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29th Legislative Day

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PRESIDING OFFICER: (SENATOR WELCH)

The regular Session of the 93rd General Assembly will please come order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will -- will be given by Pastor T. Ray McJunkins, Union Baptist Church, Springfield, Illinois. Pastor McJunkins.

PASTOR T. RAY McJUNKINS:

(Prayer given by Pastor T. Ray McJunkins)

PRESIDING OFFICER: (SENATOR WELCH)

The Pledge of Allegiance. Senator Link.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR WELCH)

Please be seated. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Yes. Monday -- Senate Journal of Monday, March 24, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Senator Woolard moves to postpone the reading and approval of the -- Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President. I move that the reading and approval of the Journals of Tuesday, March 25th; Wednesday, March 26th; Thursday, March 27th; and Wednesday, April 2nd, in the year 2003, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. House Bills 1st Reading. Ladies and Gentlemen, we will be going to 3rd Reading

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immediately after House Bills 1st Reading. There's only about twenty bills, so please come to the Floor.

SECRETARY HAWKER:

House Bill 39, offered by Senator Link.

(Secretary reads title of bill)

House Bill 361, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 464, offered by Senator Winkel.

(Secretary reads title of bill)

House Bill 1150, offered by Senator Link.

(Secretary reads title of bill)

House Bill 1237, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 1448, offered by Senator Righter.

(Secretary reads title of bill)

House Bill 1751, offered by Senator Sieben.

(Secretary reads title of bill)

House Bill 2191, offered by Senator Radogno.

(Secretary reads title of bill)

House Bill 2318, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 2510, offered by Senator Wendell Jones.

(Secretary reads title of bill)

House Bill 2524, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 2573, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 2836, offered by Senator Righter.

(Secretary reads title of bill)

House Bill -- pardon me, that's 2858, offered by Senator Wendell Jones.

(Secretary reads title of bill)

House Bill 2902, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 2918, offered by Senators Sieben and John Jones.

(Secretary reads title of bill)

House Bill 2926, offered by Senator Althoff.

(Secretary reads title of bill)

House Bill 2977, offered by Senator Wendell Jones.

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(Secretary reads title of bill)

House Bill 3020, offered by Senator Wendell Jones.

(Secretary reads title of bill)

House Bill 3183, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 3210, offered by Senator Wendell Jones.

(Secretary reads title of bill)

House Bill 3406, offered by Senator Winkel.

(Secretary reads title of bill)

House Bill 3543, offered by Senator Munoz.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WELCH)

All Members please come to the Floor. We're going to 3rd Readings now. We're going to 3rd Readings. We'd like to thank the staff for staying up late. I know many of them were up till 4 and 5 in the morning working on the Calendar because we worked till midnight last night. So, especially the -- the Secretary's Office. Senate Bills 3rd Reading. Senator Carol Ronen. Senate Bill 2. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Members of the Senate. I'm proud to be here in support of Senate Bill 2 which is a very simple notion that two people doing the same job with the same level of experience and background should get the same pay, should get equal pay. Despite passage of federal equal pay legislation almost forty years ago, the wage gap between men and women continues to exist. This bill will take a giant step in Illinois to narrow that gap. I urge all my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter. Senator Righter, before you begin, I would like to point out that the

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Chair is going to invoke the rules that has a five-minute limit on each Senator's debate. So we are setting the clock. Please proceed, Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR RIGHTER:

Senator, I -- obviously not in committee when this bill was moving through and I have a couple questions. It's my understanding that the -- there's a federal Act in place that was passed in 1963 that is aimed basically at the same issue that you're trying to get at here with regards to wage discrimination. What's the difference between what the federal law covers and what this will cover as well? I mean, is there a gap that we're trying to fill here? And if so, what specifically is that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you for that question, Senator. The biggest difference here is, this bill will cover more employees. The federal law, I think the standard is fifteen employees, and this will move it down to four. The -- the number of people who will be covered by the State law will be significantly increased. Federal law right now covers businesses with fifteen or more employees. This will move it down to four or more employees.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

What's -- what's magic about the number four as opposed to two or ten or -- or whatnot? Can you -- I mean, is there -- was there a rationale behind that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Our desire is to cover as many employees as possible so that we can be as fair as possible. We thought four was

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probably the lowest number we could go to, to be fair to small business.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Now, you and I have had discussions before, Senator, on another bill of yours with regards to the Department of Human Rights, and it's my understanding that this is going to be administered by the Illinois Department of Labor, and some have commented to me that we already have a mechanism in place with regards to this, to cover this issue with regards to wage discrimination, whether you go to the Illinois Human Rights Act as it is currently drafted or maybe the federal law. And the question is, are we spending money to set up a duplicative system in the Illinois Department of Labor when we can already manage this through the Illinois Department of Human Rights?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you for that question. We believe it's more appropriate to have it within the purview of the Department of Labor because the Department is already set up and has mechanisms which look at wage issues. We don't think this duplicates anything that the Human Rights Department does and we think Department of Labor is a better vehicle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator, if -- if this bill becomes law and someone believes they have a claim for wage discrimination under this, will they have a choice of venue though? Could -- then could they go to the Department of Labor? Can they -- or could they go to the Department of Human Rights? Could they go to both?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

No. They -- they could not. They would go to the Department of Labor, but there is a right to sue inherent in this legislation.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

So, they would be not allowed to go to the Department of Human Rights anymore? I mean, is this going to be the sole administrative remedy then, to go to the Illinois Department of Labor for a claim under this Act?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Yes, I believe it would be. That's my goal.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

That's all I have, Mr. President. Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you. Senator Brady.

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates she'll yield, Senator.

SENATOR BRADY:

Senator, I supported your bill in committee, I supported your amendment in committee, and I just want to clarify. In reading this bill, there's a lot of language in it, but -- but clearly what it says is that an employer cannot discriminate solely on the basis of gender. Is that not what it comes down to?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Yes, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

If we cut a lot of the language out and just simply said "An employer cannot discriminate based on gender", that -- that's, in essence, the intention of this, and in -- so, they just can't use gender as an excuse to pay differently. Correct?

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Yes, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

And then, you provided some exclusions where, in fact, they could...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen. Oops!

SENATOR BRADY:

...excuse me. Where they might be perceived as discriminating based on gender, just to give protections to people who might be subject to a lawsuit that you didn't intend to -- cover because they weren't exactly -- exactly in the purview of this. There might be different municipalities, or so on and so forth?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

We're talking about within jurisdictions, if that's what you're referring to, and we're trying to make clear that the -- we're defining a jurisdiction by county so that we're not comparing somebody in Sangamon County to Cook County.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

And -- and this simply deals with same employers. This only means that a same employer has to abide by the rule, that they can't discriminate by gender in the same county. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Any further discussion? Seeing none, Senator Ronen may close.

SENATOR RONEN:

Thank you, Mr. President. I -- I urge my colleagues to join with me and take an historic step for Illinois, a very important step for the women of Illinois, to try to close this

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wage gap that now exists, to put women on a level playing field and give them the support and rights they deserve. On behalf of all Illinois women, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill No. 2 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 53 Members voting Yea, 2 voting Nay, 1 voting Present. Senate Bill No. 2, having received the required constitutional majority, is declared passed. Senate Bill No. 3. Senator Halvorson. Senate Bill No. 8. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill addresses a problem that exists for a number of law enforcement officers engaged in undercover investigations of drug sales. The problem is that under current -- the current eavesdropping statute, it is very difficult for them to obtain an order to wear a wire when they go in for a drug bust. As a consequence of the way the current eavesdropping statute is drafted, most undercover police officers, unlike what takes place in other states, are going in there without a wire and, as a consequence, are extraordinarily vulnerable in what are inherently tense and potentially violent situations. What this bill does is makes a modest change with respect to the eavesdropping rule to allow undercover officers, in limited circumstances, to wear a wire when they're engaged in undercover drug busts. They have to get prior approval of the State's Attorney, and then after the drug bust takes place, they still have to go back to the judge and obtain an order indicating that, in fact, they had appropriate probable cause. This is an initiative of the Illinois Sheriffs' Association, as

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well as the Illinois Fraternal Order of Police, and I would welcome any questions. Ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, Senator Obama, do you wish to close?

SENATOR OBAMA:

I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill No. 8 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 57 Members voting Yea, 1 voting Nay, no Members voting Present. Senate Bill 8, having received the required constitutional majority, is hereby declared passed. Senate Bill 10. Senator Larry Walsh. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 10.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 10 is an issue that we've been working on in regards to trying to control the ever-escalating cost of higher education. And the tuitions at our schools of higher education are going up every, every year as the CPI and personal income sort of stays stagnant. And what we've been trying to do is work on a program to see what we could do about providing our students with the knowledge of having a plan available for them that when it comes time for their higher education, that the parents will know what the -- what the tuition is going to be. After working together with -- with members of the different universities, we have come together with a piece of legislation, and -- and I thank Senator Burzynski for steering some of the Members to me and we talked about this. What we have here is a plan put together that basically is the language of the -- of the universities that basically sets -- sets a program that when

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a student starts their four-year term at a university, they know what their tuition is going to be for the next four years. And if they change their major while they're in the university, they will fall back onto whatever the first year that they were there and -- and either increase their tuition if they're going to a plan that costs more or decrease their tuition if they're going to a plan that would have cost less. I think it's a good piece of legislation and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A quick observation, a couple of questions I'll ask the sponsor and maybe he can answer. We're in unprecedented times. We have passed, on two separate occasions, appropriation bills where we've not been able, for a lot of reasons here, extraordinary economic times, to keep our commitment to the appropriation that we made to the universities. I realize the sponsor's intent in trying to stabilize this. I guess question number one is, is there any allowance in the bill for relief for the universities if we cannot meet the appropriated levels to the universities? So, if they can't depend on our funds because we need a mid-year recission - we're actually in the middle of the second year where we've required mid-year recissions - that's question number one. And question number two -- you know, if you freeze tuition and you cut appropriation, what happens essentially is students can't get classes. So having a fixed tuition but not being able to graduate 'cause you can't get classes, I just wondered, is there a mechanism in the bill to deal with if we have one more year of extraordinary circumstances, mid-year recission? I -- I certainly endorse the sponsor's idea. I thought Western Illinois University did the right thing when they led the -- the -- higher education down this path. But have you dealt with those two questions?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you for the question, Senator Rauschenberger. The answer to your question is, no, there's nothing in the -- in the

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legislation that actually sets forth a -- a procedure. We have basically allowed the universities some latitude in -- in a number of issues such as the fifth -- the fifth year -- the fifth year, if they are -- are in a program for five years. Many of the costs, the ever-rising costs of education, is basically in the administrative portion of this. That's an issue that is always -- always out there for us to -- to deal with. So -- but to answer your question, no, I do not have anything in the legislation that specifically states remedy A, B or C is -- is available by -- by -- by language.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield.

SENATOR RADOGNO:

Is this optional? Could a parent choose to stay with the traditional program where they absorb the costs as they come along each year versus requiring everyone to go on this program?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Senator, I believe this is a requirement that -- that they will -- that they will set forth with -- they'll sit down with the university and -- and their tuition will be based -- will be programmed for four years.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Thank you. I -- I guess my concern about that as a parent with three kids in college is, I'd like to be able to have that flexibility. Frankly, getting two of 'em out of school would allow me to pay more that fourth year. I'd like to have that management option rather than being forced to pay a higher cost the entire time you've got multiple kids in school. That's just one issue in terms of -- of mandating this. Secondly, as I understand the -- the bill, it doesn't really address the

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increasing cost. All it does is really talk about predicting it. Is that your sense?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

That's -- that's basically yes, but in regards to your comments on the first one, what we're trying to do is -- is -- is setting forth the capabilities that the parents are going to be able to plan, know full well that -- that -- what the cost for four years is going to be. You know, when you -- as it stands right now, Senator, that -- that if you started as a -- one of your children started as a freshman at one of our universities, that four years from now, when they're in their senior year, you have absolutely no idea what the tuition may be. And so that's what we're trying to do, is to try and basically give you the -- the option here that -- that -- the opportunity here to know full well that when child A starts at a university, that for the next four years, you know how many dollars are going to -- need to be set aside for that education.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

You know, again, I appreciate that, but I guess -- it -- having the option would make it a much better idea for me. The issue, once again, of multiple kids in college, once you get another one out, you know, you might be able to pay more in that fourth year for the last one. So I -- the way I understand it, the universities have the option to undertake this program. As it is, I believe Western, is doing it. And so, you know, again, my concern would be that we shouldn't mandate it or else at least allow the consumer of higher ed to go ahead and make that decision as to whether or not that fits best in their plan. And just one additional comment. We make -- you're making the argument that the -- that the parents have no idea what education will cost in four years. How will the universities be that certain of that and how will they accurately set a level that's going to meet their needs throughout the four years?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

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SENATOR WALSH:

Well, thank you for the question. The issue is, is that as it stands right now, Senator, that variable is always out there as it stands right now, and -- and that variable could maybe mean that the fourth year you might be paying twenty-five percent higher than what you were paying as a -- as a freshman. We have given the schools the latitude, basically, to -- to sit down and -- and work on the -- on their opportunity to determine, to the best of their knowledge, what it's going to cost a student to be educated there in the next four years. Hopefully this is not -- this is not the end of this issue. We are going to continue to work with this issue. My main plan in -- in -- in this bill coming forward was to open the door of communications to try and bring the universities together with us to try and bring forth some innovative ideas that -- that we can use to help both our education facilities to stay at the -- you know, the quality they are - we have some of the best there are in the nation right here in the State of Illinois - and -- and give parents the -- the opportunity to know and plan for their future, to make sure that they can have the money set aside and to make sure that everyone of -- every child that wants to get a good education in the -- State of Illinois has that opportunity. And this is really -- this is really a -- a program that Western Illinois is -- has innovated right now and, somewhat, we are following their model.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I -- I rise in support of the legislation. I think that Senator Walsh has tried to open a door, as he's indicated, as far as dialogue, relative to this need, and he should be commended because we all know what's happening with higher education costs. But while I support the legislation, I do realize there are other questions that are very valid that have been asked by some of my colleagues, and I also question somewhat the universities' ability to absorb the cost right now when we see them facing other, what I term to be, draconian cuts in their operating expenses, not only for this fiscal year but also for next fiscal year. But the Senator has

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been very willing to do as the universities have asked him, to sit down and talk with them, and I just trust that that dialogue will continue.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor yields.

SENATOR LUECHTEFELD:

Senator, would it be safe to say that tuition for incoming freshmen will be -- almost have to be raised each year? Is...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

I -- I would truly believe that would probably be the case, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld. Seeing no further discussion, Senator Walsh, to close.

SENATOR WALSH:

Thank you very much for all the questions. You know, the -- the issue here is, is that we have looked at a continual increase in tuition every year. We're not really doing anything here that -- you know, that isn't being done right now. We have given the -- the universities the opportunity to -- to make that determination. I think it's a good piece of legislation and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill No. 10 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 50 Members voting Yea, 3 voting Nay, and 4 voting Present. Senate Bill 10, having received the required constitutional majority, is declared passed. Senate Bill 13. Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 13.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you -- thank you, Mr. President. Senate Bill 13 is the initiative of the Secretary of State that would require that the -- the Secretary of State appoint an Inspector General with the advice and consent of the -- of the Senate. Provides that the Secretary of State may designate the Inspector General and members of his staff as peace officers after they have completed basic training. Allows the Inspector General to conduct investigations, make reports...

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me, Senator Demuzio. I can't hear you. Could we take the conferences off the Floor over here and over here, and could the doormen and women tell the people in the hall to be quiet? There's a lot of noise out there. Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. I'll try to remember where I was. And conduct investigations, make reports concerning fraud, develop rules. It's a bill that's been around here. Was around here last Session. There are some changes that have been made with -- that were made in committee. It is a work in progress. The Inspector General apparently has pledged to work also in the House for some additional changes. I don't know of any opposition. Be glad to respond to any questions, but I think that we'll see this bill again.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: I rise in strong support. It passed unanimously out of the Executive Committee, and I appreciate the amendments that the sponsor accommodated our side and urge its passage.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 13 pass. All those -- favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record. On that question, there are 57 Members voting Yea, 1 voting Nay, none voting Present. Senate Bill 13, having received the required constitutional majority, is declared passed. Senate Bill 15. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 15.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill is part of a -- the broader package that has been discussed with respect to some reform in the criminal justice system, a modest reform that, I'm very pleased to see -- say, law enforcement has worked diligently in helping me craft. Essentially what we've tried to do is to create a system whereby we can introduce videotaping in the narrow circumstances related to murder but make sure that two things are accomplished: number one, that it doesn't impede law enforcement's investigations; and number two, that it assures that no guilty criminal goes free on the basis of a technicality. So what we've been able to do is craft a measure with the help of the State Police. The Sheriffs' Association, FOP and State's Attorneys have all been involved in these negotiations. I believe now that we have an appropriate balance with respect to this bill. I'm very proud of the legislation. I thank all the parties involved for having put it together, and I would be happy to answer any specific questions that people may have.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor yields.

SENATOR RIGHTER:

Senator, I have not been keeping up - obviously, not a Member of the Judiciary Committee - not been keeping on it. Can

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you walk me through an example of - you know, if you want to outline a hypothetical case or whatever it may be - what the law is now and how this would change the law with regards to these requirements?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

The requirement's fairly simple. Essentially that, in these circumstances, if you have -- Senator Righter, I want you to pay attention - Senator Righter - so that you don't ask the - - same question again. The -- essentially what would happen is it would be restricted to murder cases where a murder had occurred. Videotaping would not apply in various emergency situations or exigent circumstances whereby the person's been handcuffed and they confess or they get in the car and they confess. But once they were in a police building, in police custody, at that point, the requirement would be that the videotaping of the interrogation and the confession take place. However, what -- what was important to the State's Attorneys, as well as law enforcement, was that in -- even in that custodial situation where the videotaping place -- was taking place, if it turned out, for example, that the videotape -- the -- the police officer just stupidly forgot to turn on the videotaping machine or it malfunctioned in some fashion, then what would happen would be that the -- the evidence -- the confession could still be introduced before a judge and as long as there was, by a preponderance of the evidence, reliability and voluntariness shown, then the confession could still be introduced. I should also point out, by the way, that an important factor in terms of keeping down the costs was that it's not audio -- videotape is not the only way to meet the requirement; audiotaping is also adequate. And the basic idea, and what we've seen happen in Minnesota, jurisdictions in Florida, and so forth, is as this gets introduced, as long as it's not so rigid that it hems in law enforcement, law enforcement is finding it's actually a valuable tool for them. And just one good example of a story of how it can be valuable: There was a police department that brought a suspect in who claimed that he was blind and couldn't have committed the crime, and after the police left the room -

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he was not aware, apparently, that he was being videotaped - he pulls out of his pocket some notes and starts reading them. Obviously, that was then able to be presented to the jury and -- and helped ensure his conviction. So, generally, the -- the experience has been positive once this has been initiated.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Just very briefly, Mr. President. I appreciate very much the Senator's work in removing the opposition from the law enforcement community. It sounds like he's got a great bill and I'd urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, Senator Obama, wish to close?

SENATOR OBAMA:

Thank you very much. I just want to thank again all the parties that have been involved. They've been working diligently on this. My -- we have a companion bill in the House that looks very similar. If there are any tweakings that are involved, then obviously it will come back on this side and we'll be able to make sure that this is a quality bill that strikes the right balance. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill No. 15 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 58 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 15, having received the required constitutional majority, is declared passed. Senate Bill No. 24. Senator del Valle. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 24.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

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SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 24 was amended with a -- with the amendment that became the bill. The amendment was a product of lengthy negotiations with folks in the money transmitting industry. As you know, we have several licensed money transmitters throughout the State and they do business with about ten thousand authorized sellers in the State, and so we're attempting to establish some consumer protections here with this bill. This bill expands the definition of payment instruments to include stored value cards. It requires authorized sellers to display certain disclosure notices regarding customer's rights under the Money Transmitters Act and a way to contact DFI if -- if there's a problem, and it requires the licensee to notify DFI when an authorized seller is no longer authorized. That's just to make sure that -- that they don't continue to do business without being authorized. Requires the currency exchange rate to be listed on receipts so that people know how much money at the receiving end they're going to receive, and also generates fines for unlicensed transmitters to be paid into a consumer protection fund created by the bill to be able to help those that end up being defrauded. Now, this bill needs a little, little more work - I guess the popular word around here is tweaking - and I have made a commitment to do some tweaking here in the House. So we're going to see this bill again, hopefully, in its -- in its final form.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. To the sponsor. There was...

PRESIDING OFFICER: (SENATOR WELCH)

He'll -- he'll yield.

SENATOR RUTHERFORD:

...amended this last evening and there was no opposition to what you had done. And in regards to tweaking, could you define that? Is that a big tweak or a little tweak, in your mind?

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

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No. In -- in my mind, it has to be a -- a little tweak.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

So, with that being said, then we will see a little bit of a tweak from the House coming back here, and at that time, we could come to the finalization on -- on what is -- is coming to become, actually, a very positive bill. Thank you.

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 24 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 57 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 24, having received the required constitutional majority, is declared passed. Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

I hit my button, but it would not light up. I want an Aye vote on that.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Senator Martinez. The record will so reflect. Could we please have the electrician inspect Senator Martinez's switch. Senate Bill 30. Senate Bill 25. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 25.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is actually the President's bill. The - the, but he's in the Chair, and so I'm presenting it. This, at the

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moment, is still in shell form. So, folks should be on notice that this is a stripped down bill. The issue involved is energy efficiency standards. There has been a goal already in place, under the -- Section 5 of the Illinois Resource Development and Energy Security Act, that the State should try to meet five percent of its energy goals through energy production derived from renewable energy sources, windmills in -- in farms and -- and other strategies like that. This is an attempt to move those goals forward, particularly at a time of war where we're -- we need to obviously wean ourselves off Middle Eastern oil. I -- the -- apparently the industry is working in concert with the environmentalists. They think that they can come up with an agreement, but they ran a little short on time in terms of our bill deadline and so they are continuing negotiations and expect them to be completed in the House. It will come back here and we'll be able to look at the details of the actual proposal, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I just want to concur with what Senator Obama just said for this side of the aisle. Negotiations are continuing between environmental groups and the utilities, and we'll work something out and come back to the Senate.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill No. 25 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 53 Members voting Aye, 3 voting Nay, 2 voting Present. Senate Bill No. 25, having -- having received the required constitutional majority, is declared passed. Senate Bill No. 30. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 30.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is the second bill that I've devoted much of the early Session on working with law enforcement to try to, once again, strike a balance between concerns of the community with respect to racial profiling and the concerns of law enforcement in making sure that they can carry out their functions. This is something that we've been working on for the last three and half, four years. I am proud to say that we've arrived at a bill that essentially does two things. Number one, it provides for training of officers to ensure that they're sensitive to potential biases in carrying out law enforcement. That is uniformly embraced by police chiefs and -- and police departments across the State. The second thing is the data collection process whereby stops that are made will record, for a period of time, the race of the person stopped so that we can monitor and give management tools to law enforcement to identify any problem spots that they may have that might create tensions within the community. This is, again, something that I've been working closely with, with local jurisdictions and police departments. I would welcome any questions that people may have.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 30. About two years to two and half years ago, Senator Obama and myself began working with Senator Hendon on this particular topic. Barack and I had many, many early morning, 7 a.m. breakfast meetings with former Attorney General Jim Ryan, who along with a cast of -- of -- of -- of hundreds from law enforcement from throughout America, helped us understand the difficult issues which Senator Obama has put together so well to make this very difficult subject workable. And this is the product of about two and a half years of hard work on behalf of the sponsor of this, and I do want to, once again, compliment former Attorney General Jim Ryan, who gave all of us such an education on the -- on the

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complexities of putting this together. Just one caveat for at least the Members on my side of the aisle: While law enforcement is okay with this bill, should we not receive the federal funding that we need, there may be some cost to local government. And I just want to make it clear that at some point in time, should we not get the funding that we believe we will get, there might be a small cost on local law enforcement and I just wanted to advise you of that. But this is a big bill, with about two and a half years' worth of work, and I would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama, to close.

SENATOR OBAMA:

Thank you very much. I want to thank Senator Dillard for his hard work and I want to thank law enforcement for their hard work. And I also want to thank Senator Cullerton, the Chairman of the Judiciary, who became very active in this issue and helped us actually address some of the cost issues and streamline them to make sure that this is something that we can do in a cost-efficient way. So I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 30 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 issue, there are 58 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 30, having received the required constitutional majority, is declared passed. Senate Bill 32. Senator Emil Jones. Senate Bill 38. Senator Emil Jones. Senate Bill 50. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 50.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

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Thank you, Mr. President, Members of the Senate. This bill deals with the primary seat belt law. As you know, the only law that we have in the State of Illinois where we have secondary enforcement is the seat belt law. We passed the seat belt law back in 1984. At the time we passed it, the usage rate was about fourteen percent. We've had our usage rate go up to thirty -- seventy-four percent here in Illinois. As a result, we've saved thousands of lives. Turns out that eighteen states have passed this primary seat belt law, and as a result, the usage rate for seat belts goes up by about twelve percent. If that happens here in Illinois, we will save, annually, about a hundred and forty lives, five thousand serious injuries and millions of dollars in health care costs. So by passing this law, we will save lives; we will save money. It's also the fact that in the Bush budget, the federal budget, they have included in the budget a hundred million dollars for incentives for states to pass the primary seat belt law. We -- we'll be expected, if we pass this law, to bring in about twenty-five million dollars. So, we've had a lot of bills this year that potentially cost money; this one will bring in twenty-five million dollars in federal dollars. So, be happy to answer any questions and would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs moves the previous question. There are one, two, three, four, five speakers on the list. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield.

SENATOR GEO-KARIS:

Are you saying then that what you're doing -- what your -- what your bill says, if I get it correctly, is that -- that a law enforcement officer may -- may check and see if someone has a seat belt when they stop them for something else?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Cullerton.

SENATOR CULLERTON:

I'm sorry. Someone else was talking to me. I couldn't hear the question.

PRESIDING OFFICER: (SENATOR WELCH)

Would the people around Senator Cullerton please be quiet?
Senator Geo-Karis.

SENATOR GEO-KARIS:

Does your bill say, in effect, that if a car is stopped for something else and -- and they notice that I don't have my seat belt on, then I can be charged for not having my seat belt on? Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, what you stated is the law right now. If -- right now, if you're stopped for some other reason and you're not wearing a seat belt, they can give you a ticket. What this bill says is that like every other law, like littering - if you're driving down the street and throw a piece of paper out the window, the police officer can stop you and charge you with littering - this would -- this bill would say that if you weren't wearing your seat belt, they could stop you and give you a -- give you a ticket.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would you speak a little clearer and a little louder, because I can't quite hear you from here?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Okay, the current law is that they can only give you a ticket for a seat belt violation if you're not wearing -- if you're stopped for some other reason. The change here would be to allow this law to be treated like every other law we have in the State of Illinois. So that if a police officer sees a violation, they can give you a ticket.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

To the bill. Mr. President, I think we're going a little bit too far. My word, you're going to be -- you're going to be passing a bill on everything we do. We go to the washroom or anything, you're going to pass bills. I think this is ridiculous. We have enough laws on the books on the -- on the safety of people with seat belts. To begin with, when we did pass the seat belt law, I had voted against it then, because it can be half a dozen of one, six of another. I know of a case where they couldn't get the seat belt open and the woman died in her car. So I think we're going too far, and I -- I speak against this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR RIGHTER:

Senator, in your comments just a moment ago, you said that this would -- this would make it like every other law we have with regards to criminal enforcement and make it primary enforcement. But I want to ask you a question about the fact -- I think it's a little bit different that -- and I'd like you to respond to this. If a police officer is sitting and doing patrol or running the radar and someone goes by at seventy-five miles an hour, that's obvious that they were going seventy-five miles an hour, or if a taillight or a headlight's out, but what if -- but determining whether or not someone inside a car is wearing a shoulder belt when that car is going by at fifty-five, sixty, sixty-five miles an hour is not as -- readily discernible as these other violations. And the question I would have for you is, first, what you would see how the law enforcement officers are going to handle this, assuming you've had discussions with law enforcement personnel, and I know that you have. Is that -- is it going to be a problem for them and how are they going to deal with it?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Cullerton.

SENATOR CULLERTON:

Well, as with -- as with any either criminal statute or traffic -- ordinance, there has to be probable cause to believe that there's an offense being committed. Just like if the -- they -- your taillight's out, they can stop you for that, but they have to see that the taillight's out. If they -- if -- most cars built that are on the highway right now do have the shoulder harness and so they would -- they -- they can see whether or not you were wearing your seat belt or not, and -- and if they see that they're not, they could stop you for that -- just like every other law. Keep in mind, what -- what really is going to happen here is that people who are now part-time users are going to say, "You know what? I'm going to get a ticket; I'm going to have to wear my seat belt." The main goal of this -- of this bill is not to have people get tickets for seat belt nonuse, but for them to actually use it when -- when they're not right now, and that's where we have the resulting reduction in deaths and in saving of dollars.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

And, Senator, that's, of course, the reason why we have all of these. I mean, that's -- the purpose of the speed limit is not to fine people; it's to get people to slow down. The amendment that you added to the bill prohibits searches and seizures of vehicles if someone is pulled over for a violation of the -- the seat belt law that -- that you're proposing. How does that differ from someone who's pulled over for speeding or for a taillight out? I mean, does this add a special prohibition on law enforcement that otherwise they don't already have?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

That amendment was based on a -- a Maryland law and it's just to reassure people that this is not an excuse to stop the -- stop the people and go into their -- their cars. The same law applies -- whatever the -- whatever the probable cause is that

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allows a police officer to go into a trunk still -- still applies here. But this particular law does not allow them -- just want to reassure people, just by stopping somebody just for this citation, it doesn't give 'em any extra right to go in and search someone's car.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

What if someone is pulled over for speeding and for violation of the seat belt usage, then does this prohibition that you have here in the statute, will that -- will they feel bound by this or -- or not? I mean, I'm concerned about the police officer out there on the street who's trying to figure out what rule he or she has to go by in order to lawfully search a -- search a vehicle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, I'm -- I'm glad you asked the question for -- for -- so -- for the purposes of legislative intent, to make it clear. Whatever the current practice is, whatever the current law is, as set by case law or by -- by statute, as to allowing police officers to search vehicles, that's not changed by this -- by this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. Question, I guess, of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

He'll yield.

SENATOR WATSON:

Senator, does -- is the ACLU, American Civil Liberties Union, have they taken a position on this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

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I don't believe so. They were working on the racial profiling bill, but I don't believe that they've taken a position on this one.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

I believe they opposed the original bill. I -- I -- just curious. I -- usually when they're for anything, I'm against it, and when they're against it, I'm for it. Concerns me if I'm with 'em on anything, but I was hoping they might be able to persuade some of you on the other side or even in this caucus that this is a -- this is a bad idea. Just to give you a little history about this, when the bill originally passed, the sponsor of bill on the Senate Floor made the comment that this provision -- that -- that -- that this bill was a secondary offense. He made that comment, and that when you violated a seat belt bill, it would be a secondary offense. Well, we found out later, unfortunately, that was not accurate. And so -- and that was a concern of a lot of us, that we felt it should be a secondary offense. Well, then we come back, I introduced a bill and it made it a secondary offense. So I was the sponsor of the bill -- the legislation that -- that ultimately created the secondary offense, even though I opposed the original seat belt legislation. So -- and I'm a strong proponent of law enforcement. I -- I generally support all the legislation that they -- that they put forward and -- and I -- but I just have some real concerns about this one, because I think this does, as Senator Geo-Karis mentioned, and -- and I'm sure we're going to hear from others, that this does go too far. I mean, we are saying now that you can be pulled over practically for anything, that probable cause is not necessarily a factor. Because if they can -- they assume or they make a decision that, yes, I thought you didn't have your seat belt on, that -- that'll be considered probable cause. And I just think this is a -- a -- a Big Brother issue that we just don't necessarily need to impose on the people of this State. So I would ask you and all of the Members here to reconsider this issue, Senator. I know this has been a strong issue for you over the years. And -- and in fact, we've held this bill in committee traditionally over the last

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ten years. It's now out there and, of course, being debated today, but not a good direction to go. The civil liberties of the people of this State will be impacted and I would encourage a -- a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much. Will the sponsor yield for a -- for a question...

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR OBAMA:

Senator Cullerton, I -- I just want to reiterate, I think, the statistics, because it's my understanding at least that there are a couple of groups that are particularly vulnerable to fatalities as a consequence of non-seat belt use. One, I believe, are minorities and the other are teenagers, and I just wanted to confirm that, in fact, that was the case.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The -- the crash rates for -- for under-twenty-year-olds is much higher than -- than the others. The -- the minorities, Hispanic and African-American minorities, had been behind in the use of seat belts. That's actually been catching up as we get up to the current usage rate of seventy-four percent. There's -- and one other point, and this is a very interesting statistic: When the driver is buckled and they have children in the car, ninety percent of the time the children are properly restrained, but if the driver is not buckled, only thirty percent of the time are the children properly restrained. So, when we get more drivers to buckle up, it helps -- saves the lives of the children who are in the backseat.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

A second question, because I've heard a couple of concerns. I just want to make sure. With respect to search and seizure rules and regulations, I want to -- I want to clarify this.

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Under current law, if you are pulled over for a taillight being out - my taillight, by the way, is out right now, so I -- I speak from experience; haven't had time to fix it - the -- what are the rules currently governing whether a search can take place, based on an ordinary traffic stop?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, it -- I -- I assume it's probably more case law than statute, but it's -- you know, the Supreme Court has kind of set out through their decisions situations where police officers have the right to go in and search in someone's car, in the trunk or whatever. That -- that remains the same. Whatever those laws are, whatever that case law is, that remains the same with this bill. We only wanted to make sure people knew that this particular bill doesn't give one any extra right to go into a search where they otherwise could not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

To the -- to the bill then. The -- my familiarity with -- with the case law in this area indicates that if, for example, there's a -- a -- a marijuana joint on the front seat, that gives justification for the search. There are potentially some other rules in terms of plain view and so forth. But one of the things that I think is important to emphasize in this bill is the number of persons whose lives can potentially be saved because they are simply mindful, maybe for the first time, that, you know, a seat belt's not an inconvenient thing to do. You snap it on; you put your kids in a -- in a safety chair. By doing those kinds of basic reminders to the public, that, in fact, it's worth them thinking about before they start driving off, we can potentially save thousands of lives, particularly lives of young people, particularly lives of children who -- whose parents may not be thinking about traffic safety as much as I'm sure everybody in this Chamber is. I really respect the wonderful work that Senator Cullerton has done on this. Like Senator Watson, I was concerned about some of the Big Brother implications of this until I got educated on the issue and

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started getting telephone calls from people like Willie Brown, the former Mayor of -- or, the Mayor of San Francisco, Meharry University, in -- in the south, that -- that has trained more African-American physicians than -- than -- than any other university in the country, all of whom are indicating that, in fact, this is a very important piece of legislation. So I would urge a strong vote of support for this legislation. I think it will save lives and will actually bring in dollars into a cash-strapped State.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR W. JONES:

Senator Cullerton, I had a question about the fact that we've gone from some lesser percentage to almost three out of four who comply. Where were we, say, eight or ten years ago in terms of compliance?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

When we started out - this bill first was passed, I believe, in 1984 or 1985 - we were, I believe, at a seventeen-percent usage rate, and now we're up to seventy-four percent. So, every year it has -- the usage rate has gone up and every year the fatality rate, the way they measure, you know, fatal crashes per million miles or whatever, that has gone down every year or stayed the same. It's never gone up since 1984 or '85 when we first passed this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Interesting this started in 1984. I think there was a book called 1984 and it had to do with -- just was a segue I couldn't resist. But the fact that we've gone from an educational program at seventeen percent to almost seventy-five percent, wouldn't we be better advised to have our police officers and

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our State educate people and -- and tell 'em to buckle up? I mean, I used to drive all the time without my seat belt. Now I do it. I mean, it's just a habit you get into. But wouldn't it -- wouldn't it be better to have an educational program instead of more big government? A good friend of mine once told me, he says, "It's amazing to me how far the government will go to protect people from themselves." And I think this is a good example of that and I think we're going too far. I would urge you to take this out of the record and make it into an educational program and we get to a hundred percent, and that would be my recommendation. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR VIVERITO:

Senator Cullerton, we've heard a lot of debate on this issue, but one particular thing I -- I -- I thought I heard you say, that there was something about twenty-five million dollars of reimbursement from a federal level. Would you please explain that a little bit?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. And, Senator Viverito, in the -- in the Fiscal Year 2004 Department of Transportation budget, there is a proposal that there'll be a hundred-million-dollar safety incentive grant for primary safety belt laws. So states that pass this law, there's a -- a pot of money, about a hundred -- well, exactly a hundred -- a hundred million dollars. Our State, unfortunately, is expected to be the only one that's going to pass this this year and we were told -- I was told by the head of NHTSA, National Highway Traffic Safety Administration, that we would expect to get a minimum of twenty-five million dollars if we pass this law.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

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SENATOR VIVERITO:

Senator, I can only say to you, if the federal government feels that this is a worthwhile bill, how can any of us ignore it, to be able to be reimbursed twenty-five million dollars? And I commend the sponsor on bringing this forward.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton, to close. Senator Haine, the question was called. I'm sorry. Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I -- I just want to respond. I -- I respect the comments of the Minority Leader. I know that he was the person who did pass the law that made it secondary, but that was back in nineteen, I think, eighty-six when -- when we went back and made it secondary. That's when we didn't know how successful -- how many lives we would be able to save. We've seen now that we've saved over -- I think, forty-two hundred lives since we've got this usage rate up to seventy-five percent. And, Senator Jones, you make a good point. With education, with people wanting to follow the law, we get about three-fourths of the people to follow it, but by going this next step and passing primary, we get it up to probably eighty-six, maybe ninety percent, as in other states, and that translates into a savings of a hundred and forty lives, five thousand serious injuries avoided and millions of dollars in health care costs, in addition to the twenty-five million dollars from the federal government. So, for those reasons, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 50 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 34 Members voting Aye, 24 voting Nay, and 1 voting Present. Senate Bill 50, having received the required constitutional majority, is declared passed. Senate Bill 52. Senator Cullerton. Senator Trotter, could you please... Senator Cullerton, do you want to call Senate Bill 52? Read the bill, Madam {sic} Secretary.

ACTING SECRETARY HARRY:

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Senate Bill 52.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. This also -- thank you, Mr. President, Members of the Senate. This also relates to highway safety. This relates to -- to the issue of children. Actually, Senator -- Representative Schmitz passed this bill out of the House a couple years ago and we looked at it and modified it with an amendment. This amends the Child Passenger Safety Law, and it -- it basically just indicates that our current law is that kids have to be in booster seats through age three and then this extends that age to age seven. So, it'd be four-, five-, six- and seven-year-olds have to be in a booster seat. The bill that passed out of the House had it going all the way up to age twelve, which is totally unnecessary. It all relates to the fact that children under eighty pounds and under four-foot-nine need to be in a booster seat. The Center for Disease Control indicates that that would be up through seven-year-olds and then after they're eight-years-olds, they're -- they're -- either weigh more than that or are taller. Again, a number of states have this. It saves a lot of children's lives, and I'd be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR D. SULLIVAN:

Senator, I -- I think you addressed this, but I have to ask the question because this is the only piece of legislation that my eleven-year-old son has ever lobbied me about. He's eleven years old. This does not apply to him, correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

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That's absolutely correct. And also, there's exemptions in the law that we currently have. If you're driving somebody else's kid and they don't have a booster seat, you don't have to comply with it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Yes. Thank you, Mr. President. My children are tall and they're healthy. Is this based solely on age or does height and weight control?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

The law is based on age, because, as a practical matter, it's easier, I think, to educate people and -- for enforcement purposes so people know. But it -- for -- for your own purposes, you should know that if your -- if your child weighs under eighty pounds or under four-foot-nine, they should be in a -- in a booster seat. But for the purposes of clarification for the law, we looked at the Center for Disease Control. They looked at the charts of average height and weight for children and we said that seven-year -- up through seven-years-olds is the way we should do it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Well, I just -- just so you know - I mean, I don't know how many of you have seven-years-olds; I got nine, seven, five, three - there's not a lot of booster seats out there that can accommodate larger children. I'm sure this will -- you know, maybe the market will change now with the passage of this bill, but just as a practical matter, it's -- compliance will be difficult for a lot of people. Nonetheless, I will -- I support the bill, but just for your advice.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton, to close.

SENATOR CULLERTON:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

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The question is, shall Senate Bill 52 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 40 Members voting Aye, 17 voting Nay, 1 voting Present. Senate Bill 52, having received the required constitutional majority, is declared passed. Senate Bill 63. Senator del Valle. Senate Bill 67. Senator del Valle. Senate Bill 73. Senator Halvorson. Senate Bill 84. Senator del Valle. 85. Senator del Valle. Senate Bill 85. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 85.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 85 is a -- is a vehicle bill that we may want to use in the House. I'd like to send it over.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Yes. Thank you. Just want to advise Members of the Body that this is a vehicle. I have great respect for the sponsor, but we don't know what it'll be or what will be the final package, so please be advised.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR HAINE:

I apologize to the Chair, but I wish to be noted as voting Aye on 52. I didn't get to my button in time.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Haine, the record will so reflect your intention. Senator Cullerton, to close. I'm sorry. Senator -- Senator del Valle, to close.

SENATOR DEL VALLE:

I ask for an Aye vote on this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 85 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 34 Members voting Aye, 20 voting Nay, 4 voting Present. Senate Bill -- 85, having received the required constitutional majority, is declared passed. Senate Bill 86. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 86.

(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 is also a vehicle bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Just briefly, again, this is a shell bill. It deals with a big issue, school funding. We don't know how the money's going to be divided up and who's going to be winners and who's going to be losers, so please be advised when you vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 86 pass. All 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 33 Members voting Aye, 15 voting Nay, 9 voting Present. Senate Bill 86, having received the required constitutional majority, is declared passed. Senate Bill 87. Senator del Valle. Mr. Secretary, read the bill, please.

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Senate Bill 87.

(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 is also a -- a shell bill.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 87 pass. All those in favor, say Aye. Opposed -- I'm sorry. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR RAUSCHENBERGER:

Last week in a -- in a rather "halcyon" day, we passed a large number of shell bills and -- and I certainly don't want to be an obstacle to the process. I want to make sure that the Majority caucuses have enough vehicle bills and shell bills to work with. I just wonder, before we do too many more shell bills, if the Chair could advise us the total number of shell bills that we've passed over to the other Chamber. And -- and since we did those and we didn't get a chance to kind of question them, whether you could give us an indication of what subject matter and what parts of the statutes they amend. So, you know, at any rate, a lot of us would like to be helpful, but since we did that large number, we kind of thought we were done with shell bills and just want to know whether there's critical shortages or how many more shell bills the Chair contemplates we'll be hearing today.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, we'll have to get back to you on that. Obviously, I don't have that at my fingertips. The question is, shall Senate Bill 87 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, 32 Members voting Aye, 17 voting Nay, 10 voting Present. Senate Bill 87, having received the required constitutional majority, is declared

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passed. Senate Bill 89. Senator del Valle. 88. Senator del Valle. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 88.

(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 is also a shell bill.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 88 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, Mr. Secretary. On that question, there are 32 Members voting Aye, 18 voting Nay, 9 voting Present. Senate Bill 88, having received the required constitutional majority, is declared passed. Senate Bill 89. Senator del Valle. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 89.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. This is a shell bill, but we know what's going in it. This -- this will have language establishing line-item budgeting for our university systems. We're in the process of negotiating that language with the Governor's Office and the universities, and I think we're very close to completing that. Like to send this bill over to the House where it will be amended with that language and, of course, come back here for consideration.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 89 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 is 37

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Members voting Aye, 17 voting Nay, and 5 voting Present. Senate Bill 89, having received the required constitutional majority, is declared passed. Senator Larry Walsh. Senate Bill 93. Senate Bill 95. Senator George Shadid. Senate Bill 96. Senator Frank Watson. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 96.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. I'd certainly like to, first of all, thank Senator John Cullerton, Chairman of the Judiciary Committee, who relinquished the sponsorship of this bill to me as a result of a conversation I had with the Macon County State's Attorney, Scott Rueter. And Scott had some concerns about a Supreme Court decision that struck down a Section of the reckless homicide statute. And in that particular case, the Court found unconstitutional the presumption that any person driving under the influence necessarily drives recklessly in a reckless homicide law. What this does is it amends and addresses the Court's decision by adding a new subsection to the aggravated DUI statute, and this new subsection incorporates the Section of reckless homicide statute that was struck down into the aggravated DUI statute, into the Vehicle Code. That's what it does. It passed unanimously out of committee, the Judiciary Committee, and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 96 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 59 Members voting Aye, none voting Nay, none voting Present. Senate Bill 96, having received the required constitutional majority, is declared passed. Senate Bill 99. Senator Carol Ronen. Top of page 6.

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Senate Bill 100. Senator Cullerton. Read the bill, Mr. -- I'm sorry. Hold it? Senator Cullerton.

SENATOR CULLERTON:

I would just like to ask leave to come back to this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton -- asks for leave to come back to Senate Bill 100. Any objections? Seeing no objection, leave is granted. Senate Bill 101. Senator Carol Ronen. Senate Bill 102. Senator James Clayborne. Senate Bill 102, Senator. Senate Bill 105. Senator John Cullerton. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 105.

(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 bill I worked out with the Medical Society. This would establish a Complaint Committee to the Medical Disciplinary Board to review complaints and determine if the file should be closed or referred to the Chief of Medical Prosecutions or whether to proceed with a formal hearing. Know of no opposition. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 105 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 59 Members voting Aye, none voting Nay, none voting Present. Senate Bill 105, having received the required constitutional majority, is declared passed. Senate Bill 109. Senator Frank Watson. Senate Bill 111. Senator Dennis Jacobs. Senate Bill 113. Senator Shadid. Senate Bill 114. Senator Dillard. Senate Bill 123. Senator Cullerton. Senate Bill 132. Senator Larry Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

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Senate Bill 132.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Basically, Senate Bill 132 is a vehicle bill. We have been working in regards to the Municipal League, the Home Builders, the Realtors and schools in regards to the impact fees. We'd like to continue moving the discussions along and ask for an Aye vote to move it to the -- to the House.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. In -- will the -- I'd like to make a comment about the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR W. JONES:

In committee we did support this bill. It's -- it's not exactly a vehicle. It -- it has a lot more in it than a normal vehicle bill. So we rise in support of it. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 132 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 51 Members voting Aye, 5 voting Nay, 1 voting Present. Senate Bill 132, having received the required constitutional majority, is declared passed. Senate Bill 142. Senator Woolard. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 142.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the boat bill. It's going to have reflective tape on it. There has been people that have concerns, and without question, this is not a perfect piece of legislation. This is a safety issue. We're sending it through the process. We've asked the Department of Natural Resources to come up with the actual implementation of this tape on these boats and the rules and regulations in regards to whether or not there is any kind of fees or fines that would be involved in the process of administering. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any -- is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. The sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR J. JONES:

Senator Woolard, I know this was -- was brought to you -- this issue was brought to you by one of your constituents and I -- I forget the age of the young lady who was lost out on -- in a boat on a lake. Could you refresh my memory on the age of that...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

The father of a young lady who was twelve years old got in the boat one evening right before dark and went out on the lake and was lost and -- and was not found throughout the entire evening. He felt - and he's in the trucking business and reflective tape is something that we passed a law a few years ago that -- that all of these tractor trailers have reflective tape on 'em - that if there had been reflective tape, that the lights that they were shinning on the -- on the boat would have been found easier. The good end of the story was that she was found at daylight the next morning and -- and there was no harm done, but it was a -- a very trying evening for them and -- and we believe that this is the kind of thing that could save that

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kind of traumatic event for a family if, in fact, something like this was passed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Jones.

SENATOR J. JONES:

Well, Senator Woolard, I -- I appreciate all that explanation, but all I asked for was the age of the child and -- and that's what I want to get to, is the age of the child. This child was -- was eleven or twelve years of age, out on a lake in a boat. At some point in time the General Assembly has to realize that parental responsibility plays a part, and that's where this plays a part. I don't think any child eleven or twelve years of age ought to be out on a lake of any size in a boat by themselves. I think if you want to do something, rather than put reflective tape on a boat where we can find it in the middle of the night, maybe restrict the age of a -- of a child being out on a lake in a boat by themselves. I think the -- the -- I understand where you're coming from with this. The father has brought it to you and he's concerned, but, you know, we're required to have lights on boats. So I presume that it had lights on it. If -- if it didn't, it's illegal. You know, I just think this is a -- this is a bad avenue to go down. I think we ought to be more concerned of a parent's responsibility, and so I would encourage everybody on my side of the aisle to vote No or Present on this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President -- and Members of the Senate. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LUECHTEFELD:

Senator, is there a -- a grandfather clause on this that if you already have a boat that doesn't have these markings, you can get by with that or do you have to put 'em on?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

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It positively is not a part of the legislation as it is today but I guess that that could be a consideration of the Department, if, in fact, they chose to do it, because we've left the implementation totally up to the Department.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I -- I understand what you're trying to do and -- and I guess if I were a -- if a constituent came to me I would try to -- I would try to accommodate that constituent. I just think this is not a good idea. I mean, we could come up with -- that we put maybe twice as much reflective tape on a boat it -- it -- or on all kinds of things, you know, out there that we could have reflective tape on. So I really think this is probably not a good idea and hopefully we can vote against this. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. Thank you, Mr. President. Three quick questions of the sponsor. First of all, do you have any cost estimates from the boating industry of what they think that the impact of this, this mandate on owners of boats, is going to be?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

Depending on the size of the tape, the actual material is probably going to cost two to three dollars per boat.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- sorry. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Do -- do you know of any studies by anybody that say that somehow they believe this is going to work? I mean, is there a -- did -- did we take time to study this issue to make sure that there's some consensus out there? I mean, I understand we all get requests from individual constituents, but is there any data from other states, proof from any university study, anything that -- that supports this concept of a mandate?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Woolard.

SENATOR WOOLARD:

Without question, we have some very valuable data and that's the data that we have collected from the trucking industry and -- and those of us that drive up and down the highway. You know, there's lights on the backs of those trucks, but the first thing we see is reflective tape and it works and that's -- that's what it's all about.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, as I understand it, the boating industry doesn't agree with the cost estimate, as I understand it, and I understand that the sportsmen's groups don't agree that there's any kind of logical support for this. But -- last question was, I just wondered whether you'd consider either black boxes or GPS. I mean, maybe we could mandate black boxes for all boat owners so we could find 'em at any time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard, do you want to answer that one?

SENATOR WOOLARD:

Yeah. Certainly, I -- I think if we could find those black boxes that would be purchased at four dollars or the -- or the various systems that are available in cars today, that if they could be implemented in some kind of a reasonable fashion, that that would be a better way to approach this. But this is a very inexpensive way, some way that we may be able to save lives. We're talking about safety.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I did some legislation that successfully passed on boat safety and we -- the Chain O' Lakes is in our area, and I agree with my colleague who said no eleven-year-old child should be out in a boat by -- by him or -- himself or herself. However, taping -- this reflective tape isn't going to hurt anything. It may save lives, and I urge a favorable passage of this bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. Senator Woolard, in light of your new position with the Department of Commerce and Economic Opportunity, is it true that there's a 3M factory going into southern Illinois? No, I strike that question. I'm just teasing you a little bit. Where -- I do have a couple of questions, though. Have you talked with the new Director of DNR about this, and what -- what are his thoughts about it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

In all honesty, that was something that we were recommended to do and we did, and, in fact, the language that we have here now is, you -- you might say, their language.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

And would this and -- and I'm not being -- trying to be silly when I ask this, but would it apply to -- you know, you got these -- these floating duck blinds out there that are boats. Would it apply to those kinds of things, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

I -- I'm going to back up to the -- a -- a floating duck blind, if it is a boat, yes, it would. But, in fact, this would be the Department's discretion as to how they would implement it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. And just very quickly, we've had a proliferation of other types of vehicles -- or water craft: sailboats - and I don't know whether they're required to have an

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ID number or not, Senator; I really don't know, so maybe you can answer that for me - and wave runners, jet skis, personal watercraft. Would this apply to any of those?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard can answer that during his closing. Senator Woolard, to close.

SENATOR WOOLARD:

The way we've identified that the reflective tape would be necessary is all of those boats that are required to have numbers on the side. I think that probably many of you were around when we developed the plan to put the numbers on the side of boats. And there was a lot of, you know, people that were vehemently opposed to this, but we chose to proceed with that implementation because we thought it was right and would give us the ability to identify and to protect the interest of those folks. You know, this is not, you know, the total answer and I agree wholeheartedly that we should keep kids out of boats when they're not of age to be making responsible decisions. But if we could do anything at all to save the worry of parents all night long or the potential loss of an individual by being able to find them in a situation that is critical, I'm in favor of it and that's what this is all about. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 142 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 32 Members voting Aye, 24 voting Nay, and 3 Members voting Present. Senate Bill 142, having received the required constitutional majority, is declared passed. Madam Secretary, Rules Report.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment No. 4 to Senate Bill 3, Floor Amendment No. 6 to Senate Bill 73, Floor Amendment No. 4 to Senate Bill 155, Floor Amendment No. 1 to Senate Bill 732, Senate Bills 12, 79 and 80; re-referred to Rules - Senate

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Bills 12, 79 and 80; and Be Approved for Consideration - Senate Bill 12, 79 and 80.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein, for purpose of announcement.

SENATOR SILVERSTEIN:

For two reasons. One, a point of personal privilege and one -- second, for an announcement, if I may, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Which do you want to proceed on?

SENATOR SILVERSTEIN:

I'll do the personal privilege first.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR SILVERSTEIN:

I'd like to welcome to the Senate, Deborah Alexander, a Skokie Park District Commissioner, along with her lovely husband, Brian Alexander.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield.

SENATOR SILVERSTEIN:

Also, the Senate Executive Committee will be meeting at 1 o'clock today in Room 212.

PRESIDING OFFICER: (SENATOR WELCH)

Executive Committee at 1 o'clock in Room 212. On the Order of 3rd Readings, page 6, Senate Bill 150. Senator Link. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 150.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This bill essentially requires that out-of-state drivers to meet the minimum federal standards and make sure that Illinois school officials, when contracting for services, are fully informed as to whether or not that drivers will be meeting stricter Illinois standards. This is for motor coach drivers that are driving kids that are of school

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-- under the age of eighteen for school activities. I know of no opposition of this bill. 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)

Indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. Senator Link, I didn't have a chance to look at -- at what this bill actually does. But you know that there were a lot of those concerns when we passed that prior bill. Does this address most of those relative to these charter bus drivers that do have all kinds of certification? Do they now still -- will they still continue to have to have a school bus driver's permit?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR BURZYNSKI:

Or does this have any impact?

SENATOR LINK:

Well, after giving a pound of flesh and a pint of blood, I think we can -- we -- we've given every concern that the motor coach drivers had, the out-of-state motor coach drivers had, the schools had. Everybody's concern have been met on this. I think they should all be happy now. I am happy with it because it still keeps the intent of the original law that we passed last year. I think we will still stay in the constitution of this bill. I -- I -- I think that we have -- the motor coach industry has signed on as a proponent of this bill. The Catholic Conference has signed as a proponent. The Secretary of State has signed on as a proponent. I think we have addressed all the concerns. Senator Burzynski, we have tried to address all their concerns.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you. Just for clarification. Very quick. I just now was pulling it up and -- and the -- the way I read this is that, for instance, an in-state charter bus driver has to, of course, have their CDL, be licensed, and they also have to pass a criminal background check. But, other than that, that's -- those are the primary restrictions on them. They no longer have to have that...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR BURZYNSKI:

...other...

SENATOR LINK:

Right. That's basically what it is.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

I just would ask for a affirmative vote on this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 150 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 59 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 150, having received the required constitutional majority, is declared passed. Senate Bill 151. Senator Viverito. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. All this does is change the date of the advisory referendum to the year 2004. There's been a lot of editorial newspapers in favor of this issue, giving the people the opportunity. I hope that everybody will vote Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Risinger.

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SENATOR RISINGER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RISINGER:

Senator, do you have the language of the question that's going to be proposed?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

Yes, we do. I believe it is to increase the State income tax by one percent, which will generate approximately one billion two hundred million dollars. We met with the Revenue Department and some of the others -- that's an approximate figure -- and some of the other people we've talked to. I talked to you about that before, and the sensitivity of having one that's compulsory is very, very difficult and sensitive.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger.

SENATOR RISINGER:

Thank you, Senator. To the bill: It came through the State Government Committee. I think I was the only one that voted No. I think we can go through this exercise. I have a concern that after we go through this exercise, what it really means. I think the way you word the question, sometimes you get the answer that you want. But even beyond that, we all run for election. We all know our voters, and I'm not real sure, after we do this kind of referendum, that it's that meaningful to me, as a Senator anyway, after we're done. So I leave it up to this side of the aisle to vote however they want.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR ROSKAM:

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Senator, what's the timing for when this referendum question would be on the ballot? And how does that relate to our current budget crisis?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

I believe that right now we really don't know exactly whether we would do it in the primary or the general election come next November, knowing then full well what our crisis is. Because right now, I -- I -- as you know, the bond issue didn't pass, and obviously, we have concerns for our budgetary problems. We see a lot of things happening that -- financially, that we're in a crisis, and this is one way of addressing the issue. And obviously, the Governor has said he did not want to raise the State income tax. I feel that the best thing we can do is to ask the people, and that's why I'm asking for your consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Would the -- would the question go on the ballot? I'm just unclear, Senator, on the timing on when the actual referendum question would be on the ballot. Would it be, like, next March?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

Well, we're going to have a Presidential election next March, obviously. We would either address the issue in the primary or the general, depending on what the budget is at that time and what the crisis is at that time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

To the bill: I appreciate the gentleman and his sincerity and -- sort of a kind gesture really, but I -- I would urge a No vote. Here's why. I think -- I think the voters spoke. They spoke in November. They spoke when the Governor said he's against an income tax increase, he's against a sales tax increase. From my point of view, the way we're elected, that's

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the end of the story. That's the end of the letter. That's the end of the paragraph. We don't have to pursue that anymore. That's off the table. He was elected on that mandate to wholeheartedly reject income taxes and sales taxes. So I don't think we have to go back and reopen the question. I think it's a notion that was thoroughly rejected by the electorate when they overwhelmingly elected Governor Blagojevich, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 151 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 32 Members voting Aye, 25 voting Nay, and no Members voting Present. Senate Bill 151, having received the required constitutional majority, is declared passed. Station WCIA-Channel 3, Champaign, requests leave to videotape the proceedings. Is there leave? Leave is granted. Senate Bill 152. Senator Link. Senate Bill 155. Senator Halvorson. Senate Bill 158. Senator Halvorson. Senate Bill 168. Senator Cronin. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. This legislation seeks to provide some protection to groups or individuals exercising their First Amendment right, to protect them from harassing lawsuits. I know of no opposition. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 168 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 59 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 168,

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having received the required constitutional majority, is declared passed. Senate Bill 172. Senator John Sullivan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 172.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. Senate Bill 172 is simply a shell bill to be used for downstate economic development purposes. I'm working with various downstate airports, trying to put together some language that will help downstate airports not only obtain, but also retain airline service. The provision's still -- the provision is still in the planning stages. Once it gets worked out, the language will be added in the House, will come back to the full Senate, full committee hearing and vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you. Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR SYVERSON:

Is the intent of this legislation similar to the legislation that we have had bipartisan support on before, that's passed out of here, that this year earlier, for some reason, the bill was held up in Rules?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

It is similar to a bill that I understand that you have sponsored -- sponsored in the past.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

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Is the intent of what you are planning to do with this similar to what the intent was on the previous legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

If -- if that is to help downstate airports retain and improve air service, yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Is there an idea of how the funding or where the funding is going to come for this program?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

No. Not at this time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

The intent, again, is just, then, to keep the discussion going to come up with a proposal, both on the funding and on the details of that. And then the second question is -- is, what airports that are downstate qualify under the -- under your -- under your concept?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

To answer the first question, yes. Right now it's a shell bill. So, that hasn't been determined. Again, we're -- we're thinking downstate. For example, Quincy Airport in my district is having a hard time keeping service there and that might be that type of a airport that might benefit from this program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Is the intent, then, to cover similar airports that we had in the previous legislation and in the legislation that was introduced earlier this year that was held up, including, obviously, Rockford?

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

Again, Senator, it's a shell bill, but I would assume airports like Rockford also would be included. But it's a shell bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR RIGHTER:

Senator, like you, I -- represent a relatively large downstate district. I notice that the -- the caption of the bill has to do with motor fuel taxes, and then in your description of what you intend to do, it was economic development. Can you -- I mean -- and I'm not familiar with what Senator Syverson carried before. Can you tell me how those two jibe?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

I'm going to turn that answer over to Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. This was originally my bill and this was, indeed, patterned after legislation that Senator Syverson had, which did have contemplated some type of a -- of a -- of a potential tax to raise money for downstate airports. That has been taken out of the discussions. We're talking now about possibly -- obtaining federal dollars or dollars which are already at -- in -- in -- in the Department of Aeronautics here in the State in order to help the service for downstate airports. The reason why it's a shell bill is because we could not work out an agreement with all the interested parties in time. So that's why we're keeping the bill alive.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Righter.

SENATOR RIGHTER:

Well, then, for either of the gentlemen, if the idea of a new motor fuel tax or -- on airport -- or, I'm sorry, plane fuel has been taken off, then I guess I'm still curious about why we would try to put that language into a bill like this if we're not going to deal with any. 'Cause now you're tell me, I guess, that it's federally funded, that the program would be federally funded. Does that still not match with what the caption of the bill is and does that not cause a problem for any kind of economic development plan that -- that might be of interest to us?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, as you know, the -- the bill is introduced. When the bill is introduced, it has a title. That title doesn't change. We've gutted the bill to make it a shell bill. But we're stating to you what the purpose of the bill is. There will not be any tax -- any fuel tax on it. That's been understood by the people who are promoting this, for the downstate airport association we've been meeting with, and they have agreed that there shall not be any motor fuel taxes, made it very clear. That just happens to be the -- the title of the bill when it was introduced. Actually, Senator Syverson was the one that first introduced this legislation, and it's going to be patterned after the legislation that he attempted to pass.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Very briefly, what's the nature of the federal funds that we're trying to access?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, that's to be determined. There's also the potential for money at -- through the Department of Aviation here -- or, Aeronautics here in the State of Illinois. We're trying to find if we can get some money to help downstate airports. You know,

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the -- the concept is, there's a number of them that are having trouble bringing service. If we -- it's kind of a chicken-and-egg thing. If we get some -- some money there to kind of subsidize those airports so that they know they can bring in service, then that'll -- that'll grow the -- the downstate airport use. And it can be any downstate airport outside the greater Chicago metropolitan area. But we cannot do it with having any increase in any fuel tax. That's made it -- that's very clear that that cannot be the case.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan, to close.

SENATOR J. SULLIVAN:

Appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 172 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 53 Members voting Aye, 3 Members voting Nay, and 2 voting Present. Senate Bill 172, having received the required constitutional majority, is declared passed. Top of page 7. Senate Bill 173. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 173.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. There's a number of jurisdictions, and in Illinois, the City of Chicago has decided to go ahead with a program where they're -- they're going to install cameras in certain intersections in order to take pictures of cars that might be running red lights. So the City is going to use, I think, ten or twenty intersections. And so the purpose of this bill is to place some limits and some guidelines on any municipality that decides to do this. The first concern people have is that, you know - we talked about this earlier on another bill - Big Brother, these

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cameras taking pictures of people. What we want to make sure is that when people come up to one of these intersections, that there has to be a sign posted that there's a photo enforcement. We don't want the municipalities trying to make money by tricking people into turning, you know, at an intersection where there's cameras taking pictures of 'em without them knowing about it. Secondly, we want to make sure that - and Senator Clayborne raised this in committee - if there's a funeral or if there's an ambulance coming through and that's why someone has to turn left to get out of the way of an ambulance, we want to make sure that they don't even get a ticket to begin with, rather than have to have that as a defense and have to take a day off of work and go in. And thirdly, we want to make sure that any vendors that the cities contract with, that they cannot make this kind of a bounty, so that they'd want to give a lot of tickets out that are even questionable. They cannot make money based on a contingency fee in their contracts with the -- with the cities. In the cities that have done this, it actually has worked. It does -- when people know that they're going to have a -- a -- a camera take a picture of them if they're turning through a red light, they actually stop and there's like a sixty-percent reduction in red light running. And it has kind of a halo effect on other intersections that are not equipped with this. But the point is, we want to make sure that there's these protections, and that's what the bill's about. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Garrett.

SENATOR GARRETT:

Will the -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR GARRETT:

Senator, what cities have this program already in place?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR GARRETT:

What...

SENATOR CULLERTON:

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In Illinois, it's just Chicago, but in other -- other states, it's Washington, D.C.; Sacramento. They have it in Virginia and in New York.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

What is the fine? How does this work? The camera takes a picture and then a ticket is mailed to the driver of the car or the owner of the car?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, first of all, I should emphasize that this is -- we are not imposing this by this law. We are actually limiting what the local jurisdictions do. They -- they are the ones that pass this by ordinance. What we're saying is, in this bill, it cannot be a moving violation. It's not a ticket for the driver. It's like a parking ticket. Okay? The car is in the wrong location and therefore it doesn't go on your driver's record. It doesn't go -- it cannot go -- as a result of this -- this legislation, it cannot go to points on your driver's record. It's the owner of the vehicle who's responsible. They take a picture of the license plate and that's the -- just like on a parking ticket, you know, a illegally parked car, it's the -- it's the owner of the car that's responsible. And that's what this is guaranteeing by this -- this law. As far as what the fines are, it's up to the local jurisdiction to decide that. It's totally permissive in that regard. And I think...

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Garrett.

SENATOR GARRETT:

So, if -- if I were driving a car, I went through a red light, I wouldn't be fined for going through the red light. In fact, I would be fined for, like, a parking ticket?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

That's a very good point. If you're -- if you're -- if there's a police officer there and they give you a ticket,

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that's a moving violation. And you could, you know -- you have to go to court and you -- you could have a -- it could affect your insurance and everything. What we're saying in this bill is that we're guaranteeing that this is only going to be a -- a parking ticket and not a moving violation. And again, it's -- these jurisdictions -- home rule units can -- can enact this now. What we're saying is, we're giving them direction and limitation as to what they can do in their local ordinances.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Well, I guess I understand the intent of what you're doing. But, in effect, what you are doing is saying to people who actually violate the law and go through a red light that we know who you are, but instead of giving you a ticket for your violation, we're going to give you the equivalent of a parking ticket. I just don't -- I think that sends the wrong message.

PRESIDING OFFICER: (SENATOR WELCH)

Was that a question, Senator?

SENATOR GARRETT:

So, I -- I -- but that's really what this bill is about. So -- unless -- I don't understand the intent. I guess I just don't understand the rationale behind it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Okay. The -- the -- jurisdictions -- home rule units can do this now, and they're starting to do this in Chicago. So the intent of the legislation is to give certain -- not to prohibit them from doing it, but to allow -- give them certain parameters. Okay? And it's not to supplement the fact that a police officer can still give you a ticket for driving through a red light. It's -- if they choose to put cameras in certain jurisdictions, we're making sure that there's certain protections for -- for drivers that they can't get a ticket when they're just getting out of way of an ambulance. They -- they can't use this as a bounty to makes a lot of money for the cities. And it's -- it's up to the jurisdictions to decide whether or not they want to enact this. And if they don't want

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to enact it, they don't have to. But if they do, there'd be -- bound by these rules that we're imposing in this law.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

...mean to keep going back to this, but -- so we're putting these -- these cameras up and the only real violation would be the equivalent of a parking ticket. And I understand all the new language that was put in. That's good. I -- I guess I just don't understand. Unless there is somewhere down the road where you will be expanding it, I -- you know, I sat on the Transportation Committee in the House and this bill has come up in different forms. So I guess I -- I -- I worry on two counts. One, I -- I sort of see the Big Brother side of it. But the fact that somebody can actually break the law and there's a picture of it and they're only getting a -- the equivalent of a parking ticket violation is a little bit disturbing to me, too, because, as law enforcement, we shouldn't be allowing for that to happen when we know, in fact, that they are breaking the law.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator Cullerton, what happens if the picture is taken and the person doesn't have their seat belt on?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

That would be a -- that's part of my death penalty bill, actually, that's coming up.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. I think this is a good protection for the drivers, to guard against municipalities imposing restrictions that are unreasonable. So I would ask for an Aye vote.

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PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 173 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 41 Members voting Aye, 17 voting Nay, and 1 voting Present. Senate Bill 173, having received the required constitutional majority, is declared passed. Senate Bill 174. Senator Larry Walsh. Senate Bill 175. Senator Larry Walsh. Senate Bill 176. Senator Larry Walsh. Read -- Senate Bill 178. Senator Larry Walsh. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 178.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 178 is a shell bill that deals with the Livestock Management Facilities Act. I do not know whether we are going to need this piece of legislation or not, but I have talked to some of the Members on the other side of the aisle. There is a situation that is arising in -- in -- in DeKalb County that we may need to address this issue. I ask that we move it over to the House and have it available if it's so needed.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Senator Walsh and I have -- have discussed this bill. This is a -- a bill with the Livestock Management Act really. We don't know really whether by the time the Session ends, whether we're going to need to do something with the Livestock Management Act, but we need to have a vehicle out there just in case we do. I will advise the Members on my side of the aisle I am voting Yes with this because Senator Walsh and I have an agreement of what the specific purpose of this bill is. And I would just advise the Members on my side of

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the aisle to vote however you wish, but, personally, I'm going to be voting Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Todd Sieben.

SENATOR SIEBEN:

I just concur with the previous speaker. Would encourage Members to vote Aye on this. The sponsor's been very forthright in the purpose and the intentions of this bill. Hopefully, it won't be needed.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 178 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, Madam Secretary. On that issue, there are 55 Members voting Aye, 1 voting Nay, none voting Present. Senate Bill 178, having received the required constitutional majority, is declared passed. Senate Bill 180. Senator David Sullivan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 180.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Before I present the bill, I'd like to make a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR D. SULLIVAN:

Like the Senate to welcome my Page for the Day. He is a student at my grade school alma mater. He goes to school with my kids. Chris Mahoney.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield, Chris. Senator Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 180 came to me from a constituent who is an adoptive mother of a foreign-born child. We're trying to

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simplify the paperwork for parents of foreign adoptees. This will allow adoptive parents to obtain a Record of Foreign Birth for their adopted child when federal law does not require re-adoption in this State. There -- it passed out...

PRESIDING OFFICER: (SENATOR WELCH)

Is there...

SENATOR D. SULLIVAN:

...passed out of Judiciary Committee -- unanimously. There's no known opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 180 pass. All -- 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 issue, there are 57 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 180, having received the required constitutional majority, is declared passed. Senate Bill 184. Senator Shadid. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 184.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. Senate Bill 184 is simply a shell bill sponsored by Senator Risinger and myself to be used for port district purposes -- port authority purposes. An amendment may be offered in the House that may establish a district in the Peoria area which will encompass seven counties. I would like to move this bill along so that if an amendment does come together, we will have a bill that can be used for that purpose. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. I rise in support of the bill, obviously. I'm a -- a cosponsor of the bill. It's a jobs bill

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for the -- central Illinois, and I will be working with the sponsor on the amendment. And I urge the passage.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 184 pass. All those in favor, indicate 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 -- there are 54 Members voting Aye, 2 voting Nay, and none voting Present. Senate Bill 184, having received the required constitutional majority, is declared passed. Senate Bill 186. Senator Jacobs. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 186.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a shell bill. We didn't get language till yesterday. What it's intended to do is to license or certify hypnotists. Like to move it along. Your pleasure. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 186 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 46 Members voting Aye, 9 voting Nay, and 2 Members voting Present. Senate Bill 186, having received the required constitutional majority, is declared passed. Senator Dave Sullivan, on Senate Bill 196. Do you wish to proceed? Senator David Sullivan seeks leave of the Body to return Senate Bill 196 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 196. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Sullivan, Dave Sullivan.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill deals with park districts and an interfund transfer. This amendment came to us from the Cook County Clerk to just limit it to Cook County park districts.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing those -- all in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments?

SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. Senate Bill 199. Senator Frank Watson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 199.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This piece of legislation is a series of two bills that we have, 199 and 200, that deal with the Mental Health and Developmentally Disabled {sic} (Developmental Disabilities) Code. And in this particular piece of legislation - 199 - this rewrites the definition of a "person subject to involuntary admission". It also defines "mental illness". It eliminates the jury trials for -- authorized involuntary treatment and eliminates filing fees for any committed {sic} petition. What this is, is we had -- and I want to thank the Chairman of -- of the Committee, Barack Obama, and Senator Crotty and -- and Dale Righter and -- our Minority Spokesman, in regard to this. This was a very contentious issue when it came before the Health and Human Services Committee. And I think because of the work of the Members of that Committee, in fact forcing the various groups, the advocates for all the mental illness people in this State, mental health concerns, we

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were able to get this agreement. And I don't know of any opposition, and I just want to thank the Members of that Committee for their consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR LAUZEN:

Senator, I -- I understand that there's no stated opposition to the bill. I had a very disturbing situation for a constituent back home, where an older lady was removed from her home without having had any family representation go to the courts. Somebody got a -- some kind of a document that could commit her to a nursing home against her will, against her daughter's will, and on a -- I think it was a Thanksgiving Eve or Christmas Eve they came, took her away and she had never been represented in a court, you know, by somebody in her family. And I thought, my gosh, how severe that was. And I -- you know, I chased it down, researched it, and it really was the case. So are there adequate protections in your bill here to avoid that type of circumstance?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

This would not affect that situation at all, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. Chairman. Just a quick statement. I want to commend Senator Watson for the work that he's done on behalf of his constituents, but this is a broader issue that I -- it turns out affected a lot of people. I know it was a little contentious getting us into subcommittee, but I'm very pleased that he and Senator Crotty and others worked so diligently on it, and I'd urge strong support.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? Senator Watson, to close.

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SENATOR WATSON:

Just appreciate your vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 199 pass. All 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 56 Members voting Aye, 2 voting Nay, and none voting Present. Senate Bill 199, having received the required constitutional majority, is declared passed. Senate Bill 200. Senator Watson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is the second bill of the same series. This had no opposition at all and it wasn't contentious. This just defines the -- well, requires the Department of Human Services to develop and present annually at least one training event for specific persons who are involved with the involuntary admission process. And this an educational piece of legislation in which all the groups supported from the get-go.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 200 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Aye, none voting Nay, none voting Present. Senate Bill 200, having received the required constitutional majority, is declared passed. Senate Bill 215. Senator James Clayborne. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 215.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you -- thank you, Mr. President and -- and Members of the Senate. This is a shell bill, and we're still working language out. Basically it's -- I -- I presented it in committee. The design of this bill is to model what has happened over on the St. Louis Riverfront and Laclede's Landing where they've -- the City has actually contracted out to development corporations based upon a development plan to allow those corporations to develop that particular area. We're still working the language out, trying to model after the Missouri law and we just have to been not able to pull it all together. I would ask that you support this bill so that we can bring jobs and development to the -- the Riverfront in East St. Louis.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator, this came out of the Executive Committee on a partisan roll call. And some of the bills that -- that you had had to do with quick-take and so forth. Is there a quick-take element to this, or is that ultimately where we're going?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

No, there's no quick-take element to this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

I -- I -- I didn't ask that clearly. Is there a possibility that there could be quick-take coming back in this shell bill? Is that an authority that this redevelopment corporation needs?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Clayborne.

SENATOR CLAYBORNE:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR LAUZEN:

Senator, there was a bill that came before the Revenue Committee that had some type of new entity, some -- something with the words "economic development" in it, but the essence of it is that as long as three people got together, they could form some type of economic development group. I forgot exactly what it was called in one of the pieces of legislation that you brought before the Revenue Committee. I would ask the same question that Senator Roskam just asked on the quick-take subject. Is that definition of three people getting together and they'll have some special group of power any part of what you anticipate this bill to come back eventually containing?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Lauzen, I have no idea what you're talking about in terms of a three-member entity. The whole purpose of this bill is the City of East St. Louis is in the process, working with the Army Corps of Engineers, SWIDA, to develop a comprehensive development plan for the -- for the East St. Louis Riverfront. And what they're talking about taking is maybe five acres and allowing one corporation, development corporation, to develop those five acres. Then another entity may contract out to take another three acres at the other end of the Riverfront. And basically, the whole intent is regardless of what administration's -- the change of administration, mayors or whatever, that this development corporation has continuity to work with IDOT, to work with the federal government, to work with the county for the development of these particular sites.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Lauzen.

SENATOR LAUZEN:

Thank you very much to the sponsor. Certainly, I respect what you're trying to accomplish, and it's certainly -- it's the -- the meaty part is in the details. I'll -- I'll get you the information of which bill it was so that it can be one of the things that -- you know, that you're aware of to avoid in this -- I believe it was, perhaps, Senate Bill 694. But I would just -- I'll -- I'll get the information for you, because it came before the Revenue Committee. You wouldn't want it to come back as part of your bill and ask for support on it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank you for -- for your questions, Senator Roskam and -- and Senator Lauzen. Senator Lauzen, I intend to keep this bill clean. It's designed strictly for development on the East St. Louis Riverfront. There's no quick-take in here. In fact, one of the biggest incentives that Missouri has is tax abatements. So, I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 215 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 47 Members voting Aye, 11 voting Nay, and none voting Present. Senate Bill 215, having received the required constitutional majority, is declared passed. Senate Bill 222. Senator Clayborne. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 222.

(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. This is an initiative of the Illinois Environmental Protection Agency and basically they want to transfer authority for granting

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provisional variances from the Pollution Control Board to the IEPA. It authorizes parties to a Board enforcement proceeding to bring a civil action to enforce final orders. Authorizes private parties in a citizen enforcement action before the Board to seek waiver from its hearing requiring settlement. It provides that in citizen enforcement actions, the parties may seek relief from the hearing requirement when they submit settlement agreements. It also standardizes language referring to violation of this Act. It revises the civil penalty provisions for administrative citations. It also allows the IEPA to transfer from the Response Contract Indemnification -- of 1.9 million to the Response Contractors Indemnification Fund -- from that Fund into the Brownfields Redevelopment Fund to reflect a shift in IEPA's budgetary priorities. It amends the Environmental Protection Act to create a new Oil Spill Response within the Environmental Protection Act. It creates the Oil Spill Fund -- Response Fund as a new fund within the treasury. And it also allows for other remedies in terms of if a spill does occur -- petroleum spill does occur: recovered from costs from parties responsible for -- for that spill; funds provided by the -- by the federal Oil Spill Liability Trust Fund shall be reimbursed to the State for expenses as a result of a response; and other sources, such as contributions, gifts or supplemental environment projects shall go to this fund pursuant to court orders.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Sullivan. Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Despite that long explanation, I have found no known opposition for this side of the aisle. So I recommend an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 222 pass. All 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, Madam Secretary. On that question, there are 58 Members voting Aye, none voting Nay, and none voting Present. Senate Bill 222, having received the required

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constitutional majority, is declared passed. Senate Bill 223. Senator Clayborne. Senate Bill 224. Senator Clayborne. Senate Bill 226. Senator Cronin. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 226.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. Senate Bill 226 amends the Prompt Payment Act. As you know, some of our providers have not been paid in a timely manner, and this is an effort to make the State of Illinois a more responsible party. If a State official or agency is late in payment of a vendor's bill or invoice for goods or services furnished to the State and the vendor's forced to borrow money to make up for that late payment, the State will be required to pay the vendor an equal amount to the vendor's debt service costs. We had a nice discussion in committee. Senator Meeks and Senator Hunter raised a concern. We amended the bill so that the vendor's debt service costs can be no greater than the prime rate. And, furthermore, we limited the -- the term by which they could -- they would be permitted to pay the bill; if after sixty days had elapsed, then this would take effect. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 226 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 56 -- 57 Members voting Aye, 1 voting Nay, and none voting Present. Senate Bill 226, having received the required constitutional majority, is declared passed. Senate Bill 227. Senator Link. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 227.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This provides a credit voucher that may be issued by the Department of Revenue for distributors of cigarettes for the amount of a -- a bad debt. This is for the stamps in which a -- a bad credit -- or, for distribution of a system of a voucher. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield.

SENATOR ROSKAM:

Senator Link, yesterday we put the amendment on, on 2nd Reading, and on -- I have a question on page 2 of the amendment, if you could get that. Down about line 24, on page 2. I want to make sure you're with me. You with me? Okay. On line 24, that paragraph (c), "The amount of the credit voucher shall be determined using the following as guidelines". And then, Senator, it -- it asks a series of questions in the amendment. The first question is, "What is the amount of the taxes owed to the distributor?" "Who owed the amount to the distributor?" And so forth. Those are all questions. It seems to me like that -- it's a drafting error. The law shouldn't be asking them a question. You should be telling the answer. Do you follow me?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

This -- this same bill, Senator Roskam, was implemented in the State of Michigan and -- and they faced similar problems. And our -- our original bill was basically drafted from the Michigan bill and these problems occurred in this. So when we brought these amendments up, these amendments were these problems that were -- arose from the Michigan bill. And when they indicated these problems, we, in the amendment, after conferring with them and conferring with the distributor,

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brought these in there to address this problem and felt that these questions would address the problems that have faced the Michigan bill that we would now address in the Illinois bill and hopefully, we would not face the same problems. That's why they were phrased into a question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Senator, I have no disagreement about what you're trying to accomplish. I would just suggest to you that if a -- if -- when this goes into the -- into the statutes, it will not instruct a taxpayer the way that you're hoping to instruct a taxpayer. It is -- the -- the bill is improperly drafted and I would suggest taking it out of the record. We cannot have -- the law cannot read, "The amount of the credit voucher shall be determined using the following as guidelines". It's -- it's -- it's a drafting error. I think your staff needs to look at it and -- and come back so -- so that you're telling people, "This is the credit voucher." This is the declaration of -- of -- of the Legislature. But the bill -- we -- we cannot have -- have question marks in the Illinois statutes, and, literally, this bill would put question marks in the Illinois statutes. It -- so I'm not -- I'm not trying to get you. You know, this is a problem. And -- and it's just flawed on its face. I understand what you're trying to accomplish. I support what you're trying to accomplish. This fails to accomplish your intention. So why don't you take it out of the record?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

To answer the question first, before I close. I -- I understand where my colleague is coming from, and -- and -- and without the question marks, we probably have a lot of questions in our statutes. But -- but the point is, is that these are guidelines for the Department of Revenue to address. These are not taxpayer guidelines. These are the Department of Revenue guidelines which... What these are doing -- to close, what we are doing on this is we are addressing a problem that is faced with the -- the cigarette distributors. We have worked with the

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Department of Revenue on this. We are addressing a problem we have faced. We worked with State of Michigan on this problem. I think we have addressed most of these things. We will be more than happy when this bill goes over to -- to the House, to address any concerns over there. And hopefully, we will have this. I just ask for a affirmative vote to keep this going. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, Senator Link closed.

SENATOR ROSKAM:

Well, my time was still going. You'd make the declaration of the closing, Senator. If I could just speak to the bill very briefly, I'd appreciate it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, you indicated that you had closed, as well.

SENATOR ROSKAM:

No, I didn't, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, you didn't turn on your button. Your tone of voice was closing.

SENATOR ROSKAM:

Okay. Well, you -- you want to spend ten minutes doing this or you give me thirty seconds?

PRESIDING OFFICER: (SENATOR WELCH)

Go -- ask a question, Senator.

SENATOR ROSKAM:

All right. The bill is flawed on its face. The -- the bill has question marks. And with all due respect to the sponsor simply saying that Michigan did this, that's no reason that we should do it. There are questions that are asked in the bill. We're not supposed to ask questions in the Legislature. We're supposed to provide answers. And with all due respect, this is a flawed bill. It's flawed on its face, and let's vote No.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 227 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 35

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Members voting Yes, 22 voting No, and 1 voting Present. Senate Bill 227, having received the required constitutional majority, is declared passed. Senate Bill 232. Senator Trotter. Senate Bill 233. Senator Trotter. Senate Bill 248. Senate Bill 233. Senator Trotter. ...the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 233.

(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. Senate Bill 233 would have allowed chiropractors to perform physicals that were required under the School Code for grades kindergarten, 5 through {sic} 9. It would have been a marvelous piece of legislation. However, a lot of misinformation was put out -- or, not enough information was shared with the Members at this time. So, as a consequence, there's still a lot of discussions that have to be made. I -- what this amendment does -- what the bill ultimately became is a shell bill, and I would like to send it over to the House so the discussions can continue and to clear up some of those misunderstandings.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 233 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Members voting Yes, 30 -- 13 voting No, and 3 voting Present. Senate Bill 233, having received the required constitutional majority, is declared passed. Senate Bill 248. Senator Ronen. Senate Bill 254. Senator Haine. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 254.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

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SENATOR HAINE:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this bill was recommended by the Illinois physical therapists' association. It strengthens the requirements for one to be licensed as a physical therapist in this State. It's -- simply put, one has to have a two-year college-level degree from a community college or more. And the -- it's -- it has a background that if one is out-of-state or out of the United States, it is the same equivalent. And I know of no opposition. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 254 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 56 Members voting Aye, 1 voting Nay, and no Members voting Present. Senate Bill 254, having received the required constitutional majority, is declared passed. Senate Bill 255. Senator Haine. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 255.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this bill is recommended by the Department of Professional Regulation. In 2002, the General Assembly passed a bill to license massage therapists to avoid abuse. Mr. President, this is not my first bill. I am a hands-on legislator, however.

PRESIDING OFFICER: (SENATOR WELCH)

Let's -- let's not get carried away, Senator.

SENATOR HAINE:

In any case, this allows cities and villages and counties to continue to regulate massage therapists during the -- the period of a gap in the -- in the implementation of the State licensure Act. Without this authority, you would not have a

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regulatory authority and we might have some abuse of people calling themselves massage therapists. Thank you. I know of no opposition.

PRESIDING OFFICER: (SENATOR WELCH)

Senate -- is there any discussion? Seeing none, the question is, shall Senate Bill 255 pass. All 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, 3 voting No, and no Members voting Present. Senate Bill 255, having received the required constitutional majority, is declared passed. Senate Bill 263. Senator Obama. Senator Obama. Senate Bill 267. Senator Jacobs. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 267.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just so everyone's awake here, this is a fee increase. This is a permissive fee increase for court services, which, as amended, will use the proceeds to -- for court security expenses incurred by the sheriff. This is necessary, in -- in our opinion, because all the increased, stepped-up security that is needed because of 9/11. And I think it's a good bill, and it's permissive and it allows them to go up to twenty-five dollars on the fee. I ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR RAUSCHENBERGER:

Is it your intent that this new revenue source would offset costs already being paid by the counties or to increase the

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security? I would just -- by way of explanation, at 12 noon on any court day, there are more Kane County sheriffs in our courthouse than there are on the streets of Kane County. It's been an ongoing frustration to some of us in some of the collar counties. We're -- we're securing our courtrooms, and we're forgetting about our streets. So, I'm not in favor of any increased security for the courts. I just wondered whether there's any limitation whether they can spend this on additional security.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

I am -- I am sure that they probably could spend it on increased security. But the problem that I have received from our people is the ongoing cost. And I can -- got some figures here I can give to you if I can find the right bill. As an example, of the amount collected presently and the expenses, most counties are running anywhere between a low of four hundred and twenty-nine dollars in the small County of Carroll, up to sixty-eight thousand dollars in McLean, and a hundred and two thousand in St. Clair. And that's of existing -- of existing expenses.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: This current situation that we have, in two of our largest counties, Cook and DuPage County currently have the highest filing fees in the world, certainly in the country. That's information from the Illinois State Bar Association. These continual add-ons, they're not really a problem for the people that have money. They're a problem for the litigants who need access to the court system, and we're going to be pricing some of these people out of the market. So I would -- I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, the question is, shall Senate Bill 267 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

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the record. On that question, there are 30 Members voting Aye, 22 Members voting No, and no Members voting Present. Senate Bill 267, having received the required constitutional amendment {sic}, is declared passed. Senate Bill 268. Senator Jacobs. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

Senate Bill 268.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Or should I say, no thank you, Mr. President, Ladies and Gentlemen of -- of the Senate. Senate Bill 268, as amended, allows municipalities and -- and counties to be in the same category as we currently allow the -- the State to be in for -- for clean construction and demolition debris, and it allows for an immediate effective date. It's one that I don't think there's any opposition to that I'm aware of, and I ask for a nice vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate Bill 268 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Aye, none voting Nay, and no Members voting Present. Senate Bill 268, having received the required constitutional majority, is declared passed. Senate Bill 274. Senator Cullerton. Read the bill, Mr. {sic} Secretary.

SECRETARY HAWKER:

Senate Bill 274.

(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. Let me say at the outset that this is not an agreed bill. Did try to

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work out an agreement among the parties, but we are not there. So, I'll -- I'll make it clear who's for it and who's against it. What this has to do is with health care liens. There's currently, in Illinois, seven health care liens. Each one has been enacted over the course of the year, and there's a -- a prohibition that the amount of the lien may not exceed one third of the amount paid to the injured person. So, a logical reading of these statutes would be that the maximum amount deducted from an injured person's recovery would be one-third. But unfortunately, because of a Supreme Court case, they -- they didn't read it that way, and so the situation now is, in Illinois, if there's -- if there's an injury and there's a -- like a personal injury and you hire a lawyer, you want the lawyer to bring your case so you -- you say to the lawyer, "We'll give you one-third of the award if -- if we win," and then the -- all of the -- the medical bills exceed the total amount of the potential judgment, that would mean that the injured party would not get anything. All of the money that he would get from the award, or she would get from the award, is tied up in these liens. So the problem is that there's not even an incentive to go out and bring the case in the first place. Okay? So what this bill does is to say that the collective total amount of the liens is set at one-third. Now, it doesn't mean that these hospitals and doctors can't go after and get a judgment for the rest of their -- their bill. It just means that the lien itself is limited to one-third. The attorney's fees are typically limited to one-third, and there's two -- there's one-third left for the plaintiff. Now, I would indicate that the Medical Society is opposed to this bill. The Hospital Association's opposed to this bill. We tried to reach an agreement with them. We couldn't. So I'm presenting the bill, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I can see the logic of the bill, but right now we've had a real crisis with our medical providers, our doctors and our hospitals. They got enough problems. I don't think we should add to them. And

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frankly, I think that perhaps we should not add to them, and I'm speaking against the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger.

SENATOR RISINGER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RISINGER:

Senator, as I understand this, this puts a -- a cap on -- on the liens, but it doesn't put any limit on what the lawyers can charge.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

That is true, but, typically, the attorney's lien, which came first in the -- in the law, has been set at thirty-three percent. That's the practice, and again, I'm just emphasizing, the reason for that is you want to have somebody bring the lawsuit in the first place to create the amount of money so that the doctors and hospitals will have something to lien. And that's why you have an attorney's lien. Then, you understand the rest of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger.

SENATOR RISINGER:

I understand that. But we're asking the -- the medical profession to reduce their amount, but we're not asking the lawyers to reduce their amount. Correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

That's not really fair to say it that way. The attorney's lien that we have right now doesn't have any cap - okay? - doesn't have any percentage. The other hospital liens or the other health care liens do have a cap. They say right now, in the law, they can only be one-third of -- of the total judgment. The problem is that the Supreme Court read that differently than what I would like to read it. I'd like to read 'em altogether

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and assume that the -- that the injured party only, you know, gets to keep one-third himself. Okay? But the -- if you want to focus in on the attorney issue, I wouldn't have any objection and had -- had we -- worked out an agreement, we would have limited the attorneys to maybe even less than one-third. But we couldn't reach an agreement on the percentages, so I'm just presenting the bill as is.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger.

SENATOR RISINGER:

Thank -- thank you. I just think there'd be some fairness in it if the attorneys would participate at the same time. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Maybe just to follow up along that same question and maybe just a -- a clarification for us. So under this, what we're -- under this, what we're saying is that all the medical providers in a case are -- would be limited to just one-third, no matter how many. If you have hospital, doctor, all those combined would be limited to just one-third under this issue.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

In negotiating -- and the reason for -- what was -- what's the reason for limiting them to one-third of -- of that, as opposed to, obviously, the balance?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

The reason for the bill is that if -- if they're not limited and they're -- they're all allowed to -- to apply their one-third to the total judgment, you could have the entire potential judgment locked up in liens, so that there's no

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incentive for the injured party to even bring the lawsuit in the first place, and therefore there's no judgment entered against any party -- the -- the -- the negligent party, and therefore there's no pot of money to even draw from. So we're trying to provide an incentive for the plaintiff to bring the lawsuit in the first place. And the reason why there's a -- an attorney's lien came first, because that's what is necessary to get the attorney, who otherwise doesn't get paid any money if they lose, to bring the case in the first -- in the first case. And this is what the practice was, where all of these were collectively read together and it was -- a total of one-third was their lien, up until this Burrell case, which came down a few years ago, and the Supreme Court, on a five-to-four decision, read it differently, and we're trying to reverse that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson, please push your button to speak. I can't tell... Senator Syverson.

SENATOR SYVERSON:

Again, I guess that goes to the issue. You mentioned that under this one, in -- in negotiating this, the concern was we wanted to make sure the plaintiffs would get something out of this, and so let's take it out of all the medical providers, instead of coming back and saying, let's -- maybe we need to adjust the attorneys' liens and say if we're going to limit what all the medical providers are going to get, maybe it's time to reopen the door and say, if that's the case, everyone should have to give a little bit. The concern is, you had mentioned that if we -- if attorneys didn't have their lien, that the attorneys wouldn't take the case and the person would never be able to file that case. The same could happen here. If we're going to tell hospitals and doctors that you're not going to get paid, maybe doctors and hospitals are going to start saying, "Maybe we don't want to be handling these cases." Clearly, if the medical providers are against this, they know that they are going to be receiving less dollars in these cases for the services that they're giving, which is going to have an effect on, obviously, the cost of health care. And maybe you can just comment, I guess, why they're -- if that's not true, what -- their opposition to this.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Okay. Well, first of all, let me just tell you, in the negotiations, there were definitely offers to limit the attorney's fees to less than thirty-three percent. Okay? The problem was that, collectively, the parties weren't allowing for enough left over for the actual injured party, and that's why there was no negotiations. I would be very happy to put an amendment on here to say that attorneys are limited to one-third 'cause that's what the practice is. That wouldn't change anything. Okay? That's number one. Number two, we're not talking about the right of the -- of the doctor or the hospital to get paid. They're always entitled to get paid. They can file a lawsuit against the injured party and go after their assets. What we're talking about here are liens, where they have an actual right to the total money that comes from a judgment. And the problem is that when the -- when the total liens exceed the total amount of the -- of the potential judgment, there's no incentive to bring the case in the first place. So this lawsuit that's brought by the -- by the lawyer on behalf of the injured party creates the pot of money so that attorneys can have the -- or, so that the -- the health care professionals can have the liens. That's -- that's the purpose of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Under that scenario then, if that individual then receives those proceeds now - the -- the attorneys get their lien, the hospitals get their lien, the plaintiff gets theirs - when they receive those dollars, then may these medical providers bill those same individuals for that same amount of money that they received? So, we're not just taking it out of the lien. We're just playing semantics and we're going to take it out of their checkbook once they deposit that -- that check at -- in their personal account.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

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SENATOR CULLERTON:

You're absolutely right. They would have the opportunity to sue them in a separate lawsuit and obtain any monies that might be available from that plaintiff. But the problem is, it's a chicken and egg. There's not an incentive. If they know right up front that the whole thing is going to go to a lien, there's no incentive to bring the lawsuit in the first place and there's no pot of money for -- as I said, for those health care professionals to even lien.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson. We're getting the same answer to every question. Senator Roskam. ...board is not working, Senator Roskam. Is your light lit at your desk? It's not lit on my board either.

SENATOR CULLERTON:

Mine works. You can come over here.

PRESIDING OFFICER: (SENATOR WELCH)

Can you try moving to a different space? Does that work? Can you try moving over -- Senator -- Senator Rauschenberger, does your light work? Well, we're getting ready to break. We'd like to finish this bill. Why doesn't Senator Roskam come to the Democratic side and we'll let him use a microphone if we have a volunteer?

SENATOR CULLERTON:

Mr. President. Mr. President, the only mike that works is mine.

PRESIDING OFFICER: (SENATOR WELCH)

The...

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

I think so. Senator Roskam, at Senator Cullerton's microphone.

SENATOR ROSKAM:

No. To the bill: This is a good bill. This makes all kinds of sense. It -- Senator Cullerton has done a very good job sparring with you folks, and you need to be enlightened on this issue. This, seriously, will make cases go away. The

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Senator is trying to -- to correct an aberration, to correct a Supreme Court case that overinterpreted the statutes in an inappropriate way. It's a good bill. And I -- I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

There any further discussion? Seeing none, Senator Cullerton, to close.

SENATOR CULLERTON:

I'd like to -- I look forward to further debate on the rest of the bills over at my desk.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 274 pass. All in favor will vote Aye. Opposed, vote Nay. The voting is open. We are going to have to have an oral roll call it appears, and then we will go to committees. Madam Secretary, please call the roll on Senate Bill 274.

SENATOR CULLERTON:

Can we take it out -- Mr. President, can we take it out of the record? Can we take it out of the record?

PRESIDING OFFICER: (SENATOR WELCH)

We're going to take it out of the record, at this point in time, instead. And at this point, committee -- the -- the Executive Committee will meet at 1 o'clock. The Senate will stand in recess to the call of the Chair. After the committee meeting, the Senate will reconvene for Floor action. The Senate stands in recess. We will return at 2 p.m. or after the Executive Committee has adjourned. 2 o'clock or upon adjournment of the Executive Committee.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate will come to order. ...Squires Photography seeks leave to photograph the proceedings. Is there any objection? Leave is granted. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 1 {sic} (4) to Senate

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Bill 3, Senate Amendment No. 6 to Senate Bill 73, and Senate Amendment No. 4 to Senate Bill 155, all Be Adopted.

PRESIDING OFFICER: (SENATOR HALVORSON)

All Members, please come to the Floor. Anybody in their offices, please come to the Floor. Madam Secretary, do you have any motions on file?

SECRETARY HAWKER:

Yes. I have a motion with respect to Senate Bill 1871. Filed by Senator Peter Roskam.

PRESIDING OFFICER: (SENATOR HALVORSON)

Place the motion on the Calendar. Members are please asked to come to the Floor. We're on the Order of 3rd Reading. We'll be starting any moment. Ladies and Gentlemen of the Senate, I - - while we're getting ready to go, I would like to welcome our 2003 delegates from the Illinois Women's Institute for Leadership. Welcome to the Senate. If you'd please stand and be recognized. Madam Secretary, 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 - House Bills 1285 and 1458; refer to Education Committee - House Bills 60, 205, 430, 1235, 1387, 2235 and 2805; refer to Environment and Energy Committee - House Bills 236 and 3508; refer to Executive Committee - House Bills 276, 531, 1118 and 2345; refer to Financial Institutions Committee - House Bills 1486, 1516, 2188 and 2543; refer to Health and Human Services Committee - House Bills 59, 81, 199, 200, 207, 211, 275, 293, 294, 467, 547, 1089, 1254, 1412, 1530, 1630, 2136 and 3229; refer to -- Insurance and Pensions Committee - House Bills 79, 1172 -- pardon me, that's 1192 and 3522; refer to Judiciary Committee - House Bills 51, 56, 249, 312, 1157, 1205, 1280, 1382, 1425, 1536, 2146, 2441, 2478, 3058 {sic} (3053), 3072 and 3501; refer to Labor and Commerce Committee - House Bills 336, 1457 and 3405; refer to Local Government Committee - House Bills 269, 526, 527, 544, 1246 and 3411; refer to Revenue Committee - House Bills 1445, 2291 and 3049; refer to State Government Committee - House Bills 497, 1423, 2205, 2379, 2413, 2523 and 2972; and refer to

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Transportation Committee - House Bills 123, 313, 385, 1274, 1389, 1455 and 1491.

PRESIDING OFFICER: (SENATOR HALVORSON)

On page 8 of the Calendar, on the Order of 3rd Reading. This is final action. Senator Cullerton, on Senate Bill 274. We've had all the debate we need to. Would you like to close? Senator Cullerton.

SENATOR CULLERTON:

Yes. I think just to be fair, I should just refresh everyone's memory. We are talking about the bill dealing with hospital liens. You may recall that Senator Roskam made a very impassioned speech from my -- my desk. He came all the way over here to my desk just to make sure that you knew that he was in favor of it. So I would be happy to ask you to please vote Aye. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 274 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 32 Ayes, 18 Nays, 1 voting Present -- 33 Yeas, 17 Nays, 1 voting Present. Senate Bill 247 {sic}, having received the required constitutional majority, is declared passed. Senate Bill 274. Thank you, Senator Burzynski. 275. Senator Cullerton. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 275.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This bill deals with the relationship between bicyclists and the duty of care that's owed to bicyclists on bike paths and on our roads throughout the State of Illinois. This has also been a very contentious issue which we were not able to really reach an agreement on. The version of the bill that is before us basically is supported by the -- bicyclists and it -- what

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they're trying to do is take away a disincentive that municipalities have right now to mark bike paths within their jurisdictions. The reason for that is, right now if they don't mark the bike path, there's no duty of care owed, there's no negligence standard at all. But if they do mark the bike path, then it's ordinary and reasonable care, so that if someone was injured, they could sue and the municipality would be liable. So in order to change that and remove that -- that disincentive, what this bill, as it's drafted, does is to say that the standard of care on bike paths, as well as on -- on roadways, is a standard of willful and wanton misconduct, which is a very high standard for someone to prove that the municipalities would be liable for. So, it's attempt at a compromise. As I said, the bicyclists are in favor of it. I believe the municipalities are opposed to this, and be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm always reluctant to comment on a Cullerton bill, because he does such exhaustive and -- and -- and fantastic, detailed work. But I just want to rise at this point in strong support of the work he's done. It's been a very, very difficult compromise, working from the -- the Boub -- the Boub-Wayne case, or the Boub-Wayne Case. I was involved with this issue over the last couple years. This is a very reasonable compromise, and I really appreciate Senator Cullerton's hard work on this issue and hope that we give him strong bipartisan support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Risinger.

SENATOR RISINGER:

Yeah. To -- thank you, Madam President. And to the bill: I'm a -- a strong supporter of bicyclists. We spend millions of dollars every year out of the Highway Trust Fund to build bicycle paths, but there is an issue of liability. There's an issue of maintenance whenever you start marking bicycle paths on -- on community streets and county highways. The -- the amount of due care that's needed is different for a bicycle path than

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there is for a highway or a city street. And I have major concerns with this bill, and I intend to vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR ROSKAM:

Senator, it's my understanding that the units of government are -- are okay with this. Isn't that kind of what they were communicating to you? Or I think you mentioned that they were opposed, but aren't some of 'em for this?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. It's a little complicated. I think that the City of Chicago is -- is neutral. I think the Municipal League might be opposed. I think the Trial Lawyers are probably not in favor of this version, but the bicyclists are. So, there's four different entities that have weighed in here, and that's where they stand on this particular version because this -- this -- this says that -- that the standard of care throughout the State is willful and wanton, on the bike path or on a road, so as we -- so as to take away the disincentive to mark bike paths. And that's what the bicyclists really want. Some people in the Municipal League would not want to change the standard of no liability on the roads to willful and wanton and that's where their objections would come from.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Well, to the bill: I mean -- this bill is as good as it gets on this issue. There's so many moving parts, it's unbelievable. And the -- the notion that -- that Senator Cullerton was able to put together this type of compromise was yeoman's work, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Risinger, for a second time.

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SENATOR RISINGER:

I've had the distinction of being able to serve the Department of Transportation where we've had to maintain bicycle paths and, I -- I tell you, the -- the amount of maintenance and the amount of cost to maintain that portion of a highway is more expensive than your normal maintenance, and it is going to be a cost to municipalities, believe me.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any other discussion? Senator Cullerton, to close.

SENATOR CULLERTON:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 275 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 47 Ayes, 10 Nays, none voting Present. The -- Senate Bill 275, having received the required constitutional majority, is declared passed. Senate Bill 280. Senator Haine. ...Bill 281. Senator Haine. Senate Bill 309. Senator Ronen. Senate Bill 315. Senator Viverito. ...Bill 317. Senator Haine. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 317.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is the teacher tenure bill, which has been amended significantly after an agreement between the IEA and IFT and the Illinois School Management. To -- just to bring this back to mind, in 1998 the -- the provisions granting tenure to teachers were changed from a two-year period they were granted tenure, to a four-year period, in 1998. And the teachers were dissatisfied with that, believing that they should have had a shorter period for the school district to come to an agreement about hiring, because otherwise they would be "strung along", quote unquote,

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for a longer period of time. The school boards did not agree with that. There was some suggestions from the Education Committee Members, and we have an agreement here in which case the bill calls for a provision that -- that a new teacher without previous tenure would have a three-year period of time, a probationary period, with a fourth-year option at the option of the board in which the school board would express in writing that they should get another year and there would be a meeting of the minds on what has to be done. If there's a previously tenured teacher, they only have two years, which is consistent with what the law was. And I ask for its approval. Everyone seems to be on board. This does not include the City of Chicago. They wanted to handle it themselves, between the CTU and the Chicago School Board. It's just everyone but Chicago. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. I want to just point out, for edification of the Body, a little bit of history, if I may. A few years ago we led the charge here in the General Assembly to move the probationary period for teachers from two years to four years. At that time -- and -- and we still maintain that management ought to have the latitude to evaluate the performance of a teacher for a longer period of time than simply two years. Since that period of time, management has come forward with a number of different concerns and issues about how this is implemented practically. And after lengthy negotiations - and I have to commend the sponsor, Senator Haine - the management of schools and the teachers have come together and are both supportive of this revision. You need to know that, as Senator Haine points out, that this does not apply to Chicago, that Chicago still has the latitude to hold to a four-year term with no exceptions. But I think that this, on balance, is -- with the delicate balance that they've struck in the language, I think it's -- I think it's good policy. I think it gives the management a tool here to pursue a teacher that they want to secure and I think that it permits them to extend the probationary period in certain cases. So I think, you know, you

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need to look at this carefully, but I think, on balance, it is an agreement with management. It does give them a little bit more discretion and latitude, and I think for those reasons, I rise in support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Madam President and Members of the Senate, I -- a few years ago when we went to four years on probation, I -- I guess I supported that at that time, thinking it would certainly give the administration a better chance to take a look at these -- at these young teachers. I think the -- the -- the bill that Senator Haine has is probably a -- you know, I think maybe a better bill than what we have at the present time and this does allow the administrators to go to four years; if they're on probation, that they go three plus the four. And, also, I think what it does for teachers who have already been tenured is probably the right way to go. And so I would -- I would recommend voting for this bill. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any other discussion? Seeing none, Senator Haine, to close.

SENATOR HAINE:

I would appreciate an Aye vote. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 317 pass. All 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 58 Yeas, none voting Nay, none voting Present. Senate Bill 317, having received the required constitutional majority, is declared passed. Senator Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Madam President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR WALSH:

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It's my honor to -- to recognize a good friend and my predecessor that was -- served for ten years here in the Illinois Senate, our friend, Senator Tom Dunn, Judge Dunn, that's down here visiting us today. Would like to welcome him to the Senate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome to Springfield, Judge. Good to see you. Senate Bill 318. Senator Shadid. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 318.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Thank you, Madam President. Senate Bill 318, as amended by Senate Amendment 2, is sponsored by myself and my good cosponsor, Senator Sieben. It simply allows insurance companies -- insurance producers to obtain coverage from the surplus lines market without first having to receive a declination from both the admitted market and residential -- residual market. This bill is an initiative of the Professional Independent Insurance Agents of Illinois and is supported by the Department of Insurance and the insurance lobby. I know of no opposition to the bill, as it came out of committee unanimously. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR SHADID:

I'd like to have an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 318 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 58 Yeas, none voting Nay, none voting Present. Senate Bill 318, having received the required constitutional majority, is

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declared passed. Senate Bill 324. Senator Schoenberg. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 324.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 324 is a vehicle that is exclusively supposed to be the receptacle for any changes proposed by the Procurement Policy Board. There's been ongoing discussion. There will be no movement on this without total agreement, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR SCHOENBERG:

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 324 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 21 Nays, none voting Present. Senate Bill 324, having received the required constitutional majority, is declared passed. Senate Bill 328. Senator Link. Senator Link, on Senate Bill 328. Senate Bill 331. Senator Lightford. Senate Bill 334. Senator Clayborne. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 334.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President and Members of the Senate. Basically -- Senate Bill 334 creates a new Act entitled the

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Manufactured (Home) Installation Act. It defines manufactured home, mobile home park and -- and a permanent foundation. Provides that a manufactured home installed on private property that is not in a mobile home park must be installed so that it rests wholly on a permanent foundation. The permanent foundation must meet or exceed the requirements for a permanent foundation as defined in this Act. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. Just a couple questions of the sponsor, if he'd be willing to yield.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RAUSCHENBERGER:

Yeah. Senator Clayborne, it's my understanding and I'm certainly not an expert on mobile homes - I kind of defer to Senator Bomke on those kind of things - but it's my understanding that when you purchase a mobile home, it functions in the marketplace more like a vehicle. In other words, it's a depreciating asset, where normally when -- when you buy a stick-built house or a custom house or whatever, it's an asset that tends to appreciate over time. So, one of the reasons or the logics for the different tax treatment of mobile homes was the fact that they were a depreciable asset rather than an asset that appreciated. I just wonder what you think the effect of your bill is on -- on the fact that, you know, we seem to be moving a depreciable asset into a tax class and treating it for tax purposes as if it's an appreciating asset. I -- I -- I'm just kind of concerned about the origin of the bill and -- and what the intent is.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank -- thank you, Senator Roskam -- I mean, Senator Rauschenberger. I'm sorry. There's a big difference between the two, but, I mean, you-all stand up so much, you know, and question me. Sometimes I get a little confused. But -- but I

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think you go back to the history of why it's a privilege tax. Prior to 1970, as I understand it, Senator Rauschenberger, that there wasn't a difference. And with the new Constitution, we began to treat mobile homes differently. And I think, as -- as 1970 and you look at the mobile homes or manufactured homes of today, some places you go, it could be a mobile home park and you can't -- you're not able to distinguish a manufactured home from a regular home. So I guess this -- this bill was designed that if you leave outside of that manufactured home park or mobile home park and you want your home to be in a residential neighborhood, to be amongst other single-family homes, then you must have same or similar requirements and put that manufactured home on a permanent foundation. At that point, if it's on a permanent foundation, which you've made a choice to do, then you will probably be treated similar to the other homes on that -- in that area.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I appreciate that explanation. I think the change in 1970 goes back to the fact that we abolished the personal property tax. At the time, we had both property tax and a personal property tax, so they -- they kind of met in the middle. I guess the fundamental question I'm kind of drilling down to, is this change to put foundations under mobile homes or is this change to increase property tax revenue by making mobile homes taxable, as if they're other real property? I mean, it -- who suggested the bill or who's, you know, the -- the supporters of the bill or, you know, where we coming from?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

To -- to answer your question, best of ability -- of my ability, if it looks like a duck and quacks like a duck, it probably is a duck. So, if you -- if you want -- I mean, in 1970, Senator Rauschenberger, we knew what a mobile home was and we could see a mobile home from -- from afar. Now if we go into some of these parks and -- and some of these communities, we're not -- we're not able to distinguish between a manufactured home

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and some other homes. So, the -- I guess the ultimate effect is that they will probably be, if they're put on a -- permanent foundation where they're not able to move them, then they will be treated as those homes -- as other homes -- be treated as real property. I'm sorry.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just to the pill -- just to the bill. I think that the -- the sponsor's making a reasonable effort to try to get at the difference between what's traditionally been trailers or mobile homes and the movement toward manufactured housing, and I think that's a -- a worthwhile effort. I guess I'm concerned that this bill doesn't quite get there and would just caution people as to the change in tax status, because there's still a fundamental, tremendous question, difference. For those people if you're buying a depreciable asset, you're now going to have it treated and taxed as if it's a stick-built home that'll appreciate. But I certainly know the sponsor is trying to get in to a piece of law that eventually I think we're going to have to deal with. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs, there are one, two, three, four, five. Senator Jacobs moves the previous question. Prior to the motion of Senator Jacobs on Senate Bill 334, five Senators have -- are seeking recognition. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR BURZYNSKI:

Several questions, but the first one is, if it's good enough for mobile homes or manufactured homes that are outside of a park, why isn't this bill good enough for manufactured homes that are inside a park? Why the differentiation?

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Because in -- in the property, Senator Burzynski, typically they don't own the property that they're on. They're -- they're leasing that property.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Okay. Let me ask you this: Does this bill supersede any local ordinances or codes that counties might have or municipalities might have relative to the placement of mobile homes or manufactured homes?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

No, it does not. This only says that if you place a manufactured home or mobile home on a permanent foundation, which, obviously, at that point in time, it doesn't become mobile anymore, it will be treated like -- like the other pieces of property in that -- in that neighborhood.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

But this bill doesn't say "if you do"; it says "you must". Isn't that correct? Okay. My point is, I have counties who have local zoning ordinances who will allow a mobile home -- who have ordinances against mobile homes in the county; however, if somebody is building a new home, they can apply for a permit that would be up to maybe a year, a year and a half, two years, while they're building their new home. Is that person that moves that manufactured home out there going to be required to place their manufactured home on a permanent foundation, even though they're only going to be there two years? I think this bill does supersede what the local ordinance says they have to do.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

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I'm -- I'm trying to understand -- I don't quite understand what you were saying, Senator Burzynski. I -- I -- if I understand, what you're saying is that they could move that home there for a temporary period of time, for whatever reason. I -- I don't know. I mean, that's something that -- that I'm more than willing to address, but this bill is more so...

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Clayborne.

SENATOR CLAYBORNE:

...designed...

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me -- I'm sorry, Senator Clayborne. Could we please just keep it down a little bit? Thank you.

SENATOR CLAYBORNE:

This bill is more so designed for those individuals who intend to move into a residential neighborhood and to keep their manufactured home or mobile home there for an indefinite period of time.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR CLAYBORNE:

...out -- outside the park.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Well, again, I understand that, but there are - there are unintended consequences, as I understand the legislation. What I'm stating is, is that I've got communities - I've got a county, for instance, that has an ordinance against manufactured -- or, mobile homes, I should say, in the county - okay? - outside of municipal boundaries. Let's say I own a forty-acre plot. I'm going to build a house there. But for a period of two years, I need to be able to move a manufactured home in so I can live there as I'm building my new house, if I'm doing it myself. I think, under your bill, that I would have to place that manufactured home on a permanent foundation. Now, I also have to get a permit from the county to do that. So, you know, look at that, if you would, and see if there's a way to work that out. Also, I would suggest, perhaps a better way to -

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- to skin the cat, so to speak, is for local municipalities to adopt an ordinance relative to this. We passed legislation a few years back in the Licensed Activities Committee relative to manufactured homes, their installation and other procedures relative to being placed on block foundations or concrete foundations within municipalities. So I think we've already got covered what you want to do. And I would suggest, maybe a cleaner way is for your local municipality just to offer up an ordinance of its own, stating if you move a manufactured home into a residential area, it has to be on a permanent foundation, assessed as a -- as a permanent structure is, because they are. They're pretty well -- they're made the same, for the most part anymore - manufactured homes. But I do have the real concern about that temporary residence for a period of twelve months, twenty-four months, and I'd really appreciate if you'd take a look at that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR RIGHTER:

Thank you. Senator Clayborne, you and I have talked about this a little bit -- this bill before, and here in the last fifteen minutes or so is the first opportunity I've had to really look at the amendment that you've put through. And I -- I can see, from our analysis and the computer, that you've worked through a series of amendments to land on this one. My understanding of this bill when it started was to try to provide the local assessor some guidance on what piece of property or what mobile home would be available to be taxed under the privilege tax and what should be taxed as property tax. And as I look at the original text of your bill, that's exactly what you have. And now I look at Amendment 4, which has become the bill, and you've totally eradicated that. And now we have an entirely new bill in which we're defining manufactured housing and we've totally stepped away now from the goal of trying to help the assessors figure out where the privilege tax is

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supposed to go and where the property tax is supposed to go. I mean -- and if I'm missing that, can you -- can you help walk me through that, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator, you're -- you're correct in -- in the process that has taken place and with the meeting of all the parties, the concern was, obviously, moving forward. I mean, we got to a point where, obviously, we didn't think that we could make this retroactive, so we've -- we've tried to define how we distinguish between the privilege tax and real property in a going-forward basis. So, obviously, one of the things that we said was, any manufactured mobile home that's outside the park that -- that wants -- where they own the land and they want to put their manufactured home in a single-family -- on a single-family lot, then they're going to be required to put it on a permanent foundation and to be treated like everybody else. And that was about the best compromise we could come up with to make sure that there was some fairness. Now, there's still some individuals who aren't really happy with that because they're afraid of the slippery slope, but our intention is not to deal with the mobile home parks but to deal with -- the actual single-family residential communities.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Well, and I -- I guess I'll go back, when I have been contacted by my school board members and my county board members and certainly my assessors, their issue has been with the fact that the State has never provided them with a clear definition of what's subject to the property tax and what is subject to the privilege tax. And they've talked to me about issues of whether or not the wheels are still on or whether the hitch is still on and whether or not there's a foundation and things like that, which, again, going back to your original bill, Senator, looks like exactly what you had in there, and now we've walked totally away from there. And let me ask you: Does the bill as you have it up here now, on the board on 3rd Reading, do you think that

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helps the local assessors define what is subject to the privilege tax and what is subject to the real estate tax? And if so, tell me how they're going to make that -- that distinction.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, actually, one of the individuals involved was a -- an assessor, and he's very much in support of this definition because it is something in which he believes that they can work with, moving forward. Obviously, Senator, as you know, we've spent, I guess by now, months on this issue. In fact, I had a bill last year, so actually I've been working on this bill for several years, as a matter of fact. Maybe it doesn't actually address all the concerns that you're looking for, because there is a problem, as I stated, with what exists now and what -- and how we can prevent some of those -- or clear up some of those issues now regarding wheels and foundations by saying that if you're outside the park, then you're going to be required to be on a permanent foundation. But, no, Senator, it does not address the wheels and the issue of -- of certain foundations and bolts and not being permanently attached. This does not address that issue; this is more of a going-forward bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter, could you please wrap it up?

SENATOR RIGHTER:

Yes. Can I have one more question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sure.

SENATOR RIGHTER:

The I'd like to speak to the bill after that, Madam President. Is that okay?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sure.

SENATOR RIGHTER:

Senator, I only -- I only really have one concern, and I appreciate what you're saying. But I have one concern and that is giving the assessors the guidance so they can put on the rolls, in finality, what's subject to the privilege tax and what's subject to the property tax. Now, again, I'm going -- I

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guess I'm going to ask, do you think that this provides them the guidance, now, to be able to go out and look at a piece of property and say, "That's privilege tax" and "That is real estate tax"? And I may be the only one in this Chamber who's getting these calls and wanting -- from these people and wanting to know what it is -- how it is they're supposed to do this, and I've gotten a lot of calls in favor of your bill, Senator. And -- and now I don't think I'm going to vote for it and I'm going to have to explain to these people that, because I don't think it provides them the guidance that they thought it would originally, unless you can tell me. Do you think that it does provide them that guidance to where they can go out and look at that and say, "This is the way it ought to be"?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Senator. It doesn't provide them the guidance for manufactured homes that are currently outside the mobile home park, but what it does is it assures them that any home that is placed outside the park now has to be put on a permanent foundation. So, from the immediate effect of this bill going -- taking effect, then it does provide guidance because those homes cannot exist outside the park unless they are on a permanent foundation. So, going forward, it does solve the problem, but, no, it doesn't address the problem retrospectively or -- or how things currently are.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Very briefly to the bill, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen, in my discussion with the Senator, and I appreciate very much his work on this and I know that this has not been fun for him to sit and talk to these parties, but our constituents, our local governmental entities want a definition. They want to be able to go out and say, "The State says this is privilege tax and this is subject to real

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property," and this doesn't do that. It started out as this but we've walked a long ways from there. And just looking from my analysis, and I know the Senator will correct me if I'm wrong, both the Mobile Homeowners' Association and the Illinois Manufactured Housing Association are both opposed to this, and I don't see the -- the Illinois Assessors' Association for it. Now, maybe there's a reason for that, and I will certainly welcome the Senator explaining that, why it is, in his closing. But I would urge a No vote on this because we're asked to just bring to the local governments a simple definition and this bill just doesn't do it. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Brady. Senator Brady. Where's Senator Brady? He's next on the list.

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR BRADY:

Senator Clayborne, two questions. Well, to the -- to the bill, what you're doing is you're requiring, outside of mobile home parks, these homes to be placed on a foundation. In that regard, to what building code or standard would that foundation have to be built? What regulates how that would be done? Because there's a lot of places in the State of Illinois that don't have a building code.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

It's defined in the Act, of what a permanent foundation is. Furthermore, it's a -- a -- it's a Mobile Home Quality Assurance Act that we took the definition of a permanent foundation from and just attached it into this -- this bill, added it to this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

If that definition isn't met, what's the recourse?

SENATOR CLAYBORNE:

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I -- I -- I guess it's the same recourse if -- if you build a stick home and you don't build a proper foundation. I mean, you have problems. I mean, it's no different from -- from any other single-family home. As I said, if it looks like a duck, quacks like a duck, it must be a duck.

SENATOR BRADY:

So the -- the recourse would be in the court system?

SENATOR CLAYBORNE:

I'm sorry?

SENATOR BRADY:

The recourse would be in the court system? The recourse would be in the court system?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne. Senator Clayborne.

SENATOR CLAYBORNE:

Yes, the recourse would be, I guess, a fine or something by the -- the county engineer or county code or assessor or whoever comes out. They would take appropriate action, just like any other single-family home, to make sure that they built the foundation according to code.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Senator, the problem with that is, there are a lot of places that don't have anybody - there's no inspectors. There's a lot of counties, a lot of areas in this State that don't have anybody to do what you're explaining. So, I -- I think that's a question. Second question I have is, how long do you have to build this foundation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Brady, I have no idea. I guess when you get ready to -- to -- when you buy the land and you -- you decide that you're going to move your home over there, then obviously you need to build a foundation before you place your home on that piece of property.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

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SENATOR BRADY:

So the -- the intention here is that immediately you must have it located on a foundation. Now, let me get to, really, the heart of my question. I like to hunt. I like to hunt a lot of things, but I particularly like to hunt ducks and geese. And some of the great land in the State of Illinois that we hunt ducks and geese on doesn't suit itself for a foundation. And a lot of times we have to travel to do that and we -- we travel to a temporary structure, a mobile home, that's located on that leased land or whatever. And it seems to me that one of the problems with this legislation is, (a), we probably couldn't build a foundation in some of these locations and, (b), this would be a -- a hazard and a hindrance to the great sport of duck and geese hunting throughout the State of Illinois where we locate these mobile homes. They stay there for years, and we occupy them to sleep in and eat in when it's nighttime and we're not hunting. And I'm -- I'm very concerned about the effect this would have on duck and goose hunters who use those lands along our riverways.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

You know, Senator Brady, you raise a point. I was just instructed that it -- it talks about this only applies to those homes that are intended for permanent habitation. So under your scenario, it wouldn't apply.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

So, for the record, in the case of a -- a duck or a goose club, this -- this would have no effect, and -- and you're clearly intending that it would, even if your definition of permanent is...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

It's -- it's defined as a manufactured home means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

I know I'm out of time, but you're defining the structure not the use and that's the problem. Many of these mobile homes, Senator, are designed and built to be permanent but they're just placed in an area where we use 'em for this sporting effort and they can't be placed on a permanent foundation. And I'm afraid you'll create a great deal of stress and strain on that part of our State. No further questions. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

If I may answer that: Senator Brady, I'm -- I'm more than willing to look at that. This is not designed to affect hunters, not in mind. I mean, that's not even being contemplated. What this is designed for is those manufactured homes, as -- as Senator Righter said, have moved into these communities, single family -- single-family lots outside a mobile home park and they look like residential, site-built homes. This is not designed to affect hunters. I mean, what are we talking about? I mean, we're talking about significant tax revenue on -- or the loss of it on homes that are built that are -- that are outside the mobile home park, they're in these residential neighborhoods, that you cannot distinguish from a site-built home. I'm more than willing to look at it and address some of the concerns that you have and -- as well as Senator Burzynski, but this is designed, as I said, to address those homes that you cannot distinguish from a site-built home that's in a -- in a residential community and on a single-family lot.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR OBAMA:

Well, I hate to interrupt this scintillating debate, but I -- I did want to just make sure that the Chamber gave a warm

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welcome to the newly elected Mayor of Springfield, where we spend so much time, Mr. Tim Davlin.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome, Mayor. Welcome to Springfield. While we're welcoming everybody, I'd like to welcome former Governor Thompson, up in the gallery. Welcome, Governor Thompson. Okay. Senator Lauzen.

SENATOR LAUZEN:

Madam President, could I -- before I -- before you start the timer, could I -- while we're on introductions..

PRESIDING OFFICER: (SENATOR HALVORSON)

I'm the wrong person to ask for a favor, Senator.

SENATOR LAUZEN:

Point of personal privilege then?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sure.

SENATOR LAUZEN:

Okay. In the gallery over on the President's side, Republican portion, we have a person who works with us every day named Dick Lockhart. And Dick Lockhart, I understand, yesterday celebrated his fifty-eight anniversary of being liberated from a Nazi POW camp, and I would just like the Senate to recognize how good it is to have you with us, Dick. Thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Lauzen.

SENATOR LAUZEN:

Okay. Start that clock.

PRESIDING OFFICER: (SENATOR HALVORSON)

Actually, could I just stop you one moment. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sure. State your point.

SENATOR GEO-KARIS:

In the gallery above you are two of my constituents, Michael Weiland - W-E-I-L-A-N-D - and his daughter, Emily Weiland, who've been -- who are -- and she's a student up at the intermediate school up in Woodland, in Gurnee, and I'd like to -

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- all to welcome them here. They're nice to be here because she loves to be here, and someday she can replace me. Let's welcome them.

PRESIDING OFFICER: (SENATOR HALVORSON)

All right. Will the guests in the gallery please rise? Welcome to Springfield. Okay. Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Madam President. Question for the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LAUZEN:

First of all, Senator, I understand what you're trying to accomplish and I appreciate the frustration that you're experiencing in getting this taken care of. Generally, would you agree with the concept that you get less of what you tax and more of what you subsidize?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Senator Lauzen.

SENATOR LAUZEN:

Okay. Well then -- then I would like to know, in what system do we get more of what we tax?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

I -- I don't know.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

I understand that you got the answer to that question from the very clever Senator Cullerton. But why are we putting more property tax as a disincentive on a -- on any industry in Illinois, hurting the mobile home industry, when we need jobs so badly?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Clayborne.

SENATOR CLAYBORNE:

Because they use all the same services that residential homes use, site-built homes use.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

I think that there's -- that we're experiencing, through these -- the discussions here, the trouble with a consistent definition. You had mentioned a couple of times in the debate the idea that if it walks like duck, quacks like a duck, it is a duck, but I think that analogy is a very bad one to use in this circumstance, because depending on the use -- as you addressed Senator Brady's, the use of a -- of a mobile home or the location, inside or outside, what walks like a duck, quacks like a duck, is either a duck or it's a goose, depending on use or location. Aren't you concerned that when this legislation gets tested constitutionally in the courts, that because of the confusion in the definition, that you'll have a constitutional problem?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Could you illuminate on that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

No, I'm not concerned about the definition in the court system.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Well, okay. Well then, let me caution those on both sides of the aisle that we don't want to pass unconstitutional legislation. Then, a final question -- a final question, Senator

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Clayborne. The -- why not put a definition of permanent foundation into the Property Tax Code? Because what you've done is -- you know, rather than creating a whole new Act. You've taken the definition of permanent foundation from the Manufactured Home Quality Assurance Act and put it over into a brand new Act. Why not just put it into the Property Tax Code?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Lauzen, it was done this way because this is a compromise with the mobile home and manufactured homes. They -- they thought this was one of the ways to resolve it. So, we tried what you just talked about and they were opposed to that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Just to conclude. To the bill: I think that -- again, I respect the efforts that the sponsor -- I mean, this is a Herculean task. Unfortunately, I think we've been caught in the labyrinth of the Minotaur in here, where all the paths -- I think it has become so confused that I would either ask the sponsor to take it out of the record and eventually put it onto some shell or vehicle that's moving through or encourage, on both sides of the aisle, a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Last speaker. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LUECHTEFELD:

In the -- in our analysis, it says all new homes. Is this old homes are grandfathered in? Is that right or not?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, this is prospective. It's going forward. Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Luechtefeld.

SENATOR LUECHTEFELD:

Will there be -- as I think Senator Rauschenberger stated, many times either a mobile home or these manufactured homes tend to go down in value. Is there -- is there any -- is there anything in this legislation that would adjust for that? Would they have to be reassessed every year and is there something in there that would -- would -- would -- would meet or try to -- try to solve that problem?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Luechtefeld, just like I do every year when -- when I get my property tax bill, I -- I file a objection and they have the same right to file that same objection and -- and challenge the assessment on their -- on their home.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

In the language, it says this -- a -- the Manufactured Home Quality Assurance Act - provided, that any such structure resting wholly on a permanent foundation shall not be construed as a mobile home or a manufactured home. Now, from what I understand, there -- there are regulations that deal with manufactured homes and mobile homes. So, are you taking -- this language, then, would take all of those regulations that normally you would have with a manufactured home or a mobile home, they no longer have any -- regulation, is that right?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, it's no longer a mobile home if it's on a permanent foundation.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

And -- and therefore would not have any regulations that presently a mobile home or a manufactured home would have. Is that right?

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I -- that's all the questions I have. I -- I guess I -- I really do believe that you're addressing an issue that -- that maybe a lot of people have stayed away from in the past because it is very difficult. You know, obviously there are a lot of questions. I -- I hope that this is not something that is set in stone and -- and -- and hopefully it will be changed to certainly address all those questions, because I -- I really think some of the questions that have been asked are very serious questions that need to be addressed before we really put this thing into law.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank you, Madam President. And -- and just briefly to address one of your concerns, Senator, obviously we're still open and we're still working with all sides to try to come up with something. I can tell you now I don't think -- all sides are going to be too happy for various reasons, but we're looking to make this process as fair and as equitable as possible. I'm more than willing to address concerns that Senator Burzynski and Senator -- Brady had, as well as Senator Righter. But at this point, this is about the best we've been able to come up with and I think that we've gone a long way to begin to address the inequities of -- that these homes have in communities where they're outside the mobile home park. I would ask for your -- your favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 334 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 30 Ayes, 22 Nays, 4 voting Present. Senate Bill 334, having received the

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

SENATOR BURZYNSKI:

Purposes of verification, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Does Senator Burzynski question the presence of any voter -
- Member voting in the affirmative?

SENATOR BURZYNSKI:

Thank you, Madam President. Martinez.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez? Is Senator Martinez in the Chamber?
There she is, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there anybody else?

SENATOR BURZYNSKI:

He's in the back. Senator Sieben.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sieben in the Chamber? If not, Madam Secretary,
strike the name from the roll. Anybody else?

SENATOR BURZYNSKI:

No further questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

On a verified roll call, there are 29 Ayes, 22 Nays, 4
voting Present. And Senate Bill 334, having not received --
failed to receive the required constitutional majority, is
declared failed. Senator Clayborne.

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SENATOR CLAYBORNE:

I'd like to make a motion to postpone consideration.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne has moved that Senate Bill 354 {sic} be placed on Postponed Consideration. The bill will be placed on that Order in the Calendar. Senate Bill 354. Senator Peterson. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. Senate Bill 354 provides for the title protection of surgical assistants, surgical technicians and provides for the scope of their practice. It also clarifies that this Act is title protection only, not licensures, and it will be governed and the authority of enforcement will be done by the Department of Professional Regulation. I know of no opposition. I ask for your support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Peterson -- oop! Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR BURZYNSKI:

Senator Peterson, I have a -- a sheet in front of me that says the Association of Operating Room Nurses and the Illinois Nurses Association ask that you vote No. Can you address that? I think they were looking for additional language. Do you know if -- if -- if their needs have been met or their concerns?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Senator Burzynski. Yes, their needs have been met and the Nurses Association has signed off on this.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Peterson, to close. The question is, shall Senate Bill 354 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 57 Yeas, 1 Nay, none voting Present. Senate Bill 354, having received the required constitutional majority, is declared passed. Senate Bill 363. Senator Roskam. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 363 is an initiative of the Illinois State Bar Association. It passed unanimously out of the Judiciary Committee. There were no opponents in the committee and I've not been contacted by anybody in opposition to the bill. This is substantially the same as language that passed in the 92nd General Assembly out of this Chamber. Essentially what it's doing is -- kind of updating the way that maintenance and dissolution cases are - time, okay - are -- are handled. It's not controversial. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR HENDON:

Senator Roskam, I'm very pleased to see that they finally put you in a new microphone. Since you had talked so much and asked so many questions that your mike just went out, you had to come over to this side of the aisle to use your microphone. But in keeping with the same spirit of -- of your vigorous questions

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of Democratic initiatives, can you explain to us, how did you come about -- across with this bill? And I do see some opponents on this bill, and I do want the Republicans to note the clock is running on me, so it's a bipartisan clock up there. But I see some opponents on this bill and I heard you say there were none. The Illinois Municipal League, as far -- on my analysis, is opposition. Can you explain their opposition for us?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Senator, I got the bill because I gave eye contact in a moment of weakness to Jim Covington with the Illinois State Bar Association. The other thing is, I don't know why the Municipal League cares about divorce law. They've never -- they've never contacted me, so that would be a complete mystery to me.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Well, they are in opposition. So, could you -- you know, for some of us who -- who just need to know, you know there are two sides to every story. Why could they possibly be in opposition to such a -- a fine piece of legislation from such a legislator such as yourself? I mean, is there something wrong that we don't know? Is there a hidden agenda behind this legislation? Are you...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Senator, you know, it's -- it's inconceivable to me, in fact it's so inconceivable that they've not even disclosed it to me. I think it's a -- top secret why they're opposed. They didn't file a witness slip. They've never sent a letter. They didn't come in to -- testify. We didn't hear 'em in the last General Assembly. So, if you know, please tell us.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

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I barely recognized you this morning with that, you know -- I don't know what's going on over there. Are you sure you're Senator Roskam?

PRESIDING OFFICER: (SENATOR HALVORSON)

Oh, Senator Roskam.

SENATOR ROSKAM:

I was told by Senator Silverstein that I could be recruited to run in West Rogers Park.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR GEO-KARIS:

Senator, according to our analysis, it shows that a substantial change of circumstances can be possible to file a petition for a modification at the present time. So, where does your bill differ?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Senator, all it's doing is listing additional factors that can be -- that -- that the court can consider.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, what you're doing is expanding the factors to consider, any one, I suppose, of which could be grounds for filing a petition. Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

That's correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Oh! Senator Geo-Karis, I'm sorry.

SENATOR GEO-KARIS:

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Mr. -- Madam President and Ladies and Gentlemen of the Senate, I used to do an awful lot of divorce work. I haven't done it for sixteen years just about. But there's nothing wrong with this bill and I urge its passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam, to close.

SENATOR ROSKAM:

Well, and there you have it. Please vote Aye.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 363 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 58 Yeas, none voting Nay, none voting Present. Senate Bill 363, having received the required constitutional majority, is declared passed. Senator Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Madam -- President, order -- or, point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR J. SULLIVAN:

I have with us here today a constituent from my district, Adams County Sheriff Brent Fischer. He -- he was escorted from the Floor because he is carrying a sidearm which most sheriffs do, but he is now residing up in the gallery. If you would please welcome him to Springfield. Sheriff Fischer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sheriff, will you rise please? Welcome to Springfield. Senate Bill 368. Senator Shadid. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 368.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

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Thank you, Madam -- Madam President. Just a point of personal privilege with the -- one of my ex-cohort sheriffs. I know that sheriff pretty well. I don't care if he's up there or down here. He can still use that gun pretty well, so... Sheriff, I might need an extra vote or two on this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Thank you very much, Madam President. Senate Amendment 2 to Senate Bill 368, it makes changes regarding the formation of community unit school districts, easing the current restrictions on the formation of these districts. It requires a proposition to create a community unit school district to be approved by a majority of the voters residing in the entire territory comprising the proposed unit district rather than requiring the approval of the majority of voters in each of the individual affected districts. I want to be very clear when I say to you that this is a initiative of the local school boards and not mandating anything upon them. So, I'd be more than happy to answer any questions, if I may.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR BURZYNSKI:

Thank you. Senator, in committee we had a lot of debate on this bill, whether or not it -- it could include the mandated consolidation of school districts. And, you know, I -- I've already said I really liked your underlying bill. I understand there was some problems trying to -- to put that together, but it -- it was the perfect solution, in my mind. But is there the situation with this bill that a school district, whether it's a unit district or even a -- an elementary district, could be forced into consolidation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

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I don't know what you mean by forced. This -- if I might, the school district that they would be getting into is the same school -- high school district that they presently send their children to. So, if you mean forced into the same high school district, then that -- I would accept that probably.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

No, I mean forced into the same school board, forced into the same administrative structure, forced into the same tax rates. That's what I mean by forced.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

I don't -- I don't want to use the word "forced". I think this is an opportunity for the citizens and the school boards to consolidate if they want to. If they don't want to, they don't have to get involved in it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. But, Senator Shadid, if I recall the discussion in -- in committee, if the school board -- if the high school board, in a -- in a dual district, in the -- if the high school board said, "We're going to put this to a referendum in our high school district", which included three or four elementary districts, but you've got an elementary district, says, "We don't want to consolidate", you've got three others that say, "We want to", that one will be forced into a consolidation. Now, I understand it's an opportunity. I also understand that we have too many school districts in the State of Illinois, but this is forced consolidation for school districts.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

You know, I'm -- I'm normally a mild-mannered, reasonable person, and I -- and -- and if anyone has -- as you know, we all sit down here and we talk about we should be consolidating some of these school districts; we've got too many. And, in fact,

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while I'm at it, in 1991-'92, there were four hundred and twenty-three unit districts, and in 2001 and '02, there was four hundred and seven. And -- and the total school districts in '91-'92 was nine hundred and forty-two, and now we have eight hundred and ninety-one. So, we're really not consolidating hardly any districts at all. I -- I would -- the initial bill I had, there was some problems in trying to work out all the mechanics and trying to make everybody happy. But as you know, in legislation, it's pretty difficult to please everyone, and I think this is an opportunity for school districts, in their own local community, to have a referendum if they want to consolidate and be under the same direction or the same administration of the high school that they presently send their children.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, sir. But again, for clarification, under current law, if you have three elementary districts and one high -- let's say two elementary districts, one high school district, all three districts must pass the referendum to consolidate. Under your bill, the high school district by itself -- or, excuse me, yeah, the high school district and one elementary district could say, "We want to consolidate", vote to do so, have the overriding votes and force that one elementary district into them. So, that's the difference in what we do now and what we've done in the past -- or, what we do now and what your bill would propose. Now, I'd like to point out that in my home county that I live in, DeKalb, we've had two consolidations in the last seven or eight years, and those have been voluntarily done. And in some ways, they're better. In some ways, there's additional cost as well, after some of the incentives from the State wear -- wear out. But I think that this is a forced consolidation bill. I'd really like to see you go back to the earlier arrangement you had. Let's beat up on the State Board of Education to make 'em find a way to do it. But anyway, thank you, sir.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

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Thank you, Madam President. I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo moves the previous question. Prior to this motion, Senator, two other Senators have sought recognition. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LUECHTEFELD:

You know, first of all, Senator, let -- let me say that you're addressing an issue that is a very difficult one, especially in my part of the State where consolidation is a problem, and I admire you for your courage. I would just like to -- I would just like to explain what can happen with this bill in rural areas. Usually you will have a high school and maybe three or four other small towns who have grade schools feeding into that high school. Under the present system, all of those small towns must agree to go to that unit district. This -- this would -- you know, for instance, in this one if you have one large town that totally dominates the population, they can force this on these other small communities. And one of the problems that small towns have is that many times the one thing that they have that gives them pride is their -- is their school, and they realize that if they form a unit district, some of those communities are going to lose their school. Because normally what happens when a unit district is formed, there will be not only consolidating into a unit district, but they will consolidate the grade schools. And in the process, many of those small towns lose their schools, and therefore the identity of that town and the pride's gone and it really -- those towns really fall apart. So that -- that, again, is, you know, an issue that -- that I face in -- in a rural area. My -- my -- my question to you is this, the way I read the language, could one large unit district force another unit district to come in to that district? I read the language that they could. Two

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adjoining districts can -- can do this and that, I think, is a real problem.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

State Board says, no, that can't happen 'cause they're both community districts.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Why can't that happen, Senator? In the language, it talks about districts next to each other.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

According to the State Board, and they're supposed to be the experts, two unit districts that are presently unit districts cannot consolidate. Now, that's what they tell me.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I don't read that into the language, Senator. I'm sorry.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Would you tell us where you're reading it in our bill, then we'll see.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

In Section 11A-8, it talks about -- the passage requirements, and it speaks to the entire unit -- the -- the entire unit districts on passage requirements. It talks about creating a community unit district school shall be submitted only to the voters of the territory which comprises the proposed community unit school district and if the majority of the voters... And then it goes on to talk about the fact that if they are -- are next to each other, they can -- I don't -- I don't

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see anyplace that it says unit districts couldn't gobble up another unit district.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Senator, the State Board of Elections has informed me and my staff that if there are two present unit school districts, they cannot consolidate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld. Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I stand in strong support of this legislation. I'm listening to some of the debate on the other side of the aisle and I understand some concerns. If mandatory consolidation worked -- or, I should say voluntary consolidation worked, we would have a few of these consolidations. It doesn't work. So, somewhere along the line, you do have to step in. We, as legislators, have a responsibility, in my estimation, to our -- our -- our schools, especially in a time where we are now to where we're losing revenues, the schools are not being funded properly. And in my case, in my district, I'm willing to take the heat from all of the school districts because if we can get a consolidation, we will save well over a million, two hundred thousand dollars each and every year of administrative costs just from each of those districts having a superintendent. And -- and that's really what this bill is all about, to bring together a -- a meeting of the minds to where if you can't do it yourself, we'll put it to a vote of the people. Let the people decide. And you're absolutely right, one large city may control the rest. We understand that, but I'm willing to take that risk. And I think it's a good bill and we all ought to vote Aye.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones. Wendell Jones.

SENATOR W. JONES:

Thank you, Madam President. I rise in strong support of this bill. I've been down here for four and a half years and this is the first time we've ever discussed this contentious issue. And Senator Luechtefeld is correct: It's about as

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popular as talking about poison ivy or something like that. It's not a popular subject. I congratulate the sponsor for bringing it up. It is a subject that this State should be looking at because I think our youngsters would get a better education. We should not have nearly nine hundred school districts in this State. It's 2003. It's long overdue that we reorganize. I think it's up to the General Assembly to do that. We created these districts and we should have the guts to do something about putting them together. I have the -- five of the largest school districts in the State. They've been -- they've been -- they're elementary districts and one large high school district. We've discussed making it a unit. It'd probably be too big, but we -- we could vote on that. It wouldn't bother me a bit. I just think that every area ought to have this discussion, and I congratulate the sponsor for bringing it up. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cronin, you buzzed in after we moved the previous question. Okay. Well, go ahead, but you didn't.

SENATOR CRONIN:

Thank you, Madam President. Forgive me, I did press my button before and I don't want to be dilatory. I just wanted a point of clarification. First of all, I want to commend Senator Shadid taking on a tough issue. Secondly, clarification. One of the previous speakers opined that this would save money. I think it was Senator Jacobs. Senator Jacobs, you're a great legislator, good guy. You've been around a long time. You know, I don't believe it's going to save a dime, and I've supported this bill. And frankly, you need to know that we had testimony from two superintendents who came to talk about the bill, and I asked them, well, were they going to flip a coin or how were they going to work this thing out. And they kind of hemmed and hawed and both of them acknowledged and both of them said, "Look, we're not here promoting this bill because we don't think it will save money, but we do think it's the right thing to do for education." You have to think that it may be the right thing to do for education. The Education Funding Advisory Board recommended that we consider consolidation. Don't be fooled, though. I -- I just don't see that it's going -- I wish it would save money, but I think it's elusory. The only reason

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why I supported this in the past and why I would ask you to consider supporting it is for those very small districts where they've got ninety students in a school. Those kids -- and whether it's town pride or the chamber of commerce loves the Tigers, you got to think about what's best for those kids. And when you've got ninety kids in a high school, you cannot offer the kind of coursework, you cannot give them the kind of educational opportunities, that they need to compete in this world. So, I'm not doing it -- I'm not supporting it because I want to have some larger district gobble up a smaller district. In fact, I wish there was some threshold in the bill that talked about the number of students in the smaller districts. But I think, on balance, this is something that should have been -- I'll be surprised if this ever gets to the Governor's desk, but I got to commend the sponsor for advancing it at this point. And my only purpose in supporting this is for those very teeny, tiny districts where the students don't have a fair chance at an educational opportunity. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid, to quickly close.

SENATOR SHADID:

Am I timed?

PRESIDING OFFICER: (SENATOR HALVORSON)

We're starting it.

SENATOR SHADID:

Well, I don't see the light on so... Look it, I want to answer a couple questions. When you talk about forced -- forced consolidation by a small school district, you also have to look at what's happening presently with the law, whereas one small school district in this one instance, in East Peoria, voted against a referendum and prohibited the two larger grade school districts from consolidating. So, what's more fair than the other? I don't know. I have a soft heart, too, for the rural schools. I've got a lot of 'em. In fact, in one of my areas in my district, there are eight grade school districts that feed into one high school district. And you're not going to tell me that we need eight superintendents. And one school has fifty-five children with a superintendent and a principal. So, I'm just telling you that this will allow people, voluntarily, to

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correct some of those things. And it's not perfect by any means and we can work on it in the future to make it perfect if you'll give me the opportunity to get it passed and send it over to the House. Thank you, and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 368 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 41 Yeas, 12 Nays, 3 voting Present. Senate Bill 368, having received the required constitutional majority, is declared passed. Senator Lightford, for what purpose do you rise? Senate Bill 374. Senator Hunter. Madam -- Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 374.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Madam Chairman and Ladies and Gentlemen of the Senate. Senate Bill 374 amends the Department of Commerce and Community Affairs Law regarding workplace initiative. It allows the Department of Commerce and Community Affairs to establish, with the advice of members of the business community, a family-free {sic}(-friendly) workplace initiative. This bill was on the Agreed Bill List. It's proponents are the Illinois -- Chamber of Commerce, Tooling and Manufacturing Association, the National Federation of Independent Business and AWOI. I urge an Aye vote, Madam Chairman.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

Thank you, Madam -- President and Members of the Senate. I rise in support of this bill. It went out of our committee overwhelmingly. It's a fine sponsor and a fine idea.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter, to close.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 374 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 57 Ayes, 0 Nays, 0 voting Present. Senate Bill 374, having received the required constitutional majority, is declared passed. Senator Lightford, what -- for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Madam President. I rise to announce, I inadvertently hit the speak button. I would have voted Yes on Senate Bill 368. Would you please let the record reflect that?

PRESIDING OFFICER: (SENATOR HALVORSON)

The record will -- shall reflect.

SENATOR LIGHTFORD:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate Bill 376. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 376.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Madam Chairman and Ladies and Gentlemen of the Senate. 376 amends the Vital Records Act. It requires that a death certificate -- medical certification of cause of death to expressly provide an opportunity for the person completing the application to indicate that the death was caused in whole or part by a dementia-related disease, Parkinson's disease, or Parkinson's-Dementia Complex. The proponents are AARP and the Alzheimer's Disease Organization. And also, for your information, this bill is identical to a past measure by former Senator Margaret Smith. The measure remained in the former Senate Public Health and Welfare Committee, Madam Chairman. Ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 376 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 58 Yeas, none voting Nay, none voting Present. And Senate Bill 376 having received the -- required constitutional majority, is declared passed. Senate -- 377. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 377.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

ACTING SECRETARY HARRY:

3rd Reading of the bill.

SENATOR HUNTER:

Thank you, Madam Chairman and Ladies and Gentlemen of the Senate. 377 amends the Illinois Insurance Code. It requires companies to provide coverage for medically necessary bone mass measurement for the diagnosis and treatment of osteoporosis on the same terms and conditions applicable for other medical conditions. The proponents are AARP and the Illinois Life Insurance Council. Also, 377 is identical to Senate Bill 650, formerly sponsored by Senator Smith from the 92nd General Assembly, and it was -- it was assigned to Insurance and Pensions Committee but it was never heard. I ask for a favorable vote, Madam Chairman.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR ROSKAM:

Senator Hunter, can you just give us a little bit of a history. This is a mandate on insurance companies, and which -- which policies are you mandating this coverage?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Hunter.

SENATOR HUNTER:

Senator Roskam, it amends the State Employees Group Insurance Act of 1971, the Counties Act {sic}(Code), the Illinois Municipal Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Code {sic}(Act), the Voluntary Health Services Plans Code {sic}(Act) and the Illinois Public Aid Code to require coverage that's medically necessary.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Senator. Do you have an idea about what the cost is? Was there any testimony about the estimated cost to those folks?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Senator Roskam, I received a fiscal note from CMS. There is no fiscal impact on this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

...Roskam.

SENATOR ROSKAM:

Well, that would be a fiscal impact note addressing the question of cost to State government. Would you have any information, Senator, about the cost to the people that we're mandating - in other words, the -- the various coverages that you're requiring - so the companies that are going to have to -- that are going to have to offer this coverage if this passes, what is -- what kind of number is it going to do to insurance premiums?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Senator Roskam, the reason why the life insurance companies supported the bill was because they felt that there was no fiscal impact at all.

PRESIDING OFFICER: (SENATOR HALVORSON)

No further discussion, the question is, shall Senate Bill 377 pass. All those in favor will vote Aye. Opposed, Nay. The

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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 45 Ayes, 9 Nays, none voting Present. Senate Bill 377, having received the required constitutional majority, is declared passed. Senate Bill 378. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 378.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Madam -- Madam Chairman and Ladies and Gentlemen of the Senate. Senate Bill 378 requires the Department of Human Services, through the Child (Care) Resource and Referral Program, to expand current education and training for -- for child care providers. The proponents are the Day Care Action Council, the Ounce of Prevention Fund and the Illinois Birth to Five PAC. Senate Bill has no fiscal impact on the State and this program is modeled after an Oregon bill. Madam Chairman, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. Couple questions of the sponsor. I've followed the day care issue for quite some time, since working on Illinois' day care program. It seemed to me that one of the real goals of the Department of Children and Family Services was to substitute accreditation in the day care process rather than State-mandated training. I just wonder -- you know, this seems to be a little counter to the concept of the private accreditation process whereby we expect providers to professionally develop themselves and -- and meet standards by national accreditation boards. We seem to be kind of going the other direction, moving it back inside State government. And, you know, Lord knows DHS has got a lot on their plate. A quick comment on that?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Hunter.

SENATOR HUNTER:

This is strictly a voluntary program, Senator. It is not mandated.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Is -- is it voluntary to the Department and to the -- the --
- the various providers?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Yes, and they pay for it themselves if they're interested in participating in this program.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Last question, 'cause I know we're trying to move along. Do -- do we have any kind of evidence or any kind of -- I mean, is there demand for this? I mean, who's -- who's asking that -- that we do this?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

The proponents are asking for it, Senator. The Ounce of Prevention, the --- the day care providers, they're asking for this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she will.

SENATOR RIGHTER:

Senator, it was my recollection from committee that one of the concerns that was raised was that a good deal of -- of what this proposes to address is already being addressed. Was that -- I don't know if that's your recollection. If it was your

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recollection, can you tell me for the -- not just me, but for all the Members, why you think that's not an issue for us?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

No, Senator, that was not my -- recollection.

PRESIDING OFFICER: (SENATOR HALVORSON)

If there's no further discussion, the question is, shall Senate Bill 378 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 39 Yeas, 16 Nays, 1 voting Present. Senate Bill 378, having received the required constitutional majority, is declared passed. Senator Viverito, on Senate Bill 383. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 383.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam President, Members of the Senate. This -- this legislation is a request of the State Library. Rationale: One of the primary functions of the Illinois State Lottery -- Library is to both distribute and receive grants, and this is -- purpose is for receiving grants. A lot of times people are afraid to make donations, thinking it's strictly going to government. Each year over fifty-six thousand private foundations donate over twenty-seven billion dollars to charitable and community organizations. The -- I worked with Senator Roskam, where he was concerned how the members would be appointed. They would be appointed between six and eleven, with the advice and consent of all directors appointed by the Secretary of State and also by the full Senate for approval. I will answer any particular questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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Thank you, Madam President. I rise in support of the bill and congratulate the sponsor and appreciate his willingness to work with us on our suggestions. And I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 383 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 58 Yeas, none voting Nay, none voting Present. Senate Bill 383, having received the required constitutional majority, is declared passed. Senate Bill 392. Senator Woolard. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 392.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Woolard.

SENATOR WOOLARD:

Thank you, Madam President. I think that most of you are familiar with the situation. We have been transferring two million two hundred and fifty thousand dollars from the Grade Crossing Fund -- or, from the Motor Fuel Tax of this State into the Grade Crossing Fund in order to accommodate making sure that we have the experts there necessary to design and control those facilities that we're building across the State, especially in the northern part of the State at this time. I think that as we proceeded through this process, we found that there were several people that were in very great support of continuing on a permanent basis these monies flowing so that we can continue to have the safety and assurance from these engineers who are working to make this happen. But the Railroad Association stepped forward and said that they believed that it was time for this to cease, and they were willing to agree to extend the sunset of this program for one additional year until the audit was brought forth that is taking place right now. As soon as the audit is in place, then a decision on a permanent basis will be made. I don't think there's any opposition and would appreciate your support for this great piece of legislation.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. Just a statement. I'd like to thank the sponsor for working through a compromise of limiting this action for one year so that we can see what goes on in the audit. There was some concern from people that our money ought to -- rather than studying where there are more problems, our money ought to go to fixing problems that were already identified. But it was a good compromise, and so I would recommend an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 392 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 58 Yeas, none voting Nay, none voting Present. Senate Bill 392, having received the required constitutional majority, is declared passed. Senate Bill 399. Senator Schoenberg. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

I rise, Madam Chairman, point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR HUNTER:

I'd like to introduce a colleague -- a former colleague of mine, Dr. Tara Thomas, who traveled here from Chicago from the Human Resources Development Institute. Can we welcome her to the Senate, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guest please rise? Welcome to Springfield. Senate Bill 404. Senator Schoenberg. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 404.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

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Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 404 is patterned after the federal Children's Privacy (Protection) and Parental Empowerment Act, which many of you may know as the Polly Klaas Act. It was a law that was enacted after the Federal Trade Commission found that tracking Internet usage from information gained from children who were using the Internet, personal identifiable information, was being accessed without parental consent. This -- this operates on the premise that parents, those who have custody over children, should be the ones controlling the privacy of children's personal information and not marketers. There are a number of provisions that were clarified through the amendment to address concerns that were raised by Mr. Roskam and Mr. Petka. There's no known opposition to this and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you. Would the sponsor yield for a question, Madam President?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR DILLARD:

Senator Schoenberg, I asked in committee and I just want to get clear here: There is no intent or knowledge requirement in Section 10 of this bill, is there?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Section 10 is silent to that point, yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

So, if a person does not know the information they are selling or processing is that of a child, is there liability under this Act?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

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All the -- liability to the parents or liability to the firms that would be in potential violation to this Act?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

The latter.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

There's a -- there's a prohibition and -- based on whether or not they knowingly were in violation of the prohibitions and requirements for disclosure or -- or -- or enabling certain individuals who -- like convicted sex offenders to access this - - or, process this information, then there would be some legal - - there would indeed be some legal exposure.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Senator Schoenberg, what if a child has submitted false information indicating that they're over the age of 18?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

That -- the firm would not be held responsible for that. This is -- this is really -- to address websites and other commercial interests that require children to provide personal identifiable information to access those sites, and then use that data as a -- as an attractive fungible and marketable commodity in order to -- in order to engage in profitable activity.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Senator Schoenberg, is there a difference between a situation where information is somehow on a hard drive - if I buy a computer - as opposed to a situation where somebody gets the information from some other place?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

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SENATOR SCHOENBERG:

There -- there is no distinction and the -- what the major issue that -- one of the major issues I'm seeking to address is that once a -- an interest acquires this personal identifiable information, it's very easy for this children's -- for this child's information to be trafficked rather freely for commercial purposes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Just -- just to the bill, Madam President. You know, obviously I wouldn't encourage anybody to vote against this, but I do think there's a few questions we need to -- to ask and to tighten up as this bill goes over to the House of Representatives. And I just urge the sponsor to keep working with us to -- to tighten up this thing. And it's been a busy Session and, you know, we do have some questions on this, but I'd urge everybody to vote Aye. But we have a couple more suggestions, Senator Schoenberg, that we think the House ought to put in here to tighten it up.

PRESIDING OFFICER: (SENATOR HALVORSON)

The -- the question is, shall Senate Bill 404 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 58 Yeas, 0 Nays, 0 voting Present. Senate Bill 404, having received the required constitutional majority, is declared passed. Senator Schoenberg, on Senate Bill 405? Senate Bill 409. Senator Jacobs? Senate Bill 411. Senator Jacobs? Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 411.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill come about with some help from Senator Roskam,

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who kept the pressure on to make sure we put on an amendment that satisfied everybody. And what it does is state where the local liquor control commission does not revoke or suspend a licensee's license or impose a fine upon the licensee, then the State Liquor Commission may impose a fine if the appropriate local -- local liquor control commissioner did not take any action. I don't know of any opposition. Ask for your support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

I rise -- thank you, Madam Chairman. I rise in support of the bill. I thank Senator Jacobs for his willingness to work with our side. The bill in its current form passed unanimously out of the Executive Committee, and I urge its passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 411 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 56 Ayes, 0 Nays, 0 voting -- 1 voting Present. Senate Bill 411, having received the required constitutional majority, is declared passed. Senate Bill 415. Senator Walsh. Senate Bill 423. Senator Lightford. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 423.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. Before I begin to go onto Senate Bill 423, may I have a point of an announcement, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR LIGHTFORD:

I'd like to announce my high school alma mater, Proviso East High School of Maywood is here. Can you please welcome the mighty Pirates to Springfield?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Will you please rise and be recognized? Welcome to Springfield.

SENATOR LIGHTFORD:

Thank you, Madam President. Senate Bill 423 amends the Criminal Identification Act and the Unified Code of Corrections regarding expungements. It covers two areas in particular. First, it provides that if a conviction has been set aside by a court with a finding of factual innocence, the court shall enter an order for expungement as provided in a certain Section in the Unified Code of Corrections. And secondly, it provides that the State Appellate Defender shall establish, maintain, and carry out an Expungement Program to provide information to persons eligible to have their arrest or criminal history records expunged, sealed or impounded. This bill was amended in committee. There were some concerns from Members of the committee. We did make two changes. We deleted from an actual sentence which was a concern Senator Petka had, and also we provided that the State's Appellate Defender only provide information and not assistance. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 423 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 Ayes, 2 voting Nay, none voting Present. Senate Bill 423, having received the required constitutional majority, is declared passed. Senate Bill 425. Senator Haine. Senate Bill 427. Senator Haine. Senate Bill 431. Senator Jacobs. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 431.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is a shell bill and the intent of this bill is to

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help settle the retail rate lawsuit that is currently and has been going on for a number of years in the City of Robbins and to assist them. And I ask for your support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 431 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 48 Yeas, 6 Nays, 1 voting Present. Senate Bill 431, having received the required constitutional majority, is declared passed. Senate Bill 440. Senator Lightford. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 440.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. Senate Bill 440 is a vehicle bill to address the home lending. I'd like to just send it over to the House, and I'd like for your consideration, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she will.

SENATOR ROSKAM:

Senator, I'm sorry. I just missed it. What are your intentions on this bill?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Roskam, thanks for asking. This is the original bill that would have dealt with predatory lending. There is a couple groups that are out here still negotiating, trying to come up to some type of recourse that will benefit all of us across the State. They haven't made much ground yet, so I'd

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like to just move it as a vehicle bill and allow them an opportunity to get themselves together in regards to predatory lending.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam. I mean, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah, we look alike. I think...

PRESIDING OFFICER: (SENATOR HALVORSON)

I'm just used to saying that name so much.

SENATOR RAUSCHENBERGER:

I think a little over two and a half hours ago I requested of the Chair the rough count on the number of shell bills that we've processed, 'cause some of us are trying to be responsible Members of the Minority, but we have passed a lot of -- of vehicle bills over to the House. And -- and I'm glad groups are interested, but at some point -- I mean, can we get -- at the time the Chair said they would get back to us. Is -- can we expect that -- some kind of information back from the Chair today? Or -- just point of inquiry.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger, we don't have that information right this minute, but we will try to get that for you.

SENATOR RAUSCHENBERGER:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford -- Rutherford.

SENATOR RUTHERFORD:

Rutherford.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sorry.

SENATOR RUTHERFORD:

Thank you, Madam President. To Senator Lightford, this is the legislation that we've been working on in the committee, discussing, and it is your intent -- or verify this is your intent, not to move it or to bring it back until we find some kind of a consensus between the parties. You're sending it over to the House to keep the dialogue going. Am I correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

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SENATOR LIGHTFORD:

Yes, you are correct. And as the Minority Spokesperson, I'll make sure you're involved as the proceedings continue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

And to my colleagues on the Republican side here in the Senate, I want to let you know that Senator Lightford has been extremely gracious in -- in working together. Senator Lightford, even having my cell phone number, called one evening at 8 o'clock at night to let me know where she stood in regards to this before the deadline in committee. And I returned the call to Senator Lightford and said thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 440 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 45 Yeas, 9 Nays, 4 voting Present. Senate Bill 440, having received the required constitutional majority, is declared passed. 451. Senator Shadid. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 451.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Thank you, Madam President. Senate Bill 451, as amended, was requested by the State Police and simply adds a provision in the current law that it is unlawful to operate upon any highway in this State any vehicle with a front bumper height that exceeds twenty-eight inches or a rear bumper height that exceeds thirty inches regardless of the gross vehicle weight rating. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any questions? Seeing one, the question is, shall Senate Bill 451 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Yeas, 4 Nays, 0 voting Present. Senate Bill 451, having received the required constitutional majority, is declared passed. Senate Bill 452. Senator Obama. Senator Obama. 452? On the top of page 10, Senate Bill 459. Senator Trotter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 459.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam Chairman and Members of the Senate. Senate Bill 459 is an accountability bill and it's also consumer driven. What it requires is that a health care licensing board that takes an adverse action against a health care professional or that has been reported to be an adverse action taken by a hospital or other health care professional review committee, that they notify any health care carrier that voluntarily furnishes the licensing board a point of contact to receive information of that adverse action. It makes clear that those adverse actions must be final and that the carrier must request the notice of the adverse action against the health care provider. In committee, the ISMS was adamantly opposed to the original language. What we asked is that the two parties, the Illinois Associated Health Plans {sic} and ISMS, sit down and talk. There have been numerous discussions. We have come forth with some amendments to address those concerns. So, this bill has been amended, one, to stipulate that a bill passed -- that any adverse action by a peer review committee of a hospital are confidential and may not be disclosed by a health carrier without written consent of the health care provider, except as provided by State and federal laws. There's still some action that has to be taken, some more discussions. At this point, I would like to see this -- bill passed. They have agreed to keep on talking if we can take it and send it over to the House.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Is there any discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. Will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR PETERSON:

Senator Trotter, I -- I did hear you state that this is an ongoing process and that you are committed to continue this process in the House between the parties concerned, and the amendments that were adopted just addressed part of the concerns but not the total concerns. Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

That's absolutely correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator Trotter, just for the edification of the Members, it's my recollection that when Senate Bill 459 was first presented in Health and Human Services Committee, the Department of Professional Regulation, perhaps, was for it or neutral, the Illinois Association of Health Plans was for it, the Medical Society was against it. And then you came back earlier this week or last week - I can't even remember - and presented an amendment which did a -- made all the entities perform a one-eighty. And people who were for it before, decided they were against it. The people who were against it, decided to be for it. Then you pulled that amendment. And so, I want to -- first be clear: That amendment is not on this bill, is that right?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

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That's correct. And I can also explain what happened there, especially with the amendment, if you don't mind. The thing is, is as the negotiations were going forward, the ISMS submitted an amendment asking -- putting a lot of the -- the responsibility for getting out the information on DPR. DPR, again, with that amendment, would have been overwhelmed, did not have the staff to do it. So they subsequently, as you pointed out, were neutral on it. With that amendment, they would have been opposed basically for -- for cost that was there. So that is basically what has happened as far as putting this up to a brick wall so we now can get some more compromising language that all parties, even ISMS, can agree upon. And we -- and we hit the deadline, so we couldn't get another amendment to correct that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Now, it's -- it's my recollection, Senator, that when you - when you first presented the bill itself in committee, that the groups who were opposed were opposed to it in its form, but were not opposed to go ahead and moving it out, out here on 2nd Reading, while you continue to discuss the issue. Now, we've still not come together with a -- with an agreement. Do you know if those groups are opposed to moving it over into the other Chamber while I assume you're still intending on trying to put together an -- an agreed piece of legislation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

The last discussions I had with them - one this morning with the Health Association -- Health Plans - certainly they were not adverse to it. The meeting I had, and I spoke with ISMS yesterday, they were not adverse to that. They -- they both agree that there is a lot of work that has to be done, but there would be no incentive for that work and those discussions to be carried forward if, in fact, if we don't have a piece of legislation there for them to talk about.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

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SENATOR RIGHTER:

I appreciate that, Senator, very much. And very briefly, Madam President, to the bill: It's my understanding that the Medical Society is opposed to moving this bill out over into the other Chamber now. I appreciate the Senator's comment about keeping the pressure on to negotiate. It seems like whenever we're trying to use that to our advantage, it can go either way. Kind of like whether or not it's a good project or it's pork in your district or not. I would urge the Members very much to review this bill - I understand we're moving along very quickly - and -- and be very careful about your vote. What we're talking about here is releasing information that has to do with peer review committees and other issues, and the -- disciplining of doctors. And I just think that everyone should be very cautious. This is a -- this is a -- this is a major piece of legislation. I hope everyone will give it some care. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter, to close.

SENATOR TROTTER:

Yes. Just to -- wanted to address the -- the last comment. One, this -- we put in an amendment to address the peer -- review process. This -- the boards, the health care boards, the health planning boards are not interested in anecdotal readings. They're not interested in those simple negligence issues that come before peer review boards. The Illinois Hospital Association -- Health Plans Association is bound by the same confidentiality laws that are in place now for all those reporting agencies. So, this will not violate -- violate any of those -- those laws. Has no intention to. What they're looking for, for those cases of gross negligence that will impact on the quality of care that would be remedied or administered and delivered to their practitioners, whom they are liable for, if, in fact, something goes wrong, that they have hired. So, again, this is a consumer interest or consumer plan. It will protect health plan enrollees because health care plans will have information on adverse action so they -- they can determine which health care professionals are the best professionals to practice in their network. This bill will also permit health

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care plans to act on behalf of the enrollees. This is what we want. The thing is, the ISMS, unfortunately, as -- as -- as I pointed out in committee, whenever you mention something about them, they -- they run around like Chicken Little, like the -- the whole sky is falling. This is not a "sky is falling" bill. We know that one percent of the physicians that are out here are -- are raising -- or, help rise the malpractice rates for the other ninety-nine percent. What this bill would do, it would ensure that we'd weed out those bad doctors so, in fact, when these health care plans, who we've empowered to deliver health care services in this State, get the best doctors to do the best job for the people that they have enrolled into their network. And I ask for its Aye vote so those discussions can continue and we can get some reasonable language and also some sensible ideas out of those people who are opposed to this legislation. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen, do you have a question on this bill, 'cause Senator Trotter just closed? Senator Ronen. The question is, shall Senate Bill 459 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 38 Yeas, 17 Nays, 2 voting Present. Senate Bill 459, having received the constitutional majority, is declared passed. Senator Hendon, in the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

Senate Bill 461. Senator Trotter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 461.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. This bill, hopefully, is -- is not controversial at all, at least not from my standpoint, and from the good that it would do to serving our employees, those employees and those companies

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that get State contracts. This bill will prohibit all non-State employers who receive contracts or grants from the State from using State funds to interfere with union organizing by their employees. These employers also cannot require or prohibit attendance of meetings intended to influence employees of decisions of -- of unions. We have added a -- an amendment. It was amendment -- an amendment -- Amendment 1. Was basically a technical amendment, clean-up amendment. Amendment 2 released those contractors from any liability from these -- the actions of their subcontractors.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. Would the sponsor yield for a few questions, please?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator -- Senator Cronin.

SENATOR CRONIN:

Senator Trotter, is your intent with this legislation to somehow or other help, assist or aid unions in organizing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

No. Actually, it's just the opposite. What this does is ask for parity if, in fact -- and we're asking for the employers that engage into anti-union practices to desist from -- allowing union workers to come in and to organize, in fact, if they can, especially, in fact, if they're taking State dollars. We have -- what this is trying to address, it was a license company, one who makes license plates for the State of Illinois, did not want union workers. And they will stop on their time but our dollar and -- and encourage their workers not to organize. And we are trying to get past those anti-union practices, and especially when using our State dollars to promote that kind of activity.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Well, although you said it's just the opposite, it -- with your further explanation, it seems apparent that you're --

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you're -- you feel you're trying to balance something that will assist the union side of the equation in organizing. Is that a fair way to put it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

No. Again, I guess we -- is that you see it one way, I see it another. Is -- what this is, is not saying -- the unions aren't saying, "Let us come in and organize", but it says desist. If you are an employer, then why don't you just stop doing what you're doing. But if you're doing it, then open it up -- the door for us to -- to organize. Otherwise, we're not going to come into your -- to your factory and to your business to organize. We'll do it on our time. But if you -- if you're using State dollars, our taxpayer dollars, to discourage {sic} individuals to join the union, then we're saying, then -- then allow the unions to come in and to encourage them to do so.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Okay. So, the thread of logic that you have here, if I -- if I may try to state for -- for my own edification, is that the -- the State dollar, that's -- that's -- that's the issue that -- that gives you an opportunity to try to influence the balance, the pull and the pull -- push and the pull between labor and management. Well, let me ask you this: With respect to State employees - AFSCME, for example - who are paid State wages, State dollars, and they in turn use those State dollars to pay union dues, are you fair-minded? Does this legislation -- is it balanced? Does it provide the flip side in that those State dollars cannot then be used to promote the organization, the union and union activities?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

This -- this bill does not address that. It deals basically just with contractors and grantees of State contracts who perform those public works. They will not use -- use our State funds to promote, assist or deter union organizing or

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influence decisions of employees. So, I guess I'm seeing it totally different than you do and...

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam. Senator Cronin, I'm sorry. Your time has expired. Senator Roskam. Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he shall -- he will.

SENATOR ROSKAM:

Well, Senator, following up on Senator Cronin's line of inquiry, don't you think it's fair that if you're prohibiting a company from using anything that they've earned in opposing a union, that you'd be fair-minded and open-minded and a man of the new millennium, that you would agree that State money that -- that benefits union employees shouldn't go to pay union dues? That makes sense, doesn't it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

No.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Okay. So what's good for the goose is not good for the gander, but let's move on. Under current law, the type of activity that you're trying to limit here, it's legal under the National Labor Relations Act. Isn't that right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, when -- when you're trying to focus in here do you -- I see that the word "accountability" is in your bill. Are you -- does a company have to take the portion of its earnings that it -- let's say it has a State contract, and set

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that aside in some sort of separate accounting? In other words, if you have a company that earns less than one percent of its -- of its revenues from the State of Illinois, is that company prohibited from using any money whatsoever for the type of activities that are abhorrent to you?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

No.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, so the company can use the money? I'm confused.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

...actually for a second, so was I at the question. But to answer question, the answer is, yes, they are prohibited from doing that. And this is also with subcontractors and anyone who receives a grant for a State -- of State funds. And using the example of the license plate guy, if -- if you're doing -- you have a State contract making State license plates and you also have a contract making novelty plates that you want to put on your car, if -- if that's the period that you're using those dollars -- if that's the run that you're making, then you -- then you certainly can do whatever you want. That's your dime. It's your business. That's the contract that you've gotten. But it's not our State dollars that you are now basically running your company on that's pushing you forward. The answer to your other question with the -- NLRB, this is no intention that this law here will circumvent that. What we're trying to address in particular is that, one, we have our own sovereign State. You know, we can make our own laws based on our dollars and our reimbursements. These are our State taxpayer dollars. No federal dollars are involved here. And I think that we have the authority to make laws in which that we can regulate how our dollars are spent.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Roskam. And could you please bring your questioning to a close, sir? Thank you.

SENATOR ROSKAM:

Senator, it's inconceivable to me that you're arguing on the Floor of the State Senate that if a company uses -- earns one percent of their revenues from the State of Illinois on one contract one time, that they're not able to use ninety-nine percent of their money for whatever activities that are lawful in forty-nine other states. I think it's a bad idea. The business community is practically united in their opposition to it. We've heard many pleas to create an environment where businesses want to come to Illinois. This sends up gates around the border that says, "Don't come here. We are a high-maintenance state. Go away." I think it's a bad idea and urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR RAUSCHENBERGER:

Senator Trotter, would -- would this bill apply to human service agencies that provide service under contract or under grant with the Department of Human Services and Department of Children and Family Services?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Yes. Now -- well, give him one of my minutes. Yes, it would include them as -- as well.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

And -- and these payments that we're making to these contract holders and these -- these people that are receiving the grants, are -- are they gifts to them or are they in exchange for some service they provide or some product they

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provide to the State? This is an arms-length transaction we're talking about, aren't we?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, then to the bill, just for my colleagues. We -- we have human service providers across the State who are doing their darned best to deal with the disabled children, the mentally ill, the people with alcohol and substance abuse problems, who are struggling because we've been unable to provide a COLA for three years. In fact, over the last twelve years, we've provided exactly two COLAs to those people. They're subject to the whims of bureaucrats and the changing administrations of State government, and now we're saying that when someone knocks on their door and accuses them of -- of any activities which might be anti-union, we're going to be forcing them to capitulate. And when those -- when -- when the unions come to them and say, "Look, your boss can't even get your raise out of the General Assembly. Your boss can't even get your payments made on time." This -- I understand that Senator Trotter's trying to prevent some kind of abuses that might taken -- might have taken place at a license plate place, but if this includes purchase of care and human service providers, this is the wrong time to take those executive directors, those people we go to the Lions Club and Kiwanis Club with, who are struggling in the current situation and holding a gun to their head. I -- I -- I really appreciate the sponsor. I've worked with him closely over the last decade. I hope he'll either take this out of the record, or we'll not support this at this time until we take purchase of care out of the bill. I just think it's a huge risk at a time when we're asking a lot of those people. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

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Thank you, Mr. President. Following Senator Roskam's point, this really is an anti-job bill. Senate Bill 461 makes doing business in the State contingent on employers waiving fundamental rights under the National Labor Relations Act. Specifically, that Act contains a freedom of speech provision which allows employers to non-coercively communicate with their employees about what it means to be in a union. In this way, employees get both sides of the story before they decide at secret ballot election whether they want to be in a union. This bill forces employers to give up these free speech rights by prohibiting them from holding meetings with employees during work time that they're paying for to have a dialogue regarding unionization. So I think this is a pretty obvious No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Just, again, to -- to reiterate a point or two about the National Labor Relations Act. Although a State or local entity is not allowed to regulate in areas that the NLRA already regulates, it can act in a proprietary capacity to protect its interests when acting as a consumer. As far as some of the other facilities, these -- these human services and -- and home care facilities that we have, let me give you some examples of some of the violations. The Macon Resources, which is a facility for developmentally disabled clients, and Macon Resources pulled away workers from clients to attend anti-union meetings both in group and in one-on-one with managers. These meetings were attempted to scare, threaten and bribe workers into voting against union representation. The Olsten Kimberly Quality Care Center. It's a home health care provider. This contractor, which gets ninety to one hundred percent of its funding from the State, used State-paid mailings for workers -- within workers' checks to include anti-union literature and used State-paid-for time -- paid-for time that was supposed to be used for training to hold anti-union meetings with workers. They were supposed to be hold training Sessions. The Orchard Village, a facility for developmentally disabled clients, it -- it had hired expensive lawyers to fight unions and to hold anti-

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union meetings. Now they can't afford to pay payroll taxes and payroll benefits, but however, workers have been buying shampoo for clients from their own paychecks because these monies aren't there because they're being spent for lawyers. And just one more, in closing. The Family Home Services, which is another health -- home health care provider, is constantly behind on paying its workers, blaming the State's payment system for their lack of funds; however, at the same time, they find money to hire anti-union consultants and use State money to pay for mandatory meetings with workings and for paying for mailings to talk against forming a union. This is just -- yes, we may be for pro-business, but I think we also should be for the -- the pro-citizen, pro-workers in this State, as well. And I think that's what makes this State a great state.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 461 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? This takes thirty votes. Have all voted who wish? ...believe it takes thirty votes, sir. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 voting Aye, 26 voting Nay, 2 voting Present, and 2 not voting. Senate Bill 461, having not received the acquired {sic} constitutional majority, is declared failed. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

To ask leave to put this on Postponed Consideration, please.

PRESIDING OFFICER: (SENATOR HENDON)

Postponed Consideration. Senator Trotter requests that Senate Bill 461 be postponed. The bill will be placed in the Order of Postponed Consideration. Senate Bill 467. Senator Maloney. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 467.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

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SENATOR MALONEY:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 467, as amended, may increase the access for medically necessary inhalers for those suffering from asthma. During certain months of the year, weather triggers asthma attacks as -- a greater rate, requiring people to increase the frequency they use their inhalers. Children may, at times, need two inhalers, one at home and one at school. The bill, which is now supported by the American Lung Association, the Illinois Pharmaceutical Association and now the Illinois Insurance Council, would leave the decision as to whether or not inhalers needed and covered are medically appropriated -- medically appropriate in the hands of the treating physician.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Just very briefly. This bill passed out of Health and Human Services Committee unanimously. I appreciate the Senator's work on the bill and would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 467 pass. All those in favor, vote Aye. 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, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 467, having received the required constitutional majority, is declared passed. Senate Bill 472. Senator Cullerton. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 472.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill encompasses the reforms for the death penalty. This was a bill that has been worked on by the Judiciary Committee. I can say,

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with one exception, there has been an agreement brought together, groups as diverse as the ACLU and the State's Attorneys Association, Cook County State's Attorneys Association. And I'd like to just give you some of the highlights. There is a provision here that the FOP is opposed to, but I'll just indicate that what it deals with is the ability to decertify a police officer if that police officer was found by clear and convincing evidence by the Illinois Training Board to have been -- perjured himself during -- or herself during a -- a capital case. And that remains in the bill. They are opposed to that. With that exception, the rest of the bill is -- has received no opposition. It encompasses a number of reforms that address the Governor's task force on -- on reforming of the capital justice system..

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs has moved the previous question. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support -- in support of Senate Bill 472. Again, I think Senator Cullerton did an outstanding job of bringing together very diverse interests across the State. He worked very hard and sought compromises and has crafted a very good bill. I urge its passage.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. I just want to echo the sentiments of Senator Roskam. I think Senator Cullerton's done outstanding work here. And -- and I want to just suggest, there are those in the camp that wants to abolish the death penalty, that may be dissatisfied with everything that's in there, may feel that it doesn't go far enough. There are, obviously, proponents of the death penalty who may feel that it goes too far, but I think that Senator Cullerton really did a yeoman's

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job striking the right balance, and I think that even if you're in favor of the death penalty, I think these kinds of measured reforms are exactly what this State needs. And I, again, want to applaud Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President. I'd like to echo the comments of the prior two speakers. Senator Cullerton walked through a minefield and I believe has come up with a product that can be supported. It is most unfortunate what has happened in this State, especially about three months ago, in connection with the death penalty. I do believe that this legislation was a long way down the road towards passage. It had some fine-tuning that necessarily was required. If someone would have told me a year ago that I would have been standing up in favor of -- of -- of legislation of this type, I -- I would have told them that they were bereft of their senses. But after the hearings that we had last year in a number of cities throughout the State, listening to people from both sides of -- of this issue, people who strongly favor capital punishment, as I do, and those who are committed to abolishing the death penalty in this State, I think that the realities are that we are not in a posture to do that and that the attempts that -- that Senator Cullerton has made to ensure that we focus in on the worst of the worst, in my opinion, the job has been done in -- in a very straightforward and in a -- in a very truly professional manner. John, you are -- you've done really tremendous work here. In conclusion, I would just like to point out to those people who know that I'm going to be voting for this bill, that it does not lessen, in any way, my own feelings about what -- what transpired a few months ago with the former Governor of this State. And I do believe that the -- the changes that we've made in this legislation and in capital punishment were simply warranted by external events. Again, nice job, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 472 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record. On that question, there are 57 voting Aye, 1 voting Nay, none voting Present. Senate Bill 472, having received the required constitutional majority, is -- declared passed. Senate Bill 475. Senator -- Silverstein. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 475.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. 475 is really a shell bill. We shelled it for the clinical trials. We're hoping to go to the House and see if we can work out an agreement. I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 475 pass. All those in favor will vote Aye. 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, there are 47 voting Aye, 5 voting Nay, 2 voting Present. Senate Bill 475, having received the required constitutional majority, is declared passed. Senate Bill 476. Senator Clayborne. 476. Senate Bill 478. Senator Clayborne. Senate Bill 480. Senator Clayborne. Senate Bill 481. Senator Clayborne. Senate Bill 487. President -- President Emil Jones. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 487.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

On Senate Bill 487, President Jones.

SENATOR E. JONES:

Yeah. Thank -- thank you, Mr. President. What this bill does is set forth the Licensing Act for the Private Detective and Alarm Agency {sic}, Private Security and Locksmith Act. It - - separate each profession into its own Article, changes some of

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the definition to reflect the new technology, changes -- changes training requirements and make numerous other technical changes under the Act. Under this measure registered employees of private security contractors will be required to complete -- additional hours of job training. This is the licensure bill for these various professions, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. For Members on this side of the aisle, I just want to let everyone know that all the interested parties in this legislation are in favor. DPR does have some concerns that they'll work out in the -- the House. Thank you, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 487 pass. All those in favor will vote Aye. 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, there are 57 voting Aye, none voting Nay, and none voting Present. Senate Bill 487, having received the required constitutional majority, is declared passed. Senate Bill 494. Senator Harmon. Senate Bill 506. Senator Garrett. Senate Bill 517. Senator Schoenberg. Senate Bill 518. Senator Schoenberg. Senate Bill 521. Senator Schoenberg. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 521.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 521 is an initiative that would help financially distressed hospitals and human service providers make the most of the scarce reimbursement resources that we provide them, namely by establishing a one-time pilot project where the -- where a pool of bonds would be created to enable

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them to take advantage of very low interest rates and refinance their capital debt. Many of the safety net hospitals, the CHAP hospitals in -- in urban areas in Chicago, many of the critical access hospitals that are so vital to providing health care in downstate communities and many human service providers find that they're disproportionately paying a high percentage for their capital needs as a result of high interest rates that we force them to have because the State has been such an unreliable and erratic partner in reimbursing them in a timely and sufficient manner. There is no opposition to the bill, and I urge your support.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. The -- the sponsor's done it again, I think: Come up with a really good, innovative idea that I support in -- in a lot of ways, but there's some problems to the bill. I just kind of want to make sure I understand an outline, and then I -- I hope we can support it, perhaps, with the thought that we may be able to massage this a little bit over in the House. I think Senator Schoenberg is -- deserves a lot of credit for being one of the first people to be kind of on the concept of doing pool bonding and coming up with a way to help lower the interest rates. But Members need to realize that in this -- in these discussions we've had - both last year of granting special authority to the Executive Branch to borrow against tobacco proceeds, as well as the ongoing discussion by many Members, including the Senate President, that we ought to be securitizing the tobacco stream - this bill calls for using a double barreling concept where we -- we actually transfer dollars out of the Tobacco Settlement Fund to kind of guarantee the payment of these bonds. So we may very well need, in the House, to kind of massage this and look for a more appropriate way to -- to -- to move this. And Members should understand that although this doesn't require, I don't think, thirty-six votes and it's not State indebtedness, the -- the function of the statute creates a continuing appropriation. So each year transferred into a -- a redemption or bond payment fund would be the total amount necessary to pay the interest and principal on

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the bonds out of State funds. Hopefully, by the end of the year, these kind of financially weaker institutions will have paid back enough that we can recoup that and then start the cycle over. In the -- in the case of a default, in essence, the continuing appropriation would use State funds, whether it's Tobacco Settlement funds or others, to pay these bonds. So I think the -- the sponsor's off to a great idea. I think we may need to do a little bit of tweaking on this, because I would be more comfortable with a little lower level of guarantee. But I just want to compliment the sponsor. He's really done a great job. Innovation's been one of the things Jeff's brought to the process. So, with -- with the hope that this gets a little bit more carefully reviewed before we end up in final passage, I -- I support the bill.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 521 pass. All those in favor, vote Aye. 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, there are 56 voting Aye, none voting Nay, 1 voting Present. Senate Bill 521, having received the required constitutional majority, is declared passed. Senate Bill 528. Senator Cronin. 528? Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 528.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. This was a bill that was an effort to help the -- the troops as they fight for us overseas right now. I have joined with our Lieutenant Governor, Patrick Quinn. And for these troops that are overseas...

PRESIDING OFFICER: (SENATOR HENDON)

Sorry, Senator.

SENATOR CRONIN:

...performing their duty for us in a spectacular way, we wanted to make sure that they were not somehow or other

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penalized with respect to issues relating to child support and custody visitation. There's an ongoing negotiating process, and the provision in the bill that remains is simply the part that has been championed by our Lieutenant Governor and that is a fund that would help supplement any shortcoming or any -- any obligation that they may have that they cannot meet with respect to those areas while they're overseas. It's a great bill. It's a great time to support the bill. It's -- but I do have to tell you that there -- there will be some negotiations ongoing in the House and I'm sure we'll get a chance to look at this again one more time. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HENDON)

Sponsor indicates he will.

SENATOR GEO-KARIS:

Well, with the -- are you saying that even if they're overseas, aren't they supposed to pay for their children?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

That -- that language is out. It doesn't even address it. There's nothing in it about that. It's -- it -- it -- there's no language at all about that. You know, we recognize that it's an issue that needs to be carefully negotiated.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Then let me ask you this question, please. It's not clear in my mind what you mean by the bill. If you can just give me one sentence of what you really mean to do with the bill, I'd be very happy to hear it.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Well, it's essentially a shell bill right now, Senator Geo-Karis. But the -- the Lieutenant Governor and -- and -- and I

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have expressed our interests, and there have been some meetings and discussions, about how we can assist the troops when they're overseas and not -- and -- and try to ensure that somehow or other they would not be punished when they come back to the states. Many of these troops leave, say, an eighty-thousand-dollar-a-year job and they take on a forty-thousand-dollar-a-year commitment in the military and it's difficult to meet some of the obligations. And so Patrick Quinn, our Lieutenant Governor, has a -- a fund that is supposed to help supplement obligations. There was discussions about issues relating to visitation, child support, things like that. We were unable to come up with language. So right now it's essentially a shell. The negotiations will continue. You know, we're going to see it when it comes back here if there's something worthwhile to consider, and you will certainly have an opportunity to vote Yea or Nay at that time.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other -- Mr. President, Ladies and Gentlemen of the Senate, we do have the Soldiers' and Sailors' Civil -- Civil Relief Act, which is still in operation. But I presume that the bill goes a little bit further and, as the sponsor said, perhaps we should look into it, considering the circumstances. I have no opposition.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 528 pass. All those in favor will vote Aye. 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, there are 58 voting Aye, none voting Nay, and none voting Present. Senate Bill 528, having received the required constitutional majority, is declared passed. Senate Bill 529. Senator -- Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank -- thank you very much, Mr. President. I rise on Senate Bill 521. For some reason my light didn't register. I -- my intent to vote Aye for that bill. Would you please let the record reflect that that was my intentions?

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PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Senate Bill 529. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 529.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 529 provides additional tax benefits for parents investing in out-of-state college savings programs similar to the Bright Start or College Illinois! plan. By participating in this prepaid tuition program, participants lock in the cost of tuition for many years. What we're doing with this bill is extending the number of funds that an individual can invest in to try to increase the return that they receive. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield.

SENATOR LAUZEN:

Senator, can you tell us what the State Treasurer's position is on this bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Senator, I -- I don't know what it is today.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Okay. I -- I'm under the impression that the State Treasurer is opposed to this bill. Senator, can you tell us whether -- I've seen a range of estimates of the fiscal impact of this bill, anywhere from two and a half million to fifteen million dollars. Could you tell us about what this will cost?

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Senator, the fifteen-million-dollar estimate is not duplicated by anyone. The State Treasurer came up with that because she is opposed to the bill, and as you know - you were in the committee - she sent a witness to testify against it. So, I think you know her position. What the Economic and Fiscal Commission said, it would be two and a half million, approximately, depending, of course, on how many people take advantage of the program.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen, are you finished? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. -- thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Certainly.

SENATOR LAUZEN:

Now, if -- if -- now, if you knew what the Treasurer's position was when I asked that question, would it have been fairer to just answer that question, would be question number one? Number two, is it true that we are the only state in the union that will have this provision for the credits deductibility?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Senator, you know, you -- you do this all the time. You ask a question when you know the answer. I mean, that's very frustrating. You were in the committee when the Treasurer's person testified against my bill. I -- I don't understand why you have to then ask me or other Members if you know what somebody's position is. That -- that -- doesn't make sense to me. That's why I didn't answer it immediately. Because in addition to that, I don't know if she has changed her position. That was a couple of weeks ago.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

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The second -- the second part of the question was, are we the only state in the union that has this open gage credit policy?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Well, we don't have it yet. So the answer would be we are -- we are -- no, we are not because we don't have it yet. That's what the bill would do.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen, and can you bring your comments to a close, please?

SENATOR LAUZEN:

Yes. I -- actually, I wouldn't take so long if -- if, Senator, you'd answer those questions. I -- I perhaps am not as good a lawyer as you are or Senator Roskam are. Is -- let me then ask: If this bill is passed, will we be the only state in the union that has this credit? And the -- I don't know what the proper word is but when -- when folks don't answer questions directly, it's an indication that there's a problem with the bill. I would encourage a No vote. But I would like an answer to the question: If this passes, will we be the only state in the union?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

If this bill passes, we will be the only state offering all of the residents of their state the opportunity to choose among numerous plans and to get a tax exemption for doing so. Now, the idea that I didn't answer your question immediately shows some -- somehow you've psychoanalyzed anyone who doesn't give you a prompt answer exactly as you want as -- as trying to deceive people. I mean, that is -- that is wild.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. I just wanted to rise, in a gentlemanly way, and oppose the bill. I -- I'm in opposition. Let me tell you why real quickly. I like the idea

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that we would be giving some benefit or some choice, ostensibly, to -- to people and to families. But I don't really think that's exactly what's going on here, only because the new benefits that would go to out-of-state college savings programs are going to cost us about fifteen million a year and these other state programs are not offering that kind of a benefit to their residents to come and participate in our program. That would hurt the seventy-five thousand families that are currently in Bright Start. I count myself among one of those seventy-five thousand. I also know that the out-of-state programs do not have the same kind of controls when it comes to brokers' fees and charges. Treasurer Topinka has gone above and beyond duty to try to make sure that it's a very competitive and very low-cost program in terms of broker fees. I have seen nothing like it when it comes to the load, if you will, that -- the terminology as used in the -- in the -- in the business. You know, if I may, since the creation of this Bright Start, I mean, I don't think we should -- the performance has really been unsurpassed. I mean, at a time when the economy has been faltering, we all look at our 401K programs. Those of us who have it are -- are fortunate to have some savings, of course, but the savings that we used to realize in years past are now -- been gobbled up by losses in the market. Bright Start has performed spectacularly given the downturn in the market. Outsiders - Terry Savage, Sun-Times - people have praised the program. I just think that while the intentions are good here and we say that we want to offer choices, it's going to cost the very people who have exercised the choice to get into Bright Start, and I would suggest that this is a kind of proposal that maybe ought to be looked at regionally. Maybe we ought to reach out to our fellow states and see if we can get some kind of parity. But right now I think we're punishing ourselves with this bill, you know, notwithstanding the sponsor's good intent.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. In regards to the line of questioning that took place between the sponsor and Senator Lauzen, I just want to thank Senator Lauzen for asking the

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questions that he may have had the answers to because he was in the committee. But with all respect, Senator Welch, I was not in that committee. I think they were very fair questions, for those of us in the Body that did not have the benefit of participating in that debate, to have them brought forward here. Now, the merits of the bill and whatever you may want to deal with it, I think this type of questioning from the Spokesperson of the committee is very appropriate. Senator Lauzen, thank you for bringing forward some of those issues that some of us were not aware of before that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch, to close.

SENATOR WELCH:

Well, let me -- let me respond to Senator Cronin first. The Department of Revenue has said that it'll have minimum impact - minimum impact - on the budget. The fifteen million dollars is the Senator -- is former Senator Topinka's estimate of what it would cost, not duplicated by -- by any other estimating group. What this does is restore a tax exemption for Illinois residents previously available under Illinois law until it was changed on July 11th of 2002. The Salomon Smith Barney plan that we're locked into did not have spectacular returns, unless you consider a loss of twenty-three percent, a loss of twenty-three percent on your invested income into this plan. That's a spectacular result, but in the wrong way. This will give individuals the opportunity to choose where they want to invest, and I think that's worth something. And that's why we're bringing forth the bill. So, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 529 pass. All those in favor will vote Aye. 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, there are 54 voting Aye, 20 voting Nay -- 34 voting Aye, 20 voting Nay, and 1 voting Present. Senate Bill 529, having received the required constitutional majority, is declared passed. Senate Bill 533. Senator Maloney. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 533.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 533 is a bill in which the Illinois Statewide School Management Alliance, the Illinois Federation of Teachers, Illinois Education Association and the Illinois State Board of Education have come to an agreement on the implementation of a teacher mentoring program, providing that the program be phased in over the next couple school years, the year 2003-2004 as a planning year with implementation in school year 2004-2005. I was motivated to introduce this legislation by personal experience, having the opportunity for the last several years to observe and evaluate new teachers. And I am constantly impressed by their knowledge of the subject matter and enthusiasm, but those factors can sometime only take you so far. A mentor can give practical advice as it relates to discipline, motivation and, especially, methodology. We very often lose quality young people and they state the reason of lack of support, and I think this will help retain quality people and, at the same time, help the students that we are endeavoring to instruct.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? If not, the question is, shall Senate Bill 533 pass. Senator -- Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, what -- what would this cost if it were funded?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

The cost would be -- I believe it is twelve hundred dollars -- twelve hundred dollars per new teacher. The Illinois State

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Board of Education has included this cost in their proposed budget to the Governor for this coming -- this coming budget.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Won't this program be subject -- subject to appropriation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

Yes, Senator, it will.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, there's no doubt that we need to do a better job trying to improve teachers. I think sometimes we, in the past, have just put teachers out there and -- and if they're not doing a good job, they either -- they either teach for forty years and get a gold watch at the end of it, with mediocrity, or they are -- they're -- they're let go. And -- and we really have done, over the years, a very, very poor job of trying to help those young teachers. But -- but I guess my -- my feeling is that schools themselves need to start doing this. I mean, if this is so important, they need to do this, and in particular, in a -- in a situation where we -- we really don't have the money to do it. You know, we -- we keep adding new things and new programs and we can't pay for what we -- and all of you, every one of you in here have had schools call you and say you have to fund special ed. You have to -- you know, you have to do the special reading programs. You know, you have to raise the base. All of those sorts of things. And then we start and there -- there're several of these programs. Not bad. I mean, I -- I -- I -- I respect that. I -- there's no doubt that we do need to do more of this. But if we can't afford it and we aren't doing a decent job with what we do right now, then why should we start something new? Again, down the road -- but, if -- and again, I think schools ought to do more of this on their own. On their own they ought to do it, if it's so important, and I do think it's important. But right now we simply don't have the money to -- to -- to raise those expectations that we're going to do this

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in the future or do it now. And then, in the process, where do we come up with the money to do the things that we -- really need to do? Not a bad program. I appreciate what you're trying to do. I just think this is not the time to do it. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney, to close.

SENATOR MALONEY:

Thank you, Senator. I share your concern. And, again, as been pointed out in committee yesterday, this is something that I think we really do need to do. I think that this is a priority. When we have fifty percent of our teachers leaving the profession before five years, I think that this is a priority that, again, will go a long way toward retaining quality people and ultimately improving the instruction to our students. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 533 pass. All those in favor will vote Aye. 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, there are 46 voting Aye, 3 voting Nay, 9 voting Present. Senate Bill 533, having received the required constitutional majority, is declared passed. Senate Bill 552. Senator Obama. 552. Senate Bill 553. Senator Harmon. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 553.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 553 creates the Data Security on State Computers Act. It provides, generally, that any computer the State disposes of must be -- the hard drive must be deleted to protect confidential and -- and sensitive information. It also provides for continuity of -- of data on computers being exchanged or transferred to an incoming executive administration. I'll be happy to answer any questions about the bill.

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PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator Harmon, in the Executive Committee, a question that I asked you was, what happens if a corrupt employee seeks to have evidence erased from a computer? And you sort of said, "Good question". But we really didn't -- because we were pressed for time, didn't have time to talk about that. Have you given that some more thought on how we can fix this thing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I have had a chance to give it some thought, Senator. It was a good question. Upon reflection though, it occurred to me that a corrupt employee would not need to go through this process. The corrupt employee could simply delete the information himself or herself.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Well, the problem, though, is that you have a State agency being complicit in the eradication of relevant evidence and that seems to me to put them in a very serious trick bag. And not only that, but then you've got -- you've got sort of the -- the color of legitimacy. If you go to CMS and say, "This -- this computer is -- golly, it's just not working," and so forth, "Please sweep it clean," I think the unintended consequence of your bill is pretty profound. And it's not just the possibility of a bad actor out there.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I would respectfully disagree with your assessment for two reasons. One, this applies only to computers that are being disposed of, generally speaking. Computers that are -- the State

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is replacing. And, two, I just do not think it would be the most effective way for a corrupt employee to get rid of data. There's -- it is so easy to get rid of it intentionally yourself if you wanted to. There -- there -- it just does not strike me as a reasonable course for a bad actor. Granted, I have trouble getting to the -- into the mind-set of a bad actor, but if you have a -- a difference of opinion, I'm happy to continue talking, but I just don't think it -- it's germane to this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Well, it's germane. Whether you agree or disagree, that -- that's -- that's fine. It seems to me like there would be no better approach for some corrupt official than to say this computer is -- is problematic and it needs to be swept clean. There's nothing in your bill, Senator, that prevents that. There's not a triggering mechanism, even for the definition of disposal. I think that you would be wise to reconsider your position, and in light of that, I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon, to close.

SENATOR HARMON:

The problem that I am hoping to solve is a problem we have not encountered yet, to my knowledge - a situation in which the State disposes of a computer and later finds out that sensitive information about our citizens is contained on the hard disk. With due respect to others who -- who feel that there are other problems to solve, that is not the purpose of this bill. This is an important bill, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 553 pass. All those in favor will vote Aye. 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, there are 42 voting Aye, 15 voting Nay, and none voting Present. Senate Bill 553, having received the required constitutional majority, is hereby declared passed. Senate -- Senate Bill 559. Senator Harmon. Madam Secretary, please read the bill.

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SECRETARY HAWKER:

Senate Bill 559.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 559 amends the Illinois Insurance Code. It does two things. It clarifies the obligations of an insurer that seeks to not renew a commercial policy. It also provides -- more clear requirements for the proof of mailing on a -- a renewal with significantly different terms. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I stand in support of the bill. The amendment came out on a unanimous vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 559 pass. All those in favor will vote Aye. 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, there are 57 voting Aye, none voting Nay, and none voting Present. Senate Bill 559, having received the required constitutional majority, is hereby declared passed. Top of page 11. Senate Bill 561. Senator Link. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 561.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This amends the Election Code. Requires that all polling places be accessible for handicapped and elderly electors by January 1st, 2007, as determined by the rules of the State Board of Elections. This is to mirror the

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Federal Election Code that is put into effect. I'll be more than happy to any -- answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 561 pass. All those in favor will vote Aye. 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, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 561, having received the required constitutional majority, is hereby declared passed. Senate Bill 566. Senator Demuzio. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 566.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you -- thank you, Mr. President. This amends the School Code and it says that if a -- a child has -- a disability, that if he's deaf or hard of hearing or blind or visually impaired, that he or she might be eligible to receive services from the Illinois School for the Deaf or the Illinois School for the Visually Impaired and that school districts will -- will notify parents of such services. Senator Garrett also put an amendment on saying that other such services and local facilities would also be provided in such notice. And I know of no opposition.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 566 pass. All those in favor will vote Aye. 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, there are 55 voting Aye, none voting Nay, none voting Present. Senate Bill 566, having received the required constitutional majority, is hereby declared passed. Senate Bill 567. Senator Halvorson. 567. Senate Bill 573. Senator Obama. 573. Senate Bill 576.

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Senator Woolard. Senate Bill 578. Senator Woolard. Senate Bill 591. Senator Martinez. 591. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 591.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 591, with Senate Amendment 1, amends the Federally Subsidized Housing Preservation Act and will preserve thousands of at-risk federally subsidized apartments that currently provide safe, decent, affordable housing for families and seniors throughout Illinois. Approximately fourteen thousand apartments in Illinois built with project-based Section 8 or low-income housing tax credit federal funds will have their rent restriction contracts expire between 2002 and 2006. This Act will ensure that tenant association will have a chance to purchase the properties before they are sold on open market and before the affordable rents are eliminated. By doing so, we can guarantee more federal tax dollars coming back to the State of Illinois. Specifically, this measure will require the owners of an assisted housing development to give twelve, instead of six, months' notice of the owner's intent to sell or otherwise dispose of the assisted housing, require notice of the owner's intent to complete prepayment or terminate a subsidy contract or rental restriction, allow for the representation of a tenant association by a not-for-profit corporation or private purchaser, require that the owner offer the property for sale to a tenant association within sixty days after association has complied with the requirements of the Act concerning notice to the owner and require the tenant association notify the owner of its intent to purchase the property within ninety, instead of thirty, days after receiving the owner's offer of sale.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have about three or four questions, if the sponsor would yield.

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR JACOBS:

Thank you. Senator, do you live in subsidized housing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

No, sir, I don't, but I represent a community that does.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

It's my understanding you want to live in subsidized housing because Jane Byrne, I understand, is your idol and Jane Byrne spent some time in Cabrini-Green. And I just wondered if -- if that's why you're wearing red today, because she used to wear red a lot, too.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator Jacobs, you're right, because she is my idol 'cause she loved red, and that's why I have red on today.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Well, I really thought that she was emulating Tiger Woods 'cause he always -- he wears red on important occasions. One last question, if I might, and this one is -- is a little more direct, Senator, if you don't mind. Are Puerto Ricans considered minorities or are they considered citizens?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Viverito.

SENATOR VIVERITO:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR VIVERITO:

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You know, on the eligibility, it kind of excited me a little bit. Is there a senior citizen discount?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Well, let me just say that, basically, a lot of the housing -- subsidized housing is primarily seniors.

PRESIDING OFFICER: (SENATOR HENDON)

We'd like to acknowledge the presence of our Treasurer, Treasurer Judy Baar Topinka. Let's acknowledge our beautiful Treasurer. Her beautiful red hair matches Senator Martinez' beautiful red dress. This must be your first bill. Senator Viverito.

SENATOR VIVERITO:

Yes. Yes. Senator, is there any way that a legislator would be able to get some subsidized housing too?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

I guess when you get to fifty or sixty, yes, you probably could.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Viverito.

SENATOR VIVERITO:

...not quite fifty or sixty, but, I mean, am I eligible as a legislator to get subsidized housing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Absolutely, Senator Viverito.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Viverito, if you could bring it to a close. We're fair with this clock here. Democrat and Republican.

SENATOR VIVERITO:

You -- you -- you -- you seem to have a pretty darned good bill. I must admit to that. But I wish you'd give a little more consideration to senior citizens, too.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

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SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR ROSKAM:

Senator, a serious question. As you -- what is your hope in moving this deadline from six months to twelve months? What -- what's -- what's your goal with that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator Roskam, the problem is that sometimes within six months, people cannot find -- I mean, find another housing. The problem also that exists is that right now we have about twenty-one thousand subsidized housing that expires within that time period, and we want to make sure that the owners of the building allow -- are giving enough time to actually sell the property back to the tenant association within that building and give enough time for them to find -- to find funding sources for them to stay in that affordable housing.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Senator, I appreciate your answer, and I understand that -- I understand that problem. My concern is this: The -- the flip side of that, Senator, is that I think the unintended consequence of what you're doing is creating less of an incentive for land owners to be involved in subsidized housing. You know, when -- whenever someone cooks a meal, for example, I -- my -- my wife is out of town this week and so I was cooking for my boys at home and, you know, when I would cook for them they'd say, "Wow, Dad, that doesn't look too good." And I'd say, "Take a bite. Just try a little bit. Just take a bite." And then eventually they'd realize it was okay. It was scrambled eggs or whatever. If I said you've got to eat this whole thing and you're not going to leave the table until you eat it all and you're not going to do anything until you clean it all up, I would have lost and I would have been unsuccessful. The unintended consequence of your bill, Senator, in my opinion,

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is that you're basically telling landlords, "You've got to eat the whole thing. You got to eat the whole pile of eggs whether you like it or not." I think if you want to create an environment where more landlords come in and want to participate, you've got to make it easier for them to enter and to exit, because it -- the -- the sense that one comes from, in looking at this bill, is that once they get into this marketplace, oh, man, they're stuck for twelve months and it's really problematic to get out. Right now it's six months and that's -- that's kind of okay. And I would just urge -- I mean, I don't want you to misinterpret No votes on this bill. That's what I'm saying. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I'm very interested in knowing that we have legislators who want to go to the subsidized housing. I never thought I'd have so many -- from that side. But I'm sure that Señora Martinez is doing the best she can to provide for the people in her area. And the reason she wore red today is to give you a little colorful attitude around here because we're getting awfully dull. So, Señora Martinez, I think you've done a good job and I'm going to support your bill no matter what they all say about it, because what the heck, you might have to come to my area and try subsidized housing again.

PRESIDING OFFICER: (SENATOR HENDON)

That's why I love you. Senator DeLeo. Senator DeLeo?

SENATOR DeLEO:

Would the -- would the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR DeLEO:

Senator Martinez, is this your first piece of legislation here in the Illinois General Assembly?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator DeLeo, it is.

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PRESIDING OFFICER: (SENATOR HENDON)

Senator DeLeo.

SENATOR DeLEO:

Senator Martinez, let me ask you a question. Is this -- is the HDO a proponent or opponent? And has... Have you had permission from Victor Reyes to present this legislation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

First of all, the City of Chicago is in favor of this bill. And second of all, I don't know if Victor's in favor of it, but I'll find him subsidized housing, too.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez, to close.

SENATOR MARTINEZ:

Let me just make a few comments, first of all, because I want people to know, on -- on that side of the aisle, that right now sixteen thousand of the assisted housing are downstate and forty percent of those are income senior units. Seventy-five hundred of those units are right now in Elgin, Aurora, Lake County, McHenry County, Will County and Kane County. And just for Senator Roskam's information, he has thirteen hundred units in his district. Just so he knows that this -- our seniors are going to be affected by this. So, in closing, and -- and one -- and one other thing to Senator Roskam, we are not -- owners will -- will actually retain the ultimate right to choose what they want to do with their buildings. This amendment merely gives tenants a chance to pay a fair market value to stay in their homes. And in closing, in a time when our State and our municipalities are suffering through budget crises and when our states have lost ten -- thousands of jobs, we cannot afford to lose the precious few guaranteed affordable housing units we have. The families, and especially seniors, living in these buildings are among our most needy, and our State and our cities cannot afford to take care of them if they are forced out of their homes. Again, I wish for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 591 pass. All those in favor, vote Aye. Opposed will vote Nay. And the voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Aye, none {sic} (6) voting Nay, and none voting Present. Senate Bill 591, having received the required constitutional majority, is declared passed. Senate Bill 594. Senator Clayborne. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 594.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. -- Mr. President and Members of the Senate. Senate Bill 594 basically allows a home rule municipality to impose a tax on the retail of tangible personal property based upon the selling price, not to exceed one percent of that tangible -- of the price of that -- tangible personal property, within a business district. Basically what this bill does, this is primarily for urban areas and rural areas that are looking for development that are not -- not want to be -- they don't want to be bogged down by TIFs. So, for instance, in -- in an area in which there's no Walgreens and -- in a rural or -- or urban area or a poor, blighted area, Walgreens can come in, build their building -- the negotiated redevelopment agreement with the municipality, and the -- and in that agreement, for either a dollar amount or a certain period of time, Walgreens can charge up to one percent to give back to that -- that business owner for investing in that community. It -- it's not a tax on anybody else. It's basically a tax for those individuals to have that particular development in their community. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 594 pass. All those in favor will vote Aye. 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, there are 52 voting Aye, 5 voting Nay, and none voting Present.

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Senate Bill 594, having received the required constitutional majority, is hereby declared passed. Senate Bill 599. Senator Lauzen. Senate Bill 600. Senator Lightford. Senate Bill 605. Senator Radogno. Senate Bill 609. Senator Jacobs. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 609.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 609 establishes an Energy Efficient Building Code that shall apply to all new residential, commercial and industrial buildings in the State for which a building permit application is received on or after the effective date of the Act. The Capital Development Board shall adopt requirements of the Code based on 2000 International Energy Conservation Code with appropriate adaptations for Illinois. The Capital Development Board shall determine procedures for builders to certify compliance with the Code. Provides for technical assistance of certain design professions to explain the -- the requirements of the Code. We have removed the preemption on home rule. I ask for your support.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you very much -- thank you very much, Mr. President. I just rise in support of the gentleman's proposal. This is a very reasonable proposal to move Illinois forward like many, many other states and many, many other communities that have -- seen the wisdom of having an energy efficiency code so that the buildings of the future are much more energy efficient. Saves us money in the long run. Helps reduce our dependence on foreign oil. It's a good Yes vote. It's not an ominous or difficult mandate on anybody. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

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SENATOR ROSKAM:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator -- Senator, is this a -- a mandate or -- or a code that addresses private homes, new development?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Yes, it is.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Do you have any idea what this will cost the average homeowner, Senator?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

That will, of course, range, Senator, which I'm sure you can imagine, depending upon the size of the home and where it's located. But, on average, the estimate is between eleven hundred to eighteen hundred and fifty dollars.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

So, like on an average two-thousand-square-foot home, between eleven hundred and eighteen hundred dollars. You know, Senator, one of the things that I've run into in my area, and maybe yours, too, is really an affordable housing problem. And again, a bill that I spoke on a couple minutes ago, sometimes the unintended consequence of a good idea is that we -- we drive costs up, and that -- that is a real concern to me. I won't beat a dead horse. You know where I'm coming from. But I would just urge Members who are thinking -- thinking about the underlying cost and what we drive into the cost of housing, many, many times we're actually pricing people out. We're driving 'em out of comparatively affluent areas, and they can't

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afford to live there simply because of the regulatory environment that we put together. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR BRADY:

Senator, my first question is, does this usurp home rule, and therefore will it require...

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

No, it does not. We -- we put on an amendment to -- to remove that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

So, it's not mandatory?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

It -- it would be mandatory, but it doesn't exempt home rule. It would be mandatory in all other parts, you know, unless, you know, the -- the municipalities want to get involved. And there's a number of municipalities that are already on -- involved in this program.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

Senator, I have a letter in front of me that says that the Illinois Home Builders, the Illinois Association of Realtors, the Builders Association of Greater Chicago, the Illinois Manufactured Housing Association, the Illinois Municipal League, the DuPage Mayors and Managers, the Northwest Municipal Conference, Will County Government League, Illinois Manufacturers Association and Commonwealth Edison are opposed to

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this piece of legislation. Are all of those still opposed, to the best of your knowledge?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- Mr. President. I have no idea. I really don't. I've not been contacted by anyone in the opposition on this bill. I have had no one talk to me to say that, "Hey, this is not a good thing."

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

To -- to the bill, Ladies and Gentlemen: This -- well-intended as the sponsor may be, and I'm sure is, I -- I speak in opposition to this piece of legislation. We talked earlier about affordable housing, and eighteen hundred dollars or whatever the figure may be is a tremendous amount of money. If these programs will pay back, as many say, in a year, the marketplace will take care of doing this on their own. This is not something that we need to mandate. Many of these technologies change. I come from the building industry. I know well what it costs to meet these provisions. It also creates a disparity between our larger communities which have home rule and the other communities which don't. And I think that's unfair in nature as well. Where I know the sponsor is well-intentioned and I know what he wants to try to accomplish, I don't think this does that. It, in fact, will increase the cost of housing and be unfair. So I would ask -- I would ask that you oppose this piece of legislation, with all due respect to the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. I -- I rise in opposition to this. I don't know when the last time any of you in this room have -- have done an addition on your home or built something. I mean, the -- the building permits and the costs are really substantial. They're high. This is no different than a tax increase or a fee increase. I mean, be advised, if

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you vote for this bill, you're voting for the little guy in the non-home rule community, he's going to have to pay nearly two thousand dollars to build a house. That's nuts. That's nuts. I -- I -- I understand energy efficiency. And God bless you, but I'm not for increasing the cost of housing, especially in little communities where they need affordable housing the most. Please vote No.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs, to close.

SENATOR JACOBS:

Thank you. And some excellent comments. And -- and I -- I -- I have to admit that there are times I agree with some of what you're saying. However, we're one of only fourteen states that don't have a program like this. In fact, when you look around our area, Indiana, Iowa, Missouri, Kentucky, they all have a similar-type program. And as to the cost, yes, it is an initial cost, but it is projected also, at the same time, Senators, to be a savings, an energy savings, in the area of two hundred to three hundred dollars a year, which, whenever translated with borrowing money, pays for itself probably in about a year and a half to two years. I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 609 pass. All those in favor, vote Aye. 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, there are 33 voting Aye, 24 voting Nay, and none voting Present. Senate Bill 609, having received the required constitutional majority, is hereby declared passed. Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

Please let it reflect, I was so excited about my bill that I -- I -- I pressed the button and I still didn't vote for my own bill. So I want to show the record that I did -- that I want to vote for my own bill. 591.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Senate Bill 610. Senator Walsh. Mr. Secretary, read the bill.

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ACTING SECRETARY HARRY:

Senate Bill 610.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Walsh.

SENATOR WALSH:

Thank you -- or, Mr. President and -- and Ladies and Gentlemen of the Senate. Senate Bill 610, we have created a shell bill to move over to the House. We have been working on -- we have been working on, very diligently, on the -- the Illinois Grain Insurance Fund. Many of you have realized that the tragedy that we had a couple years ago up in my area on the failure of one of the largest grain elevators in the State of Illinois, Ty-Walk, created a problem and -- and we depleted our insurance fund. And we have been working with all the groups in trying to put language together to both replenish our insurance fund and correct many of the inadequacies that exist in the language. I compliment my Minority Spokesperson on Agriculture Committee. Senator Jones has been working with us. We've been working with the House Members. And what we're trying to do is keep the -- keep the dialogue going, and we don't have legislation yet, but we are very, very hopeful that we will have it before we adjourn this spring. So I'm asking that 610 be moved over to the House so we can keep the process moving.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. And -- and to the bill: The speaker is -- is exactly right, Senator Walsh. This is a shell bill and -- and everybody gets gun-shy when it's shell bills, but he described it very adequately. The -- the Senator and I and -- and the House Members and our staff, the Democrat staff, Republican staff, here in the -- in the Senate, along with all the affected groups in the State, has been working on this Grain Code. In fact, we have a meeting in the morning. Probably meet a couple hours in the morning. This will be the Grain Code bill when we get through. Will be very important to the State of

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Illinois. I would just encourage all the Members on my side of the aisle to vote Yes.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 610 pass. All those in favor will vote Aye. 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, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 610, having received the required constitutional majority, is hereby declared passed. Senate Bill 615. Senator DeLeo. 615. Will you please stop kissing the Treasurer. Senate Bill 615. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 615.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. Senate President, Ladies and Gentlemen of the Senate. As you know, we adopted Floor Amendment No. 1, which became the bill. Senate Bill 615 addresses the publication notice in non-general assessment years. This bill will provide that if an assessment changes because of an application of a factor to a particular class in a township or an assessment district, notice must be mailed and shall be in a general statement. This is -- only applies to Cook County. The Taxpayer Federation of Illinois is a proponent. This was brought to us by the Cook County Assessor's Office. I ask for an affirmative roll call, sir.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- thank you, Mr. President. I rise in enthusiastic -- support. Senator DeLeo's done it again. He's carrying a very good Houlihan bill and I just don't get to stand up often and -- and admire his legislative career, so I just want to take this opportunity to tell him I really am proud of your work here.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Tremendous respect for a great, able sponsor. First of all, I appreciate the work that you did in amending it so that it's a specific -- you know, specific notice to an individual, rather than the published notice. I have received a couple of pieces of correspondence though that have confused me really. And is there anything in this bill that prohibits annual reassessment of all property in Cook County?

PRESIDING OFFICER: (SENATOR HENDON)

Senator DeLeo.

SENATOR DeLEO:

Absolutely not.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

No, I -- I said does anything -- does anything -- could this lead to annual reassessment? I think that that's the question you were answering. Will this lead to annual?

PRESIDING OFFICER: (SENATOR HENDON)

Senator DeLeo.

SENATOR DeLEO:

No, sir.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 615 pass. All in favor, vote Aye. 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, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 615, having received the required constitutional majority, is hereby declared passed. Senate Bill 623. Senator Sieben. Senate Bill 624. Senator Sieben. Senate Bill 629. Senator Walsh. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 629.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Walsh.

SENATOR WALSH:

Thank you, Mr. -- Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 629 is the -- amends the United {sic} Code of Corrections in regards to privatization of commissary services. After our great debate the other night in regards to the amendment that I was trying to put together on this bill, we reworked the bill and basically we are -- we -- the bill is what was the original bill to begin with. There are no amendments. There are no amendments on this bill, all the -- all the discussion that we had the other night in regards to the -- the amendments on the commissaries and the markup and everything. So -- so in honor of the Minority -- Minority Leader, this is the -- this is the Frank Watson bill. And -- and basically what Senate Bill 629 has done, has brought both of the issues of the privatization that we voted almost unanimously on last year and the commissary services bill that we did vote unanimously on are in this bill. And ask for a favorable vote and be willing to ask -- answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Watson. Minority Leader Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I want to just thank Senator Walsh. I appreciate his accommodation, and I would ask our Members on this side -- this is a bill we passed last year, although I believe it was unanimously. I believe. And I think it's a good bill. Thank you very much, Senator Walsh, for your consideration.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 629 pass. All those in favor will vote Aye. 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, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 629, having received the required constitutional majority, is hereby declared passed. We're going to drop down to the next page. Senate Bill 631. Senator Welch. Mr. Secretary, read the bill.

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ACTING SECRETARY HARRY:

Senate Bill 631.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

This is a bill that some of us are working on trying to level the playing field with retail stores and Internet purchases by taxing Internet purchases. We're trying to move it to the House to keep the discussions going. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I just rise to thank the primary sponsor for the work he's done. I've been involved with the National Conference of State Legislatures. There's an initiative now introduced in almost twenty-seven states to modernize the sales tax so that we can level the playing field. Senator Welch graciously offered to sponsor the bill, owing to my ineffectiveness with the Rules Committee in their hearings. I really appreciate his willingness to -- to work on me with -- work on this and it's an important bill. We'll see it back with substance in it. But I just wanted to thank the sponsor and urge all Members to support this shell bill. We've got a very good purpose for it. And appreciate his help.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator, there's a lot of times where language like "leveling the playing field" and so forth can be pretty daunting and -- and pretty frightening. Is it -- would it be fair to say, and I don't want to over characterize this for you, but would it be fair to say that new taxes or tax increases are

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really the likely subject of amendments on this bill? Could you just address that briefly?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Senator, the purpose of this is to collect the tax that is owed on purchases that are escaping taxation because of the method of purchase. Meaning they buy over the Internet instead of going into a store in one of our communities.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, the question is, shall Senate Bill -- Senator -- Senator Lauzen. You got to be a little faster there.

SENATOR LAUZEN:

I -- I -- my fault. I was late.

PRESIDING OFFICER: (SENATOR HENDON)

Go right ahead, my friend.

SENATOR LAUZEN:

Thank you, Mr. President. Now, here's -- here's a new one. I'd like to speak in favor of the bill. And -- and I would -- I would like to help the sponsor in response to the previous question. Rather than any kind of a tax increase, I think that this is a matter of a fair administration of an existing tax. So, thank you for your work on this.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 631 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 voting Aye, 3 voting Nay, and none voting Present. Senate Bill 631, having received the required constitutional majority, is hereby declared passed. Senate Bill 632. Senator Halvorson. 632. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 632.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

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SENATOR HALVORSON:

Thank you, Mr. -- thank you, Mr. President. Senate Bill 632 amends the Workers' Compensation Act and the Workers' Occupational Disease {sic} (Diseases) Act. Provides that any injury to or disease or death of an employee arising from the administration of a vaccine to the employee as a part of a voluntary inoculation program in connection with the person's employment or a governmental program or recommendation is deemed to arise out of and in the course of employment for all purposes under this Act.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Wojcik.

SENATOR WOJCIK:

Thank you, Mr. President. I rise in support of this. And I compliment the sponsor for her hard work. It went out of the committee unanimously, and I just urge that it gets passed.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, the question is, shall Senate Bill 632 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 632, having received the required constitutional majority, is hereby declared passed. Senate Bill 634. Senator Woolard. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 634.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think that everyone recognizes that one of the best programs that we've had before us over the last several years has been the fact that we have -- had the ability to make a difference in the kind of facilities that our kids are educated in. I'd like to extend that program. I think another billion

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dollars in the program is the right approach, and I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just to -- to remind the Body that last year, in a -- in a different galaxy and a different world, this Senate dedicated a revenue stream and authorized a billion dollars' worth of bonding. We consequently then appropriated five hundred million and instructed the State Board of Education to not entitle any districts beyond the level of appropriation. We knew that we were -- level of authorization. We knew that we were heading into very rocky and rough seas. And this is a very critical time for us as we manage State finances. We're a few days away from the Governor's budget. So I would urge people, although we've been big supporters on this side of the aisle of school construction, not to vote for it until we have some sense of where the Governor's coming from. All of the school districts that have applied and been entitled will get -- can get appropriated out of the authorization we already have. I think Senator Woolard means well, but he's asking us to, in the blind, to add a billion dollars of new authorization without a revenue stream. Senate Republicans on this side of the aisle, for more than six years, made sure that we had a dedicated revenue stream to pay these bonds. And if we kind of engage in this bidding things up before we've even spent the previous authorization, I just think we're headed down a path where we really could be saddling State government at a time when -- when Governor Blagojevich needs our help to -- to be realistic. We're going to be saddling him with something that's going to come out of the General Revenue Fund by diverting as a General Obligation Bond. So, I know the sponsor has good intentions. I would aggressively urge a No or Present vote from Members here. There's enough money to do our purpose now. We need to revisit this at the end of Session in -- in light of what we want for '05.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

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Thank you very much, Mr. President and Members of the Senate. I don't believe there's anyone in this Chamber that didn't run, in the last election and the elections before that, and didn't say that children are first, that children are our most important asset, that children -- that we must do something about the education of our children so they'll be competitive. Well, we -- we deal with curriculum. We -- we deal with the teacher issue, but also is -- just as important is the environment in which they learn. We have schools that have leaky roofs, windows that are not in place, overcrowding. We -- we certainly need heaters. All of those things come up in these -- under these kinds of dollars under school construction. We need more dollars for our schools to create that environment that's conducive to learning. So this is a great bill. No question about it. We can have all the teachers in the world. And you've heard this before, the best teachers, pay 'em the most money, but the bottom line is that if we don't have an -- an environment for them to learn in, it's -- it's just not going to happen. It's a great bill. We certainly -- our Governor has talked about, in his previous speeches, it is along with ours, that, in fact, that our children are first. I believe we will find the money for it. This is a step. This is the way we do it. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I love kids. I'm the biggest kid in the whole place here. But there's a time and place, and this is not the time and place for the bill. So I -- I don't support it.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Woolard, to close.

SENATOR WOOLARD:

Thank you, Ladies and Gentlemen of the Senate. I know that everyone is trying their best to be as frugal as possible, and I appreciate very much their concern. But I think this is an issue that there is still many school districts and school buildings across this State that have great needs and we have an

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obligation to ensure that these kids have access to a quality position in a place to get their education.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 634 pass. All those in favor will vote Aye. 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, there are 33 voting Aye, 4 voting Nay, and 21 voting Present. Senate Bill 634, having failed to receive the required constitutional majority, is declared failed. Senator Woolard, for what purpose do you rise?

SENATOR WOOLARD:

Mr. -- Mr. President, I -- I was really giving some strong consideration to putting this on Postponed Consideration, but I really believe that there is probably some justification to just let the roll stand as it is.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. Let's move forward. Senate Bill 640. Senator Link. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 640.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is a quick-take bill that affects a couple different counties, Lee and Ogle Counties, Jefferson County, Lake County, LaSalle County, Sangamon County. Some different projects. Basically falls under the criteria of just for infrastructure. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor tell me where Lake County is affected.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. What counties are affected?

SENATOR GEO-KARIS:

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Lake County. Where in Lake County?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

In Lake County, it's on Highway 31 from Route 83 to Route 45, and in Buffalo Grove, Port Clinton and Prairie Road.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President. I rise in support of this bill. I have a -- a quick-take bill coming up within the next hour or two, so I just want to be consistent and vote Yes on both of them. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, the question is, shall Senate Bill 640 pass. All those in favor will vote Aye. 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, there are 38 voting Aye, 19 voting Nay, none voting Present. Senate Bill 640, having received the required constitutional majority, is hereby declared passed. With leave -- with leave of the Body -- with leave of the Body, we will return to Senate Bill 600. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 600.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Members of the Body. This is the minimum wage bill. Mr. President, may I have leave to return at a later time?

PRESIDING OFFICER: (SENATOR HENDON)

Take it out of the record.

SENATOR LIGHTFORD:

Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

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Leave is granted. We will now turn to page -- we'll skip the appropriation bills. Page 13 of the Calendar. Senate Bill 680. Senator Sandoval. Mr. Secretary, read the bill. Senate Bill 680.

ACTING SECRETARY HARRY:

Senate Bill 680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Señor Presidente and Members of the Senate. Senate Bill 680 creates the Office of Immigrant Assistance within the Office of the Attorney General. This Office of Immigrant Assistance shall provide educational and outreach services to the immigrant community to all in the State of Illinois. These types of services include developing and disseminating information regarding consumer rights, employee rights, workplace rights, civil rights, and other relevant laws pertinent to the AG's Office. This information will be printed in their native language to best serve the immigrant community. I ask Members of the Senate to cast a favorable vote for this vote, and for a vote for immigrants in the State of Illinois.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Will the Senator yield to a question?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR RISINGER:

Senator, this came through our committee and -- and I think I was the only No vote on it. Not that I'm -- I'm against it, but doesn't...

PRESIDING OFFICER: (SENATOR HENDON)

Excuse me, Senator. Can we have some order in the Chamber, please? Senator.

SENATOR RISINGER:

Thank you. Doesn't the Attorney General represent all people anyway, and -- and I guess my real question is, do we

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need this? Why do we need this special? Shouldn't the Attorney General represent all the people of the State of Illinois?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Risinger, I'm glad you asked that question, because the Attorney General's Office does represent all the people of the State of Illinois, but especially today they must represent the immigrant, the working poor, the poor, the immigrant families throughout the State of Illinois. Today Illinois is the sixth -- ranked sixth in the nation of immigrant people in this country. Illinois ranks the fourth in destination for all immigrants from throughout the world in this country. 1.1 million immigrants live in a six-county region in suburban Cook County. Four or five of the counties that have the greatest number of immigrants foreign born are Cook, Kane, DuPage, Lake and Champaign. And in fact, in Cass County -- and Cass County has seen the greatest number of immigrant arrivals of any county in the State of Illinois - seventy-six percent in the last decade. That is why -- that is why the office of the Attorney General must create an office of immigrant assistance. Now, you may think that this office will only serve the Latino community, but let me remind you that the second largest group of immigrants come from Europe to this country. So it is not only the Latinos, but it is the Poles, it is the people from Latvia, it is the people from Germany, and it also is the people from China, from Asia. So it is important that today you think differently than the way you thought in committee and vote in support of this bill, especially -- and vote for those immigrant families that live in your county in your district, Senator Risinger.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Risinger.

SENATOR RISINGER:

Thank you, Senator. And I do appreciate the immigrants, and -- and -- and -- but I -- I guess I'm still -- I would hope the Attorney General would recognize that, and I'm not real sure why we need a bill to set up something special. The immigrants

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are so -- are so important. I don't understand why she can't do that within her office without -- without legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. I stand in strong support of this bill. I just wanted to confirm that the Attorney General's Office is prepared and equipped to carry this out. And they're supportive of the initiative.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Spoke this afternoon with the Attorney General's Office. They are supportive of this measure. I'm going to work with them in the House in concern -- in regards to the fiscal impact of the -- creating this office. So, they are in full support of this, Senator Obama.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

Well, I -- I just want to emphasize one point that -- that maybe addresses the -- one of the questions raised by my colleague. I think that many of you may be aware that in many immigrant communities not only do they not have enough money for their own attorneys, but they're often engaged in a whole host of difficult immigrant issues and are subject, oftentimes, to the sorts of exploitation precisely because of their immigrant status that other populations may not be subject to. And so, although I think that obviously the Attorney General represents everyone, there's a particular legal vulnerability for immigrant communities that I think is potentially addressed by this bill. And for that reason, I'd -- I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield.

SENATOR LAUZEN:

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If I understand the language in the -- in the bill here, under (b) it says, "The information developed by the Office of Immigrant Assistance shall be printed or broadcast in any language deemed necessary to reach immigrant communities." From earlier in the conversation here, you mentioned that there are Hispanic, Asian, European immigrants. Is it your intention to have this information go out in all those different languages in order to be of service? I mean, is that the intention of the bill? I mean, certainly all people in Illinois ought to be served well. My question is, in which language or languages do you anticipate that this law will be implemented?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Lauzen, the intent of this bill is to provide assistance to the poor, to the impoverished, to the indigent people of the State of Illinois. The intent of this bill is not to pass a bill to create information in multilingual languages. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR BURZYNSKI:

Thank you. Senator Sandoval, what you want to do is very commendable. I'm a little bit concerned though. We already have some services that are available, for instance, through Prairie State Legal Services and some other clinics and -- and free services out there like that. Would it not be better - and I'm just throwing this out there; I don't know, because they're -- they're more diverse, they're widely spread throughout our -- our State - to do something with them, to allow them to better assist immigrants than perhaps even the Attorney General's Office?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

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SENATOR SANDOVAL:

Point well taken, Senator. But I think that it is -- it is a moral and public obligation that government meet the needs of the people of the State of Illinois and -- and not necessarily leave that burden on community-based organizations. I believe that us, as elected officials and public officials in the State of Illinois, have a greater obligation to reach out and to be of service and access to the immigrant people of the State of Illinois.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, again, I'd like to just repeat something Senator Lauzen said. When you talk about providing information in -- in all of those native languages, I think it becomes very cumbersome. But, again, I would point out that I think the State, and perhaps services like Prairie State, are better served because they're more locally affiliated. They're closer to the services that people desire, that they need. I know that in -- in Senator Syverson's district not only is there Prairie State Legal Services, but there's also the Zeke Giorgi Legal Service Center {sic} (Clinic), which is a collaboration between the State of Illinois and Northern Illinois University in Rockford. So it seems to me like the emphasis would be better served there because they understand the types of services in that community that people need and it's -- it's easier to direct them.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. I represent School District U-46. It's the second largest school district in the State. We teach the largest number of second languages for children who have been born and raised in another language. We have a vibrant and exciting immigrant community in my area. And I stand in support of the concept, but very concerned about the process here. This Senate Chamber, Senator Trotter and I and the Members here, in a bipartisan fashion for the last five years, have been aggressive

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in our support of the immigrant services line item. Those -- that's a DHS line item that originally started as lapse funds and is now a permanent appropriation thanks to actions by the Senate that the House -- we persuaded to go along with. And when you -- when you take the opportunity of increasing that line item against the opportunity of having three new staff attorneys and one and a half clerical staff assigned in the Attorney General's Office, I just think there's a world of difference in how you reach the communities. I think it's important that Lisa Madigan -- or, that the Attorney General's Office focus on the immigrant community and the immigrant needs, but creating a special program just diverts resources away from things I think that are better spent in other parts. So I understand the sponsor is new to the Chamber. May not know about the history of where we've been on immigrant services. I just would urge the sponsor to reconsider whether this is a good three hundred thousand or whether we would be better off investing that money in the infrastructure we already have to reach that community.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Rauschenberger, I'm very familiar with that line item, immigrant services line item in the DHS budget, and it's about four million dollars. It's not a whole lot of money when we're taking a good part of the four million dollars and putting it to fund health clinics for services to the immigrant population. We're doing outreach, helping people become naturalized citizens. We're doing a whole lot of things with those dollars. So I don't think that we can certainly rely on that particular line item, unless we're ready to dramatically increase that line item. And I'm certainly willing to support that, but we just don't know whether that's going to be possible given the -- the current budget situation. I just want to add that we -- we have talked with the Attorney General, and the Attorney General has responded favorably to this concept. And the Attorney General is in the process of looking at her staff to see how she can do some reorganizing so that some existing staff can be assigned to work in this area.

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But she has acknowledged the need for these services to help individuals who are victims of consumer fraud. You know, we talk a lot about predatory lending. Well, here's -- here's a category of people that are victims time and time again of -- of predatory lending, and they need to know where they can go for assistance. The Attorney General in the past has not paid a whole lot of attention - I'm talking about prior Attorney Generals - to the areas of consumer fraud. And that is our biggest concern, and that's why this office is necessary. Because, as Senator Barack Obama stated, immigrants are targets, are targets for this kind of activity, and we want to make sure that there's a component within the Attorney General's Office that's going to be there to provide information so that people can protect themselves. Will it be done in a hundred languages? I don't think so. Come on, let's -- let's be practical about this. Most of the population we're talking about is Spanish speaking. And so, yes, I'm sure some of those materials will be developed in Spanish, and some are already available in Spanish, so I don't think much more needs to be added. The question is, do we have the focus, the focus that will ensure that individuals in that office will see to it that that information is disseminated, that calls are taken and that calls and letters are responded to, and that individuals know in the immigrant community that there's a component within the Attorney General's Office that's going to go to bat for them, just like it's going to bat for the rest of the State. That's all we want.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval, to close.

SENATOR SANDOVAL:

I'd like to close by responding to my colleague, Senator Rauschenberger's remarks, insinuating that because I am a freshman Legislator that I don't know much about the process of government. Just for your -- edification, Senator Rauschenberger, I will tell you that I probably have more years of public service than many folks on that side of the aisle. I have spent sixteen years in the federal government. I have worked four years at the Water Reclamation District. I have run countywide. I represented six million people in the year 2000. And this is -- I am reaching my twentieth year of public service

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to government. I ask you to -- vote for the people of Elgin -- for the immigrant people of Elgin and vote Yes for this -- for this bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 680 pass. All those in favor will vote Aye. 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, there are 50 voting Aye, 2 voting Nay, and 3 voting Present. Senate Bill 680, having received the required constitutional majority, is hereby declared passed. Senate Bill 681. Senator Ronen. Senate Bill 682. Senator Lightford. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

Senate Bill 682.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Members of the Body. Senate Bill 682 extends the same coverage as the federal Family (and) Medical Leave Act but to employers with twenty-five or more employees. The federal law covers employees of fifty or more. This is a great bill for working families, and I urge you to vote Yes. I will be happy to yield if there are any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

Thank you, Mr. President. No discussion. I don't want you to yield. I would just like to point out a few things to the Members of this Body. This Family Leave Act is also going to include some of the smallest employers in Illinois, those with twenty-five to forty-nine employees, and then require them to provide twelve weeks of unpaid leave. Current law, under this Family Leave, covers employees {sic} with fifty or more employees. By bringing it down to the twenty-five, we're going to create a great hardship on the small business. In 1993, when President Clinton pushed for Family Leave, the main reason it

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became law was because it was unpaid leave and it left alone America's small business owners. The small business owners have indicated that the Family Leave is the most complicated and treacherous workplace mandate. In fact, small business owners have said that Family Leave accounts for sixty-seven percent of their personal legal bills. Also, fraud with the Family Leave is rampant. According to a Wall Street Journal editorial, one business spent fifty thousand dollars fighting a suspicious leave request before reaching a settlement. The fact is, that over eighty-two percent of small business owners already provide some form of leave to their employees. This will stifle growth. Many small business owners intentionally keep the number of their employees at forty-nine just so they don't pass the fifty mark and hit the mother lode of State and federal regulations. According to the NFIB, the average cost to an employee {sic} per beneficiary to cover a twelve-week leave period is between ten thousand and twelve thousand dollars. Including in these costs are hiring temporary workers to fill the void over time. I ask you to listen to these comments and to think about them when you cast your vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR ROSKAM:

Senator Lightford, how do you hope to use this bill to create jobs and opportunity here in Illinois when the economy's in the tank?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'm -- I'm wondering if you're on the wrong bill, Senator Roskam. This is unpaid leave. And all this bill requires is that an employer allow a worker to return to their job or an equivalent position after leave. The employer do not have to pay the worker and can hire a temporary employer {sic} to fill the spot, which, I might add, may be at a

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lower cost. The only cost to the employer is the continuation of any benefits during the leave.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, thanks. I'm not on the wrong bill, but it seems to me like a question that -- that we need to ask and -- and I'd appreciate if you'd answer it at face value. This puts a burden on business. I mean, Senator Wojcik went through the Wall Street Journal article about the fraud study. The National Federation of Independent Business is against it - the State Chamber, all the business groups. And they're not against it because they don't like people. They're not against it because they don't like their employees. They're not against it because they're trying to create a hostile environment. They're against it because they think it's costly for jobs. So my question is, do you acknowledge that it could cost jobs in a very fragile economy, or do you think, Peter Roskam, you are wrong, this is not going to cost any jobs and it has no burden on business?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

In my opinion, Senator, you are wrong. Actually, what this does is protects the employer {sic} who needs to be off work for a period of time to accommodate their family with any medical condition. If there was a woman who had a child and was not able to return to work after just six weeks - and I'm sure you haven't experienced giving birth - but to make sure that her job is available to her. This position also -- I'm sorry. This bill also provides for the care of a spouse, a son or daughter if they have a serious health condition. What we're finding is that there is an increasingly number of single-family homes where the parent has to take care of her child. And we just want to make sure that she or he has a job to return to, provided that they're receiving unpaid. And let me just also include here that they have to exhaust first all their vacation, sick, personal, anything that's coming to them, before they are to receive twelve weeks of unpaid leave.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Roskam, to the bill?

SENATOR ROSKAM:

Yes, to the bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, sir.

SENATOR ROSKAM:

Thank the sponsor for her answers. I respectfully disagree with her conclusion. There is a -- a built-in insurance cost. We've all heard, as we've been back in our districts, the amount of the insurance burden and premiums and the ability to deliver health care coverage. Employers have to meet that. Employers have to take care of the health care costs of the temporary worker that comes in. Employers have to train those people. So this is a very costly bill. And with all due respect to the sponsor, to say that it's not going to cost anybody anything, I just think is short-sighted. Finally, to move from fifty employees down to twenty-five employees is really cutting to the quick of the small businesses that need all the breaks and all the help that we can give them. I urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator.

SENATOR SYVERSON:

Senator, is there -- is there any language in here that addresses these smaller employers that are going to be in a specialty field?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Please define "specialty field".

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Any -- any small employer where their employees are -- are trained in a specialty area. Before you had mentioned a number

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of times that there's no problem, they can just hire a temporary to -- to fill that. And that's true in most basic level jobs, but I guess I'm talking about in the areas of a specialty position for a -- a company, whether it's health care or manufacturing or some other area. Is there any language that would assist a -- an employer in that area that could get a waiver from this?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

No.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

I guess, is there some way we can look... I think most people would -- would understand in places where we're talking about where you can easily replace with -- with an unskilled laborer or with temporary individuals, but if you're talking about an office where you have a professional, if you're talking about... We have in our community a number of smaller asbestos cleanup companies, where they have fifteen, sixteen employees. These are highly trained individuals that, if they're not there, they can't get a temporary person to do that. And so, has there been discussion about trying to address the impact of that would -- would be to that small employer?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you. Actually, the employee has to provide a thirty-day notice. So that would give any employer the opportunity to provide training for new staff or for a trainee employee.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson, to...

SENATOR SYVERSON:

Well, I guess, first of all, you can't train environmental specialists in thirty days, or even -- a major area that we have in -- in Rockford and maybe throughout the State is manufacturing. Manufacturing is what built this country and the majority of manufacturers are small manufacturers, and tool and

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die makers take years and years to train. And the problem we have with this is, manufacturers pay in excess of a million dollars a piece for a piece of equipment that has to be operating twenty-four hours a day for it to break even. When a skilled tool and die maker wants to be off for thirty days or -- or for two months, the problem is they have no one that's skilled to be able to come in and fill that and that machine comes to a halt and it costs the employer a significant amount of money, because they have no way to backfill those small employers {sic}. And so, if it's an area that we can easily fill that, I don't think we would object to that. But I'm very concerned at what this is going to do to manufacturers in this State that don't have the ability to bring in a temporary tool and die maker. And would you be open to looking at some kind of an exclusion or a waiver in that from twenty-five to fifty, where there is a hardship case, where we can have language in there to help those specialty fields?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Well, let me just say that federal law has been there for several years and there isn't any indication of a hardship of what you just described. And when you say that it takes years and years to train a person, whenever the business is missing people is it going to take them years and years before they get an employer {sic}. I'm simply saying that a person should have twelve weeks of unpaid leave to attend to a serious illness, to birth a child, to have a child, to adopt a child, to take care of family member. Twelve weeks of unpaid leave.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I rise in strong support of the Senator's bill. She's to be commended for what she's doing. The arguments from some of my colleagues from across the aisle are really overblown. Let's -- the federal Family and Medical Leave Act was passed in 1993. And what happened? Did we lose jobs? No. It was the greatest economic boon this country has ever seen. Jobs were created. This has nothing to do -- or

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will have no effect on injuring the creation of jobs. More importantly, it's -- this bill is all about helping families and helping people at a time of crisis. To -- to say that people are going to blithely take twelve weeks of unpaid leave if they don't really need it is really disrespectful to the people we are here to serve. This bill is about helping people in times of crisis, in times of natural family situations, whether it's having a child, whether it's taking care of an elderly parent, whether it's attending to your own needs. This bill is what we should be about as public servants: making sure that we live in a society that is friendly to families, that encourages families and helps families grow and prosper and live the American dream. And I would urge all of my colleagues, not only on this side of the aisle but on both sides of the aisle, to vote Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR RIGHTER:

Senator Lightford, I notice, from our analysis, that the business groups seem to be universally opposed to this bill. If you do not believe, as you stated in answer to Senator Roskam's question, that -- that this will further inhibit job creation, then maybe you remember what their testimony is about why they were opposed to the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

In committee, they did not provide oral testimony.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

It's my understanding at least one of the people who filed a witness slip on behalf of the National Federation of Independent Business filed that slip with regards to oral testimony and was not allowed to testify. But, let's say that they were allowed to testify. Can you tell me - I'm sure you've

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spoken to some of them; surely you've spoken to some of them who are opposed to the bill, some representatives of these business groups and talked to them - why would they be opposed to the bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

I apologize for the overlook. Actually, one person did provide oral testimony from the business perspective. And I believe that they're only opposed because they just don't want to continue to provide the health benefits.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Well, continuing to provide the current ones or expanding the new ones, which is what your bill does: It lowers the threshold as far as the number of employers who will have to comply with what were the terms of the federal Act. But let's - - let's move on to the question of whether or not you think that this increases the cost of doing business. If I have an employer in my district who has thirty employees, and someone takes the leave under your -- under your bill and they have to bring someone else in to pay them and have to train them to -- to do that work, would you not agree that that increases the cost of their doing business?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Can you repeat just that last segment? I'm sorry.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Sure. If someone takes -- thirty -- employer -- business in my district. Someone takes it -- you've got that part. Okay. Okay. Would you not agree that this will increase the cost of them doing -- doing business?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

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I would say that it would be a cost that's worth it for families, for -- for women who have just had children. Regardless of what you say to protect the business industry -- and I'm in favor of businesses. I'm in favor of business growth. I'm in favor of the economy booming. Let's not misinterpret what this legislation is doing. Health insurance benefits for twelve weeks of unpaid leave is not going to allow companies to go bankrupt, move out of the State, et cetera. I've got to concur with my colleague, Senator Ronen, that I believe you're blowing this way out of proportion. Let's just deal with the fact that it would provide an opportunity for employees to return to their employer. It's not going to cost them a whole lot to go out and hire someone from a temp agency, and probably pay them a very low minimum wage.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, to the bill.

SENATOR RIGHTER:

No. Mr. President, if I may. I asked a question of whether or not she agreed that this would increase the cost of doing business to the employer, and she went on a two-minute speech about the families and things like that. That's not the question I asked. I'd like time back to ask the question, get it answered and then speak to the bill.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 682 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. The voting is open. Have all voted who wish? 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, there are 28 voting Aye, 23 voting Nay, and 7 voting Present. Senate Bill 682, having failed to receive the required constitutional majority, is declared failed. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Mr. -- Mr. President, I'm not quite sure what just happened here, but I'd like to request Postponed Consideration.

PRESIDING OFFICER: (SENATOR HENDON)

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Postponed Consideration. Senator Lightford requests Postponed Consideration on Senate Bill 682. That is ordered. The bill will be placed on the Order of Postponed Consideration. Senate Bill -- Senate Bill 683. Senator Lightford. 683? Senate Bill 684. Senator Crotty. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 684.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President and Members of the Senate. This bill is designed to increase the availability of speech-language pathology and audiology services, particularly in the elementary and secondary schools where a severe shortage of services exist. This bill amends the School Code to require a School Service Personnel Certificate with a speech-language endorsement to be issued to a speech-language pathologist who holds an Illinois speech-language pathology license, a license from another state, or a current Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association; also holds a master's or a doctoral degree with a major emphasis in speech-language pathology in a program that's been approved by the American -- American Speech and Hearing Association {sic}; it has either completed a program of study that includes course work and supervised clinical experience that will meet the needs of students with disabilities in a school setting serving ages three to twenty-one, or meets the State Board standards for speech-language pathologists; also has to complete the required certification test, and paid for the required fees for certification. But it also amends the Speech-Language Pathology and Audiology Practice Act. It allows a person who holds a license as a speech-language pathologist or an audiologist in another state who has made the application for -- to the Department of Professional Regulations for licensure. And he could -- he or she could be practicing up to ninety days, pending the disposition of the application. However, that

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person must hold a Certificate of Clinical Competence or, in the case of an audiologist, a certificate from the American Board of Audiology. And the applicant cannot have had any disciplinary matters pending in another state.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. Mr. President, I'd like to rise in favor of this bill. I think this will -- will help with the shortage. I once, long time ago, was qualified in both of these fields, and the background that these people have trains them well for what Senator Crotty is trying to get them to do. It should help with the shortage and it should be a Crotty-Jones bill, but I haven't had time to sign up for it. But I think we should support this bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Is there further discussion? Seeing none, the question is, shall Senate Bill 684 pass. All those in favor will vote Aye. 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, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 684, having received the required constitutional majority, is hereby declared passed. Senate Bill 690. Senator Cullerton. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 690.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Under current law, if a person's seeking the right to inspect, under the Freedom of Information Act, a copy of a public record and they prevail in a court proceeding, the court right now may award attorneys' fees if the court finds that the record or records in question were of clearly significant interest to the public and that the public body lacked any reasonable basis in

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law for withholding the record. What this bill is doing is eliminating the -- the conditions by which the court must consider in determining whether or not attorneys' fees should be granted. And what we're basically saying is, it's totally up to the court's discretion as to whether or not they -- they want to award attorneys' fees. However, if the court finds that the fundamental purpose of the request is to further a commercial interest of the requestor, then the court may order attorneys' fees but only if the court finds that the records were of clearly significant interest to the public and the public body lacked any reasonable basis in law. This is a measure which is supported by the Illinois Press Association. I believe that the Illinois Municipal League is still opposed. And I understand that -- Senator Winkel and I talked in committee about establishing some legislative intent with a series of questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Winkel.

SENATOR WINKEL:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR WINKEL:

Thank you. I -- Senator, I appreciate the work that you've done on this bill and I understand this is still a work in progress, and we -- as you said, we had agreed to some legislative intent. Senator, current law provides that where a request for records has been denied, the person seeking those records, that that -- that person may seek judicial review over the public body's decision by filing a suit for injunction or declaratory relief in the circuit court. Is that not correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

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Under current law, if the person seeking the records substantially prevails in the judicial proceeding, the court may award reasonable attorneys' fees and costs against the public body if it finds that the records sought were clearly of significant interest to the general public and that the public body lacked any reasonable basis in law for with -- withholding the records. Is that not correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

That is correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

This bill, as amended, specifically removes the language which prohibits the award of attorneys' fees and costs where a public body had a reasonable basis in law for its decision and to deny access to -- to deny access to records in the -- in -- in question. Is -- is that right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

That's correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

Thank you. So where -- even where a public body had a bona fide and reasonable belief that the records were exempt from disclosure, if it substantially loses in court, it may be required to pay the reasonable attorney's fees and costs of the person seeking the records.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. But I'll only take two more questions.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

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Now, let's see, one, two... No. I'm sorry. You're going to have to take three. I've got a new one. Sorry. For the purpose...

PRESIDING OFFICER: (SENATOR HENDON)

Take your time, Senator.

SENATOR WINKEL:

Thank you. For purposes of statutory construction...

PRESIDING OFFICER: (SENATOR HENDON)

I can't be nice? Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. Don't listen to them. For purposes of statutory construction, it is not your intent that allowing attorneys' fees, even where a public body had a reasonable basis in law for denying records, means that the court must award those fees and costs where a person seeking the records substantially prevails?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

That is not the intent of the legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

Well, the intent, then, would be that the court is not required to award attorneys' fees and costs where the public body had a reasonable basis in law for denying the records but lost in court. Pardon me. The court could make an award in that case, but it is not required to do so.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

That's correct. The court could make an award of attorneys' fees and costs even where the public body had a reasonable basis in law for denying the records, but it's not required to do so. That award remains purely discretionary with the court.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

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Thank you, Mr. President, for your indulgence. One -- one last question then. Senator, is your intention to assure the House will, at a minimum, correct the drafting problem raised in committee concerning fees and costs?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. That's correct. That was an error we caught in committee. It's a technical amendment, which we didn't have a chance to put on, and we'll make sure it goes on in the House and comes back to the Senate.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel, to the bill.

SENATOR WINKEL:

Thank you, Mr. President. I -- I would still, as I said in committee, prefer that instead of legislative intent that we have it express within the statute that if a local or State governmental body reasonably relies on the law in denying an FOIA request, that they would not be subject to attorneys' fees. But, Senator, I do appreciate the -- the efforts in improving this legislation and look forward to working with you on it in the future. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 690 pass. All those in favor will vote Aye. 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, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 690, having received the required constitutional majority, is hereby declared passed. Senate Bill 698. Senator Demuzio. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 698.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

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Thank you, Mr. President. It's like the -- Calendar indicates. It's the redefined practice. Apparently, it's amended updates of the Illinois Professional Land Surveyors Act of '89 to reflect current practices and technology. There is language that's added referencing the measurements of applicable airspace within land boundary lines, as well as determining the contours of other portions of surface; other language that's referencing the preparation and descriptions for determining title rights. Language added for reference for creation of computerized data relative to other aspects to the definition. It prohibits computer-generated signatures on documents requiring the land surveyor's original signature. Changes the number of board meetings of the Land Surveyors Licensing Board from at least three to at least four meetings each year. I -- I know of no opposition.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. I just rise in support. This bill, as amended, passed the Licensed Activities Committee unanimously.

PRESIDING OFFICER: (SENATOR HENDON)

The -- Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR JACOBS:

Senator, would this prohibit the GIS employees from -- from doing mapping that they currently do? It's my understanding the bill is written so broad that only land surveyors will be able to do mapping.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Staff tells me that that provision was taken out in the -- by virtue of the last amendment.

PRESIDING OFFICER: (SENATOR HENDON)

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The question is, shall Senate Bill 698 pass. All those in favor will vote Aye. 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, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 698, having received the required constitutional majority, is hereby declared passed. Senate Bill -- 699. Senator Viverito. Madam Secretary, please read the bill.

SECRETARY HAWKER:

Senate Bill 699.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President, Members of the Senate. Senate Bill -- 699, as amended, of the Open Meetings Act authorizes members of public bodies to attend meetings by electronic means. This bill has come forward by the Press Association and the Bar Association. And also, at the request of Senator Roskam, an individual that -- has to give forty-eight hours' notice if he or she is incapable of coming and making certain that they have a doctor's permission to do so. Any questions, I'd be happy to answer 'em.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 699. I appreciate the sponsor's willingness to accommodate our amendments. It passed unanimously out of the Executive Committee, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, the question is, shall Senate Bill 699 pass. All those in favor will vote Aye. 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, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 699, having

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received the required constitutional majority, is hereby declared passed. Senate Bill 714. Senator Halvorson. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 714.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Senate Bill 714 is an initiative of our Lieutenant Governor, Pat Quinn, and it allows counties with a population greater than two hundred thousand contiguous to Cook County, which would be Lake, DuPage, Will, McHenry and Kane counties, to create a Taxpayer Action Board by petition and referendum. The Tax Action Board - Taxpayer Action Board represents taxpayers, especially poor or minority taxpayers, before units of government that impose taxes. Also provides taxpayer education on taxing and spending by units of local government. At this time, there's no entity or organization that is authorized by statute to represent the interests of local government taxpayers before local units of government. The closest thing to TAB is the Citizen Utility Board, and the Citizens Utility Board was authorized by statute and has spent the last twenty years plus representing the interests of utility customers. And I would entertain any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR ROSKAM:

Senator Halvorson, this is an initiative of Lieutenant Governor Pat Quinn. Right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Halvorson.

SENATOR HALVORSON:

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Correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

One of the things that came up in the committee was an observation that we had talked about, that the types of taxing bodies that can be subject to scrutiny by the taxing board as it's currently drafted don't include school districts, and you're planning, if this bill gets out, to urge the House sponsor to put school districts in. That's right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

Yes, it is. And in fact, if you'd like I can read to you the amendment that's already been drawn up. Okay.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Thanks, Senator. I take your word for it. Do you -- do you have the bill in front of you? Just -- why don't you look at -- at page 3. I want to just look at the definition of taxpayer, because it seems broad. And we're -- we're talking about people that would have the -- the ability to be on the board of directors - right? - for the TAB, as it's known. Taxpayer, on page 3, line 1, says, "'Taxpayer' means any citizen of the county who pays taxes either directly or indirectly to any unit of local government within that county." That could -- that can be -- I mean, somebody just buys a loaf of bread, right? I mean, they -- they don't have to have any other investment in the -- in the county whatsoever?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

From my understanding, that's what indirectly would mean. I could find out.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

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Let's look at -- I appreciate that. Maybe we can get back to that if we have more time. The idea of how folks are elected to this board. Now, it's my understanding, Senator, that there are ten members who would be elected - is it countywide? - to serve on the board of directors for the TAB. And one of the areas that's of -- that's of concern is that the very board that -- board are elected people. They're also making decisions about their opponents. And here's what I mean. If you look further back in the bill - and I'll give you a specific page number - it's the board itself that's actually tallying up the election results. If you look on page 18, down -- line 29. This is under paragraph (f), the election procedures. It says, "The board shall tally votes with all reasonable speed and shall inform the membership promptly of the names of the candidates elected." That's a problem, because the board -- I mean, that would be like if we were running for the State Senate and -- you know, to have interested parties making a decision and determining ballots and -- and counting ballots. There's an inherent conflict in the bill. I think that needs to be remedied. There's got to be some third party. There's got to be a board of elections to whom they're accountable. But the way it's -- the way it's structured is a problem. The other area, Senator, that I think needs to be tightened up is the whole notion of mailings. We talked a little bit about this. And the Lieutenant Governor kind of, you know, said, "Oh, no. You can't put people's pictures in -- in the mailings." But I won't bore you with -- with saying, "Oh, show me where, in the bill, you can't do that", because there's no where in the bill that says you can't do that. So what'll happen is, this bill will pass. The board of directors, whoever it is, will become empowered. They count their own ballots. They have their own literature, which there's no prohibition in the bill that would prohibit their own names and so forth from being in. And I -- and I just think it's a -- it's -- it's a problem. I'm not here urging a No vote. But I'm urging a, wow, take another look at this when it goes over. And I know the -- the pace at which we're moving is a problem. The pace at which these things are being drafted are a problem. And, hey, you know, God bless the

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Lieutenant Governor. He's got his own agendas and so forth. And -- but I don't think...

PRESIDING OFFICER: (SENATOR HENDON)

Senator.

SENATOR ROSKAM:

Oh, it's time.

PRESIDING OFFICER: (SENATOR HENDON)

You've been past time...

SENATOR ROSKAM:

Thank you. So, Senator, why don't you take some of those things into consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will.

SENATOR JACOBS:

Senator, according to the analysis, this just covers five counties.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

That's correct. The ones I listed. The -- contiguous to Cook. They -- because the thinking on that is to start somewhere and then move on. It -- this basically is the same as CUB. And we know how successful that has been.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Yes, you're right, we know how successful that has been. One further question. It says all taxpayers and especially poor and minority. Are there income guidelines for the poor? And again, you know, if this is something that is to -- to provide service to all taxpayers, why do we have to even put in poor and -- and minorities?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

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SENATOR HALVORSON:

I suppose that was just a general thing to say based on underrepresentation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A couple of quick questions for the sponsor and then a couple of comments to the bill. I guess I'm very disturbed as a -- as a proud resident of Cook County that the county where the Lieutenant Governor might, you know, have the best set of understanding is not included. Cook County is exempted from this bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

It looks that way.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, just -- just for -- you know, I live on a street called Cookane Avenue on -- I live on the Cook County side, and across the street I have neighbors who live in Kane County. In -- in Cook County, I'm in a Cook County board commissioner's district and that Cook County board commissioner represents, I think, about five hundred and thirty-eight thousand people. Across the street, in Kane County, a Kane County board member there represents about nine precincts, or about ten thousand people. Now, when you talk about having access to the decision makers that affect your taxes, there's -- there's a lot of interesting things here about tax advocacy, but it just fascinates me that -- that the Lieutenant Governor decided to take the one county where people are most distant from their government. In fact, it takes more than an hour and a half for me to get to the County building - okay? - from where I live. People in south Cook have even farther to go. So, you know, when you look at this, and it's organized only for the collar counties, you have to either think there's some fatal flaws in this bill, that we might want to ask you to think about taking

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it out of the record and extending the deadline, or you really have to draw the conclusion that the Lieutenant Governor doesn't understand the collar counties. The tax -- the tax bills that we pay in the suburbs are overwhelmingly driven by the schools. And -- and schools or education's very important. In fact, the high property taxes paid by the suburban taxpayers in many ways, you know, supplement what we're able to do at the State level. So to kind of put them under scrutiny with a board kind of vaguely defined, perhaps with not well-thought-out guidelines, and then miss where almost half the State of Illinois lives, where they're most distant from their government, where they've the hardest time connecting with their elected officials, it's just a travesty. I think -- you know, there's some good ideas in here, but this is one of those things that really could use some summer hearings and maybe fall veto action. I can't support the bill at this time, you know, not when it walks away from the real interests of people who have a hard time reaching out and getting heard by -- by government.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson, to close.

SENATOR HALVORSON:

Thank you, Mr. President. Thank you for all the great debate. And I would suggest that if this bill makes it out of here, that there is a lot of things that we could do. And -- and I appreciate Senator Rauschenberger bringing up Cook County. Again, this is something that's very important to the people, for Pat Quinn. And -- and if we could just move it over to the House and continue the dialogue, I appreciate it.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 714 pass. All those in favor will vote Aye. Opposed will vote Nay. And 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, there are 31 voting Aye, 26 voting Nay, none voting Present. Senate Bill 714, having received the required constitutional majority, is declared passed. Senator del Valle in the Chair.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senate Bill 715. Senator Haine. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 714.

(Secretary reads title of bill)

Pardon me. Senate Bill 715.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Haine, on Senate Bill 715.

SENATOR HAINE:

Thank you, Mr. President. I would respectfully move to transfer sponsorship to Senator Welch. The -- mine was a shell bill. The substance of the bill came from a situation in -- in LaSalle-Peru.

PRESIDING OFFICER: (SENATOR DEL VALLE)

With leave of the Body, sponsorship will be transferred to Senator Welch. Leave is granted. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a bill that we just came up with this week. What it does is it affects military discharge papers. Currently, military discharge papers are recorded and kept in the -- in a special book in the Recorder of Deeds Office throughout the State of Illinois in the various counties where the -- the person resides. Those books are accessible to individuals to pick up the information in them and even impersonate or use that information to their benefit, which really belongs to a -- a veteran. And what the bill does is say that a military discharge or other form of discharge shall be subject to inspection only under the terms of the Federal Privacy Act of 1974. Currently, they are open for public inspection. This amendment -- this bill would change it. They will be accessible only to the person named in the document, dependents, county veterans' service officer, representatives of the Veterans' Affairs Department, or any person with written authorization from the named person or the named person's dependents. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Sieben.

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SENATOR SIEBEN:

Thank you, Mr. President. I just rise in support. I know this is a very important issue to veterans around the State. I've been contacted by many groups in my district that want to see this legislation passed. I've joined on as a cosponsor. I believe there's -- the equivalent bill has already passed out of the House on this same subject. So I -- I'd urge an Aye vote on behalf of the veterans.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Any further discussion? Senator Welch, to close. The question is, shall Senate Bill 715 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 58 voting Aye, 0 voting Nay, and 0 voting Present. Senate Bill 715, having received the required constitutional majority, is declared passed. Senate Bill 730. Senator Cullerton. Senator Cullerton seeks leave of the Body to return Senate Bill 730 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 730. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a bill that deals with judgment liens and this is a technical correction of a conference committee report that was improperly put together and voted on last year. I'll be happy to answer any questions and urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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3rd Reading. Senator Cullerton, on Senate Bill 730. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 730.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Here's what happened with this bill. This is really just to correct a technical mistake in our conference committee that we passed last year. We passed the bill. Senator Silverstein was the sponsor. Went over to the House. The House added an amendment. Senator Silverstein didn't agree with the amendment. It went to conference committee, and we reached an agreement in the conference committee. But when we drafted the conference committee -- when it was actually drafted and voted on, it reverted back to the original House amendment. So all this bill does is to strike that language which was inadvertently added by the House amendment. If you want to know what the bill is about, I have my lawyer; Senator Silverstein will be happy to explain about judgment liens and what it is we're striking. But procedurally that's why we have to pass this bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 730 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 57 voting Aye, 0 voting Nay, and 0 voting Present. Senate Bill 730, having received the required constitutional majority, is declared passed. On page 14 is Senate Bill 737. Senator Brady. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 737.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I'd like to recall the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady seeks leave of the Body to return Senate Bill 737 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 737. Madam Secretary, are there any Floor amendments approved for consideration? We're not showing any -- any amendments, Senator Brady. Senator -- Senator Brady.

SENATOR BRADY:

I believe there's a committee amendment that I'd like to table. Floor Amendment that I'd -- No. 1. Move to table Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady moves to table Floor Amendment No. 1. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is tabled. Senator -- are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

3rd Reading. Senator Brady, on Senate Bill 737.

SENATOR BRADY:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 737.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I've worked with Senator Ronen on this. We're simply moving this to the House to try to deal with an issue that would come about only if there was an agreement amongst the parties that would deal with a minimum standard for a statewide building code. It's our intention to

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move it over there and deal with it. It is a shell bill at this point.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Just to -- to concur with Senator Brady. This was a bill that he's been working on very diligently and we -- with leave of the Body, we'd like to send a shell over to the House so we can continue negotiations.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall Senate Bill 737 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 53 voting Aye, 2 voting Nay, 2 voting Present. Senate Bill 737, having received the required constitutional majority, is declared passed. Senate Bill 741. Senator Jacobs. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 741.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a shell bill now. I can tell you what we're looking to do. This was a -- we had an amendment that was written terribly and didn't have time to do it over again. It's -- it's one that's sponsored by the National Vehicle Protection Association, Illinois Automobile Dealers Association, Illinois Insurance Association, National Insurance Crime Bureau. It has to do with vehicle protection products and we want to send it over to the House and try to get the amendment right for a change.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? The question is, shall Senate Bill 741 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, 4 voting Nay, none voting Present. Senate Bill 741, having received the required constitutional majority, is declared passed. On page 15. Senate Bill 809. Senator Cronin. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 809.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cronin.

SENATOR CRONIN:

Yes. Thank you very much. The -- Senate Bill 809 provides a new mechanism for special -- setting up a special needs trust. It permits those with mental illness to reside in a community-based setting, in a home, a residential home. The amendment amends the Community-Integrated Living Arrangements Licensure and Certification Act to add a definition that special needs trust-supported residential care is a living arrangement. It goes on to define this purpose. Special needs trust means a trust for the benefit of a disabled beneficiary as described. This is a bill that a lot of different groups have worked on for some time. It's a -- they need authorization from the State to do it. It's sort of a creative new way that should save a lot of money for local governments and other service providers, and it's something that could provide and should provide a really -- a healthy, productive, meaningful life experience for -- for individuals with mental illness. I know of no opposition. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Any discussion? If not, the -- the question is, shall Senate Bill 809 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 voting Aye, 1 voting Nay, 1 voting Present. Senate Bill 809, having received the required constitutional majority, is declared passed. Senate Bill 810. Senator Syverson. Madam Secretary, read the bill.

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SECRETARY HAWKER:

Senate Bill 810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. We've discussed this legislation before. This addresses the issue of obesity in children, which is clearly becoming one of the single largest problems for children. With the problem of obesity becomes -- comes diabetes, asthma and a variety of other health conditions. Obesity in children increases the cost of health care and clearly has an effect on a student's ability to study and learn. This is something that we know but, unfortunately, school officials don't seem to understand. This legislation would require that the Department of Public Health and the State Board of Education gather information on the impact of high-fat foods and sugar and disseminate that to school districts to help them make better decisions when it comes to developing school breakfast and lunch programs. I'll be happy to answer any questions you might have on the legislation.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? If not, the question is, shall Senate Bill 810 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 voting Aye, 1 voting Nay, 1 voting Present. Senate Bill 810, having received the required constitutional majority, is declared passed. Senate Bill 812. Senator Sandoval. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 812.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

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Mr. President and Members of the Senate, this Senate Bill 812 basically is a partnership between the Department of Human Services and the Department of Central Management Services of the State of Illinois in which they agree to establish a pilot program for -- to make available the surplus State vehicles for recipients under the TANF program, the Temporary Assistance for Needy Families. This pilot program consists of a -- for a one-year period, there would be twenty vehicles used in the pilot program that will be provided -- supplied to recipients of TANF for a very nominal cost, between a hundred and five hundred dollars -- three hundred dollars. I ask your favorable vote on Senate Bill 812.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the -- of the Chamber. I would just caution people, in supporting this bill you may be embarking on a precedent that you may live to regret. We all have groups that would like to see access to surplus property. There's probably not one of us that have a State facility in their district that hasn't been approached by a not-for-profit group or by a worthy group or by the school district or someone else asking us to surplus property. In this bill, when we -- we embark on a pilot project to start giving away State property, the next thing that you -- logically, people are going to ask about, is access to computers, access to other State property, and I just think we're going to be caught in a -- in a political whirlwind of people asking us to donate things. When you think about it, TANF recipients need dependable transportation. The condition you normally see with CMS cars or surplus cars out of State government are not the kind of things that I think would be appropriate for most families who are trying to -- to find dependable transportation. The maintenance cost of high-mileage former State cars driven by State employees, who probably don't care for a car the way a family does, I don't think really answers the need. So, while the sponsor may have good intentions with this, I would have to urge people to think twice about embarking on a program where we

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begin to kind of put State property up for pilot projects and have State agencies kind of determine rules and regs.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Like to comment and close, Mr. President, by stating that this program..

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator, we -- we have two other...

SENATOR SANDOVAL:

Two other speakers?

PRESIDING OFFICER: (SENATOR DEL VALLE)

...speakers.

SENATOR SANDOVAL:

I'd like...(microphone cutoff)...to Senator Rauschenberger's comments, that this bill does not donate vehicles to anybody and this is not a non-for-profit organization. It is the Department of Human Services that are providing surplus vehicles. These are surplus vehicles that would have been surplus to the general public anyway. What we're doing here is now providing them to the neediest of the "needies" under a federal program.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR RIGHTER:

Senator, I have a question. I'm looking through your amendment, what happens if a TANF recipient purchases a car and has it and drives it for seven or ten days and then there's an accident with the vehicle, which it's determined by the police agency investigating that there was something wrong with the car?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR RIGHTER:

Is it -- can the..

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Righter.

SENATOR RIGHTER:

Thank you. Is -- is -- is that actionable, then, by the -- by the recipient of the car? Can they then go and sue the State of Illinois for whatever was wrong with the car?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Senator, when the State disposes or auctions surplus vehicles, people who are the buyers of these vehicles, buy them "as is" and so would the TANF recipients. There is no liability to the State of Illinois.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Righter.

SENATOR RIGHTER:

Well, I guess then that opens up another area of concern then. I mean, some of these individuals obviously are going to be very eager to get their hands on these cars because they're going to be a pretty good deal. Is there going to be any assurance for those people, then, purchasing the cars that they are -- they're -- they're fit, they're worthy -- they're worthy to drive, that there isn't some kind of serious problem with them that would lead to an accident or tragedy?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

No, this bill simply provides surplus vehicles to people on -- recipients under the TANF program. The State will not provide insurance to these folks.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Risinger.

SENATOR RISINGER:

Yeah. Will the Senator yield?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator indicates he will yield?

SENATOR RISINGER:

Senator, the TANF recipients are going to pay a fixed cost, depending on the mileage, as I understand the bill. Do you know how much the agency will lose from the difference between what

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would be auctioned off versus this fixed fee that the TANF recipient will pay for the -- the vehicle?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

The -- Senator Risinger, the fiscal note provided by the State impacts the -- the economic impact between thirteen and forty thousand dollars.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Risinger.

SENATOR RISINGER:

Senator, there's definitely a need for vehicles for these people. There's no question about it. And I think what you're trying to do is a -- a good idea. The only problem that I have is that I can see the agency trying to fix these vehicles up and put 'em in shape and actually spending money on these vehicles that they wouldn't do whenever they were auctioning them off just to the general public, who would have to fix those vehicles up themselves. Have you thought of that? Is that an issue?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Risinger, I think I kind of heard some of your comments, but this -- when the State disposes vehicles, they sell the vehicles as is. Now, in the regular maintenance of State vehicles, they're required, while the vehicle is in circulation, to maintain it and et cetera. They are simply vehicles that are pretty much at the end of the road. Talking about hundred to a hundred and fifty thousand miles on these vehicles.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Risinger.

SENATOR RISINGER:

If -- if they end up losing their job, not having a job, is there anything where they would turn that vehicle in or does that vehicle become theirs and they own the vehicle from this point forward?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

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SENATOR SANDOVAL:

Yes, the TANF recipients purchase the vehicle. They are not donated the vehicle. They purchase the vehicle for a nominal fee - between a hundred to -- three hundred to five hundred dollars - and the vehicle is their -- title is theirs, just like any other recipient would receive it based on any other auction the State would hold.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson.

SENATOR SYVERSON:

Thank you. A question for the sponsor.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR SYVERSON:

What do the -- currently when -- when CMS sells these cars at auction, what -- what's the average price to -- they get for those?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

From five hundred to twenty-five hundred dollars, Senator.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson.

SENATOR SYVERSON:

Is the goal of this program to expand it? And I'm not sure -- this is a pilot program, you mentioned?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

It is a pilot program for a one-year period.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson.

SENATOR SYVERSON:

One of the reasons we do pilot programs is to see if a pilot program would work. I don't think there's any question that if we have the ability to sell running -- cars that are running, that there are more than enough TANF recipients that will want these twenty vehicles. So, it's -- the program is -- is going to work if our goal is to see what the result is going

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to be in selling these twenty. I guess the concern is from a -- a State standpoint. If we're getting the higher amount for these cars and now we're going to expand this program to all our State's vehicles and we're going to be selling them between a hundred to five hundred, what do we believe the ultimate impact is going to be on -- on the State budget?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Well, I believe that this bill will provide a great savings to the State of Illinois. They won't -- we will not lose money; we will make money because we will be providing vehicles for recipients under the TANF program. Under the TANF program, these are -- these are -- includes recipients who are under the Welfare to Work program. By providing these vehicles to these recipients, these -- these working moms, single moms, men will have an ability now to go to work, to work to provide decent food and living for their children, thus taking them off the welfare rolls of the State of Illinois and the federal government. So, in fact, we are saving the taxpayers huge sums of money.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson.

SENATOR SYVERSON:

How are these twenty individuals selected?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Well, the criteria will be established by CMS. They are -- you know, they have their internal procedures on -- which vehicles get dispositioned, and so the -- this program, this pilot program, will follow the established procedures by CMS to disposition vehicles.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson, can you bring your remarks to a close, please?

SENATOR SYVERSON:

Well, thank you. These are, I guess, questions that we're trying to get -- trying to get answers for. In this program

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then, these will be people that currently do not have vehicles and the Department is going to -- are they going to do a lottery? Is it going to be spread out around the State? Is it going to be just in -- are these twenty going to be given out in Chicago, or are other communities around the State going to be able to -- are twenty communities each going to get one vehicle?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Department of Human Services will develop criteria by which they will designate -- of these twenty total vehicles for this one-year pilot, they will designate these twenty vehicles throughout the State of Illinois, perhaps some in the northern region, some in the central region and some in the southern region. There are thirty-five locations in the State of Illinois which will be determined and will be possible areas of receiving these vehicles.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Syverson, your -- your time has -- has elapsed. One last question.

SENATOR SYVERSON:

Thank you. It's my understanding that the goal of this, now, is going to be that cars will be for -- in rural areas where they don't have public transportation. Is that -- which is the -- if our goal is to help individuals get to -- to work - - is that my understanding, that this is going to be for individuals that do not have public transportation available?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

The -- the TANF program covers all the regions of the State of Illinois. Five regions within the State of Illinois.

PRESIDING OFFICER: (SENATOR DEL VALLE)

If there's no further discussion, Senator Sandoval, to close or...

SENATOR SANDOVAL:

I ask a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Let's -- let's back up here. We have one more light.
Senator Woolard.

SENATOR WOOLARD:

Senator Sandoval, in committee yesterday, you weren't there and I handled your amendment, and there was somebody there from Human Services and -- and their intent was - in fact, they pledged to the committee - that they would work in those areas that were underserved, that did not have public transportation, first. And so, Senator, that was what they said. In the implementation of this bill, that was their intent.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval, to close.

SENATOR SANDOVAL:

Oddly enough, I stand here today, ask for support on the other side of the aisle, once again, for a bill that really reflects and supplements and supports Republicanesque ideas, like the Welfare to Work program. This program will benefit recipients of the Welfare to Work program, provide an opportunity to provide a decent wage and a decent salary and put food on the table for the -- the most neediest of the people of Illinois. I ask a favorable vote, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall Senate Bill 812 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 36 voting Aye, 22 voting Nay and none voting Present. Senate Bill 812, having received the required constitutional majority, is declared passed. With leave of the Body, we'll -- we'll come back to 813 and 814. On page 16, Senate Bill 854. Senator Lightford. Senator Lightford. Senate Bill 876. Senator Welch. Senate Bill 873. Senator Halvorson. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 873.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson.

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SENATOR HALVORSON:

Thank you, Mr. President. Senate Bill 873 will lessen the impact of lost property tax revenues to units of local government in Will County as a result of the State purchasing property for the proposed Peotone Airport. Basically, IDOT would be required to deposit into the Tax and Assessment Recovery Fund all monies received from the rental of land, buildings or improvement, because what's happening is the State is buying up land for the airport and people continue to live in the properties and they -- they're renting their properties back from IDOT. The schools and the library districts, the fire protection districts are not getting the taxes. The people still live in the houses, nothing has changed, and all we're saying is that these taxes need to be paid to the taxing bodies. So, I'll entertain any questions that anybody has.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Yes. Thank you, Mr. President. And I commend the Senator for this bill. I think this is a very special case where IDOT is buying property for the third airport and they're going to be holding it for a long period of time. I think it does create a special hardship on the taxing bodies to not receive those taxes during that period of time. And as I understand it, Senator, this -- this bill is for a ten-year period. So, I stand in support of the bill, and I want to thank you for bringing it forward.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, echo the comments made by previous speaker. I think Senator Halvorson has done a good job of bringing the issue to the Illinois Senate in regards to what is happening in -- in -- in her district in regards to the purchase of land by the State. These taxing bodies - our fire protection districts, our school districts, municipalities - all of them still need to make sure that they have a flow of -- of income coming in from this land, and that -- if whatever takes place over the next ten

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years takes place, so be it. But we just can't turn our backs on the -- on the needs of the taxing bodies out there that provide services for -- for many, many of the residents that still live there, and I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson, to close. Senator Halvorson, to close.

SENATOR HALVORSON:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall Senate Bill 873 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 57 Ayes, 0 Nays, 1 voting Present. Senate Bill 873, having received the required constitutional majority, is declared passed. With -- with leave of the Body, we'll return to Senate Bill 876 and Senate Bill 878. Senate Bill 882. Senator Clayborne. Senate Bill 883. Senator Clayborne. Read the -- Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 883.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. Senate Bill 883 amends the State Appellate Defenders Act and provides that the State Appellate Defenders may hire investigators, which they already do, to provide investigation services for appointed -- counsel and county public defenders. And those investigators employed by the State Appellate Defender's Office are authorized to inquire with the Law Enforcement Agencies Data System to ascertain whether their potential witnesses have criminal backgrounds. Basically because of the magnitude of the people that they represent, they are required to go out and meet with witnesses who are not the most law-abiding citizens. So, for their protection, they need to know what their criminal

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background is before they go there. I'm open for any questions. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Seeing none, the question is, shall Senate Bill 883 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 58 Ayes, 0 Nays, 0 voting Present. Senate Bill 883, having received the required constitutional majority, is declared passed. Senate Bill 884. Senator Clayborne. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 884.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Basically, this bill is -- replaces thirty business days with thirty calendar days for -- for the reporting -- requirement, makes other technical changes and provides that a telecommunications carrier can request another telecommunications carrier to file contracts -- records with the ICC. I'm open for any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 884 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 57 Ayes, 0 Nays, 0 voting Present. Senate Bill 884, having received the required constitutional majority, is declared passed. Senate Bill 885. Senator Clayborne. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 885.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I was under the impression that we would stop at 7:30 p.m.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator, I have not received any indication as to exactly what time we will be stopping. If I receive some indication, I will certainly inform you. Senator Clayborne.

SENATOR CLAYBORNE:

Thank -- thank you, Mr. President. Basically, Senate Bill 885 is just a shell bill, just in case if -- regarding telecommunications. If something comes up, we'll have a shell bill out there.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? If not, the question is, shall Senate Bill 885 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 Ayes, 1 Nay, 2 voting Present. Senate Bill 885, having received the required constitutional majority, is declared passed. Senate Bill 890. Senator Obama. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 890.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that we discussed. I pulled out of the record after some useful comments from Senator Cronin. Essentially what this bill now does is simply add Asian Americans to the list of ethnic groups that should be incorporated into the study of United States History, and I would be happy to answer any questions. Ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Cronin.

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SENATOR CRONIN:

Thank you, Mr. President. I rise in support of this bill. It's been added. The -- the requirement -- or, the suggestion about Asian history has been added to the list that includes a -- a number of different ethnic groups. It's a -- it's a good recommendation and it's not mandatory and it's proper, and Obama's a great guy. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall Senate Bill 890 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 56 Ayes, 0 Nays, 1 voting Present. Senate Bill 890, having received the required constitutional majority, is declared passed. Senate Bill 891. Senator Obama. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 891.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Despite the label here, this is actually a -- or, the title of the bill, this is actually a separate bill that creates a website by the State Board of Education to provide homework advice and assistance to parents. It was mentioned in Governor Blagojevich's State of the State Address as something that they were interested in doing. It -- the State Board is in the process of helping to put this together. They will then provide direction to local school boards in terms of how it can be utilized. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

I just wanted to offer a cautionary word. It's my duty as a legislator here. And I think if you think about it, it's a good idea and concept, but practically speaking, I -- I'm not sure how this would work. If it seeks to be truly helpful to a

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student that has trouble with their homework, you know, how do you have a website that, you know, can address all the different subject matters, all the different questions that may arise, how to maintain it, how to have the expertise? I mean, there's a lot of questions. Idea is great. Maybe this is a step that we should take to start moving in this direction, but it's a -- it certainly has a lot of questions unanswered. And so, I would just offer a cautionary word.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Obama, to close.

SENATOR OBAMA:

I -- I appreciate Senator Cronin's concern. I think the concern was appropriately directed when we were probably trying to be overly ambitious and seeing if we could have a hotline whereby homework would be -- where the State Board would somehow provide assistance directly. We took that provision out. I think this is a phase-in process where we're going to be, hopefully, utilizing web-based technology to improve the assistance that we're providing to parents. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall Senate Bill 891 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 36 Ayes, 17 Nays, 3 voting Present. Senate Bill 891, having received the required constitutional majority, is declared passed. Senate Bill 892. Senator Lauzen. Senate Bill 902. Senator Garrett. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 902.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. Speaker {sic}, Ladies and Gentlemen. Senate Bill 902 amends the School Code, creating K to 3 class size reduction which will be implemented through a grant program. And

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the intent is to reduce class size to a maximum of twenty students. The program would be implemented and administered by the State Board of Education, and this would be, of course, subject to appropriation with grant funds only. And it would only involve schools who are listed on the Academic Warning List, and it's scheduled to begin in 2004. And be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. Just another cautionary word. I understand the whole -- the "subject to appropriation" magical words, but this is a promise now that we're all making that will cost us a minimum of one hundred million dollars. So, be advised when you vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Wendell Jones.

SENATOR W. JONES:

Yes. I'd just like to make a comment on this bill, Mr. President. I was...

PRESIDING OFFICER: (SENATOR DEL VALLE)

Well, Senator -- Senator Garrett wishes to respond first to Senator Cronin.

SENATOR W. JONES:

Certainly I yield to...

PRESIDING OFFICER: (SENATOR DEL VALLE)

And then we'll get back to you. Senator Garrett.

SENATOR GARRETT:

With all due respect, Senator Cronin, the hundred-million-dollar price tag is for the entire State of Illinois, and this legislation was carefully written that it would -- it would be classroom by classroom, school by school and it would be very carefully reviewed. So, it wouldn't be all the schools in Illinois. There is a price tag to this, but again, it is our obligation to make sure that we pave the way and define public policy on reducing the class size so we can better educate our young children.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Wendell Jones.

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SENATOR W. JONES:

Thank you, Mr. President. I rise to make a comment. I'd like to vote against this bill. I was just in Florida and they had a referendum down there, a statewide referendum, to lower the class size. And it passed, of course, overwhelmingly, because nobody wants to vote for larger class size. I mean, everybody wants smaller class size. So, they voted on the referendum and then they put the financial people on it, and they found out that it's going to cost the State of Florida twenty-six billion dollars to implement their lower-class-size bill. Now, if costs Florida twenty-six billion, can you imagine what it would cost us? Now, we do have school districts - and I probably have some of 'em in my area - who have class size that's probably twenty-to-one now. So, it's not a problem. It wouldn't affect us. I understand that. But to implement something like this on a statewide basis has an enormous cost. It sounds good, it feels good, but it's just not the right thing to do. If we keep piling on this legislation like we have tonight, some day we're going to have to come back and say, "What did we do?" "Why are we doing this?" Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett, to close.

SENATOR GARRETT:

Well, I would like to respond to Senator Jones. Again, I think there's been a misunderstanding of what this bill is. This bill is not a statewide initiative. This bill is almost -- consider it like a pilot program where we would go into schools that are on the Financial Watch List who have classrooms where there are twenty-five or thirty kids. And I can -- I can cite you the research done at Stanford, done at Princeton that -- that proves that if we don't do something with these kids, that they are doomed later on during their educational career. So, this is something that we should define as public policy. It's not a statewide initiative, and it's something that is -- is subject to appropriation but it would be under the control of the State Board of Education. And with that, I hope we do get enough Yes votes to pass this. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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The question is, shall Senate Bill 902 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 33 Ayes, 25 Nays, none voting Present. Senate Bill 902, having received the required constitutional majority, is declared passed. ...news. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 10 a.m. on Friday, April 4th. The Senate stands adjourned.