with all the licensure Acts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WELCH:

Well, that doesn't make it right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? ...Munoz may close.

SENATOR MUNOZ:

I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 385 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 -- take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 385, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading. Senate Bill 386. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 386.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Members of the Senate. Senate Bill 386 amends the Regulatory Sunset Act. Extends the Veterinary Medicine and Surgery Practice Act of 1994 to January 1 of 2014. Effective immediately. I will attempt to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Winkel.

SENATOR WINKEL:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Okay. Mr. President, I think I've got this down now. The -- the bill passed out of Licensed Activity Committee unanimously, and I -- rise in support of this -- this legislation. I do. I -- I don't care if it's ten years. You don't have anymore, do you, Tony?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Apparently Senator Welch has given up. Question is, shall Senate Bill 386 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 386, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 387, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 387.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

Thank -- thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This proposed bill prohibits court supervision for a Class A misdemeanor of the manufacture, sale or possession of equipment used in dog fighting, also for failure to provide humane care to an animal, animal fighting or cruelty, or depictions of animal cruelty. The theory and rationale of the bill is that a second subsequent offense is a felony. To grant supervision would obviate that obvious goal of the -- of the law. Secondly, court orders of -- of probation are much stronger and better followed, particularly the provisions for counseling for those who abuse and are cruel to animals. The -- in the underlying bill, a defendant can no longer get court supervision under these various offenses. Senate Amendment No. 1 is in response to a valid and reasonable criticism about denying supervision to Class B or C misdemeanors, which were taken out of the bill. I ask for a favorable consideration. Thank you, Mr. President.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. As a non-practitioner and someone who, you know, doesn't attend court regularly - at least I try to avoid it - can -- can you tell me, what's the -- the fundamental abuse of court supervision that you're trying to cure with this bill? It just kind of surprises me. I thought some of the criticism from our judicial colleagues, who are also looking for a COLA, are that we're tying their hands in the statutes. I mean, we don't trust judges to make a decision on a -- a case of animal cruelty?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

I wouldn't say it's a matter of trust. I would say it's a matter of public policy. The -- the legislature has said in the past that a second subsequent offense, which means a conviction, would be a felony. If supervision's granted, that avoids the conviction, which means that that obviates the purpose of that statute. As I indicated, the -- the provisions of court-ordered probations are much stricter and -- and they're followed more closely than supervision orders.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Maybe I can restate what you just, I think, said in kind of a way that confuses a non-practitioner. So you're saying the reason to pass this bill is because currently a judge could offer supervision on the first offense, which would make it impossible on the second offense to deny them supervision?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Haine.

SENATOR HAINE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Yes, sir. That's one of the reasons.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will...

SENATOR RUTHERFORD:

Senator Haine, I was the sponsor of the legislation last year that -- that put this on the books. And Senator Bowles and I had worked together to -- to generate it the way it was. What has changed from a year ago, when we negotiated what is today on the books, to what you're presenting today?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

This Body, for one thing, has changed and I -- I believe that there's been a movement in public policy, public opinion, that these offenses should be more strictly prosecuted. That would be some of the changes, I believe. The public perception that we should be taking a stronger stance against animal -- acts of cruelty to animals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rutherford.

SENATOR RUTHERFORD:

And with all respect, the Body changed? You mean, your -- your physical body or the institution of the Senate or...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine. All right. Senator Haine doesn't wish -- Senator Rutherford.

SENATOR RUTHERFORD:

Thank you. I mean, Senator Haine, with all respect, I -- you know, I -- I understand where and -- I understand the genesis of this issue extremely well, and we did work very closely with Senator Bowles last year, the Humane Society and those groups. We had our language. We modified. We came to the conclusion that we thought was -- you know, unanimous. I would also note that the bill originated in the House. So, it was not by any changes of what took place because of this Body, the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

institution of the Senate. I mean, I understand -- I really do understand where you're coming from, because I know where this case started from. I just find it difficult to think that within, literally, less than a year, we have had some dramatic changes, with regards to the issues of animal cruelty, to think that we are going this one step even further yet.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR RIGHTER:

Thank you, Mr. President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator, along the same lines that Senator Rutherford was talking to you about, you can get a supervision for your first-time offense for driving under the influence of alcohol or drugs, can't you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

I'm sorry. That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Righter.

SENATOR RIGHTER:

Now, in answer to - and I'm not sure which question it was - you made the comment that you thought that removing eligibility for supervision would demonstrate that this is a more serious offense, that we're treating this more seriously. Should possession of materials used in dog fighting be something that we -- we view as more serious than someone who is driving under the influence of drugs or alcohol?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

That's a good question, Senator. I -- frankly, the possession of -- as you know, DUIs are crimes of carelessness and negligence. These listed crimes are crimes of malice, of intent, and the intent is to -- to inflict cruelty upon one of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

God's creatures. And therefore, I believe it should be treated more harshly than a crime based on carelessness, however extreme that carelessness is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Righter.

SENATOR RIGHTER:

Well, I appreciate that, Senator. But to the extent that crimes of DUI are crimes of carelessness or foolishness, they're -- also ones that endanger human lives. Can you get supervision for battery of a -- of a spouse or someone like that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

...sir No -- you may -- one may not receive supervision for domestic battery. For a -- a simple battery, yes. But for domestic battery, the answer is no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Well, and -- I appreciate that, and I guess that speaks to my concern about this bill, Senator, is that we are earmarking this particular area of the law to say that we're more serious about this because you can't get supervision for this. But if someone wants to be at the living daylights out of someone else or someone wants to get drunk and drive on the roads, that's not quite as serious to us. And I'm afraid that that's the message that this legislation sends. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, just recently we've had some jokers who thought it was very nice to have dogs fighting each other and tearing each other apart. And, you know, when you have people like that, that bespeaks of what they can do worse for people, other people. I support this bill. I -- I think it's a step in the right direction, 'cause people who are going to be cruel with animals -- and I mean really cruel with animals like they've been in our county, and where yesterday I was at a theater expansion and a lady came up

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

with -- to me and said she had already received five thousand signatures to make the laws stronger against cruelty to animals. Therefore, I rise in support of this bill and I urge its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Haine may close.

SENATOR HAINE:

Yes. I appreciate the comments of the Senators. The -- obviously my remarks on DUIs were first-time DUIs. A second time or more DUI indicates a reckless malice, which would not, of course, entitle one to supervision under the law. These are analogous, as Senator Geo-Karis indicated, to malicious acts of a terrible nature that can lead to -- to other things. I believe the law, by denying supervision and requiring a conviction, allows more of a control over the offender. It sets that offender up, if they do it again, to a -- to a felony, which is consistent with what the Legislature intended. I was not here last year when this bill was taken up -- or, the similar Act, but I believe this is consistent with that and merely an outgrowth of that. And I ask for a favorable vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 387 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? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 17, none voting Present. Senate Bill 387, having received the required constitutional majority, is declared passed. 402. On the Order of Senate Bills 3rd Reading, Senate Bill 402, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 402.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 402 is essentially a vehicle bill that is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

being worked on to establish, in statute, procedures and protocols for the transfer of patient records, as well as other assets, in the event that a medical facility becomes insolvent. This issue first arose when Meyer Medical, in the southern suburbs, went belly-up overnight and found -- and we all found that the law was silent. I've been working with Representative McCarthy on this issue, and it's our intention to have an agree-upon bill that will come back here for concurrence. I'd urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Senator. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Schoenberg, you used the comment that this is a vehicle bill. Does that mean that down the road you intended to put some other language on it over in the House or something else with that -- I don't remember that characterization being used in the committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Yes. What we will do -- what the intention is, over in the House, is to establish procedures and protocols for the disposition of medical records and other assets. We need a specific framework that has to be fleshed out and we're going to use it exclusively for that purpose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Excuse me, Mr. President. Thank you. So, Senator, the subject matter of the bill is going to stay the same. You don't plan to work outside of this. You just plan to make it more detailed under the scope that you've already set it in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall Senate Bill 402 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 2, none voting Present. Senate Bill 402, having received the required constitutional majority, is declared passed. Senate Bill 405. Senator Schoenberg. 406. Senator Rutherford. On the Order of Senate Bills 3rd Reading, Senate Bill 406, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 406.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, Ladies and Gentlemen, thank you very much. In March of 2000, there were two teenagers in California that were having consensual sex. During that, the young lady said that she needed to go home and there was questions about the fact in that, but ultimately it went to court. And during that court case, there were two decisions that came out of two different courts. They varied. One of them had said that once consensual sex has started, one cannot withdraw that. That was the Vela case. Another case had the fact that once consensual sex had started and one of the partners said no, that you can withdraw your consent. It finally took approximately three years of litigation before the California Supreme Court finally ruled that one of the partners does have the opportunity and right to withdraw their consent. Illinois statute is very similar to California statute with the wording. The legislation presented to you today would clarify specifically that no does mean no, even after yes. The reason I'm bringing it for you today is because there were ultimately two states in this nation that have their case law - it's Maryland and South {sic} (North) Carolina - that does have by case law that you cannot withdraw

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

your consent during consensual sex. This would clarify Illinois law so that we would not have to go through, potentially, a long legal situation like they had in California. This legislation has been supported by ICASA and I do not know that -- if there's anyone in opposition to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Shadid.

SENATOR SHADID:

Will -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Shadid.

SENATOR SHADID:

Where are the State's Attorneys on this, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you. Senator, they did not file any type of a witness slip and I've not heard a pro, nor con, from them with that regard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If, not...

SENATOR RUTHERFORD:

I would close...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Whoa. Whoa. Whoa. Whoa. Whoa.

SENATOR RUTHERFORD:

Sorry, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

I don't have any qualms, Senator, with what you're trying to do, but I guess I'm a little confused or maybe I need just a little clarification here. Whenever the consent is withdrawn - I don't even know how to word this - and -- and the mind has

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

changed and they say no, what, then, is the response? I mean, is it immediate? Is it -- I -- I guess I -- I just have a problem and I need that clarified. I -- if you -- if you understand what I mean.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rutherford.

SENATOR RUTHERFORD:

Would the Senator restate his question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR RUTHERFORD:

With -- with respect -- with respect to the Senator's attempt at this, let me -- we did add -- Senator Jacobs, we did add an amendment, per the good counsel from the Judiciary Committee on both staffs, that would clarify the fact that it's -- once the -- once the conduct has started, if one says no, it is then, you know, to be a no. Let me -- and maybe this will help you get to the -- the -- the settlement in your mind. This law does nothing to change the -- the facts that need to be clarified in a court of law. This does not get to the question as to whether one of the partners, perhaps the female, that says, "No, I said no." She may say this twenty-four hours or a week later. This does nothing whatsoever to the laws of Illinois to change the fact that -- that -- that the presentation must be made before a judge and jury and those facts of the case must be determined. Senator, this law does not -- this bill does not change our law with regards to any of the penalties, anything whatsoever. What this does -- specifically says that if one partner says no, no means no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Members of the Senate. I just rise in support of this legislation and commend the sponsor for bringing this forward. And ask all of my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Mr. President, Ladies and Gentlemen of the Senate, knowing how brilliant my colleague, Senator Jacobs, is on the other side, I'm sure he understands what the circumstances are. And I rise in favor of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rutherford may close.

SENATOR RUTHERFORD:

Mr. President, once again, this bill specifically identifies in Illinois law that consent can be withdrawn during consensual sex and that no does mean no, even after yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 406 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 55, the Nays are none, none voting Present. Senate Bill 406, having received the required constitutional majority, is declared passed. 413. Senator Jacobs. Senator Jacobs, 413? Senator Jacobs. 413. Madam Secretary, Order of Senate Bills 3rd Reading, Senate Bill 413. Read the bill.

SECRETARY HAWKER:

Senate Bill 413.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senate Bill 413 just asks that a licensee who is subject of an enforcement action or sting operation under this Section and is found, pursuant to the enforcement action, to be in compliance with this Act shall be notified of the enforcement action that no violation was found. Now, you might ask yourself why should someone be patted on the back for -- for doing what they're told to do and supposed to do, but in this State there are multiple licenses and licensees and it -- it becomes important to -- to those owners of those licenses to know which managers are doing a -- a good job, as well as those that are not, so they can better monitor their

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

procedures. I know of no opposition. The Liquor Control Commission's in approval of this. So, know of known -- opposition and ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. I rise in support of this legislation. It passed unanimously out of the Executive Committee. I urge an Aye vote. And, Mr. President, at the disposition of Senate Bill 413, I have a point of order on another bill if you could call on me at that time. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall Senate Bill 413 pass. Those in favor will vote Aye. Those opposed will vote Nay. And 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 413, having received the required constitutional majority, is declared passed. Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Point of order.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir.

SENATOR ROSKAM:

Mr. President, on the Calendar, one of the bills we just skipped over or -- that -- that we -- that was not called is Senate Bill 409. It has listed as Representative Saviano as the House sponsor. Now, I know he's an enthusiastic sponsor of this subject matter, but I'm sure it's just an error that needs to be corrected at the Secretary's level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's my understanding that we normally just simply do not do that, but it's my understanding that the House Clerk apparently got ahead of themselves, and for some reason or another, he inadvertently got printed on our Calendar. Fact of the matter is, is that the sponsor has the right to provide the House with a letter as to who he wishes to have or -- as -- as

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

the sponsor and I'm sure that that procedure hasn't changed. So, this was an inadvertent error, I'm told, on behalf of the Senate. All right. Further -- further -- let's see. 414. Senator -- all right. On the Order of Senate Bills -- Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Just for the purposes of announcement. Like the record to reflect that Senator Brady is away from us today in his district attending to some business.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the Order of Senate Bills 3rd Reading, middle of page 27, is Senate Bill 414. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 414.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 414 amends the Housing Authority {sic} (Authorities) Act. In 1999, the statute added three additional commissioners to the housing authority in a municipality of over one million people. This bill codifies the practice of having at least one of the residents on the housing authority board as an elected official from the tenant council. Two commissioners recommended by the tenant's association for a term of five years. The third commissioner will be appointed from the officers of the tenant association, which is called their central advisory council, which will serve at the pleasure of the association. Legislation -- this legislation stems from a situation at the Chicago Housing Authority where the tenant council president lost her reelection and would not leave her seat on the housing authority board. For the first time since federal law began requiring a tenant council, the housing authority board did not have an elected official from the tenant council. So, therefore, this legislation will correct that problem.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? If not, the question is, shall Senate Bill -- all right. Just a moment. Senator Jones, for what purpose do you rise?

SENATOR W. JONES:

Excuse me, Mr. President. I was a little slow on the -- on the speak switch. I'd just like to point out that this did pass out of our committee unanimously and I rise to support the bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On that question, the -- question is, shall Senate Bill 414 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 414, having received the required constitutional majority, is declared passed. Senate Bill 424. 425. Senator Haine. Senator Haine on the Floor? 460. Senator Trotter. On the Order of Senate Bills 3rd Reading, Senate Bill 460, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 460.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 460 is a pro-consumer bill that came to the attention of many Members in this Body, as well as across the aisle -- across the Rotunda. And it came about as an -- a report by Pam Zeckman, from Channel 2 news, who did an investigative report on these urgicenters throughout the State. She discovered a couple of things: one, in particular, there's a proliferation -- proliferation of -- of these surgicenters in Illinois; and two, that individuals were not familiar with the scope of services that they provided. And as a consequence, because emergency and urgency was placed in front of their names, they were under the presumption that these were emergency

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

rooms, which they are not. In most cases, they're no more than a doctor's office. What this bill does, specifically, is amend several Acts. One, it amends the Department of Public Health's Powers and Duties Law of the Civil Administrative Code to require the Department of Public Health to provide the public with certain information concerning different types of health care. It also amends the Emergency Medical Treatment Act to prevent a person, facility or entity from holding itself out to the public to be an urgent, urgi-, emergi- or an emergent center or from using any term that would give the impression that emergency medical services are furnished. Thirdly, it amends the Managed Care Reform and Patient Rights Act to require a health care plan to ensure that enrollees are clearly informed of their rights and responsibilities in obtaining referrals to and making appropriate use of health care facilities. And it also permits the Director of Department of Public Health, through the Attorney General, to bring action under this Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly, I rise in support of the bill. It passed out of Health and Human Services unanimously. I want to -- compliment the sponsor on a commonsense piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 460 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 56, the Nays are none, none voting Present. Senate Bill 460, having received the required constitutional majority, is declared passed. 461. On the Order of Senate Bills 3rd Reading, Senate Bill 461. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Purpose of an inquiry. I understand there's an amendment. Has it been filed yet?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The amendment is -- it's my understanding it's been -- is in the Rules Committee.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR TROTTER:

Senate Rules. Then I'll hold it for the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take it out of the record. 466. Senator Garrett. 487.
Senator -- I'm sorry. Senator Garrett. All right. 487.
Senator -- Senator Jones. 505. Senator Collins. 505. On the
Order of 3rd Reading, you wish to have that called? No. 506.
Senator Garrett. 559. Senator Harmon. Bottom of page 27. 607.
Senator Dillard. Top of page... 634. Senator Woolard. 640.
Senator Link. 641. Senator Burzynski. On the Order of Senate
Bills 3rd Reading, Senate Bill 641. Madam Secretary, read the
bill.

SECRETARY HAWKER:

Senate Bill 641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Senate Bill 641 basically
provides for an opportunity for landowners or condominium owners
to have additional information about how they can obtain
information relative as to who is on the sex offender
registration list. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no Members seeking
recognition, the question is, shall Senate Bill 641 pass. All
those in favor will vote Aye. Opposed, vote Nay. The voting is
open. Have all voted who wish? Have all voted who wish? Have
all voted who wish? Take the record. On that bill, there are
56 Ayes, no Members voting Nay, and none voting Present. Senate
Bill 641, having received the required constitutional majority,
is declared passed. Please turn to page 30. With leave of the
Body, we will pick up at Senate Bill 737. Senator Ronen. 737.
Page 30. Read the bill, Madam Secretary. Senator Ronen, on
Senate Bill 737, you are seeking leave to -- you are seeking
leave of the Body to return Senate Bill 737 to the Order of 2nd
Reading. Leave is granted.

SENATOR RONEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, Mr. President. You read my mind beautifully.

PRESIDING OFFICER: (SENATOR WELCH)

Good. On the Order of 2nd Reading is Senate Bill 737. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Ronen.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. This amendment is an amendment to the Residential Building Code Act. The amendment becomes the bill. This -- purpose of this bill is to establish a building code in areas of the State where there exists none right now. We adopted this amendment in committee last week, but we are -- I'm holding this because we're still negotiating between the Illinois Builders Association and the Realtors to come to agreement. So with approval of the Body, I'd like to adopt this amendment to the bill with the understanding that we are still negotiating and we will hold it. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

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

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. With the consent of the Body, we are going to move to page 32. Senate Bill 805. Senator Radogno. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 805.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill encourages school districts to notify parents

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

that when they undergo a vision -- that they -- that a vision screening exam is not the same as a thorough vision exam. It's going to require individuals who conduct those screening tests to give parents written notice before they conduct the test that vision screening is not a substitute for a complete eye exam. And it also encourages school districts to encourage parents to have a thorough eye exam done by their children {sic}. We do this with dental exams now. The reason is that many parents have a false sense of security that if their child passes a screening exam, there's no problem and that is not the case. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, President Welch and Members of this Body. I rise in full support of this legislation. We all understand we can put as many computers as we like on the -- on our children's desks, but if they can't see the screen, they're not going to learn. So this is a very important piece of legislation and hope that everyone votes for it.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 805 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 54 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 805, having received the required constitutional majority, is declared passed. Senate Bill 805. 808. I'm sorry. Senate Bill 809. Senate Bill 810. Senator Syverson. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

Senate Bill 810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation amends the Public Health Code and what

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

it does is establishes a study to be done by the Department of Public Health and the State Board of Education to study what is clearly becoming a major problem in our schools, which is the issue of obesity. Clearly, in -- in our children, obesity is becoming one of the major health problems, which leads to diabetes, asthma and a variety of other health conditions. One of the issues we talk about a lot down here is the school breakfast programs and school lunch programs. But unfortunately, we don't talk about -- is the food that they serve during those programs and the resulting health problems that are caused because of this. There have been a number of studies around the country clearly showing an indication that food will have a dramatic impact on a student's ability to study, as well as their behavior. And what this legislation is going to do is get the State Board of Education, as well as the Department of Public Health, to look at those successful programs around the State -- around the country, I mean, and see what can be implemented in Illinois to improve on this problem. And be happy to answer any questions, otherwise seek a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he will yield, Senator.

SENATOR OBAMA:

I -- I think this is an excellent idea. This is, in fact, something that is -- increasingly concerns pediatricians across the State, as -- as they see the -- the health problems that are starting to develop in our young people. Just one quick question. Is the Department on board on this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

I've not had any discussions with the Department on -- on this at this point. We discussed it last year, but with the change in the administration, there's been no discussion with them on that. Some of the supporters of this legislation,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

however, have said they have had conversations with them and the State Board.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

And do -- do we know how much this study might cost? Is there any fiscal note that's come back?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

A very good question. Hopefully it'll cost very little, that they'll just look at the success that's already been done in other states. I don't think they need to reinvent the wheel and do any internal studies. I guess what I would prefer that they do is work with the State -- State Board of Education and just look at the successes that other states have had and see if there's a way we can implement those successes here in Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Just to close, then, or -- or -- or a final point on my part. I -- I think this is an excellent idea. I like that we're doing it. I think this is an appropriate message for us to send from the State Legislature. I just think it's important for us to also acknowledge as we go through some of these others bills where studies have been recommended, that we don't have a knee-jerk opposition, maybe from the other side of the aisle, to doing studies that may cost a modest amount of money but hopefully will make State government operate more intelligently in the future. And for that reason, I'd strongly support an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BURZYNSKI:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you. Senator Syverson, is this bill subject to appropriation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

As far as I know, that was not in the legislation. No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Then, would you consider taking it out of the record and making an amendment to it that would make it subject to appropriation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Let me just verify that first. I'm reading the bill for the first time here. Let me just check. No. Just kidding. I would be happy to take that out of the record and... Just a second. So, yes, it does not say that, and on behalf of Senator Burzynski, I'd be happy to take that out of the record and put that -- put that wording in for you.

PRESIDING OFFICER: (SENATOR WELCH)

Do you want it out of the record? Take it out of the record. With leave of the Body, we will proceed to page 35. Senate Bill 878. Senator del Valle. 880. Senator Trotter. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 880.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. This is one of those agreed bills that Senator Hunter talked about earlier. But in all seriousness, this is a very serious bill. It's been debated in this Chamber over the years. And what we have found out over the years, that it's been mischaracterized. This is truly a public health initiative.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

It's a comprehensive initiative that has come about through tweaking and -- and scientific study and data that has come to us. And its -- its purpose, to address a -- a major problem in this State, a major problem in this country and in this world, and that is HIV/AIDS. We know that the transmission of HIV/AIDS comes in a lot of forms. One, of course, we know through the sexual contact. We know through blood-borne, through accidents in hospitals. But we also know there's IV drug usage, as well. In forty-five other states, in these United States, they have a needle program, and they have found out that it has basically lessened or has diminished the transmissions of AIDS in our population. HIV/AIDS is a -- again, a disease that impacts every gender, every sex, every race, every socioeconomic group. And it's something that, as we try to reel in our health care costs and as we try to reel in and -- and to ensure that we have a very productive society, that this is one of those ways that we can do that. This bill, in particular, amends the Drug Paraphernalia (Control) Act and the Hypodermic Syringe(s) and Needles Act relative to the purchase of hypodermic syringes and needles. It decriminalizes the possession of up to twenty sterile hypodermic needles and syringes for an individual who is at least eighteen years of age. It permits a person who is at least eighteen years of age to purchase from a pharmacy and have in his or her possession up to ten hypodermic needles and syringes. And it also allows the pharmacist to sell up to ten sterile syringes and needles to a person without a prescription. It describes how a pharmacist must store the syringes in their pharmacies. It requires DPH to develop certain educational materials and it authorizes DPH to establish guidelines to advise local health departments concerning the -- implementation of this Act. Again, the -- the proponents -- it's -- they've been there. It's many: the AIDS Foundation, ACLU, the Illinois State Medical Society, the American Academy of Pediatricians, the Pharmacists Association, the Illinois Nurses Association, the American Medical Association, the World Health Organization, the American and -- Pharmaceuticals Association, the National Commission on AIDS, the American Public Health Association, the National Institute of Health, Chicago Department of Public Health, the Cook County Department of Public Health, U.S.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Department of Health and Human Services, and the list goes on and on. And I'm open for questions, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield, Senator.

SENATOR GEO-KARIS:

In other words, if I understand your bill correctly, anyone can go and -- as long as they're eighteen years of age and older, can go to a drug store and buy twenty of these syringes?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What is to stop people to go and buy these syringes and inject themselves with heroin and what have you?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That may happen, Senator. And we know that many of the folks who use drugs are one of the -- the main populations that is passing along HIV/AIDS. But what we don't realize - many of us have the face of AIDS as being somebody sitting in -- in an abandoned building or in a alley or in a -- or in -- in a basement shooting up drugs - we have individuals who go to work everyday who shoot up drugs, as well. And the thing is, this is a -- a public health initiative to try to stop the -- the rampant transmission of this insidious disease.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I -- I can appreciate your comments very much. The only thing that bothers me is that we have young people, eighteen years of age, even up to twenty-five, that don't have too much

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

sense and sometimes they want to try something. And I'm just wondering if we wouldn't be encouraging drug use. I -- I have mixed emotions about your bill, Senator, and I -- I commend you for your purpose. I'm sure your purpose is good, but it worries me a little bit. That making the availability without a doctor's order, it worries me.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he will yield, Senator.

SENATOR W. JONES:

Senator Trotter, you mentioned the proponents of the bill. I notice the opponents of the bill include the Illinois State Police. Can you tell me why the Illinois State Police would be against this bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No, 'cause actually there's -- it's all sort of confusing, 'cause at one time they were on board with it. Many of the police departments are on board with it because they felt, in fact, if you decriminalize them having a -- someone having a needle, then they would not be as inclined to -- to try to hide the needle or subject themselves to a search, which would subsequently have a officer who might be inadvertently stabbed. So, from that reason, they were saying if we can just say, "Hey, this needle is not the issue; do you have drugs," and whatever else is there, that -- then it's fine. So -- but at this point in time, no, I do not know why they're opposed to it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

What about the other opponents: the Concerned Christian Americans, the Illinois Church Action on Alcohol and Drugs {sic}, and the Illinois Family PAC? Are they concerned about it, Senator, because they're concerned that illicit drugs will be -- will be -- injected by these needles?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

I'm certain that's in the tenets of their belief, that they are concerned about that, but it also -- there's been over forty scientific studies that show conclusively that this does -- that leading -- having access to sterile syringes reduces HIV and it does not increase drug usage. As I pointed out earlier, this has been a protracted battle here in -- in this Chamber, as well as across the -- the Rotunda. And what has happened in those ten years, that -- when I first started proposing this bill in 1991, is that more studies have come out and said that there has not been a -- a -- a proliferation or -- or more people indulging into drugs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Isn't it true, though, that -- that some of these syringes could be used by illegal drug users?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That's true.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

I remember voting on this bill last year. I voted No. I plan to vote against it again. I understand the arguments on both sides. I do not think they're persuasive on the sponsor's side, and I intend to vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield, Senator.

SENATOR RIGHTER:

Thank you. Senator, first, this bill came through the Health and Human Services Committee. You were very direct in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

your answers there and I appreciate that very much. I'd like to cover some more of that ground here on the Floor today. First, is there any requirement in the bill that an individual be in or have applied for any kind of treatment program, if they are a drug addict, before they can access the new needles?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Can I ask why not?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. We have tried that approach. There's been various variations of -- of this particular bill. At this time, we do not have that component in -- in here, just as we do not have a component in which we asked for disposals of needles as well, one, because of the cost which it would entail, and we have found out in other states this has not been a -- a overwhelming issue of why not to have the -- the needles at this time. We know that over seventy percent of the cases among women and ninety-five percent of all the pediatric cases come about from people who are having, basically, heterosexual sex, and those individuals contract it from their partner who do drugs and do use clean needles. So it's the public health issue that we're concerned with here, as far as protecting those other individuals from getting AIDS, versus them having a -- a drug rehab program. Though there will be -- we've given permission to the Department of Public Health to supply us with educational materials, which -- what -- we can use when they're distributing these needles.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Well, I appreciate that, Senator, but I think we'd all agree that drug abuse is also a public health issue. And if

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

that's the -- assuming that's the case, then why wouldn't we, if we're going to allow these people to access these needles, move them in a direction to get treatment also?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That is an approach. As a matter of fact, you heard our Governor just speak a couple weeks ago that he wants to open up Sheridan prison and have that as a place where these individuals can go for treatment. The problem has been, in the past, is there are just not enough treatment beds. There are not enough treatment facilities for individuals to go to. So once we can resolve that and once we can get back on -- on track and having resources, having dollars in which we can open up centers, then that would be -- this is the next best approach, at this point in time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

I understand that there may be a shortage issue, but I'm simply speaking in -- in this area of questioning, Senator, to the idea of wouldn't it be a better bill if in allowing these people to access these needles without a prescription, that we also told them they need to take steps to get themselves treated. That's all I'm asking.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Oh. I'm sorry, Senator. I guess I misunderstood the question. I took it too far. That is in the bill, sir. And it directs Department of Public Health to issue guidelines on syringe disposal and also gives them the guidelines on treatment and other things, as well, that they need to be submitting when they hand out these syringes. So, Department of Public Health does have that responsibility to do that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter, could you wrap up?

SENATOR RIGHTER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Mr. President, I appreciate that. This is a very, very important issue, I think, in this State and to the -- the constituents in my district and I hope that I can have time to ask the -- the sponsor some questions on -- and I'm not going to stray from the subject matter of the bill. I'm not here to do that.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR RIGHTER:

Senator, the question was about requiring that the people who go to get the needles demonstrate that they're in some kind of treatment program or have applied for one. I'm asking about a requirement in there that we move them in that direction, not that we just hand them a pamphlet.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

As you rephrased it, no, there is not a requirement to move them in that direction.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

On another area, Senator, just to make sure everyone's clear, this is not a needle exchange program, is it? I mean, someone doesn't have to bring back ten or twenty dirty needles in order to obtain ten or twenty clean needles, do they?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No, they do not. We have four needle exchange programs in the State of -- they're pilot programs in the State of Illinois now. One of those needle exchange programs, and have shown us efficacy, is actually run by the University of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

But if the premise of the bill is that we will reduce HIV infection rates by handing out clean needles and therefore keeping people from using dirty needles, why are we going to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

simply increase the number of dirty needles that are out there, which is exactly what your bill will do because they won't be required to turn them in? There'll be a net increase in the number of dirty needles that are out there, in the alleys and in the garbage cans and in the schoolyards and in the playgrounds. There'll be more dirty needles out there.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

The incentive here is, those individuals who actually shoot up drugs, the IV drug abusers, they understand that one of the ways they can contract HIV/AIDS is through a dirty needle. This takes away that -- that whole risk factor. If they can get a good needle or a -- a clean needle and -- why -- why use the old ones? There -- it's going to take away the black market now of selling needles for ten dollars and twenty dollars just so you can have a clean one. It's basically going to -- it tells them that they don't have to have -- to use these. And they probably will be responsible. There are some who will not be responsible. That's always the case. But if we could have a clean needle program, as they have in Florida, like they have one in Baltimore, it'll cost us upwards over eleven million dollars. This has no cost on us at this point in time. It's a -- it's a good first step in doing something that we should have done a few years ago.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

To the bill, Mr. President. Very briefly, to the Ladies and Gentlemen of the Chamber, I'm going to disagree with the sponsor's last statement. There is a tremendous cost to doing it this way. The sponsor mentioned that it would cost eleven million dollars to -- a needle exchange program. And the argument seems to be being made is that, well, half a program is better than no program at all. But I would suggest to you that half a program is going to do far more damage than what we have right now. I represent a lot of families who have young children. My wife and I have two young children. This will increase the number of dirty needles that are inappropriately

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

disposed of. Like I said, in the schoolyards, in the playgrounds and other areas where young children can access them and have an accident with those. This is a bad idea. We're not trying to move people into treatment through this bill. We're simply putting more dirty needles out there on the streets, and I would urge a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I just rise to call -- to move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

At this point, we have one light lit here. Senator Watson.

SENATOR WATSON:

Yes. Thank you. I guess a question of the sponsor. Our analysis indicates that the pharmacist must make educational materials regarding safer infection, HIV prevention, syringe disposal and drug treatment available to those who purchase these syringes. What happens if they don't do that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

There -- I understand there is no penalty that they don't do this. We are making the assumption here, and then I think you, being a pharmacist, sir, we know that you're responsible individuals, that you would do this. That it's just good public health sense. So I don't see any reason -- so I don't think we had to penalize anyone or have any sanctions against them if they didn't.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

I guess I'd have two other questions, then. Who provides the material? Do the pharmacists have to go out and do that themselves? And secondly, does this create any liability question or concerns in regard to the pharmacist if they do not have that material available?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR TROTTER:

The materials are actually created by the Department of Public Health and they are -- they have been given the responsibility to get those materials to the pharmacists. They also have education to educate the pharmacists about this program and its decriminalization. The liability issue has not been addressed, sir, and -- and I don't know the answer to that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- I missed two lights. I had my Calendar over 'em. Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I -- in listening to debate, I stand in strong support of this bill. And -- and I just want to respond to one of the previous commentators. You know, I have two young children, as well, and was enjoying a beautiful day yesterday. And oftentimes when we're in the playgrounds, we see stuff that I would prefer not to have my children see: condoms and needles and broken glass. And I recognize those frustrations as a parent. But I also want to recognize that -- the price we pay when people are using dirty needles. You know, we may have strong objections to them engaging in illegal drug use. We may pity them. We also may object to them because of the contributions they make to a drug trade, which is dangerous and oftentimes violent. But I think, for many, we would find it disturbing if we felt that we were going to make it more likely that they die as a consequence of this illness that they have. And what's more important is the fact that many intravenous drug users are now passing on their afflictions onto a spouse who does not engage in drug use or, more tragically, an infant who, as a consequence of being -- born to a mother who engages in drug use, might be born with AIDS. And so I think I recognize some of the cultural concerns and -- and the symbolic concerns that people may have, what kind of message did this -- does this send. But I also think it's just important to recognize the enormous costs and -- and potentially fatal consequences that we're placing on individuals when they are reusing dirty needles over and over again. We may think that that's what they deserve, but I personally, at least, think particularly because

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

the impact often goes beyond the drug user themselves, that this is a modest, measured and effective strategy for dealing with this problem. And as a consequence, I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield, Senator.

SENATOR GARRETT:

Senator Trotter, I noticed in our analysis that other states have adopted these kinds of provisions, states like Minnesota, New Hampshire, Rhode Island, Connecticut, and you mentioned Florida. And Connecticut has had a law like this in place for the last ten years. Are you aware of any negative fallout from this kind of provision?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter. Senator Trotter.

SENATOR TROTTER:

Hello?

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR TROTTER:

Okay. Yes. No. To answer your question, no -- nothing negative. As a matter of fact, what we have found out over the past ten years, 'cause we've had time to actually look at the efficacy of these programs, that they have exceeded their expectations in many instances, that HIV/AIDS is down horrendously -- or, tremendously. And also, pediatric HIV/AIDS, which they get through their mothers, is -- is down, as well. So these programs have not encouraged additional drug usage, but it has done what it initially thought it would do, and that was, again, to stop the transmission of this disease.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

So when it comes to health care, this is -- it appears as if it's been -- it's been tried and true. It's been good public policy when it comes to health care issues, and that may explain

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

-- why you have the nurses, the doctors, the pediatricians, the Illinois Pharmacists, the Academy of Family Physicians, all standing up as proponents in strong support of this -- of this measure. And to the bill: I just want to say to my colleagues who disagree with this kind of legislation that it really is in the best interest of not only our people who, unfortunately, are using drugs, but to others, too, who indirectly may come in contact. This is a good piece of legislation. It's being supported by the strongest health care advocates not only in the State of Illinois, but throughout the country. And I urge everyone to vote Yes on this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger and Senator Hunter, the question was moved by Senator Jacobs and your lights were not lit. I'm sorry. Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Chamber. Again, I -- I can understand the -- the hesitation of -- of some of the Members here. Of course, some of our communities, no matter what kind of program we'll come up with, because of our moral convictions and because of our religious beliefs, we won't agree with something like this. But the reality is, HIV/AIDS touches each and every one of us. Like it or not. As pointed out, it has no gender, no age group, no ethnic group that it does not hit. It has taken away from us some of our most talented people. It has taken away some people, you can argue, who weren't so talented. But more importantly, it takes away the lives of people who never had a chance to be talented. So this is a bill that I think today is the time that we need to vote for it and pass it over to the House, and let's get some sensible legislation on the books. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 880 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? ...all voted who wish? Take the record. On that bill, there are 30 Members voting Aye, 24 Members voting Nay, 3 Members -- 2 Members voting Present. On that -- Senate Bill 880, having received the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

required constitutional majority, is declared passed. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. We request a verification, please.

PRESIDING OFFICER: (SENATOR WELCH)

That request is in order. Senator Burzynski has requested a verification. Will all Members please be in their seats? The Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Garrett, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Obama, Radogno, Rauschenberger, Ronen, Sandoval, Schoenberg, Silverstein, Syverson, Trotter, Viverito, Walsh, Woolard and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Does Senator Burzynski question any Member voting in the affirmative?

SENATOR BURZYNSKI:

Yes, sir. Senator Martinez.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez is in her chair.

SENATOR BURZYNSKI:

Well, Senator Hendon was in the way there. Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne. Is Senator Clayborne in the Chambers? Senator Clayborne is by the telephone booth.

SENATOR BURZYNSKI:

Okay. No further questions.

PRESIDING OFFICER: (SENATOR WELCH)

On a verified roll -- roll call, there are 30 Members voting Aye, 24 voting Nay, and 2 Members voting Present. Senate Bill 880 is declared passed. 897. Senator Dillard. 901. Senator Garrett. 902. Senator Garrett. 908. Senator Jacobs. 916. Senator Walsh. With leave of the Body, we will go to page 38. Page 38. Senate Bill 974. Senator Wendell Jones, do you wish to call that bill? With leave of the Body, we'll go to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

page 40. Senate Bill 1028. Senator Hunter. Senator Hunter.
Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

Senate Bill 1028.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1028 designates the third Saturday in June as Juneteenth National Freedom Day. Juneteenth is the oldest known celebration of the ending of slavery. Its origin is Galveston, Texas, in 1865, the observance of June 19th as the African-American Emancipation Day. Juneteenth commemorates African-American freedom and emphasizes education and achievement. Its growing popularity signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationality and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. And, Mr. President, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no Members seeking recognition, the question is, shall Senate Bill 1028 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1028, having received the required constitutional majority, is declared passed. Senate Bill 1031. Senator Meeks. Senate Bill 1034. Senator Silverstein. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1034.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR SILVERSTEIN:

Thank you, Mr. President. This amends the Freedom of Information Act. Provides that -- that the exception for inspection and copy requirements for architectural plans and -- and engineering plans. I have no -- believe this came out of the committee with no objections. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support. This came out of the Executive -- Committee unanimously. It's an excellent idea.

PRESIDING OFFICER: (SENATOR WELCH)

On that -- on the -- the question is, shall Senate Bill 1034 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 55 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1034, having received the required constitutional majority, is declared passed. Senator Trotter. 1037. On Senate Bill 1037, do you wish to proceed? Yes, there is an amendment in the Well. Senator Trotter seeks leave of the Body to return Senate Bill 1037 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 1037. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

It retains the underlying bill, making just one change, and that is to add Good Friday back into the list of legal school holidays.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing there isn't any, all those in favor will say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there any further Floor amendments approved for consideration?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. Senate Bill 1040. Senator Trotter. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1040.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. This amends the School Code relative to the compilation of the average daily attendance for the Prairie State Achievement Exam. Under the State aid funding formula, it makes changes concerning the days when the Prairie State Achievement Exam is administered. On those days in which it is administered, it requires the day of attendance for a pupil who is taking the exam to be shortened to less than the required five clock hours in order to accommodate the required testing procedures. It also requires that a sufficient number of minutes in excess of five hours must be completed on other school days to compensate for the loss of the school work on examination days. If these pupils are required to miss one or more entire days in order to accommodate testing procedures, those days may be counted towards the pupils' one hundred -- seventy-six days of actual attendance. It's a -- a piece of legislation sponsored -- or, pushed by the Illinois State Board of Education.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you. Thank you, President Welch. I -- if I may, I'd like to ask a couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

The sponsor indicates he will yield, Senator Cronin.

SENATOR CRONIN:

Senator Trotter, we had a good dialogue in committee and just for the edification of all the Members here, you are

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

seeking to reduce the number of days that students are required to be in attendance, essentially. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes and no to that question. There will -- any days that have to be reduced have to be made up. We're talking about banking hours to do that. So, I'm not trying to take away days in which the children should be in school learning.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

This issue of banking time was a -- was a issue that we focused on in a subcommittee of the Education Committee last Session when it came to our attention that there was an alarming number of school districts that were in school so few days. And not surprisingly, many of those very same school districts performed very poorly on standardized tests. We looked into the issue of banking, and as I understand it - correct me if I'm wrong, Senator Trotter - if a school district adds on ten or fifteen minutes to the end of the school day over some certain period of time, if they accumulate enough minutes they can knock off a day somewhere else in the calendar. And that's how they may be able to accomplish what you're seeking in this bill. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That's the way I understand it. Yes, Senator Cronin.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Not to belabor this thing, but, you know, you got to think a little bit about this, the policy that we're promoting here. I mean, I don't know. You talk to the education experts. They talk about, you know, a period of time that is critical where the student is uninterrupted. Five-hour clock day. Five hours and fifteen minutes. A day off. You know, I just think that -- that this is unnecessary. To the bill, Mr. President: If

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

school districts want to administer the Prairie State Exam and, because of the requirements of the exam, they feel it necessary to dismiss all the other students, there's nothing in the School Code that doesn't permit them to have another day of school. But what this does is, it gives them latitude to give a student less instruction. Yes, there is an opportunity to bank time. But I just don't think - and many people in the Education Committee are certainly far from convinced - that banking time is in the best interests of students. So, I understand what the sponsor's trying to do but, on balance, I don't think it's a good policy, and I recommend a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Question of the sponsor, please?

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield, Senator.

SENATOR LUECHTEFELD:

Senator, under -- under current law, can you bank time?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So this bill really does change a little bit of what we've been doing in school business for a long time? You -- so you're saying this really institutes the idea of banking time?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. It is new, sir. And as you know, the Prairie State Exam is new, as well, and there's requirements of the -- of that exam that say that individuals have to be there all day and that there could be no bell ringings, which would sort of distract them from doing their best on those exams. So we're asking this. At this juncture, what we've had, just last year alone, thirty--five schools which have asked for a waiver for this and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

they've gotten it. Since we've been administering this exam in the past two years, eighty school districts have asked for a waiver and have got it. So what we're just trying to do here is, why are we sending them through this arduous task of filing for this when we can do the right thing and just allow them to make up the time in this way, instead of trying to program a whole nother day for them to come and bring the other students back to school.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I voted against this in committee basically because of that idea of -- you know, I guess my -- my -- my thought process would be, what next are we going to bank time for? You know, again, I understand where -- where you're going with this, but I'm not real sure that it's a good philosophy to follow for other things in the future.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to close.

SENATOR TROTTER:

I just ask this Body for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1040 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? ...all voted who wish? Take the record. On that bill, there are 26 Members voting Aye, 23 voting Nay, 1 Member voting Present. Senate Bill 1040, having failed to receive the required constitutional majority, is declared lost. Senate Bill 1044. Senator Schoenberg. Excuse me. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Can I have Senate Bill 1040 to be put on Postponed Consideration, please?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter requests that Senate Bill 1040 be put on Postponed Consideration. Having reached the required number of votes, Senator Trotter's motion is granted, and the bill will be placed on the Order of Postponed Consideration. 1044. Senator

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Schoenberg. Senate Bill 1051. Senator Cullerton. Senate Bill 1053. Senator Cullerton. Senate Bill 1054. Senator Dillard. Senate Bill 1056. Dave Sullivan. Senate Bill 1060. Senator Garrett. Senate Bill 1063. Senator Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1063.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill is primarily a consumer bill to give buyers some protection in the event of a builder's bankruptcy and to prevent the problems that were -- outlined in the Daily Herald article that was recent which showed that these people put forty thousand dollars to the builder, never got a dime. The builder didn't have their land -- didn't even own the land that they sold to the buyer. So, it's a protection bill, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no Member seeking recognition, the question is, shall Senate Bill 1063 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 55 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1063, having received the required constitutional majority, is declared passed. Senate Bill 1069. Senator Lauzen. Senate Bill 1075. Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1075.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Increases the Rural Bond Bank's bond authorization from -- to five hundred million - it was two hundred and forty-five - outstanding at the time. It increases the maximum amount used to purchase securities issued to {sic} certain units of government eighty -- to 87.5 million. Lieutenant Governor's asked for this authority, and I move its adoption.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeking recognition, the question is, shall Senate Bill 1075 be passed. 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 bill, there are 53 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1075, having received the required constitutional majority, is declared passed. Senate Bill 1079. Senator Martinez. Senate Bill 1095. Dave Sullivan. Senate Bill 1098. Senator Jacobs. Senate Bill 1101. Senator Jacobs. Senate Bill 1108. Senator Hendon. Senate Bill 1109. Senator Hendon. Senate Bill 1110. Senator Hendon. Senate Bill 1115. Senator Hendon. Senate Bill 1116. Senator Hendon. Senate Bill 1122. Senator Burzynski. Senate Bill 1124. Senator Syverson. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1124.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation amends the Sanitary District Act and provides for an alternative method of dissolving certain sanitation districts that are within this population guidelines. Be happy to answer any questions. Know of no opposition.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no Member seeking recognition, the question, is shall Senate Bill 1124 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 55 Members voting Aye -- 54 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1124, having received the required constitutional majority, is declared passed. Senate Bill 1147. Senator Dillard. Read the bill, Mr. Secretary. I have 1147.

ACTING SECRETARY HARRY:

Senate Bill 1147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill came to my attention, or the idea for it, from a veteran from the Vietnam Conflict when, during Operation Desert Storm, in the early 1990s, he tried to affix an American flag to the property that was actually his own common property in a condominium and was told by the condo association that he had to take down his American flag. And the gentleman, the serviceman, the veteran, wrote to me and he sent me a -- a statute from Arizona and also one from California which we have essentially copied. And what this law would do is for your own property and that immediately adjacent, interior and exterior, it would allow your condominium association to be able to set reasonable rules and regulations about how you could display an American flag, but you couldn't prohibit it if it was adjacent right or on the actual property of which you own in a condominium association. There's no obligation of a condo association to put up the flag, but certainly the board may not prohibit the display of an American flag on or with on {sic} the unit on which is -- on which the owner actually has that ownership right or the immediate adjacent interior or exterior property. It's copied after Arizona. It's a good idea. One of the things that came to my attention, when I put this in, I got a number of letters, especially from senior citizens, from the veterans of the Second World War. This started with the Korean War also. As people get older in America and our lifestyles

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

change, those veterans who were World War II vets and Korean vets, some of the most patriotic Americans now live in condominium associations. And it's interesting. Somebody asked me in committee, I believe, you know, what's the purpose for banning American flags? And, you know it goes to esthetics. But I, for one, cannot see something that's more beautiful than the American flag. The bill is limited just to the American flag and nothing else, and it must physically be the flag. It can't be some derivative, like a paper product or something like that. So the bill's limited, but at this particular time in our country's juncture, I think this bill is even more important than when I probably introduced it a month or a month and a half ago. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Members have -- have sought recognition. The question is, shall Senate Bill 1147 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 55 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1147, having received the required constitutional majority, is declared passed. Senate Bill 1149. Senator Shadid. Senate Bill 1150. Senator Cullerton. Top of page 42. Senate Bill 1154. Senator Cullerton. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1154.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a very simple bill. It just clarifies something which is perhaps already the practice but not in the Code. In a criminal case, when a defendant posts bond, the judge has the discretion to order that a portion of the bond, after -- after costs are paid, can go to pay for the accused counsel of record for payment of attorney's fees. It's already the practice, but it's not

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

spelled out in the statute. This is what it does. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1154 pass. All those in favor, signify by voting Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1154, having received the required constitutional majority, is declared passed. Senate Bill 1166. Senator Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1166.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies -- Ladies and Gentlemen of the Senate. Senate Bill 1166 amends the Illinois Farm Development Act in regards to State loan guarantee eligibility. Provides that to be eligible for certain State guarantees, a farmer must be a principal operator of a farm or land, at least thirty percent, instead of the existing fifty percent, and -- whose -- annual income is derived from the farming and whose debt-to-asset ratio should not exceed the maximum limit. And also provides State guarantees under certain programs shall not exceed one million dollars now, instead of the five hundred thousand. Basically what it's doing is it's expanding the parameters to allow more people to take advantage of -- of the State guarantees on loans for beginning farmers. I don't know of any opposition and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. I would just simply rise in strong support of this bill. It's a good piece of legislation.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Passed out of Agriculture and Conservation unanimously, and I would encourage everybody to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1166 pass. All those in favor will vote Aye. All 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 55 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1166, having received the required constitutional majority, is declared passed. Senate Bill 1198. Senator Cullerton. Senate Bill -- 1202. Senator Trotter. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1202.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Mr. President, Members of the Senate, this is a vehicle bill. We -- we know that we're going to have to do something with Medicaid this year, and I would like to move it over to the House just to keep this legislation alive.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeking recognition, the question is, shall Senate Bill 1202 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 36 Members voting Aye, 14 voting Nay, 2 voting Present. Senate Bill 1202, having received the required constitutional majority, is hereby declared passed. Senate Bill 1204. Senator Harmon. Senator Harmon. Senate Bill 1211. Senator Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1211.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is sort of a follow-up bill to the last one, Senate Bill 1166. Amends the Illinois Farm Development Act in regards to the State's liability. Provides that under the loan guarantee, the State will now be liable for ninety percent of the total principal and interest of the note, instead of the eighty-five percent that has been in the past. I know of no opposition and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. I would just stand up in -- in support of the bill. Passed out of Agriculture and Conservation Committee unanimously, and I would strongly support it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he will yield, Senator.

SENATOR ROSKAM:

Senator, you said that there is an obligation that's been extended, that the State is going to assume responsibility for eighty-five percent of something and now it's going to be ninety-five -- or, ninety percent of something. Can you tell us what that is and how much you think it's going to cost the State?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you, Senator, for those questions. What this Farm Development Act does -- this measure will not require any GRF, General Revenue Funds. With these changes, the Farm Development Authority will be better able to serve the changing needs of Illinois agriculture. Ninety percent of the loan guarantees are considered standard in the industry. The change from eighty-five percent to ninety percent makes these State guarantees more

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

consistent with the federal loan program. The Farm Development Authority pays all of its operating expenses from the income generated by the programs offered. Basically what this is saying is, is that in the past -- in the past, since 1986, the Farm Development Authority has had fourteen hundred applicants served with these grants. Two hundred and eighty million dollars in loans have been guaranteed, and since 1986, the total losses have amounted to 3.6 million which is about 1.3 percent. The proposed legislation does not increase the caps on loan activity. Debt restructuring is at a hundred and sixty million, and this basically is -- is in order to keep promoting these loans for beginning farmers, new farmers, that the State -- the State has picked up -- moved up to the ninety percent of the guarantee.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

So, Senator, the ninety percent, is that -- is that the -- ninety percent of the loan amount to the individual farmer or is it ninety percent of the class of loans that are given? Do you understand my question?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

My understanding is, ninety percent of the loan.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Is this necessary, Senator, for any sort of federal money or federal match or eligibility for anything? I'm just trying to figure out why we're -- why we're doing this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

If the loans are more secure, then they're -- the banks are willing to give, in order to participate in this program - you know, it's our community banks and -- that -- that participate and give these loan out -- loans out - and if they're -- if

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

they're more secure, they give a better interest rate, and basically the State is standing behind it.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR WALSH:

I think this is a good piece of legislation, and I thank Senator Jones for his comments. We debated the bill in the -- in the Ag Committee. And for many of our -- our beginning farmers out there, there are still some of 'em in our farm communities that are looking to have help get started. I think it's a good piece of legislation and ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1211 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, the -- the vote is 54 Members voting Aye, none voting Nay, none voting Present. Senate Bill -- 1211, having received the required constitutional majority, is hereby declared passed. Senate Bill 1321. Senator Crotty. Senate Bill 1331. Senator Garrett. Senate Bill 1332. Senator Garrett. Senate Bill 1363. Senator Trotter. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. 1363 creates the Freedom Trail Commission. As we all know, during the slavery years, many of my ancestors and -- and people of color throughout this country, in escaping that peculiar institution, came through Illinois. We would like to designate a Freedom Trail and a Underground Railroad route in which they came. We know it would bring us so much tourist dollars to this -- to this State for those people who'd be interested in the -- in the history -- or, one facet of the history of our State. And this bill basically just proposes

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

that we create a Freedom Trail Commission and work with the federal government in doing so.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeking recognition, on that question, shall Senate Bill 1363 pass, all those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 53 Ayes, no Members voting Nay, and none voting Present. Senate Bill 1363, having received a constitutional majority, is hereby declared passed. Senate Bill 1364. Senator del Valle. Please read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1364.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Take it out of the record, Mr. Secretary. Senator -- 1366. Senator del Valle. Please read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1366.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. Chairman -- Mr. President and Members of the Senate. This bill would add to the list of individuals who can use guide dogs individuals with epilepsy. They would be added to the blind, the hearing impaired or the physically handicapped. And it amends the Guide Dog Access Act and the White Cane Act {sic} (Law) allowing for these dogs to -- to be used in the same manner. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly. This bill did come out of Health and Human Services on an agreed roll call.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Appreciate the sponsor's work on this bill and would appreciate an Aye vote as well. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

I guess a question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he will yield, Senator Watson.

SENATOR WATSON:

Why epilepsy?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Senator, did you ask, "Why epilepsy?"

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR DEL VALLE:

Yes. We have about two hundred and forty-eight thousand individuals in Illinois who are affected by epilepsy, and many of them -- or, a growing number of them are using these dogs to alert them and assist them through the seizure and alert others to their conditions. What we want to make sure is that these individuals will be able to enter public places with these dogs, as the blind individuals do, and allow them to also be able to make use of public accommodations, also, with their dog. So this is to make sure that individuals who need these dogs -- these are trained dogs -- that they're able to have the same type of treatment that blind, deaf and physically handicapped individuals have.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. I understand that these dogs are really kind of hard to come by that there -- there's not a lot of 'em. And, in fact, there's some people -- maybe even a waiting list established by -- by those who need them. I'm -- I'm just curious, 'cause I know of people with epilepsy who -- who function quite well, and now they're going to be on a list of eligible applicants for one of these dogs. What happens if --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

if a blind individual wants the dog and we have somebody with epilepsy who has a like interest? Who comes first?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Well, this bill doesn't address, in any way, the development of a priority list. What it does is that it makes it possible for those individuals who have dogs - who already have dogs - to be able to receive the same kind of treatment as blind individuals. So it doesn't, in any way, compete with those individuals who are waiting for a dog.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle, to close.

SENATOR DEL VALLE:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1366 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1366, having received the required constitutional majority, is hereby declared passed. Senate Bill 1368. Senator del Valle. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1368.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill extends the -- the life of the School Finance Authority for the Chicago public schools until December 31st, the year 2010.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no Members -- pardon me. Senator Cronin.

SENATOR CRONIN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

I rise in support of this bill. The history on this, as Senator del Valle well knows, this goes back to the -- the 1995 Chicago School Reform Act - the nationally acclaimed model, led by the Republicans. And the School Finance Authority we kind of put them on the side burner because we have that super team that was in place that did wonderful things once we gave 'em the tools. You're just extending the term, giving them a chance. If we indeed need them into step in the process down the road, we can engage them. But I just wanted to compliment you on a good bill, part of Chicago school reform. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1368 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 55 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1368, having received the required constitutional majority, is declared passed. Senate Bill 1369. Senator del Valle. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 1369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill requires the Illinois State Board of Education and the Capital Development Board to file a comprehensive assessment report with the General Assembly of the capital needs of all school districts in Illinois before January 1st, -- 2005 and every two years thereafter. By filing this plan, we would have, as a General Assembly, I think, a better idea of what the -- the capital needs are of our schools, and it would certainly help us in -- in our deliberations when we try to determine how much money we're going to put into school construction. So, it's a good planning bill, and I ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

SENATOR LUECHTEFELD:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

The sponsor indicates he'll yield, Senator.

SENATOR LUECHTEFELD:

Senator, when we ask the State Board to come up with a comprehensive assessment of what the needs are, are they going to look at those schools that maybe have applied for school construction money or are they even going to go further than that and basically look at schools, maybe, that haven't applied, don't meet their -- you know, their part of the funding? Are they -- are they going to do -- you say "comprehensive". Is that above and beyond those schools that have applied for money?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Well, when we say "comprehensive", we're talking about a plan that looks at the overall construction needs of the State, which would, of course, include all the schools that have applied for dollars.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

But -- but, Senator, how -- you know, I -- I understand what you're trying to do is basically let us know what the needs are, but it -- it -- you know, if they're going to do that comprehensive study, if you're going to ask them to do that, that doesn't really tell you what -- what money we need. That -- because a lot of those schools, for instance, won't -- won't have their match. A lot of those schools won't -- won't be in a position to -- you know, to even -- even ask for money. I guess, you know, and I -- is that what you want? Is that really what you want or -- you know, I voted for this in committee, I think, but I'm not real sure I asked that question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

The purpose of this is to look at need. It doesn't, in any way, try to determine -- we'll determine where dollars go. I

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

mean, the process for distributing those dollars is in place. There's already a list. The purpose of this plan is to make sure that we're looking beyond the lists of schools that are already there and looking at the overall need and being able to report on the overall need in the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I -- I don't necessarily think that's a bad idea. I -- I guess what I'm -- I'm saying is, what good would it do for us -- we -- we -- we need to know what kind of money we need to bond for each year. This gives -- this doesn't -- you know, what the needs are out there really doesn't determine how much we'll bond. We will only bond for...

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Absolutely. We're the ones who make a decision as to how much we can do, but we can make that decision within the context of what the overall need is and what we can afford to be able to put forth. And so, there's nothing wrong with having information that gives us a total picture, rather than a partial picture, of what the school construction needs are in the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. A few questions and observations for the -- the sponsor. I think it's a good idea to try to get our arms around what the -- the potential needs might be. But, Senator del Valle, for example, how big should gymnasiums be at high schools in U-46?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Well, I leave that to the State Board and -- and the Capital Development Board. They have lots of experience in dealing with the school facilities and the construction. There's -- there's a criteria that is currently in place that is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

used. That will -- that will continue to be the case. So, that is an area that -- that we don't get into.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

And -- and I think you're making my point. I guess my point is that -- that Springfield school district's view of what's appropriate for a high school, what's desirable for their community, U-46, Elgin area, Bartlett, Hanover Park, the areas in my community have a different set of beliefs about what are necessary. These are independent units of local government, nine hundred of 'em throughout the State, that make decisions based on community standards. While I think it's a good idea to have the State Board of Education and the Capital Development Board to maybe survey what -- what districts say their needs are, calling on them to develop a comprehensive plan asks or requires the State Board of Education and the Capital Development Board to make certain assumptions and decisions about what an appropriate gymnasium is, how big classrooms ought to be, what kind of access in -- in -- there ought to be to science laboratories. So, I really -- I really agree with the sponsor's intent. I guess I'm nervous about turning loose two of the least reliable entities in State government to go out and make judgmental decisions to establish standards from which to draw a plan. The confidence level of this General Assembly in the State Board of Education, I -- I -- I think is -- is proven by the fact that, except for Judiciary, no committee in the -- no committee in -- except for Judiciary, no committee in the Senate has more bills directing an agency than the Education Committee does. So I would argue that the -- that -- that the legislative confidence in the State Board is very low. The Capital Development Board was very controversial on how they establish their construction standards 'cause, essentially, they took a minimalist approach on the school construction side. So, while I really think the -- the sponsor's trying to do the right thing, which is get us better information, I think the -- the -- the way this bill's worded, to me, makes me very nervous. I don't think the State Board or the Capital Developmental Board is any -- in any kind of position to -- to establish what

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

standards are or to do a comprehensive analysis. So I would argue, perhaps, that maybe in the House or later, the sponsor might consider changing the text so that we don't end up with the State Board and the Capital Development Board on a mission to decide the -- the -- the perfect white box high school, the -- the -- the designation of an appropriate elementary school or what a middle school ought to look like 'cause I -- I think that really has to do with our local districts and our local communities. But I really appreciate him making an effort to kind of bring valuable information. I'm just a little concerned about the structure of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle, to close.

SENATOR DEL VALLE:

Well, Senator Rauschenberger, I -- I understand your point. The bill calls for an assessment. An assessment means looking at, looking at the -- the -- the big picture and giving opinions -- yes -- and sharing that information with us. We have the final say in terms of the funding levels. And so, I just want a tool that I can use to look at where we're at in the State of Illinois, and I think there's absolutely nothing wrong with that. We, in this bill, do not change the process that's in place that involves the Illinois State Board of Education and the Capital Development Board. We don't mess with that at all. What we're saying is that they're going to look at the total picture and then they're going to share that information with us. And I don't think -- and I think you'll agree that we can never have too much information when we're talking about such a critical area such as the capital needs of our -- of our schools in the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1369 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Members voting Aye, 10 voting Nay, 2 voting Present. Senate Bill 1369, having received the constitutional majority, is declared passed. Senate Bill 1370. Senator Clayborne. Read the bill, Mr. Secretary.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

ACTING SECRETARY HARRY:

Senate Bill 1370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. Senate Bill 1370 just increases the maximum fine that a county can charge for violation of a county ordinance from five hundred dollars to a thousand dollars. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. The -- does the -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield, Senator Jones.

SENATOR W. JONES:

The -- excuse me. The Committee on the Republican side voted No on this bill, because when they hear the word "increase", they get a little antsy. We -- we don't like increases in fines or taxes or fees or anything like that. So we voted No. With all due respect to the fine sponsor of this legislation, we voted No 'cause we don't like increases. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

I just ask for your favorable vote. As -- as -- as said, it only -- there's -- they don't increase it; it's just the possibility that they could.

PRESIDING OFFICER: (SENATOR WELCH):

The question is, shall Senate Bill 1370 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Members voting Aye, 24 voting Nay, none voting Present. Senate Bill 1370, having received the required constitutional majority,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

is declared passed. Senate Bill -- Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

I'd request a verification of the previous vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam has requested a verification. Will all Members be in their seats? The Secretary will read the affirmative vote.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Does Senator Roskam question the presence of any Member voting in the affirmative?

SENATOR ROSKAM:

...Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Is Senator Cullerton in the Chamber? He's in the middle aisle. Question any other Members?

SENATOR ROSKAM:

Senator Radogno.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno. Is Senator Radogno in the Chamber? Is Senator Radogno in the Chamber? If not, Madam Secretary, strike the name from the roll. Senator Roskam, do you question the presence of any other Member?

SENATOR ROSKAM:

Senator Althoff.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Althoff. Is Senator Althoff in the Chamber? If not, Madam Secretary, strike the name from the roll. Senator Roskam. On a verified roll call there, are 28 Members voting Aye, 24 voting Nay, and no Members voting Present. Senate Bill 1370, having failed to receive the required constitutional majority, is declared lost. Senator Clayborne requests that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senate Bill 1370 be postponed. The bill will be placed on the Order of Postponed Consideration. Senate Bill 1382. Senator Syverson. Read the bill, Mr. -- Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1382.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation amends the Official Bond Payment Act. The bill authorizes municipalities to purchase surety bonds from the risk management pool of municipalities. In essence, what it would do, would allow municipalities to have the same right to obtain bonds through the self-insured pool that are now available to townships and road districts. Know of no opposition.

PRESIDING OFFICER: (SENATOR WELCH)

Could we have some order? Could the doormen and doorwomen please ask the individuals in the hallways to please be quiet? Please proceed, Senator Syverson.

SENATOR SYVERSON:

Thank you. I would just ask for a favorable roll call vote on this. Know of no opposition.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no Member seeking recognition, the question is, shall Senate Bill 1382 pass. The vote -- all those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 18 Nays, and no Members voting Present. Senate Bill 1382, having received the required constitutional majority, is declared passed. Senate Bill 1401. Senator Maloney. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1401.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. Ladies and Gentlemen, I'm presenting Bill -- Senate Bill 1401 which creates the Illinois income tax checkoff for asthma and lung research. The goal of the research funded by this checkoff is to develop new knowledge dedicated to ongoing research.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeking recognition, the question is, shall Senate Bill 1401 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Aye, none voting Nay, none voting Present. Senate Bill 1401, having received the required constitutional majority, is declared passed. Senate Bill 1403. Senator Woolard. Senator {sic} 1404. Senator Woolard. Senator {sic} 1405. Senator {sic} 1412. Senator Obama. 1412. Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1412.

PRESIDING OFFICER: (SENATOR WELCH)

Take the bill out of the record. Senate Bill 1414. Senator Obama. Senate Bill 1415. Senator Obama. Senate Bill 1417. Senator Obama. Senate Bill 1440. Senator Dillard. Senate Bill 1441. Senator Dillard. Senate -- Senate Bill 1479. Senator Clayborne. Senator {sic} 1492. Senator Ronen. Senate Bill 1497. Senator Link. Senator {sic} 1498. Senator Link. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1498.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This amends the Property Tax Code. Increases the extension if a school district adopts

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

additional or supplemental budgets. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

The sponsor indicates he will yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. First of all, Senator Link, I -- I think I understand what you're doing and I agree with it. My question is, why won't the clerk do what their job is?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

The Revenue Code does not provide that they have the direction to do so, and that's -- that's why right now that the clerks see that. So that's why we're changing this right now.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Even though a referendum has passed?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yes, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Then -- then what are -- what are other clerks hanging their hats on to -- to extend the levies, then, if -- if three clerks decide they don't want to?

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SENATOR BURZYNSKI:

I guess what I'm saying is I -- I -- I -- I agree with what you're doing, but I don't understand the need for it necessarily. That's all.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Senator Link.

SENATOR LINK:

Basically, what we're doing is clarifying it so that there will not be mistakes, so that we won't have to worry about other clerks making this clarification. And your seatmate probably could answer this a lot better than I could, but in respect, that this is just -- clarifying it so that we will not have errors in the future.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Mr. President, I rise in our spirit of bipartisanship. We supported this bill in committee and we're going to continue to support it. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

I would just ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1498 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1498, having received the required constitutional majority, is declared passed. Senate Bill 1499. Senator Link. Senate Bill 1500. Senator Link. Senate Bill 1505. Senator Harmon. Senate Bill 1510. Senator Harmon. Senate Bill 1521. Senator Jacobs. Senate Bill 1525. Senator Dillard. With leave of the Body, we'll pass Senate Bill 1530, with leave to come back to it. Senate Bill 1546. Senator Haine. Senate Bill 1578. Senator Haine. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1578.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

The -- the second -- thank you, Mr. President, Ladies and Gentlemen of the Senate. The second amendment corrected a drafting error. The underlying language allows for forfeiture of property and restitution to be collected from a defendant who is convicted of an offense involving the production of methamphetamine, for emergency -- response costs including, but not limited to, collecting evidence, securing the site or cleaning up a site. I -- I ask the..

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing that no Member is seeking recognition, the question is, shall Senate Bill 1578 pass. All those in favor, will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1578, having received the required constitutional majority, is declared passed. We'll now move to page... I'm sorry. We're still on page 44. Senate Bill 1589. Senator Hunter. With leave of the Body, we will go to page 51. Senate Bill 1742. Senator Silverstein. Senator Silverstein in the Chamber? Senate Bill 1743. Senator Emil Jones. Senator Jones. Senate Bill -- Senate Bill 1744. Senator Emil Jones. Senate Bill 1757. Senator Schoenberg. Senate Bill 1765. Senator Obama. Senate Bill 1777. Senator Jacobs. Senate Bill 1803. Senator Emil Jones. Senate Bill 1864. Senator Jacobs. Senate Bill 1855. Senator Ronen. We'll pass Senate Bill 1865. Senate Bill 1869. Senator Cullerton. With leave of the Body, we'll come back to Senate Bill 1869. Senate Bill 1872. Senator Garrett. Senate Bill 1873. Senator Garrett. Senate Bill 1891. With leave of the Body, we'll come back to Senate Bill 1891. With leave of the Body, we will go to page 56. Senate Bill 1997. Senator Winkel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1997.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Thank you, Mr. President. Senate Bill 1997, as amended, creates the -- creates the Illinois (Military) Flags Commission. As I explained the amendment a couple days ago, what this does is it recreates a commission that had been in force the previous three years to study the preservation, conservation and display of flags. The State of Illinois has the largest collection of Civil War flags in the United States. Many are in an extreme state of disrepair, and unless we act, and have a plan to act many of these flags will be lost forever. So I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1997 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that bill, there are 55 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 1997, having received the required constitutional majority, is declared passed. Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

For purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Please read your announcement.

SENATOR DEL VALLE:

The Senate Education Committee will be meeting tomorrow morning at 8:30 in Room 212. I feel the same way. 212.

PRESIDING OFFICER: (SENATOR WELCH)

212 at 8:30. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

Please make your announcement.

SENATOR LIGHTFORD:

Financial Institutions will meet tomorrow at 11:30 in Room 400. Financial Institutions at 11:30 in Room 400.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

11:30, Room 400. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

I rise for a -- privilege of an announcement -- purpose of an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

Please read your announcement.

SENATOR CLAYBORNE:

The Environment and Energy Committee will meet tomorrow at 10 a.m. in Room 212.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Thank -- thank you, Mr. President. For an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR HAINE:

The Local Government Committee will meet at 8:30 a.m. in A-1 of the Stratton Building. 8:30 a.m. sharp. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard, for what purpose do you rise?

SENATOR WOOLARD:

I rise because I was tired of sitting, and while I'm up, I would like to announce that State Government will be meeting in A-1 at 10:30.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

For -- purpose of an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

Please make your announcement.

SENATOR SILVERSTEIN:

The Senate Executive Committee will meet at 10:30 tomorrow in Room 212.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, for what purpose do you rise?

SENATOR LINK:

For purpose of an announcement, Mr. President.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR WELCH)

Please -- please proceed.

SENATOR LINK:

Senate Revenue Committee will meet at 10:30 in Room 400.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen, for what purpose do you rise?

SENATOR RONEN:

For purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR RONEN:

The Labor and Commerce Committee will meet at 11 a.m. tomorrow in Room 400.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

Purposes of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR OBAMA:

The Health and Human Services Committee will meet at 10 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Mr. President. For purpose of an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR WALSH:

The Senate Agriculture and Conservation Committee will meet tomorrow morning at 10 a.m. in Room A-100. Right?

PRESIDING OFFICER: (SENATOR WELCH)

I don't think there's such a room.

SENATOR WALSH:

Forget the two zeros. A-1.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

For an announcement, Mr. President.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR SHADID:

Transportation Committee will meet in A-1 at 9 a.m. tomorrow.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR JACOBS:

The Insurance and Pensions Committee will meet at 8:30 in Room 400 for what I hope is a very short meeting.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz, for what purpose do you rise?

SENATOR MUNOZ:

Purposes of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR MUNOZ:

Senate Licensed Activities tomorrow will meet at 11 a.m. in A-1.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Purpose of an announcement.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR CULLERTON:

The Judiciary Committee will meet tomorrow at 9 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR WELCH)

All right. Let me try to summarize here, in case we missed. At 8:30 in the morning, Education, Insurance and Pensions and Local Government will meet. At 9 o'clock, Appropriations I will have no meeting, but Judiciary and Transportation will meet at 9 o'clock. At 10 o'clock, Environment and Energy, Health and Human Services and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

Agriculture and Conservation will meet. At 10:30, Executive, Revenue and State Government will meet. At 11 o'clock, Appropriations II will not meet, but Labor and Commerce and Licensed Activities will meet at 11. At 11:30, Financial Institutions. And that is it. Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Floor Amendment No. 2 to Senate Bill 1527; Education Committee - Floor Amendment No. 1 to Senate Bill 566, Floor Amendment No. 1 to Senate Bill 814 and Floor Amendment No. 2 to Senate Bill 890; refer to Environment and Energy Committee - Floor Amendment No. 2 to Senate Bill 222, Floor Amendments 1 and 2 to Senate Bill 609, Floor Amendment No. 1 to Senate Bill 1066 and Floor Amendment No. 1 to Senate Bill 1330; refer to Executive Committee - Floor Amendment No. 1 to Senate Bill 13, Floor Amendment No. 2 to Senate Bill 75, Floor Amendment No. 1 to Senate Bill 383, Floor Amendment No. 2 to Senate Bill 410, Floor Amendment No. 2 to Senate Bill 411, Floor Amendment No. 1 to Senate Bill 629, Floor Amendment No. 1 to Senate Bill 714, Floor Amendment No. 1 to Senate Bill 747, Floor Amendment No. 2 to Senate Bill 873, Floor Amendment No. 1 to Senate Bill 1415, Floor Amendment No. 1 to Senate Bill 1431, Floor Amendment No. 2 to Senate Bill 1601, Floor Amendment No. 1 to Senate Bill 1872, and Floor Amendment No. 1 to Senate Bill 1906; refer to Financial Institutions Committee - Floor Amendment No. 1 to Senate Bill 1116 and Floor Amendment No. 2 to Senate Bill 1500; refer the Health and Human Services Committee - Floor Amendment No. 1 to Senate Bill 130, Floor Amendment No. 1 to Senate Bill 633, Floor Amendment No. 2 to Senate Bill 809, Floor Amendment No. 1 to Senate Bill 1067, Floor Amendment No. 2 to Senate Bill 1079, Floor Amendment No. 1 to Senate Bill 1081, Floor Amendment No. 2 to Senate Bill 1109, Floor Amendment No. 3 to Senate Bill 1198, Floor Amendment No. 1 to Senate Bill 1364, and Floor Amendment No. 1 to Senate Bill 1543; refer to Insurance and Pensions Committee - Floor Amendments 2 and 3 to Senate Bill 559, Floor Amendment No. 2 to Senate Bill 1134, Floor Amendment No. 2 to Senate Bill 1150, Floor Amendment No. 2 to Senate Bill

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

1151, Floor Amendment No. 2 to Senate Bill 1152, and Floor Amendment No. 2 to Senate Bill 1359; refer to Judiciary Committee - Floor Amendment No. 2 to Senate Bill 15, Floor Amendment No. 1 to Senate Bill 30, Floor Amendments 3 and 4 to Senate Bill 125, Floor Amendment No. 2 to Senate Bill 211, Floor Amendment No. 2 to Senate Bill 1342, Floor Amendments 1 and 2 to Senate Bill 1412, Floor Amendment No. 3 to Senate Bill 1578 {sic}, and Floor Amendment No. 1 to Senate Bill 1869; refer to Labor and Commerce Committee - Floor Amendment No. 3 to Senate Bill 2, Floor Amendment No. 1 to Senate Bill 461, Floor Amendment No. 1 to Senate Bill 1360; refer to Licensed Activities Committee - Floor Amendment No. 1 to Senate Bill 332 and Floor Amendment No. 2 to Senate Bill 354; refer to Local Government Committee - Floor Amendments 2 and 3 to Senate Bill 974, Floor Amendment No. 1 to Senate Bill 1204, Floor Amendment No. 1 to Senate Bill 1384; refer to Revenue Committee - Floor Amendment No. 1 to Senate Bill 16 -- pardon me, Senate Bill 392, Floor Amendment No. 1 to Senate Bill 615, Floor Amendment No. 1 to Senate Bill 1044, Floor Amendment No. 1 to Senate Bill 1102, Floor Amendment No. 3 to Senate Bill 1765 and Floor Amendment No. 2 to Senate Bill 1864; refer to State Government Committee - Floor Amendments -- No. 3 to Senate Bill 155 and Floor Amendment No. 2 to Senate Bill 232; refer to Transportation Committee - Floor Amendment No. 1 to Senate Bill 272, Floor Amendment No. 2 to Senate Bill 330, Floor Amendment No. 2 to Senate Bill 901, Floor Amendment No. 2 to Senate Bill 1108, Floor Amendment No. 1 to Senate Bill 1149 and Floor Amendment No. 1 to Senate Bill 1521; and Be Approved for Consideration - Floor Amendment No. 2 to Senate Bill 100, Floor Amendment No. 1 to Senate Bill 521 and Floor Amendment No. 1 to Senate Bill 1380.

PRESIDING OFFICER: (SENATOR WELCH)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution No. 98, offered by Senator Halvorson and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions Consent Calendar. There being no further business to come before the Senate, the Senate stands adjourned

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

3/24/2003

until the hour of 1 p.m. - 1 in the afternoon - on Tuesday,
March 25th, 2003. The Senate stands adjourned.