

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

44th Legislative Day

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PRESIDING OFFICER: (SENATOR WELCH)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by the Reverend Timothy Crump, First Church of the Nazarene, Decatur, Illinois. Reverend.

THE REVEREND TIMOTHY CRUMP:

(Prayer by the Reverend Timothy Crump)

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Reverend. Please stay standing for the Pledge of Allegiance. Senator Link.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR WELCH)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Yes. Thursday -- Senate Journals of Thursday, May 8, and Friday, May 9, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

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

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journal of Monday, May 12th, in the year 2003, be postponed, pending arrival of the printed Journal.

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. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

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Thank you, Mr. President. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR HAINE:

Mr. President, I wish to announce to the Senate - I know that the Senators are slowly assembling on the Floor - but I wish to call to your attention a -- one of the excellent elementary schools in my district, Our Lady Queen of Peace. The parents and the children of the seventh- and eighth-grade class and some of the teachers are here from Bethalto, Illinois. Our Lady Queen of Peace, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Would our guests in the gallery please rise and be welcomed to the Senate? Thank you for coming. Welcome to Springfield. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator del Valle, Chairperson of the Committee on Education, reports House -- I mean, pardon me, Senate Joint Resolution 33 Be Adopted.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, we're going to take one bill on House Bill 3rd Reading of the Calendar. Page 63. Senator DeLeo was in the Chair and had leave to return to that particular bill. Madam Secretary, House Bill 2370. Read the bill. Senator DeLeo, do you wish to proceed? Senator DeLeo seeks leave of the Body to return House Bill 2370 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2370. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 3, offered by Senator DeLeo.

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. On House Bill 2370, Senate Amendment No. 3, which is a Floor amendment, has been -- it's an agreed amendment. It was between the insurance company, the plumbing industry and the

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Trial Lawyers. What it currently does, it changes the insurance requirements for plumbing contractors and -- for applying -- for when they register with the Department of Public Health. We -- everybody's agreed to what the amount should be, the minimums for general liability, body injury, property damage and workmen's compensation. I'd ask for a -- this amendment to be adopted.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? Senator Demuzio, on this amendment? No. Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, any further Floor amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. My light's been on for twenty minutes, and I -- I -- I don't know why you don't recognize me, but that's okay. A couple things. Senator Munoz will not be -- will be absent today and perhaps tomorrow. He's in Washington on official business. I would like the record to so reflect.

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect, Mr. Senator.

SENATOR DEMUZIO:

Okay. Also, I'm told that representatives from CMS, the group insurance, and the Comptroller's Office is having a meeting on -- for all of the Members to -- if you want to change or have questions with respect to your insurance, on the 3rd Floor conference room, which is behind the Senate Chamber. And it's from nine to -- on Wednesday, the 5th and -- I'm sorry, on Wednesday, from -- yeah. It's on -- it's on Wednesday. I don't think they got the times -- oh -- oh yeah. On May the 14th from 9 to 11. So -- and...

PRESIDING OFFICER: (SENATOR WELCH)

That's tomorrow.

SENATOR DEMUZIO:

Pardon?

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PRESIDING OFFICER: (SENATOR WELCH)

I said, that's tomorrow.

SENATOR DEMUZIO:

And you know, -- you know, Mr. President, you're -- you're very observant. You're probably one of the most observant Presiding Officers we've had. Also, Mr. President, now that we're finished with that, I would like to make another startling announcement, that today the Secretary of the Senate is having a birthday. And so -- and that's -- that's all I'm empowered to say, other than, happy birthday, Linda.

PRESIDING OFFICER: (SENATOR WELCH)

Well, congratulations, Linda. Happy birthday. Senator Demuzio will be the one to cut the cake, I understand. Senator Walsh, for what purpose do you rise?

SENATOR WALSH:

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

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR WALSH:

Ladies and Gentlemen of the Senate, it's my honor today, I have a young man who actually is from my hometown, Elwood, in my -- in my district. He is doing his master's work at Illinois -- University of Illinois here in Springfield, and for part of his studies, he has the enviable task of shadowing a legislator. And I've been very honored that he has asked me to -- to be here. So he is going to be with us for four days this week, watching the proceedings of the Illinois Senate and how Illinois government works. So I would like to welcome Jared Kauffman to the Illinois Senate.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR DEMUZIO:

Another announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your announcement.

SENATOR DEMUZIO:

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You know, I've -- as -- as the Chairman of Rules, I've -- I've had a number of people who have said some very polite things to me and some others who haven't. Well, I want you to know that I have with me today a Pete Duncan, who's standing behind me, and he's a Page for today. But the way things are going, I think I'm going -- as tall as he is, as big as he is, I -- I think I'm going to have him for the rest of the Session. But, Pete Duncan from Carlinville is a Page today, and I'd like to have the Senate recognize him as well.

PRESIDING OFFICER: (SENATOR WELCH)

Pete Duncan, welcome to Springfield. Thank you. Senator Dave Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR D. SULLIVAN:

If the Senate could welcome my Page for the Day, a young man from Mt. Prospect, Illinois. His family is one of the founding families of the northwest suburbs. Brent Busse.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield. Thank you for coming. Senator Demuzio.

SENATOR DEMUZIO:

Well, you -- you sure recognize that light now, don't you? Also, Mr. President, joining us in the gallery today in the -- standing alongside the rail in front of you, a Polish delegation of public safety officials are here in Springfield to view the exercise, apparently, on -- on terrorism here in Illinois. And they're -- the Polish delegation right -- right -- I guess you could say, where the TV cameras are supposed to be behind us. Welcome to Springfield.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield. Thank you for coming. Senator Larry Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Mr. President. I also have a Page for the Day today. He was a successful bidder in -- in a local charity auction that we had that we offer coming down for a Page for a

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Day. With me today is Kevin Korst, a junior at the University of St. Francis in Joliet, and he is going to be our Page for the Day. And I'd like to welcome him to the Illinois Senate.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome -- welcome to Springfield. Senator -- Senator Rutherford, for what purpose do you rise?

SENATOR RUTHERFORD:

Well, I -- I've got a question for Senator Walsh. He's got -- Senator Walsh has got such a big staff here today, and he's got Jared that's going to be with us for four days. I'm wondering if the -- the team could try to work with Senator Woolard to find out when those Journals are going to come here, 'cause it's been -- I just want you young people to know I've been standing here in the Senate since January and this man stands up every morning and tells us he's delaying something for something to arrive, and I don't know when it's going to get here. So, if we could maybe have Jared and the team of Pages who are with us for the rest of this week to -- to get to the bottom of this, 'cause I don't know what -- when this is going to show up.

PRESIDING OFFICER: (SENATOR WELCH)

Before Senator Woolard leaves, they will show up. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SIEBEN:

Thank you, Mr. President. I have with me today some students from Dixon, Illinois. Eighth graders -- eighth graders at St. Anne's School in Dixon that are helping page today.

PRESIDING OFFICER: (SENATOR WELCH)

Where are they?

SENATOR SIEBEN:

They're right back here near the Sergeant-at-Arms' desk.

PRESIDING OFFICER: (SENATOR WELCH)

Okay. Stand up back there. Thanks for coming. Welcome to Springfield. Back at President's Gallery as well. Senator Brady, for what purpose do you rise?



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SENATOR BRADY:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR BRADY:

I also would like the Senate to welcome Alyse Hubbs, who is my Page for the Day.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield. Thanks for coming down here. Senator John Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR J. SULLIVAN:

I'd like to introduce an intern, Mike Arnoldi. He's a -- just finished his first year of graduate at UIS here in Springfield, and he's been with me last week and this week. Welcome -- welcome to Springfield, Mike.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield, Mike. Senator Rutherford seeks leave of the Body to return House Bill 3106 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 3106. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, thank you. The amendment provides that if a motor vehicle repairman removes or replaces a vehicle ID number, after the completion of those repairs that vehicle owner must then arrange for the State Police to -- an officer to inspect that plate. This is an amendment that's been requested by the Trooper's Lodge and I think it's agreed to by everyone.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is

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adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. We'll now go to page 76 of the Calendar. Page 76. House Bills 2nd Reading. We're going to start at the top and go all the way through. House Bill No. 6. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 6.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 43. Senator Crotty. House Bill 44. Senator Schoenberg. House Bill 76. Senator Wojcik. House Bill 88. Senator Trotter. House Bill -- Senator Trotter asks leave to return to that. He's currently in budget negotiations. House Bill 186. Senator Dillard. House Bill 199. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 199.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 200. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 200.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 223. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 223.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WELCH)

Have there been any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama, on Floor Amendment No. 1.

SENATOR OBAMA:

Thank you, Mr. President. This bill amends the videotaping of -- interrogations bill to match what passed in the House.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. Senator Larry Walsh. Senate -- House Bill 276. Senator Schoenberg. House Bill 294. Senator Trotter. We have leave to come back to that bill. House Bill 416. Senator Obama. House Bill 1088. Senator Emil Jones. House Bill 1178. Senator Larry Walsh. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1178.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 1179. Senator Larry Walsh. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1179.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WELCH)

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3rd Reading. House Bill 1191. Senator Haine. House Bill 1251. Senator Haine. House Bill 1373. Senator Dillard. House Bill 1382. Senator Garrett. House Bill 1434. Senator Haine. House Bill 1462. Senator Link. House Bill 1480. Senator Trotter. We have leave to come back to that bill. House Bill 1514. Senator Link. House Bill 2221. Senator Ronen. House Bill 2268. Senator Obama. House Bill 2329. Senator Lightford. House Bill 2332. Senator Lightford. House Bill 2345. Senator Schoenberg. House Bill 2391. Senator Trotter. We have leave to come back to that bill. House Bill 2524. Senator Dillard. House Bill 2549. Senator Maloney. House Bill 2902. Senator Dillard. House Bill 3048. Senator Larry Walsh. House Bill 3398. Senator Larry Walsh. Ladies and Gentlemen, we are going to turn to page 68 to pick up on House Bills 3rd Reading where we left off. On page 68 of the Calendar is the Order of House Bills 3rd Reading. This is final action. Please come to the Floor from your offices, Ladies and Gentlemen. We are going to 3rd Reading. House Bill 2836. Senator Righter. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2836.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. House Bill 2836 is -- a simple administrative duty change. Right now, current law requires that a member of the local school board sign off on the authorization for driver's education reimbursement. This would simply shift the duty to the chief administrative officer, which, in most school districts, would be the local superintendent. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, 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 55

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Members voting Yes, no Members voted No, and none are recorded as Present. House Bill 2836, having received the required constitutional majority, is declared passed. House Bill 2839. Senator James Clayborne. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2839.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. Senate Bill -- I mean, I'm sorry. House Bill 2839 amends the Underground Utility Facilities (Damage) Prevention Act and just requires that underground utility facility owners to be notified if an excavation or demolition project will last more than twenty-eight days. Requires the owners and operators of underground sewer facilities to mark the location of those facilities in certain situations. Provides excavation to be marked in black, rather than white, when snow is on the ground. It also excludes the -- the City of Chicago from this because they have more facilities underground, as well as the fact that they already have a proposal in effect -- a notification in effect. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill -- hold on. Senator Rutherford.

SENATOR RUTHERFORD:

Well, I'm not going to belabor the point, but the Senator and I spoke about this in committee, and with all respect to the City of Chicago, I think that if it's good enough for the goose, it's good for the gander. And painting the snow black is just as good in -- in -- in Senator Clayborne's district, as in my district, as is in the inner city of Chicago. So, I would strongly argue that let's make this good for everybody and a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

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

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SENATOR CLAYBORNE:

Again, to -- to address Senator Rutherford's statement, the City of Chicago already has a similar proposal in effect, a notification requirement in effect. And I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2839 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 33 Members voting Yes, 21 voted No, 1 Member voted Present. House Bill 2839, having received the required constitutional majority, is declared passed. House Bill 2840. Senator Terry Link. House Bill 2841. Senator John Sullivan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. House Bill 2841 creates the offense of endangering the life and health of an emergency service provider which occurs when an emergency service provider experiences death, bodily harm, disability or disfigurement as a result of entering a structure containing a secret or hidden drug lab for the manufacturing or controlled -- or a controlled substance. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 2841 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 Yes, no Members voted No, and no Members recorded as Present. House Bill 2841, having received the required constitutional majority, is declared passed. House Bill 2843. Senator John Sullivan. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

House Bill 2843.

(Secretary reads title of bill)

3rd Reading of the...

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

I believe there's an amendment -- a Floor amendment on this, -- President. It's in Rules. Would you take it out of the record, please?

PRESIDING OFFICER: (SENATOR WELCH)

Madam Secretary, please take the bill out of the record. House Bill 2844. Senator John Sullivan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2844.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. House Bill 2844 creates two new drug-related offenses. Creates the offense of a drug related child -- endangerment when an individual endangers the life or health of a child by -- knowingly exposing the child to a secret or hidden drug laboratory. And it also creates the offense of aggravated drug related child endangerment by providing that a person commits the offense when he or she commits a violation of a drug related child -- endangerment and the child experiences death, bodily harm, disability or disfigurement as a result of the drug related endangerment.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR RIGHTER:

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Senator, I have a -- a bill that's sitting in the Senate Rules Committee that came over from the House that is remarkably similar to this, and I want to -- there are some differences, though, and I want to walk through those. Under the legislation that's sitting in Rules that I'm the sponsor of, if an emergency responder comes to a house, maybe executes a search warrant or there's a fire or something like that, and they come into the house and they find a minor child there and also discover through subsequent investigation that the child's parent or otherwise legal guardian was involved in the process of manufacturing methamphetamine in that residence, that that is a prima facie case for child neglect. Is that -- is that what this bill does?

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Senator, as far as -- are you asking when you're talking about the evidence -- clarify that, if you would, please, for me.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

If the emergency responder comes to the house and they discover the minor child, the minor child lives in the house with his or her parents, and one of those parents has a methamphetamine manufacturing laboratory in the house there, that would, by itself right there, since the parent or legal guardian is manufacturing methamphetamine in the presence -- where the child is there in that residence, then that would be prima facie evidence for a case of abuse or neglect by the parent in the juvenile court system. I mean, how -- is -- is that part of this legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

This does not address abuse and neglect. It just creates the offenses, two additional offenses.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.



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SENATOR RIGHTER:

In your opening, Senator, you used the term -- and I apologize. I can't recall it exactly. Something about directly exposing the child or something -- you said something along those lines. Is -- what would -- what would it take to constitute that? I mean, does the child have to be in the same room? Does the child have to touch the equipment? It -- can the laboratory be out in the garage and the kid clear on the other side of the house? I mean, where are we at in that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

The course of language that we were talking about says "knowingly exposing". That -- that's the -- that's the language that -- that I read in my opening remarks.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Then -- knowingly exposes. Can you give me an idea then what -- what you're thinking of in terms of that? I mean, again, does the child have to have -- have to come in contact with the illegal material? Do they have to be in the same room as maybe some of the equipment that was used in the laboratory? Do they just need to be in the same house? I mean, where -- what is your thinking on that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Okay. Knowingly expose a child -- exposing a child, we've got six different areas that we're talking about. Producing -- let me read it from the start. Drug related child endangerment occurs when an individual knowingly exposes a child to a clandestine drug laboratory environment and performs any of the following acts: one, producing, manufacturing or preparing a controlled substance; two, producing, manufacturing or preparing an ingredient required to -- to manufacture a controlled substance; three, storing chemicals used in the controlled substance manufacturing process in a structure in which a child has access; number four, storing contaminated apparatus used in

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the controlled substance manufacturing process in a structure to which a child has access; five, storing chemical waste or other byproducts created during the controlled substance manufacturing process in a structure to which a child has access; or six, storing any device used for the ingestion of controlled substances in a structure to which a -- child has access. Does that answer your question, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Thank you, Senator. One last point. The chances are, in situations where if this becomes law, the -- the -- the individual who you're looking to charge with child endangerment is also going to be already on the hook for other crimes, such as manufacture of methamphetamine or whatever. What we don't have in Illinois, and again I'll reference again the bill that's stuck in Rules, is a tool to help the juvenile court system deal with parents who are manufacturing methamphetamine when the child is in the house and making that prima facie evidence that that child is being abused or neglected when they have a six- or seven-year-old child sitting in the same room or a room over from a methamphetamine laboratory that, at a moment's notice, could explode and kill that child or maim that child for life. And I hope that -- I appreciate this legislation, Senator, but I hope that we can work toward getting something that addresses getting the child out of the house in situations like that. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan, to close.

SENATOR J. SULLIVAN:

Thank you to Senator Righter for those remarks. And it's something I think we could look into, and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2844 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

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57 Members voting Yes, no Members voted No, and none are recorded as Present. House Bill 2844, having received the required constitutional majority, is declared passed. House Bill 2848. Senator Crotty. Read the bill, Madam {sic} Secretary.

ACTING SECRETARY HARRY:

House Bill 2848.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2848 requires contracts with or grants to regional intake entities be made subject to public bid under the request for proposal procedures. It also would allow DHS and the operator of any facility providing early intervention services access to records under the Abused and Neglected Child Reporting Act to -- determine if a current or prospective employee who provides or may provide direct service to a child is a perpetrator in an -- indicated report of abuse or neglect of a child. It also adds criminal background checks authorization to DHS in regard to early intervention providers. And it also provides that to be a State-approved early intervention service provider, a person shall not have a felony conviction within the past five years provided by that rule or have been indicated finding of -- child abuse or neglect in the past five years. This passed out of committee and I hope to have a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly, just want to advise the Members on our side of the aisle this bill passed out of Health and Human Services Committee unanimously, and I would urge its passage. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2848 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have

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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 Yes, no Members voted No, and none are recorded as Present. House Bill 2848, having received the required constitutional majority, is declared passed. House Bill 2855. Excuse me. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SHADID:

One of our staff members, Chuck Eckert -- he's been here twenty-three years - let's all say happy birthday to Chuck.

PRESIDING OFFICER: (SENATOR WELCH)

Happy birthday, Chuck. Senator Garrett. House Bill 2860. Senator Collins. House Bill 2863. Senator Crotty. 2863. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2863.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Again, House Bill 2863 amends the Illinois Marriage and Dissolution of Marriage Act. It raises the minimum amount of support percentage for the supporting party's net income to twenty-eight percent for two children. It's currently twenty-five percent.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 2863 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 Yes, no Members voted No, and none are recorded as Present. House Bill 2863, having received the required constitutional majority, is declared passed. House Bill 2864.

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Senator Crotty. House Bill 2866. Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2866.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 2866 is a bill that comes to us from the administration. As you know, in the last Session of the General Assembly, the coal bill authorized five hundred million dollars..

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me, Senator.

SENATOR DEMUZIO:

...for...

PRESIDING OFFICER: (SENATOR WELCH)

Could we -- could we have some quiet? It's getting very hard to hear up here. And I'm sure Senator Demuzio is hard to hear, as well.

SENATOR DEMUZIO:

...for building a power plant that burns Illinois coal. None of those funds were allocated because of a number of factors, and this simply increases that -- bond authorization by three hundred million dollars in order to meet the expectations and the obligation that the Governor indicated in his Message. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: Just for the benefit of the Members on this side of the aisle, this bill passed unanimously out of the Executive Committee and it does not involve general obligation bonds. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR RAUSCHENBERGER:

Are these moral obligation bonds, Senator Demuzio? Normally IDFA doesn't issue moral obligation bonds. The -- the -- whatever we're bonding stands in -- in place of the State's moral obligation. I just kind of wondered if we're SWIDAing IDA {sic}.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

It is my understanding that they are moral obligation bonds, that the bonds are issued through IFDA {sic} and they are not State of Illinois general obligation bonds, and therefore, the State's bond level does not have to be increased. They are considered a loan as a result of the action of the -- of IFDA. And therefore, they are apparently required to pay back.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Demuzio, in my experience, and you know it's just the last ten years, we've never had the Illinois Development Finance Authority issue moral obligation bonds. That's been exclusively the purview of some of these regional development people. Because, in general, the projects were substantial enough to support their own bonding authority. Isn't this a change in practice?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

The bond authorization bill, as I understand it, that we had in the previous administration was five hundred million dollars to be issued by IFDA, and they were, in fact, general obligation bonds. It's my understanding. None of those bonds had ever been issued. I believe that this is an attempt to bring that level of bond authorization that the Governor talked to, to his level of eight hundred million so that is, in fact,

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available. My suspicion is, is that if and when the market becomes right and -- and when there are individuals who are available for projects under this allocation, then they would, I assume, issue the general obligation bonds first. Whether or not we ever get to these three hundred million, I don't know. This simply satisfies the -- the comments that the Governor made during his -- his Address.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

To the bill, real quickly. I'm a big admirer of the sponsor. I mean, he's done a lot to teach me the legislative process, but I would urge my colleagues to think long and hard about expanding moral obligation through IDFA. I -- I don't think it's appropriate. It's a different level of review. The Illinois Development Finance Authority has not, in the past, issued moral obligation bonds. A moral obligation bond upon failure requires the Governor to issue a request to the General Assembly to appropriate the deficiencies. I think we currently have two deficiencies for moral obligations in process where we're appropriating. If the State were to fail to appropriate at the request of the Governor, there'd be a question about the rest of our moral obligation, as well as our bond rating. So if they haven't used the first five hundred million, I guess my concern is, think real hard about letting an agency not directly as part of the -- you know, the State government issue three hundred million in moral obligation bonds. I'm much more comfortable with five hundred million that we have in place, but I am a -- still a big admirer of the sponsor. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Seeing none, Senator Demuzio, to close. Madam -- the question is, shall House Bill 2866 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 48 Members voting Yes, 9 Members voted No, and no Members recorded as Present. House Bill 2866, having received the required constitutional majority, is declared

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passed. House Bill 2889. Senator Larry Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2889.

(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. House Bill 2889 amends the Agricultural Co-operative Act. Makes changes in the organization and reporting procedures following the agricultural co-ops for filing new and amended articles of incorporation, issuing reports and paying filing fees. Requires an association to file a certificate {sic} copy of the association's articles of incorporation and amendments to the articles with the -- the Director of Agriculture. Also requires an association to -- file a report with the Director of Agriculture within thirty days after its first election of officers and changes the items required to be filed as -- an association annual report and the time of filing the report. This is a initiative from the Illinois Department of Agriculture and the Secretary of State. I know of no opposition. Be willing to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. For two reasons really. A point of personal privilege first. On...

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR J. JONES:

On House Bill 2866, I inadvertently punched the No button. I would -- would be recorded as an Aye button.

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect.

SENATOR J. JONES:

Thank you. And then to the bill: This is an agency bill, Department of Ag, and passed out of Ag and Conservation



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Committee unanimously, and I would just urge all the Members on this side of the aisle to vote Aye. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2889 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 Yes, no Members voted No, and none are recorded as Present. House Bill 2889, having received the required constitutional majority, is declared passed. House Bill 2890. Senator Larry Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2890.

(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. House Bill 2890 amends the Weights and Measures Act in regard to failure to pay fees. As a mean of enforcement, it allows -- this bill will allow the Department of Agriculture to prohibit a person who fails or refuses to pay a fee from using a commercial weighing and measuring device. This is an initiative of the Department of Agriculture, and I'd be more than willing to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Once again, I would just rise in -- in strong support of this and urge all the Members on this side of the aisle to support this bill. It is a agency bill and passed out of Ag and Conservation Committee unanimously.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing no further discussion, the question is, shall House Bill 2890 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

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voting Yes, no Members voted No, and none are recorded as Present. House Bill 2890, having received the required constitutional majority, is declared passed. House Bill 2895. Senator Crotty. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2895.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2895 amends the Illinois Public Aid Code. It provides that if a custodial parent who's receiving child support enforcement services under the Code provides the Department of Public Aid with credible information concerning the location of the punitive {sic} or noncustodial parent of the child, the Department must attempt to locate that parent within sixty days after receiving that information.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 2895 pass. All those in favor, say -- 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 Yes, no Members voted No, and none are recorded as Present. House Bill 2895, having received the required constitutional majority, is declared passed. House Bill 2910. Senator Petka. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2910.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. House Bill 2910 would allow a community unit school district that meets certain criterion to issue bonds up to an amount not to

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exceed twenty percent of the equalize assessed value of the taxable property in the district if certain conditions are met. These conditions are -- are basically described so as to make that -- this particular bill unique to the Oswego Community Unit School District No. 308. The -- the reason for this legislation is to permit the school district to be able to implement the mandate that was given to it by the voters of fifty-seven percent to construct a -- a new high school and new junior high school and equip five new elementary schools. The bill came out of Education Committee without opposition. I know of no opposition and would appreciate an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 2910 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 Yes, 1 voted No, and no Members are recorded being Present. House Bill 2910, having received the required constitutional majority, is declared passed. House Bill 2918. Senator Sieben. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2918.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is a DNR agency bill to address future disease concerns, primarily chronic wasting disease in our Illinois deer herd. It would allow the Department to set special seasons to harvest any deer that might be infected with CWD. Know of no opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President. To the bill: This bill was presented in the Ag and Conservation Committee. Senator Sieben,

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who has been a strong proponent of DNR and -- and managing our deer population, has put together a good piece of legislation, and I recommend we vote Aye on this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2918 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 Yes, no Members voting No, no Member voted Present. House Bill 2918, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. I appreciate that, Mr. President. I just want to announce that after the last two bills, that pretty well ends the Republican Senate agenda for this Session. So, thank you very much and congratulations to Senator Sieben, Senator Petka for an outstanding Session.

PRESIDING OFFICER: (SENATOR WELCH)

Senate Bill 2949. Senator Larry Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2949.

(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. House Bill 2943 {sic} amends the Surface Coal Mining Land Conservation and Reclamation Act. Basically, what it does is it repeals the Surface Mining Advisory Council in the Department of Natural Resources Office of Mines and Minerals. Governor Ryan abolished this council last spring, and this basically is an initiative of the Department of Natural Resources of just cleaning up the language. I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

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SENATOR J. JONES:

Thank you, Mr. President. I would rise in support of -- of House Bill 2949, and -- and actually this bill is an agency bill and could possibly save DNR approximately twenty-five hundred dollars a year annually. So I would just encourage all Members on this side of the aisle to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2949 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 Yes, no Members voted No, no Members voted Present. House Bill 2949, having received the required constitutional majority, is declared passed. House Bill 2950. Senator Larry Walsh. Top of page 70. House Bill 2955. Senator Martinez. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2955.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. House Bill 2955 amends the State Finance Act. Provides that upon a State employee's retirement or resignation, his or her vacation, overtime and sick leave not be payable in a single lump sum if otherwise provided for in a collective bargaining agreement entered into under the Illinois Education Labor Relation Act. This bill passed out of committee and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 2955 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 Yes, no Member voted No, and no Member voted Present. House Bill 2955, having received the required constitutional majority, is

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declared passed. House Bill 2972. Senator Halvorson. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 2972.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Senate Bill -- or, House Bill 2972 is exactly like Senate Bill 611 that we passed out earlier, basically saying that if you're going to send an unsolicited e-mail, you must provide a -- an eight hundred number, as well as in the subject line, you need to put ADV to prove that it's an advertisement and if it's an adult advertisement, it has to say ADVADLT. I think that we're coming to a time where we need to do something about our spam problem. And I know Senator Roskam has a -- a -- a -- a saying that he says, "This is a 'feel good' bill that does nothing. Let's vote for it." However, we have to start somewhere. This is going to let our children who look at that subject line -- and if we can tell them don't open anything that has an -- advertising letters ahead of it, maybe we can alleviate some of these misleading subject lines that people are putting out. So, I encourage you all to vote for this, again.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 2972 pass. I'm sorry. I thought you were done. Senator Halvorson.

SENATOR HALVORSON:

And also, for the record, I just have a sentence that I was going to say in closing: That House Bill 2972 is not intended to prohibit 501(c) organizations, such as the American Cancer Society, the Heart Association, Association of Realtors, State Bar Association, et cetera, from communicating with its members or potential members about organization programs, -- member benefits or activities. I think there's been confusion as to what's unsolicited and what is solicited. So, I wanted to make sure, for the record, what the intent was.

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PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR LAUZEN:

Senator, is there any constitutional free speech infringement in what you're doing here?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Not to my knowledge.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Second -- well, who have you checked -- you've checked that and they say no, or is it that we haven't checked yet?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

We've checked and from the people that have told us, there is no infringement.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you -- thank you very much. And then the second would be, how have we defined "unsolicited"? For instance, if a newsletter comes from a -- a political figure, is that an advertisement and is that unsolicited? Would that be covered in your bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

What the advertising is, is somebody that doesn't even know you just sends all these broadcast things out hoping that you will open them. It's considered junk mail. Newsletter is not considered junk mail. That's not an advertisement. That's information.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Sometimes, depending on the content, folks consider it -- so, the language -- can you refer to the bill the definition of unsolicited mail? Can you just read that off for the Body? Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson. Senator Halvorson, to close.

SENATOR HALVORSON:

There -- there is no definition for "unsolicited." I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2972 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 Yes, no Members voted No, no Members voted Present. House Bill 2972, having received the required constitutional majority, is declared passed. House Bill 2983. Senator Woolard. House Bill 3023. Senator Martinez. Read the -- sorry. Out of the record. House Bill 3036. Senator Larry Walsh. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3036.

(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. House Bill 3036, as amended, amends the Food Animal Institute Act in regards -- oh, wait a minute. Wrong bill. Wrong information. Creates the Food Animal Institute Act. And what this does is establishes the Food Animal Institute to review and to encourage research and disseminate -- information about the food animal industry. The Institute will be directed by a fifteen-member board of directors appointed by the Governor. And basically, this is a initiative of the Illinois



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Beef Association, and I'd be more than willing to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill: You know, I -- I want to thank Senator Walsh because there was a concern here, and the Beef Association, too, that this was going to take GRF funds. The bill was amended to take away the GRF funding. I'm still not too sure that we really need this - but it did pass out of committee unanimously - because there may not be an -- a reason for it since the Institute will be funded through private grants. But it did pass out of committee unanimously and I -- I stand in support of it.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3036 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 Yes, 2 Members voted No, no Member voted Present. House Bill 3036, having received the required constitutional majority, is declared passed. House Bill 3044. Senator Martinez. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3044.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. House Bill 3044 expands the categories of non-citizens who are eligible to receive public assistance. This bill was on the Agreed Bill List. It came out of committee 9 to 0, and it actually came out of the House 115 to nothing. So I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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Thank you, Mr. President. Very briefly, the bill did come out on the Agreed Bill List. It's a good piece of legislation. I thank the sponsor for her work, and I would encourage the Members on our side of the aisle to pass this bill. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3044 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 Yes, no Members voted No, no Members voted Present. House Bill 3044, having received the required constitutional majority, is declared passed. House Bill 3047. Senator Munoz. House Bill 3049. Senator Collins. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3049.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. House Bill 3049 really replicates Senate Bill 1592. It provides needed technical cleanup to the Illinois affordable housing tax credit, which was signed into law in August, 2001, and the sponsor at that time was Senator Peterson. The legislation simply clarifies the intent of the statute, which will permit the purpose of this initiative to allow private sector contributions to affordable housing developments. I'm open for any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 3049 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? Senator Walsh? Take the record. On that question, there are 58 Members voting Yes, no Members voted No, and no Members voted Present. House Bill 3049, having received the required constitutional majority, is declared passed. House Bill --

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3053. Leave to return to that bill. House Bill 3057. Senator Garrett. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3057.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you -- thank you, Mr. President. House Bill 3057 passed the House unanimously. It passed out of committee unanimously, and it basically is agreed upon by the agencies. It restores courses offered by the Illinois Selected Morticians Association and adds courses offered by the Illinois Cemetery and Funeral Home Association to the list of courses that shall be accepted toward continuing education requirements.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeks recognition. The question is, shall House Bill 3057 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 Yes, no Members voted No, and no Member voted Present. House Bill 3057, having received the required constitutional majority, is declared passed. House Bill 3061. Senator Garrett. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3061.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. House Bill 3061 provides that the -- to promote the General Assembly's intent that the Department of Transportation projects exist in harmony with their surroundings and add value to communities they serve, the Department shall embrace principles of context sensitive design and context sensitive solutions to its projects. It is -- this

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bill is being supported by the Metropolitan Planning Council, Sierra Club, Illinois Citizens Action, Illinois Environmental Council, League of Illinois Bicyclists, PACE, and IDOT is neutral.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Yes, Mr. President. This bill came through our committee. I voted No against it, and -- and I voted No because I don't think the bill does anything. Already the laws and the policies of the Department of Transportation are to look at these types of things. I think this is kind of a feel-good bill that -- that is just a bill that's out there. I'm not even sure if you passed it, what it means, whenever you're done, to live in harmony with the surroundings. I think the -- right now we have landscape architects that work for the Department of Transportation. There are meetings that take place because of policy and law, public meetings. So, I'm not necessarily against the concept. I just don't think this bill does anything.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

Yeah. Thank you. A question to the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR BOMKE:

Senator Righter covered part of it -- Risinger. But could you explain content sensitive design and content sensitive solution?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, what we have experienced in certain areas of Illinois is that when IDOT has a plan, sometimes they have not taken into consideration the input from local communities and neighborhoods. And really what this bill does is ask that IDOT be more sensitive to, for instance, removing trees or putting medians in or how they do their turn lanes. And so, basically,

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it's a way in which - each project is different - that the local communities would have more of a say.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

Doesn't IDOT already have a policy whereby public input is sought from the elected officials? I mean, currently they do that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Well, in many cases, it's not just the elected officials that would like to provide input. Sometimes it's neighborhood organizations. And it really just makes the process much more open and agreeable.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I -- I heard one of the opponents indicate that he was opposed to the bill because it didn't do anything, and I'm afraid that you need more reasons than that to be against a bill. Just want to point that out. Just because a bill doesn't do anything is not a sufficient reason to vote No. You've got to have a lot more reasons than just to say it doesn't do anything, because we have a lot of bills that don't do anything. And I did not use your name in debate, so -- I just want to make a point.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger, you want to respond to that?

SENATOR RISINGER:

Yeah. I would like to respond to that. Being a freshman here in the Senate, I have learned that truly we do have a lot of bills that don't do anything.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett, to close. Senator Garrett, to close.

SENATOR GARRETT:

I just want to say to my colleagues who think this bill doesn't do anything, is that in many areas of the State, it -- this bill is sorely needed. It provides for community and

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neighborhood input, and when you're putting major highways through people's communities, I think that it's important to make sure that there is a process in place that allows for objections and also positive comments to be made. And I urge you to vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3061 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? Could somebody check back at the back row? Thank you. Take the record. On that question, there are 42 Members voting Yes, 16 voted No, and no Member voted Present. House Bill 3061, having received the required constitutional majority, is declared passed. House Bill 3062. Senator Hendon. Read the bill, Ms. Secretary. -- Madam Secretary.

SECRETARY HAWKER:

House Bill 3062.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. House Bill 3062 is our attempt to have DCFS report and track these missing children. We've had a lot of incidents recently where children have been missing from the system, have gone unreported for far too long, and this bill will repair that problem. And I want to thank my cosponsor, Senator Lightford, and others who joined me on this bill. I ask for an Aye vote. I'll be happy to -- answer any questions, if there are.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly rise in support of the bill. There is a serious problem with approximately two hundred wards of DCFS that cannot be located within the system now. Appreciate Senator's -- Hendon's efforts in that. It did come out of Health and Human Services unanimously. I would encourage our Members to vote for it.

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PRESIDING OFFICER: (SENATOR WELCH)

Seeing no further discussion, the question is, shall House Bill 3062 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 Yes, no Member voted no, and no Member is recorded voting Present. House Bill 3062, having received the required constitutional majority, is declared passed. Senator Dave Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR D. SULLIVAN:

Mr. President and Ladies and Gentlemen of the Senate, last time I checked they do allow two Senator Sullivans on the Floor at a time. I'd like to welcome Senator John Sullivan to the Senate up in the gallery.

PRESIDING OFFICER: (SENATOR WELCH)

House Bill 2063 {sic}. Senator Larry Walsh. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3063.

(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. House Bill 3063 amends the Illinois Vehicle Code in regards to brake requirements for boat trailers. Provides that brakes of a boat trailer with a gross weight of over three thousand pounds do not have to be operable by the driver of the towing vehicle from its cab. Adds that the brakes must be designed to ensure that in case of an accidental breakaway of the boat trailer, over five thousand pounds of brake are automatically applied. I'd be willing to answer any questions.

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Is there any discussion? Senator Bomke.

SENATOR BOMKE:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BOMKE:

What -- what are we accomplishing here? How does it work, Larry?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Well, thank you, Senator, for that question. This legislation come to us from a -- a -- a manufacturer of boat trailers and brakes for -- in -- in our district. And under current law, it says that the -- that the boat trailer -- if you hook up a boat trailer, three thousand pounds, that you have to have a manual applied brake. It -- basically you -- you make a mechanism that you stick into the cab of your car or your truck that you manually apply. What they are requiring is, is that a lot of people have shied away from putting the brakes in. They don't want to put 'em in their vehicle. So they have asked that -- that automatic brakes - automatic pressure brakes, basically - be applied -- or, be used on these boat trailers instead of a hand-operated brake.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

So -- so, do I understand that it's an automatic brake? You step on the brake, it automatically slows the trailer down? You indicated something about if the trailer breaks loose.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Yes. If the trailer breaks loose, there's an automatic mechanism that -- that makes the -- the brake apply itself on the trailer, on the trailer itself.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator Walsh, to close. The question is, shall House Bill 3063 pass. All those in



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favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Members voting Yes, no Members voted No, and no Member voted Present. House Bill 3063, having received the required constitutional majority, is declared passed. House Bill 3072. Senator del Valle. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3072.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill creates the Class 1 felony offense of the use of a dangerous place for the commission of a controlled substance or cannabis offense and provides that a person commits the offense if the person knowingly exercises control over a place with the intent to commit a specified controlled substance or cannabis offense or the place presents a substantial risk of injury from fire. This addresses the number of meth labs that have been put together and -- the growing number. We went from four in 1997 to a hundred and fifty-five in 2001. This gives law enforcement just one more tool to work with.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 3072 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 Yes, no Member voted No, and no Member voted Present. House Bill 3072, having received the required constitutional majority, is declared passed. House Bill 3079. Senator Halvorson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3079.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. House Bill 3079 is similar to 496 that we passed out of here 56 to nothing. What it says is, if a township assessor has served twelve years or more and has -- possesses a Certified Illinois Assessing Official certificate from the Illinois Property Assessment Institute, they don't have to take any additional hours. What's happening, after the three hundred and sixty hours, there's no new classes to take. Everything has been taken already. So unless something new comes up, this bill allows them not to have to retake classes.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President. This bill passed out of Local Government unanimously, and I would recommend a unanimous roll call on the Floor. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3079 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 Yes, no Member voted No, and no Member voted Present. House Bill 3079, having received the required constitutional majority, is declared passed. House Bill 3080. Senator Halvorson. Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

Thank you, Mr. President. I would like to have the record reflect that I am voting Yes on -- on House Bill 3062.

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect, Senator Martinez. House Bill 3082. Senator Lightford. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3082.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Members of the General Assembly. House Bill 3082, the intention of this bill is to allow the Illinois Department of Labor to consider State labor contracts as a factor when setting the prevailing wage rates. This is the bill's most important provision. I'd like to expand if needed. I'll be happy to answer questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

I would just rise in opposition, Mr. President, to this legislation, as it could cause rates to go up. So, I would ask my side of the aisle to vote No. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill, just to sort of echo what Senator Wojcik said and elaborate on it slightly: There's no way that under this -- this initiative, that rates will go down. If you factor in the AFSCME rates, right now AFSCME is going to get a four-percent pay increase when the private sector is nowhere keeping pace with that. So, the net effect of this is going to be an escalation of costs, further burden on the taxpayers, rather than the other way around. And I want to echo Senator Wojcik's urging of a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, Senator Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Mr. President. Let me just share with you that the reason this bill came about was to set the prevailing wage for -- privatization of prison workers because there was no comparable workers in the private sector, and the Department was prohibited from considering State labor contracts so the prevailing wage was based on pay at fast-food restaurants. And this is not comparable to prison industry and prison workers. So this bill does not mandate that the prevailing wage will

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equal the State wage. It only allows the Illinois Department of Labor to include State labor contracts as a factor when setting a prevailing wage. It also expands -- or, extends the prevailing wage to include groundskeepers and related titles. So, I -- I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3082 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Members voting Yes, 18 Members voted No, no Member voted Present. House Bill 3082, having received the required constitutional majority, is declared passed. House Bill 3086. Senator Meeks. Read the bill, Madam Secretary. Excuse me. Take the bill out of the record, Madam Secretary. House Bill 3088. Senator Woolard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3088.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is exactly the same as Senate Bill 1403 that passed out of here unanimously, is setting in the House and probably won't see the light of day, but we're certainly proud to sponsor this. Senator Cronin worked with me on this bill before. This takes the duplicative ISBE/IBHE regulating authority away and only gives it to one.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 3088 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 Yes, no Member voted no, no Member voted Present. House Bill 3088, having received the required constitutional majority, is

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declared passed. House Bill 3091. Senator Roskam. House Bill 3095. Senator Crotty. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3095.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3095 clarifies two points in the emergency evacuation plan for people with -- disabilities. First, that an evacuation plan must be established even if the owner has not been notified the need for evacuation assistance by a disabled occupant. And second, it provides that the building owner must provide for -- rather than the plan, must provide for the means to notify the occupants of the building that the owner maintains a list identifying persons with a disability in need of the evacuation. This bill, I think, was placed on the Agreed Bill List. So, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 3095 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 Yes, no Member voted No, no Member voted Present. House Bill 3095, having received the required constitutional majority, is declared passed. House Bill 3101. Senator Link. House Bill 3106. Senator Rutherford. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

I don't think this is military personnel.

PRESIDING OFFICER: (SENATOR WELCH)

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3106? Senator, we're going to come back to that. The file jacket was sent upstairs, and when it returns, we will call on you. About what? Senator Rutherford.

SENATOR RUTHERFORD:

Explain to me about my jacket. Now, what happened to my jacket?

PRESIDING OFFICER: (SENATOR WELCH)

It's been sent out.

SENATOR RUTHERFORD:

Up where? And when will I get it back?

PRESIDING OFFICER: (SENATOR WELCH)

It's on the fourth Floor. It'll be returned soon.

SENATOR RUTHERFORD:

Will I get it back?

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR RUTHERFORD:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

It's a matching jacket. House Bill 3141. Senator Viverito. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3141.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President, Members of the Senate. Amends the Military Leave of Absence, and it -- what it does, it allows the local governments and school districts to be granted leave. Came out of the House 113 to nothing. I want to thank Chapa LaVia for her hard work, and Barack Obama. I appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeks recognition. The question is, shall House Bill 3141 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

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wish? Take the record. On that question, there are 57 Members voting Yes, no Member voted No, and no Member voted Present. House Bill 3141, having received the required constitutional majority, is declared passed. House Bill 3142. Senator Harmon. House Bill 3183. Senator Clayborne. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3183.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. House Bill 3183 is a clean-up bill by the State Universities Retirement System. It just makes several administrative and technical changes. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeks recognition. The question is, shall House Bill 3183 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 Yes, no Member voted No, no Member voted Present. House Bill 3183, having received the required constitutional majority, is declared passed. With leave of the Body, we would like to return to House Bill 3106, Senator Rutherford's bill. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, it's nice to be back. Thank you all. This bill would exempt any individual from the penalties under the Vehicle Code for knowingly replacing a manufacturer's identification tag when they're repairing an automobile. Very

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simply, what it does: If somebody has their automobile wrecked and a repairman repairs it and he puts in a new ID tag, if he did it under the old law, he would be in violation. So we're going to change it so he won't be. The amendment we put on earlier today, then, would also require that the owner then notify the State Police so they can do the inspection shortly thereafter. And I'd appreciate a favorable roll call, please.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Larry Woolard.

SENATOR WOOLARD:

Thank you, Mr. President. You know, I -- I believe I heard someone from the other side of the aisle a few minutes ago say that their agenda was complete, and I would assume that this means that since Senator Rutherford was on this side when this bill called, that there's confusion as to where he belongs. If, in fact, that is what this is about, we're not sure we want him; but if he wants to apply to be a part of this caucus, we'll give consideration.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

Well, I -- if the jacket fits, wear it, or something like that, I guess. I'd be honored. I can tell you that. I'd be honored. My -- my family heritage has been from the Democrat side of the aisle and I'm very, very proud of my grandpa and his role with the Democratic Party, but as I grew up, matured, became enlightened, made my own decisions, I had the opportunity to see what was right, for good in America and Illinois. I'm going to stay on this side of the aisle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Senator Woolard, I -- I think what Senator Rutherford figured out is that if he wanted his bill called, he had to show up over there and then they -- they mistakenly thought he was on that side of the aisle and called his bill. So, he -- he's figured out the system.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.



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SENATOR WOOLARD:

Since my name was used in debate, I'll continue. You know, I -- I -- I really was confused when I heard Senator Watson make the comment while ago that his two good guys had presented their bills and successfully passed them. And now, you know, we're trying to bring into the play another Republican bill, and -- and, you know, we're not even into the second hour of this General Assembly today. So, this is quite a record. I -- I'm -- I'm -- I'm kind of appalled.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

Could you hold on one second?

SENATOR BOMKE:

Sure.

PRESIDING OFFICER: (SENATOR WELCH)

There any further discussion? If not, the question is, shall House Bill 3106 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 Yes, no Member voted No, and no Member voted Present. House Bill 3106, having received the required constitutional majority, is declared passed. Senator Bomke, what purpose do you rise?

SENATOR BOMKE:

Thank you. It has nothing to do with Senator Rutherford's jacket; although, he might want to get another one. New Berlin High School is here today. Ron Talmant, the teacher. They're up in the gallery behind the Republicans. Would you help me welcome..

PRESIDING OFFICER: (SENATOR WELCH)

Please stand and be recognized. Welcome to Springfield. Thanks for coming. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Mr. President, I -- I would ask that the -- the Chair note my Aye vote on Senate {sic} Bill 3082. I was off the Floor for a few minutes.

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PRESIDING OFFICER: (SENATOR WELCH)

The record will reflect that you were unable to vote and you wanted to vote Aye.

SENATOR HAINE:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Senator Haine.

SENATOR HAINE:

Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

On page 71. Middle of the page. House Bill 3142. Senator Harmon. House Bill 3206 {sic}. Senator John Sullivan. 3209. Senator John Sullivan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3209.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. House Bill 3209 creates the Small Business Advisory Act. Would -- requires the State agencies to create and make available on the World Wide Web a small business advisory page. This webpage would have a plain language explanation of proposed and adopted rules and legislation affecting small businesses. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR WOJCIK:

Senator, could you tell me if the name of the agency has been changed in your bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

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It has been changed. You're referring to DCCA. Is that correct, Senator? It's been changed to the Department of Commerce and Economic Opportunity.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wojcik.

SENATOR WOJCIK:

Your -- your bill is kind of a clean-up bill compared to my bill because you've got the correct department language in there.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

I'd say that's correct, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wojcik.

SENATOR WOJCIK:

Now, when this bill gets to the Governor's desk, whose -- whose bill do you think he's going to sign, yours or mine?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR J. SULLIVAN:

Senator, I don't know, but I'm sure that he'll look at both bills closely.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wojcik.

SENATOR WOJCIK:

I think it's a fine bill, and I think they had two fine sponsors out of the Senate carrying this type of legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Carol Ronen.

SENATOR RONEN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR RONEN:

Senator Sullivan, for the purposes of intent, I want to ask you a question. If a State agency that already has a website

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with the information you indicated, would they have to create brand new ones at additional costs and labor?

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you, Senator. This legislation does not mandate the creation and -- implementation of brand-new websites if a State agency has an existing website that currently lists all the requested information affecting small business as defined in House Bill 3209/Senate Bill 1133.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator John Sullivan, to close.

SENATOR J. SULLIVAN:

Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3209 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 Yes, no Member voted No, no Member voted Present. House Bill 3209, having received the required constitutional majority, is declared passed. House Bill 3215. Senator Haine. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3215.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

This is a bill which assists a State's Attorney in proving reckless homicide in a case in which a driver recklessly drives through a construction zone. It was changed from the House because of a Supreme Court case rendering the House language ineffective, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeks recognition. The question is, shall House Bill 3215 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Members voting Yes, no Member voted No, and no Member voted Present. House Bill 3215, having received the required constitutional majority, is declared passed. House Bill 3229. Senator Ronen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3229.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR WELCH)

Senator Carol Ronen.

SENATOR RONEN:

Thank you, Mr. President, Members of the -- of the Senate. This bill establishes a lead poisoning advisory council. The number of lead-poisoned children in Illinois, as we all know, is among the highest in the nation. It's a -- it's -- the effects of lead-based paint poisoning are devastating but they are entirely preventable, and this task force will bring together experts to advise the Department of Public Health on how to prevent this scourge. I would ask my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I just rise in support of the legislation. It did pass out of Health and Human Services unanimously and would urge Members on my side of the aisle to vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3229 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 Yes, no Member voted No, no Member voted Present. House Bill 3229, having received the required constitutional majority, is declared passed. Top of page 72. House Bill 3274. Senator Hendon. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3274.

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(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President, Members of the Senate. This bill deals with our General Assembly scholarships that each legislator has the right under the law to give out to worthy students, and it simply allows you now - I'm giving you more power and authority - you can use any university that you'd like for those scholarships. I appreciate an Aye vote. I'll be happy to answer any questions, if there are.

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 Roskam.

SENATOR ROSKAM:

Senator Hendon, did we discuss some amendments in committee? I'm not recalling. I thought that there was some discussion about broadening this or allowing U of I -- are those amendments on it, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, what we did was make sure that the scholarships can go either way. So you could use all of 'em at U of I, or you could use 'em all at any other universities. So, the amendment wasn't -- we -- we kind of -- briefly discussed it, but we determined it really wasn't necessary, as long as we made it clear in the legislative intent today that you could use the scholarships either way. So, it doesn't penalize any school.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Roskam.

SENATOR ROSKAM:

Senator, did we amend the bill after the Executive Committee? I -- I don't have the -- the status in front of me. It would seem to me that that's -- that's something I think we

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would need to do in order to accomplish your intent. I'm not sure that just your declaration of your -- your intent on the Floor would -- would satisfy that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

No, we -- it was clear in committee that we -- we didn't need the amendment. No one said that we had to have the amendment. I did check with Leadership and the lawyers, and they said the way it's drafted, you could -- you could go either way right now without the amendment. So, they can use 'em at U of I, they could use 'em at Illinois State, they could use 'em at Southern. They don't have to use 'em at the University. They could go either way.

PRESIDING OFFICER: (SENATOR WELCH)

Senate -- any further discussion? Seeing none, Senator Hendon, to close. The question is, shall House Bill 3274 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 Yes, 2 Members voted No, no Member voted Present. House Bill 3274, having received the required constitutional majority, is declared passed. Senator Halvorson, for what purpose do you rise?

SENATOR HALVORSON:

On the next bill.

PRESIDING OFFICER: (SENATOR WELCH)

House Bill 3285. Senator Halvorson. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3285.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. House Bill 3285 creates the Gender-Neutral Statutes Commission Act. This is an initiative of the Women's Bar Association and they

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would like the Commission, which would consist of one member appointed by each of the Legislative Leaders, to direct and do a study on the fiscal impact and consequences of undertaking a comprehensive effort to make the Illinois Compiled {sic} Statutes gender-neutral. The bill just directs the Commission to report its findings by January 15th of 2004.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 3285 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 Yes, no Member voted No, no Member voted Present. House Bill 3285, having received the required constitutional majority, is declared passed. House Bill 3313. Senator Schoenberg. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3313 establishes that the Bureau of the Budget -- the -- that the Budget Office would go to performance-based budgeting effective 2007. The bill lays out a chronology and -- and -- for establishing the performance-based standards. There's no opposition to this bill, and it's designed to ensure that we're getting the best return on State investment.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeks recognition. The question is, shall House Bill 3313 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 Yes, no Member voted No, no Member voted Present. House Bill 3313, having received the required constitutional majority, is



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declared passed. House Bill 3316. Senator Hendon. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3316.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. House Bill 3316 is an attempt by me and the esteemed Senator, Senator Obama, to get at the problem of ex-felons, where they can't get jobs, and it says simply that DHS may come up with a program that will help find employment opportunities for ex-felons so we can keep the recidivism rate down, keep 'em out of the penitentiary, where we end up paying more money to house them in jail than we could get if we could taxes out of 'em if they have good jobs. There -- it's supported by Chicago Coalition of the Homeless, National Center for Poverty Law, Safer Foundation and others, and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any...

SENATOR HENDON:

I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RIGHTER:

Senator Hendon, I -- when the bill came up, I took a look at the board up there and the title up there is "Jobs for Ex-Offenders" and I wanted to make sure, first, that that wasn't -- that's a -- that's a -- whether that's a typo. That's not supposed to be jobs for sex offenders, or if that's ex-cons or something like that. Just for Members on my side of the aisle maybe, if you could -- if you could walk through basically who's

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going to be affected by this program, what they need to do to be part of it and issues like that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, Senator, we've only been down here two days, so that other issue hasn't come up yet, so it is ex-offenders.

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SENATOR HENDON:

And...(microphone cutoff)...for jobs for ex-offenders, ex-felons, people who've got out of jail, regardless of the crime.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator, is there a fiscal impact to the Department of Corrections on this and, if so, how much is it, and beyond that, is it provided for in the Governor's proposed budget?

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Hendon.

SENATOR HENDON:

Crotty? I'm dark hair; she's red hair. Oh, okay. Okay. Well, the Governor's budget is -- I'm still trying to unravel that mystery. Senator Demuzio said it was a good line. I used it last week. Unfortunately, I have to return to it, so I cannot say, in all honesty, that it's in the Governor's budget. It's not -- there was no fiscal notes attached. Total cost for this bill is dependent on the scope of the program and the numbers served, and it's up to them to provide the program and determine the number that they will serve.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

How -- who -- who -- how does the State support these individuals? I mean, are we writing a check to these people or are we writing a check to an employer to hire them? I mean, can you -- can you step through just the very basics of it for me, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Trotter -- I mean, Senator Hendon.

SENATOR HENDON:

Crotty. Trotter. Okay. I guess I have to really stand out, push my own personality a little stronger, huh?

PRESIDING OFFICER: (SENATOR WELCH)

Can't see...

SENATOR HENDON:

The -- the program is to be designed by DHS. So, they haven't determined -- that hasn't been determined as of yet. But, no, we won't just give them a check or we won't just give a check to the employer. The Department will work up a program and then we will go from there. This does not force them to design the program in any particular way. It's just suggestive that they come up with a program because we know that it's needed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

I -- I guess I'm still having an -- a difficulty understanding, Senator. Is -- is this encouraging an employer to hire someone who's gotten out of prison, and if that's the case, how is the State supporting that individual or the employer?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, this simply would have the Department of Human Services establish a program. We're asking them to establish the program. I am not dictating to them what the program should be. We're simply saying that there should be a program, that they need to establish a program. It is subject to appropriations, and they will come up with a -- a design for the program. I have spoken with the Department and they seem to feel that they can come up with a program. I didn't want to dictate to them or make it a mandate. We want them to design the program. If they want to encourage employers in some kind of way, that'd be up to the Department.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

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Last question, Mr. President. Thank you. Senator, I notice in the legislation it says that we are requiring to -- to establish the pilot program in two locations. Can you tell me if you've had any discussion with the Departments? Do we know where those two locations might be?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, originally, Senator, when the bill came over from the House, one of my Representatives was the sponsor of the bill and he wanted the program in North Lawndale, where the recidivism rate is the highest in the State, but we decided that that was not -- to -- to designate a particular area was not in the best interest of the State. We would like for one to be where the -- where the problem is greatest, but we're going to leave that up to the Department.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

To the bill. I -- I stand up in strong support of this legislation. I've had the opportunity to work with different groups to enact such a program. And the reason why this is important is that when people are in jail, they don't have the training, they don't know how to interview, they don't know how to put resumes together, and there's really no organization that is able to help. And this is a very important piece legislation. I would also ask the sponsor that if this does get signed into law, that maybe we can work with the Department of Corrections to ask them to do more for these people that are in jail.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR GEO-KARIS:

Do I understand correctly that your bill would include sex offenders, S-E-X?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Hendon.

SENATOR HENDON:

Yes, it would include any ex-offender. We didn't -- we didn't single out any particular crime.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I seldom vote against a bill of my good colleague who's sponsoring this one, but sex offenders bothers me. I cannot, in good conscience, support a bill like this unless they are excluded. When people commit various sexual -- acts against children and other people, it bothers me, and I -- I am sorry I cannot help you on this one. And although I am in sympathy with your thoughts, I cannot vote for your bill. I'm going to vote Present.

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 ROSKAM:

Senator Hendon, our analysis says that the cost of the program would actually be ten thousand dollars per program slot, which would cover wages, taxes, social work and administration. That's apparently coming from the House analysis on the bill. Is that your understanding of how much it would cost?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, first, I want to -- if I can, I have to say that, Senator Geo-Karis, you -- you have simply broken my heart. I -- I -- I just don't know what I'm going to do without you, darling. I -- I -- I -- I'm befuddled. I -- I can't go on. I can't go on without you. I don't know. I don't know what I'm going to do. But I'm not going to take it out of the record. I just won't have my beautiful queen on -- on this particular bill. I don't -- that is not my understanding. There are

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programs similar to this that cost that kind of money. That's not what we're looking to do. It is subject to appropriations. That's not my understanding at all, that it will cost ten thousand dollars. What we're attempting to do -- even with the sex offenders, you -- you can't assume that all of them are guilty. Some of 'em may be; some of 'em may not be. We're simply trying to say that if you don't give ex-felons an opportunity, they will go back to crime, they will go back to the penitentiary. We are paying forty thousand dollars to -- keep them right now. So why not give them the opportunity to get a job? We won't save them all. We won't turn around 'em all. But if we could save a few, if we could save some, if we could turn some of 'em a life away from crime, then the State of Illinois will have done a good thing.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

To the bill, Mr. President. I have -- our staff has handed me, actually, the fact sheet, Senator, on -- that are -- that has been published by the proponents of the bill. One of the proponents is the Heartland Alliance and this is their sheet. According to their language, they say, "A program slot for transitional jobs costs approximately ten thousand dollars." So, the ten -- I mean, think about that number. Ten thousand dollars we're going to be paying for one job. So we're going to -- we're going to hire some staff member who's going to work for some governmental agency, and their job throughout the entire year -- let's say we pay 'em fifty thousand bucks. And they're whole job is going to be to -- to place five people? That doesn't seem like a very good deal to me. This is one of these bills where I -- I think we really need to take a second look at. I want to affiliate myself with Senator Geo-Karis's remarks and urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you -- thank you, Mr. President. I rise in support of this legislation. There are member -- members of the community that have served time for various crimes. I'm opposed

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to sex offenders as well, Geo-Karis, but that doesn't mean that they have to stop living, that doesn't mean that they have to stop providing for themselves and their families when they are on the outside of the prison system. I'd like to also further comment on Senator Roskam bringing up this ten thousand -- number ten thousand. But if you further read in your records, the cost is comparable to the amount that we use for disabled workers. So, let's not make a big deal out of that figure and just read into your -- your scope here a little bit further. I rise in support of this legislation. I think it's something that we need to do. If we do not assist ex-offenders, they will continue to return to the system. The recidivism rate is extremely high and we're paying more with the Illinois Department of Corrections.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. I rise in support of this bill. I've worked -- I personally have worked with the criminal justice population, male and females, for the past fifteen years. Believe it or not, these are some hardworking individuals who somewhere in their lives made a wrong turn. You know, these people have -- they're smart. They need a second chance. You know, they need a second chance the same as each one of us who may have had some kind of problems in our lives. And if we do not speak up for them, no one else will. These individuals are parents. They have families that they must care for. And if we do not help them get back on the right track once again, then they're going to become -- they're going to recycle through the system all over again. So, I vote in support of this bill, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you. Senator -- Senator Soden. Senator Soden.

SENATOR SODEN:

Am I on the air?

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR SODEN:

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Okay. With unemployment at a six-percent set right now, what are we doing for the people -- the law-abiding citizens to find them jobs?

PRESIDING OFFICER: (SENATOR WELCH)

I think that was a point, not a question. Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. To the bill. I just want to make a -- a couple of brief observations. Number one, to reiterate this bill is subject to appropriations. It may turn out that, in fact, the Department cannot find the money appropriately this year, but it does enable them to potentially set up two pilot programs. That's point number one. Point number two is, although the costs of these programs may end up being ten thousand per slot, I want us to note that given the recidivism rate, there is a high likelihood that if these -- these ex-offenders do not have jobs, they potentially end up back in prison. That cost will end up being anywhere from sixteen thousand to -- to twenty thousand per slot. So, I think it's important to recognize that there are costs associated with these individuals not being employed. Final point is that I think -- although I'm sensitive to the issue of sex offenders, we're all always sensitive to sex offenders. Senator Geo-Karis, I think it's important to point out not all persons who -- who fall under the sex offender category or -- are pedophiles or child molesters. Some -- it may be that there is an assault situation for a eighteen-year-old or a nineteen-year-old. They've now been out five, six years, have no marketable skills whatsoever. We need, as a society, to think about how we're going to employ them. And this is my final point: These are transitional jobs. The objective is not to provide a full-time make-work job for these individuals forever. The idea is to give them a potential foothold into the job market because they're more difficult to employ than law-abiding citizens, and for good reason. People look at them and they say they've got a felony record, they have no skills. Many of them are illiterate. And if it's -- if we're not able to provide them with some foothold into the job market, then it's very difficult for us, over the long term, to anticipate that they're going to be able



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to find jobs in the future. For that reason, I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon, Senator Soden was asking a question. Do you want him to repeat the question or can you answer it without him repeating it?

SENATOR HENDON:

I'll -- I'll answer the question. I remember the question. Senator Soden, I'm doing as much as I can for the unemployed in my district, and unfortunately for me, I have one of the highest unemployment rates in the State of Illinois within my district. So, I understand unemployment and poverty firsthand. I live with it every day. I also have the largest number of ex-offenders coming back into my community. So I have to live with that reality every day. This is subject to appropriation. This is not mandatory. If the Department does not want to do it or does not want to give jobs to sex offenders or want to single out any particular category of crime, they can do so. But I do want to point this out to everyone: When these young men and women get out of jail and come back into our communities, if they can't get jobs, what do you think they're going to do? They're going to stick up the suits and ties and -- and the grandmothers and the -- the people that they see coming from the grocery store so that they can live. We're simply trying to save some of those who want the opportunity to get a job and live a productive life. We're spending forty thousand, twenty-six, you name it thousand -- I think it's forty thousand to house these people right now, and all we're trying to do is give them an opportunity to get a job - not all of 'em, just some of 'em. And it is subject to appropriation so we're not -- if the Department doesn't have the money or does not want to do it, they don't have to.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

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Previous question having been moved, there are three individuals seeking recognition. Senator Soden.

SENATOR SODEN:

My original question still goes unanswered. Again, the law-abiding citizen - I'd like to know what programs we have to promote businesses to hire people that are law-abiding. Now, if there were jobs out there that were created, we wouldn't have these people out on the street doing what they do to get incarcerated so that they'd have to be supported by this program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Senator Soden, I have personally marched on construction sites and shut them down in my younger days, when I was a little crazier than I am right now. I have laid out on the expressway and stopped construction going on in my community to get these young people jobs. I've done a lot of crazy things. I've climbed up on top of a building to get people jobs in my community. So, I have fought very hard to get those people jobs in my community who have not been to the penitentiary and -- so that they won't end up going there. But there's a reality that a lot of people end up there anyway. And there's another reality that they're going to get out, and when they get out, we better give them an opportunity to do something positive or they will be back out there doing something negative, crime rate going up, people being murdered, people being robbed. We need to change this system and this is just an attempt to do that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dave Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR D. SULLIVAN:

Thank you. Senator, last week we put a lot of small phone company employees out of business. Will this bill help them get jobs?

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Yes. And let me point this out. This came out of committee with a unanimous vote, 10 to nothing. 10 to zip. It came out of the House 115 to 1. Why we're spending this much time debating it today is -- is a mystery to me, but I appreciate an Aye vote. We do need to do something for these people who are struggling to...

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SENATOR HENDON:

...turn their lives around, not that all of 'em are going to -- not that we can save every life, but we need to save as many as we -- as we can. Let's do the right, moral, Christian thing to do and vote Aye on this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon, thank you for closing, but Senator Haine has a question or a statement.

SENATOR HAINE:

I beg -- Mr. President, I'd like to speak to the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Proceed.

SENATOR HAINE:

Mr. President, Ladies and Gentlemen of the Senate, we participated, as State's Attorney, in a similar program that was in the St. Louis Metropolitan area to assist those convicted of felonies in reestablishing a work ethic and a law-abiding ethic. It seemed to work very well. It didn't cost very much money. I'm going to vote for this because I don't see that it needs to cost any money. There are private agencies out there, one of which ran this program in St. Louis County, and there are -- there are many such agencies around the State - Chuck Colson, to name one, the prison ministries. They all can work at this with DOC. It doesn't cost -- doesn't need to cost any money. In fact, I agree. I don't think we should be spending money on this if we're having difficulty funding schools and hospitals. But the idea's a good idea. There isn't anything wrong with it. There are salvageable people being released from prisons and we

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should do what we can to salvage them. They're human beings and some of them turn out very well. Some of them may be elected to this Body some day. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon, do you wish to close for a second time?

SENATOR HENDON:

Yes. I'll -- I'll have to close. I do want to say that this is supported by Chicago Connections, the National Center on Poverty Law, Safer Foundation, Heartland Alliance for Human Needs and Human Rights, and the Attorney General. I urge all my colleagues on this side of the aisle and my friends on that side of the aisle, give Rickey Hendon a vote today. I need this vote. I'd appreciate an Aye vote, and I will not forget. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3316 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 34 Members voting Yes, 23 Members voting No, 1 Member voted Present. House Bill 3316, having received the required constitutional majority, is declared passed. With leave, we'll return to House Bill 2321 {sic} at a later time. Leave is granted. House Bill 3387. Senator Obama. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3387.

(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 deals with the "probationability" of methadone -- excuse me, methamphetamine production, and the -- the bill basically says the defendant shall not be granted probation, periodic imprisonment or conditional discharge for second or subsequent offenses. I know of no opposition. I'd ask for an affirmative roll call.

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PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeks recognition. The question is, shall House Bill 3387 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 Yes, no Member voted No, no Member voted Present. House Bill 3387, having received the required constitutional majority, is declared passed. House Bill 3396. Senator Sandoval. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3396.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sandoval.

SENATOR SANDOVAL:

Yes, Mr. President, Members of the Senate, this is a bill that amends the Illinois Public Labor Relations Act. It is a technical change to the bill {sic}. Basically it declares that a labor organization shall be designated as an exclusive representative by a public employer provided the labor organization represents a majority of the public employees in an appropriate unit. This bill changes the word "may" to "shall" so that an educational employer shall voluntarily recognize a labor organization for collective bargaining purposes if that organization appears to represent a majority of employees in the unit. This bill adds that any dispute regarding the majority status of the labor organization shall be resolved by the Board which shall make the determination of the -- majority status. Again -- once again, this bill is a technical change. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

Thank you, Mr. President and Members of the Senate. I rise in opposition to this legislation. House Bill 3396 would allow the Board to certify a union without an election. That is far more than a technical change. So I think that we should look at

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this bill and we should look at it very closely, that we are not going to be allowed to have an election. So I would ask for a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: It -- it's not a technical change, for the benefit of the Members on this side of the aisle, and the -- the language from "may" to "shall" is cavernous. I mean, the -- the -- the difference between the two words couldn't be larger. What this will do is allow -- really take away a right that's inherent in the current labor structure in Illinois, and that is the sanctity of a secret ballot. If this bill is enacted, that secret ballot is no more. And while some might consider the -- characterization of technical as parsing of words, you know that the difference between "may" and "shall" could not be greater. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR SANDOVAL:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3396 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 33 {sic} Members voting Yes, 24 Members voted No, 3 Members voted Present. House Bill 3396, having received the required constitutional majority, is declared passed. Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

I'd request a verification, Mr. -- Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

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

ACTING SECRETARY HARRY:

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The following voted in the affirmative: Bomke, Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, J. Jones, Lightford, Link, Maloney, Martinez, Meeks, Obama, Ronen, Sandoval, Shadid, Sieben, Silverstein, Trotter, Walsh, Welch, Woolard, and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR ROSKAM:

Yes. Senator Sieben.

PRESIDING OFFICER: (SENATOR WELCH)

Is Senator Sieben on the Floor? Would you please check the telephone booth back there? Senator Sieben? Mr. Secretary, strike his name. Senator Roskam, do you request -- question the...

SENATOR ROSKAM:

Senator John O. Jones.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John O. Jones. Could you please check the telephone booth back there? Did you check it? Okay. Thank you. Please strike Senator Jones. Do you question the presence of any other Member?

SENATOR ROSKAM:

No.

PRESIDING OFFICER: (SENATOR WELCH)

...a verified roll call, there are 29 Members voting Yes, 24 Members voting No, and 3 Members voting Present. House Bill 3396, having failed to received the required constitutional majority, is declared lost. Senator Sandoval.

SENATOR SANDOVAL:

I'd like to defer, Mr. President, to Senator Viverito.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, we do not have explanation of votes in the Senate. That is a House system. We do not have it here.

SENATOR SANDOVAL:

I ask for Postponed Consideration, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

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Postponed Consideration is requested and granted. House Bill 3402. Senator Harmon. House Bill 3405. Senator Meeks. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3405.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

Thank you so much, Mr. President. This is simply a technical bill to correct a flaw of Senate Bill 912. This bill passed last fall to take care of the Hazel Crest School District; however, the language to define school finance authority as employer was accidentally left out of Senate Bill 912. This is a bill that relates to the Hazel Crest School District only, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

Yes, Mr. President. In view of the problems that the Hazel Crest School is facing these days, I rise in support of this legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LINK:

Senator Meeks, isn't it true that you brought this amendment to serve as a clean-up language for Senate Bill -- 912 passed last fall which established the school finance authority?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

Yes -- yes, Senator, that's correct.

PRESIDING OFFICER: (SENATOR WELCH)



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Senator Link.

SENATOR LINK:

Senator Meeks, doesn't this clean-up amendment simply clarify the language that already gives the general exemption from the State law for this district?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

That's also correct, Senator. Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

One last question. Isn't it true that this amendment assures that Hazel Crest District is able to repay its loan for -- from the State?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

Yes, Senator. Without this it's possible that Hazel Crest could be exempt from paying it back and we want to make sure that they're able to pay it back.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

I would -- I would just respectfully ask that -- is this the school district where they had passed the referendum and then the school board did not implement that? Is -- is that the same?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

No, this is not that school district.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

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Are -- are -- may I clarify my question?

PRESIDING OFFICER: (SENATOR WELCH)

Certainly.

SENATOR LAUZEN:

Okay. I remember at the end of last Session, we had a school district that came to the Appropriations Committee to -- for a bailout, and I remember listening with some disbelief that the voters had approved a referendum and then the school board refused to implement the -- you know, that referendum and that extra tax. And I thought that it was Hazel Crest, but I may be mistaken.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

Actually, Senator, I think at one point they thought that they were not going to have a school district. And so once it was determined that they would, then they changed on it, and they planned on paying the 4.5 million dollars back. As a matter of fact, that's the reason we need this particular piece of legislation, plus the referendum, because without it, they would be exempt from it, in a sense. We want to make sure that they pay it back as promised.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator Meeks, I think there's just some confusion on this side of the aisle. Let me try and explain the bill as I understand it. You can tell me if I'm right. You can say "you're right." If I'm wrong, please tell me. My understanding is that what you're doing is -- is going back to the Hazel Crest

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question and clearing up an ambiguity right now. Right now Hazel Crest has an obligation to repay 4.5 million dollars to the State of Illinois, but the ambiguity is about the money that they can use to repay that loan. And what your bill says is that they can -- it's not subject to the tax cap and that it does not require a referendum and that the Hazel -- Hazel Crest School District has an obligation to repay the loan. Is that a fair characterization?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

Yes. They are going to pay for it, yes.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? Senator Meeks, to close.

SENATOR MEEKS:

I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3405 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Yes, no Members voted No, 3 Members voted Present. House Bill 3405, having received the required constitutional majority, is declared passed. Senator Viverito, for what purpose do you rise?

SENATOR VIVERITO:

Mr. President, I accidentally hit a No on House Bill 3082. I intend, when it's called back, to vote Yes. Please record me.

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect. Senator Viverito.

SENATOR VIVERITO:

3396 is what I meant. I was confused. 3396. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, the record will reflect your intention but it will not change the outcome of the vote. House Bill 3407. Senator Sieben. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3407.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. Ladies and Gentlemen of the Senate, this legislation amends our Restricted Call Registry Act which we passed last year and the Governor signed into law last August. It's in response to action at the federal government level that has now established a Federal Trade Commission no call registry list. It will allow Illinois consumers to sign up on that list for free, negating the requirement for our Commerce Commission here in Illinois to maintain a restricted call registry list. Also, it'll move the date from July 1st to October 1st by which consumers can receive protection from unwanted and unsolicited telemarketing calls. I know of no opposition. I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? No Member seeking recognition, the question is, shall House Bill 3407 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 Yes, no Members voted No, and no Member voted Present. House Bill 3407, having received the required constitutional majority, is declared passed. House Bill 3411. Senator Haine. House Bill 3440. Senator Obama. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3440.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. I just want to confirm that we're on this bill, as opposed to Senator Haine's bill.

PRESIDING OFFICER: (SENATOR WELCH)

Mr. Secretary, 3440. 3440.

SENATOR OBAMA:

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Just want to make sure.

PRESIDING OFFICER: (SENATOR WELCH)

Yeah. Keep going. Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This bill would declare that facilities licensed under the Life Care Facilities Act and the Nursing Home Care Act must document evidence of vaccination for influenza, so their flu vaccines, for each resident age 65 and over be completed by November 30th of each year. Residents admitted after November 30th and until February 1st must receive an influenza vaccination before being admitted. This applies when the vaccination is medically appropriate -- excuse me, and not refused by the resident. It's supported by the AARP, Association of Illinois Senior Centers and others. I know of no opposition. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly, I rise in support of the legislation. It passed unanimously out of the Health and Human Services Committee, and I would urge an Aye vote as well.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3440 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 Yes, no Member voted No, no Member voted Present. House Bill 3440, having received the required constitutional majority, is declared passed. House Bill 3445. Senator Obama. House Bill 3468. Senator Cullerton. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3468.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

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Yes. Thank you, Mr. President, Members of the Senate. This bill is a modernization of the Illinois Antitrust Act. It's been supported by the Illinois Attorney General, Lisa Madigan. Strengthens the enforcement of the Antitrust Act by increasing civil penalties to the same level as criminal penalties; lets the Attorney General issue written interrogatories to the subject of an antitrust investigation; requires targets of antitrust investigations to pay their own copying costs, in keeping with modern practice; extends limited immunity from criminal prosecution to documents and interrogatory answers provided by a witness under subpoena; provides the right to a trial by jury in antitrust cases; clarifies the Attorney General's ability share subpoenaed information with federal, State and local law enforcement officials. It's a good bill. Happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any question? Is there any question? If not, the question is, shall House Bill 3468 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, none voting Nay, none voting Present. House Bill 3468, having received the required constitutional majority, is declared passed. House Bill 3486. Senator Obama. 3486. Senator Obama. House Bill 3488. Senator Demuzio. Madam Secretary -- or, Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3488.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I'll make a few remarks and then I will yield to Senator Winkel. This creates the Downstate Illinois Sports Authority -- Sports Facilities Authority and vests its governing and administrative authority in the board of eight members appointed by the Governor,

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confirmed by the Senate. There is a group that is wanting to do this over at the University of Illinois. It sets up its powers and -- and terms of appointments and all of the necessary things that are necessary for a downstate sports authority. I will yield to Senator Winkel for some of the other specifics and details.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. To the bill: The Downstate Sports Facilities Authority would be modeled after the existing authority, the Illinois Sports Facility Authority in Chicago, which, by the way, that's -- that's the Authority that sold the bonds for the new Comiskey Park for the White Sox and helped pay for a Soldier Field renovation project. The bonds are repaid with a two-percent hotel-motel tax. Now, if a -- a group of towns or counties want to use the bonding authority to build a stadium or other sports facility, each of those municipalities would have to pass an ordinance enacting a hotel-motel tax to repay the bonds. So, it has to be cleared by the local cities as well. In other words, it would put the rest of the State on the same footing as the City of Chicago. If opportunities come along to attract a professional or semi-professional or amateur sports team to an area, this would create a mechanism or a -- a facilities authority that would help facilitate creating that kind of opportunity for downstate, just like we enjoy in the City of Chicago. So, I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel indicates he will yield.

SENATOR BURZYNSKI:

Thank you. Senator, I -- just a couple of thoughts and I think you can probably answer these. But, number one - and I think you already did this - this is all of downstate, so is

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there any regional aspect to the appointment of the trustees for the sports -- sports authority facility?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

No, there's -- there's eight members appointed by the Governor on the advice and consent of the -- with the advice and consent of the Senate, and it is for all of Illinois, except for the City of Chicago. Or the other way to look at it, the City of Chicago's not included because the City of Chicago already has that authority.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Burzynski.

SENATOR BURZYNSKI:

Does it exclude anyone from serving on the board?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

No, there's -- there's no exclusionary language or provision in the bill at all.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Burzynski.

SENATOR BURZYNSKI:

So then, even though it's a downstate sports facility authority, someone from the City of Chicago could serve on the board?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

It doesn't go to that. There's no language in the bill to that effect. And again, the only thing that's in the bill is that there would be eight -- eight members appointed by the Governor with the advice and consent of the Senate.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Peterson. Oh. Senator Burzynski.

SENATOR BURZYNSKI:

So, even though it is a downstate sports facility authority, all eight of the members could be from the City of Chicago.



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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Well, as I say, Senator, the -- the eight members are appointed by the Governor with the advice and consent of the Senate, and certainly the Senate, in its advisory capacity, before it gives its consent, could weigh in on any regional aspects or concerns that may arise. So, I think it has that check and that balance in place so that if there are regional concerns, which are not anticipated in the bill, they could be addressed by the Senate.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Peterson. Senator Winkel. Senator Burzynski, for another question?

SENATOR BURZYNSKI:

Thank you. Different -- I've got two other questions that are relative, two other issues. First of all, the bonding authority. You indicate that -- that the bill allows for a hotel-motel tax to be initiated, so I have two questions relative to that. First of all, what if a municipality cannot -- can all municipalities levy a hotel-motel tax? Because it seems to me like we've had special legislation in the past to allow municipalities of certain smaller populations to levy. That's one question, Senator. The second question would be, what happens if they don't generate enough money through their hotel-motel tax to pay for the bonds? What happens then? Because the Chicago Sports Facility Authority, as we know with Comiskey Park, the burden falls back on the State. I just want to -- if you can clarify that, please.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Certainly. They are not general obligation bonds. It does not fall back to the State. That's certainly the intention, the way this is drafted. And the second thing is, it's very clear that a hotel-motel tax cannot be levied without an ordinance from the city where this occurs. So, if they cannot pass an ordinance, if they do not have the -- the authority in their

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particular case, then that condition cannot be satisfied, and then it cannot happen.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Peterson.

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel indicates he will yield.

SENATOR PETERSON:

Senator Winkel, could several municipalities go together under this bill and build a facility?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

That's my intention, yes.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Peterson.

SENATOR PETERSON:

So, if the St. Louis Metro area, Southern Illinois wanted to go together to build a stadium for the Cardinals, the St. Louis Cardinals, to entice them to come across the Mississippi, those municipalities could use this legislation to build a professional ballpark for the St. Louis Cardinals. Is that correct?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

The intention, without getting into specific projects, is that any opportunity to attract a professional or semi-pro or amateur team to a sports facility would be eligible within the parameters of this legislation. That's right.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Wendell Jones.

SENATOR W. JONES:

Yes. Thank you, Mr. President. Will the sponsor yield for a couple questions?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR W. JONES:

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Just for legislative intent, Senator Winkel, is it my understanding, then, that any municipality who would be asked to levy a hotel tax outside of Chicago would -- would only have to do this if their elected officials voted for it?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Senator, that's absolutely correct, and that's -- that's, you know, a check and balance to this bill. You have to pass it by ordinance locally for that to happen, which requires action by the locally elected city officials.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Jones.

SENATOR W. JONES:

Could this bill lead to a new assembly hall for the fighting Illini?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Well, theoretically, but that's not my intention and, you know, it's for all of downstate for sports facilities as opportunities arise.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR JACOBS:

Senator, we have in our area the MARK of the Quad Cities, the number-one venue in the country for centers of its size. We have both a -- a hockey team and we have a -- a -- arena football team, and I know Peoria's under the same guise, under the Civic Center Fund. Will they be able to participate under this program as a civic center that houses sporting events?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

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The bill does anticipate a new facility and the bill also anticipates renovating facilities. I don't think that the language of this -- this bill would preclude that.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor yields.

SENATOR LAUZEN:

Do I -- do I understand correctly that this bill allows this -- that we would put into place with this legislation the ability for this Authority to both tax and borrow?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Only upon the approval of the local municipal authorities that allow that to happen by passing an ordinance.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

Okay. So I understand that we give the ability to the local governance board to raise taxes on their vote, also then to issue revenue bonds. Can you tell me what the maximum level is? Our -- our analysis says forty thousand dollars. And could you tell me what the upper limit is for the borrowing that this bill authorizes?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

It's -- forty million, not forty thousand. Forty million in connection with facilities owned by the Authority and four million in -- in connection with facilities owned by a governmental owner other than the Authority.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

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Thank you, Mr. President. Can any organization other than a government organization own any of the facilities that there'd be this tax increase or the borrowing for?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

I'm sorry, Senator. Could you repeat that? I -- I didn't quite catch that.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

Is it allowable in your legislation that any private organization could own any facility that we're allowing the local powers that be to both tax and borrow for?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

It could be developed publicly or privately, and it could be leased to a private entity to run, and there could be a management agreement between the Authority and the -- the agency or the private entity that runs it. That's a possibility, yes.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

Okay. So, a private organization could own these facilities. Can you tell me -- it says in our analysis that these bonds are backed by the full faith and credit of the State. During an Appropriations meeting recently, we found that a organization that had bonds issued with moral obligation bonds from the State of Illinois, that they defaulted to the bondholders, changed their name, continued to do business, didn't go through a bankruptcy, didn't exercise any of the steps that need to be taken before the State is asked to perform, and yet, there they were asking for a -- asking for money. I think at that time it was something like a half a million dollars from the State taxpayers. My question is, what are the procedures -- well, first of all, a private entity can own this. What will be the procedures if -- before the State is asked to exercise its full faith guarantee on these bonds?

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Senator, you're mischaracterizing the bill. I know you don't mean to do that, but if you look at Section (h), I think that's the appropriate Section. It says the bonds and notes of the Authority shall not be the indebtedness of the State, or of any political subdivision of the State other than the Authority. The bonds and notes of the Authority are not the general obligations of the State of Illinois. I think that's pretty clear.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

Then -- well, it may be clear to you, but let me say that when I read in our analysis that these bonds are -- oh, okay. So that they're not -- okay. So I understand that they're not backed by the full faith. What is the underlying -- what would be the base to guarantee those bonds? What would be the base?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Winkel.

SENATOR WINKEL:

Revenue bonds backed by the revenue which would have to be approved by the local -- municipalities by ordinance.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any further discussion? Senator Winkel, do you wish to close?

SENATOR WINKEL:

Yes. Yes. I would just say that what this does, it's modeled after the Illinois Sports Facilities Authority which the City of Chicago currently has. This allows the rest of the State to participate in -- any opportunities that may come along for professional, amateur, semi-professional teams to build a sports facility. It's allowing downstate to enjoy that same privilege that the City of Chicago already has. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 3488 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 voting Aye, 14 voting Nay, none voting Present. House Bill 3488, having received the required constitutional majority, is declared passed. House Bill 3489. Senator Demuzio. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3489.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen. This bill here is a bill that is a transfer item for the audit -- Auditor General in order for him to audit the various departments. It provides transfer of amounts. It's the usual ordinary and customary bill. It's identical to the -- to a bill that we passed out of here earlier. It assists the various agencies to which he audits. I know of no opposition, would ask your support.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 3489 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, none voting Nay, none voting Present. Senate Bill 3489, having received the required constitutional majority, is declared passed. House Bill 3501. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3501.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3501 amends the Illinois Domestic Violence Act of 1986. It -- it provides that the circuit clerk may not charge a fee for amending, vacating or photocopying protection petitions and/or orders and may not charge a fee for issuing alias summons or relating -- filing fees. It further provides that after an order of protection is entered within which any children of the petitioner are protected persons, the clerk or issuing judge shall send notice of the order and a certified copy of the order to schools in which the protected children are enrolled. It also notifies the State-licensed day care facilities and State-licensed before and after school programs. There is no fiscal impact on the budget. This bill passed unanimously from the Judiciary Committee and the proponents are the Illinois Coalition Against Domestic Violence and the Clerk of the Circuit Court. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates she will yield.

SENATOR DILLARD:

Senator Hunter, I think - and you may be reading from your analysis - I believe you took the notice requirements out of the bill, and I just want to know if that is true or not. Are the notice requirements out of the bill?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

You're absolutely right. I'm informed that I did -- that we did. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any further discussion? If not, the question is, shall House Bill 3501 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 Aye, 0 Nays, none voting



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Present. House Bill 3501, having received the required constitutional majority, is declared passed. House Bill 3504. Senator Martinez. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3504.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. House Bill 3504 requires that before a bond can be used to satisfy financial obligations of the defendant in other court cases, it must be applied to attorney fees and unpaid child support obligations. This came out of the -- the Judiciary -- Committee unanimously, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? There being none, the question is, shall House Bill 3504 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, no Nays, none voting Present. Senate -- House Bill 3504, having received the required constitutional majority, is declared passed. House Bill 3507. Senator Welch. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3507.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this does is authorizes the EPA to create the Environmental Protection Foundation as a not-for-profit foundation. There is going to be appointment of Foundation Board of Directors. The four Leaders each appoint two Members, the Governor appoints four members. This is similar to the Illinois Conservation Foundation Act which is already in

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existence in the Department of Natural Resources. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator David Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR D. SULLIVAN:

Senator, are -- are you exempting this new foundation from the procurement process and the budget process?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

This will be under the same provisions as the Illinois Conservation Foundation Act.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sullivan.

SENATOR D. SULLIVAN:

Which means that it's exempt from the Procurement Code?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

Senator, that's the first I've heard that question. I don't know. I would assume that if the other Act is, so will this one be.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sullivan.

SENATOR D. SULLIVAN:

My understanding is that it is exempt from the Procurement Code, which is a -- a concern on this side of the aisle. The other concern that we have on this legislation is that here State government is going to be getting in the business of competing with charitable causes, setting up a charitable foundation within State government that's exempt from the Procurement Code. I would advise a No vote on this side of the aisle.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Thank you, Mr. President. A question of the sponsor and then a quick comment to the bill. Does this bill -- is it subject to the Prevailing Wage Act? I know Prevailing Wage Act has been very important to both sides of the aisle this Session and just want to know if funds expended by this Foundation are subject to the prevailing wage.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

...a State expenditure, it'd be under the State Prevailing Wage Law, just like every other expenditure of the State. If that provides for this to be covered, it would be. It's not exempt from the Prevailing Wage Act, if that's your question.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I think you'll find if it's only private funds, that it is exempt from the Prevailing Wage Act, which is why a State-sponsored foundation probably should -- we should put prevailing wage language in here before we let it get out of this Chamber. Don't you think?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

Senator, I'm not worried about that on this particular issue. I'm worried about environmental issues with this bill. I think that can be cleared up later.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I guess I'm a little surprised 'cause if we're worried about how community-based mental health and disability agencies spend funds that are done in connection with the General Assembly, I just think what's good for the goose is good for the gander. I mean, you know, at a time when -- three years we haven't been able to do anything on -- on rates for community human service providers, we're passing prevailing wage requirements on the Illinois FIRST projects, but here we're

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setting up a foundation encouraging the State of Illinois to go in competition with private entities to raise funds but it's not subject to the prevailing wage. I guess I'm just a little confused 'cause I know the sponsor's committed, you know, to -- to good government. So, I -- I just think that this bill needs a little bit more perfection. I don't think it's time for us to engage in garage sales and bake sales for the EPA. I think the EPA ought to encourage well-organized community-based organizations to apply for the grants that they're suggesting and I think State bureaucrats ought to manage their own funds, not be out competing in the foundation world. So, although I know the sponsor cares a great deal about the issues, I just don't think this bill is ready for the Governor's desk.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch, to close.

SENATOR WELCH:

Well, let me just say that was a good argument, Senator Rauschenberger, for increasing the EPA fees that everybody's complaining about. I'm getting called from business saying don't increase the fees for the EPA and you're trying to turn down money the EPA can apply for from the federal government. There are -- forty-nine other states want that money that this Foundation is going to apply for. If we get it, we don't have to raise fees as high. I'm surprised that you would be for higher fees, Senator Rauschenberger, because this combats higher fees from the EPA. It's a bill to help the environment. I don't know if you have something against the environment either. I think it's a good bill. I think it's a good cause, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 3507 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 voting Aye, 17 voting Nay, 3 voting Present. House Bill 3507, having received the required constitutional majority, is declared passed. Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

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A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

SENATOR RAUSCHENBERGER:

I would just like to tell Senator Welch that that was one of the most impassioned and -- and powerful closes I've ever heard on the Floor, and -- and I just want to wave a white flag. You know, great job. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

House Bill -- Senator Wendell Jones, for what purpose do you rise?

SENATOR W. JONES:

I just -- I just have to respond to that because I heard his impassioned plea for rattlesnakes, and it was far beyond what we just heard.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Well, thank you. I guess we can move on now. House Bill 3528. Senator Cullerton. Senator Cullerton. House Bill 3530. Senator Sandoval. House Bill 3540. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3540.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3540 amends the Illinois Motor Vehicle Theft Prevention Act. The purpose of the Act is to prevent, combat and reduce motor vehicle theft in Illinois and it also improves and supports the motor vehicle theft law -- enforcement, prosecution and administration of motor vehicle theft laws by establishing statewide planning capabilities for the coordination of financial resources. Basically what this bill does is simply changes the repeal date from January 1, 2004, to January 1, 2008. It is funded independently by a one-dollar surcharge that is placed on private passenger motor vehicle insurer, so therefore it has no fiscal impact. The proponents of this

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legislation are the Illinois Association of Chiefs of Police, Insurance Association, Sheriffs' Association, Cook County State's Attorneys and the Illinois State Police. It unanimously passed the Transportation Committee, and I ask for a favorable vote, Mr. Chairman.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. Really my comments, Senator Hunter, is directed at Chuck Eckert, your fine assistant there. This is a good bill and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any further discussion? If not, the question is, shall House Bill 3540 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, none voting Nay, 0 voting Present. House Bill 3540, having received the required constitutional majority, is declared passed. House Bill 3543. House Bill 3547. Senator Hunter. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3547.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President, again, and Ladies and Gentlemen of the Senate. House Bill 3547 closes an insurance discrimination loophole by prohibiting property and casualty insurers from discriminating on the basis of domestic violence. It calls for no company authorized to transact life, health, disability insurance or property and casualty insurance in this State, and they may -- they may not deny, refuse to issue, refuse to renew or refuse to reissue, cancel or otherwise terminate an insurance policy or restrict coverage on an individual because that individual is or has been subject to abuse or because the individual seeks or has sought medical or psychological treatment for abuse. It may not deny a claim by

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an insurer as a result of his or her being or having been a subject of abuse. There is no fiscal impact on this bill. It amends the Illinois Insurance Code. The -- and the proponents are City of Chicago, and I ask for a favorable vote, Mr. Chairman.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Brady.

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates she will yield.

SENATOR BRADY:

Senator, can you tell me how you define a violent act in this legislation?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

It is my understanding, Senator, that the P and C insurers defines it the same as the life insurance companies does.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady.

SENATOR BRADY:

Do you know what that is?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

It is -- it does not specifically state that in the Code, Senator, in terms of a definition.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady.

SENATOR BRADY:

I'm sorry. I -- I didn't hear that.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

It's not specifically stated in the Code in terms of a definition of -- of a violent act.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady.

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SENATOR BRADY:

Senator, I supported your bill in committee and I -- I will support it here, but I -- I think, for the record, it might be good if you gave us a little intent on what you want to define "violent act" as. It can be a very broad term.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter.

SENATOR HUNTER:

Well, the insurance lobbyists, they're fine with the bill. They have no problem with the bill, Senator Bradley {sic}.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady.

SENATOR BRADY:

Senator, I understand that the insurance lobbyists are fine with it. Just as we review this legislation, we feel that the vagueness of the term "violent act" is too broad. I guess vague is broad. But anyway, if you don't want to enlighten us as to what your intention is, that's fine. Like I said, I intend to support your legislation. I just think it would be wise for you to give some direction to this Body about what you intend the term to mean. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hunter, to close.

SENATOR HUNTER:

I ask for a favorable vote on this legislation, Mr. Chairman.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 3547 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, none voting Nay, none voting Present. House Bill 3547, having received the required constitutional majority, is declared passed. House Bill 3552. Senator Martinez. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3552.

(Secretary reads title of bill)

3rd Reading of the bill.



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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. House Bill 3552 adds two exceptions to when consent or surrender of the father is needed during an adoption. Such consent is not needed when the court finds that the father has been indicated for child sexual abuse involving sexual penetration of the mother as defined in the Abused and Neglected Child Reporting Act; or, number two, the father was at least five years older than the mother and the mother was under age seventeen at the time -- conception. This bill passed out of the committee unanimously. It passed out of the House 113 to 1. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I -- I rise in support of the legislation, but I do want to point out that in committee we had some discussion and concerns as to whether there's a due process problem here. So, down the line, if some court is looking at this, I just want the court to know that at least we thought about the due process issues. We think it meets constitutional muster, but there is a due process question that's somewhat iffy here. But overall, I support the Senator's goals and I think this is a good bill. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Martinez, to close.

SENATOR MARTINEZ:

Thank you, Senator, and I ask a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 3552 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, none voting Nay, none voting Present. House Bill 3552, having received the required constitutional majority, is declared passed. House Bill 3553. Senator Welch. House Bill 3556. Senator Collins. House Bill 3582. Senator Cullerton.

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House Bill 3587. Senator Lightford. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 3587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Ladies and Gentlemen of the Assembly, I had a bill here, a Senate bill, that extended teacher citizenship for certification; however, Senator -- Representative Mendoza sent a bill over that actually just took the requirement out. And I thought that that would be a much better bill than the one we had to just extend, because we've heard debates on the Floor time and time again about how long it takes to become a U.S. citizen. We're dealing with teacher shortage issues, and the -- it was testified in committee that there will be about a thousand or more teachers affected by this. And so, I'd hope that you would support this effort, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in support of this legislation. This is the result of some -- some good give-and-take in our Education Committee, and this bill, as drafted now, requires a teacher to -- to -- to -- to pursue citizenship and they have to file a letter of intent. I did want to make a point, and to the extent that those policymakers in Washington can hear us here in the State of Illinois, the department that handles citizenship has got to change and has got to reform. And this is another example of people who are trying to better themselves, becoming teachers. They don't have the opportunity to become citizens may -- might -- very often, when the onus of certification is bearing down on them with the time frames. So, there's some practical problems, and I really call on our colleagues in Washington, D.C., to address these issues

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promptly. In the meantime, this is a good bill and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Mr. President. Senator Cronin, thank you for bringing up the point of the amendment that was draft to satisfy all concerns, and I'd like to thank my colleagues on both sides of the aisle for supporting this in committee. And I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Thank you, Mr. President. I had my light on. Could I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Will the sponsor yield? Sponsor indicates she will yield.

SENATOR ROSKAM:

Senator Lightford, after this bill passes, would it be a requirement that somebody who is a teacher in Illinois have legal status here, or what exactly are you taking out of the bill and -- and what would be the requirement of a teacher under your bill?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Roskam, actually you're speaking to the amendment that Senator Cronin just stood up and spoke about. If an applicant for a certificate is not a U.S. citizen, that individual must sign and file with the State Board of Ed a letter of intent indicating that either within ten years after the date that the letter is filed or at the earliest opportunity after the person becomes eligible to apply for U.S. citizenship, the person will apply for citizenship. It's like a major problem. I mean, we debated back and forth over that whole federal issue of not allowing the paperwork to come through as quickly as possible, and it seems to have been taking years and years and years for individuals just to be at the point of eligibility to apply.

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

So, under the current law, somebody would have to be here legally and have the intention to become a -- a United States citizen. You're taking out the requirement that a teacher would have to be here legally and you're maintaining the requirement that within ten years they would have to apply for citizenship. Is that a fair summary? Did you hear me?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you. Actually, no, it's not quite fair. I think you're pushing the button just a little bit too far. The person has to be legally present for six years, I believe it is, before they could even apply for citizenship. So, a case scenario: You've got a student that is going to receive their degree in early education and they're -- they're teaching now. And they've been teaching for four, five, six, seven years, but the requirement comes where they have to be a citizen and their paperwork has not gone through, but yet they've been in this field for six years or more. Do -- does that mean now we say, "Okay, your job ends; you should not be a teacher," after you've earned your degree here, after you've taught in our school system for an extended period of time? But the current law also requires that the teachers who are not U.S. citizens must, among other conditions, be legally present and authorized for employment and must attain citizenship within six years of issuance of the original teacher certificate. So there are some guidelines, but because of federal restraints, we just have not been able to reach those guidelines.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cronin, your -- your name was mentioned in debate. Did you want to comment?

SENATOR CRONIN:

Yes. Forgive me for -- for rising a second time. I just wanted to hopefully shed a little light on this, and Senator Lightford did a fine job of explaining the content of the amendment. We debated it at length in our committee. We're

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caught in a real difficult spot. We frequently - local school districts, City of Chicago, other school districts - go and recruit teachers. They'll go down to Mexico and recruit teachers and come back here. These are resident aliens. They're teaching. They have to be a resident of the United States for a period of five years before they can even apply for citizenship; yet, at the same time, in order for us to maintain our teacher quality policies, we require certification to be gained within a five-year period of time. So, as a practical matter, they can't become a citizen in time to get the certification. We talked about time limitations. We talked about the fact that a teacher is a role model, that we want to make sure that citizenship is something that is pursued and that is -- that is valued, and this is what we came up with. All of this would be solved if our bureaucrats in Washington would do a better job in processing these applications for citizenship, but in the meantime, we have to come up with creative solutions like this one. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates she will yield.

SENATOR LAUZEN:

Senator, thank you very much for your work on this issue. I think that you just answered the question, but I do want to just get clarification in your response to Senator Roskam. You're saying that all of the people who this bill's benefit would go to need to be legal residents. Is that accurate?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford.

SENATOR LIGHTFORD:

Yes.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Okay. Senator Lightford, you already closed once. Do you want to close a second time? Sure. Senator Lightford.

SENATOR LIGHTFORD:

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Very briefly, I just wanted to add that this isn't just an issue for Mexico; this is for Russian immigrants, Germany, China, India. This just goes a little bit further than just a -- a -- a Latino issue here, and I just wanted, for the record, for that to be stated. And to also reflect that Representative Mendoza, today is her birthday, so let's put some green lights up there to wish her a happy birthday.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Happy birthday, Representative. The question is, shall House Bill 3587 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, no Nays, none voting Present. House Bill 3587, having received the required constitutional majority, is declared passed. House Bill 3589. Senator Schoenberg. House Bill 3608. Senator Obama. House Bill 3612. Senator Garrett. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3612.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. House Bill 3612 simply extends the abatement of taxes for any historic -- historical society that qualifies for an exemption as an exempt organization for five years through the year 2008.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 3612 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 Aye, none voting Nay, none voting Present. House Bill 3612, having received the required constitutional majority, is declared passed. House Bill 3618. Senator Sandoval. Madam Secretary, read the bill.

SECRETARY HAWKER:

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House Bill 3618.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President and Members of the Senate. House Bill 3618 passed the Health and Human Services Committee on an attendance roll call. This bill would simply ensure that payment for services rendered by a surgical assistant are paid at the appropriate non-physician modifier rate if the payor would have made payment had the same services been performed by a physician or resident acting in the same role. Similar language was added to the Physician Assistant Practice Act several years ago. This would only apply to surgical assistants who are not salaried employees of the State -- not salaried employees of a hospital in this State. This would have no fiscal impact on the State because surgical assistants are not covered by Medicaid. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly. The bill did pass out of Health and Human Services unanimously and I would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 3618 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, no Nays, none voting Present. House Bill 3618, having received the required constitutional majority, is declared passed. With leave of the Body, we'll go to page 75. Bottom of page 75. House Bill 3661. Senator Jacobs. House Bill 3663. Senator Lightford. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3663.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3663 amends the Illinois Savings and Loans Act of 1985 and the Savings Bank Act regarding confidential supervisory information. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 3663 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, no Nays, none voting Present. House Bill 3663, having received the required constitutional majority, is declared passed. With leave of the Body, we will now turn to page 76. House Bill 3679. Senator Viverito. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3679.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President and Members of the Senate. House Bill 3679 amends -- as amended, allow a ballot question to include in its language specific purpose or programs that a tax increase would fund. What -- what this does, it clarifies it. It's the same bill that was recommended by Senator Sieben and never got out of the Rules. Highly recommended by the park district, providing voters more information on how their taxes will be spent. A win-win for both taxpayers and park districts. I'll answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Mr. President, I'd just like to make a statement for the Local Government Committee. This passed out unanimously. It



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does clarify and it's a fine bill brought to us by the fine Senator from Stickney Township. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 3679 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, none voting Nay, none voting Present. House Bill 3679, having received the required constitutional majority, is declared passed. House Bill 3692. Senator Sieben. House Bill 3711. Senator Collins. With leave of the Body, we will return to the beginning of the Calendar. House Bills 3rd Reading. Page 24. House Bill 16. Senator Cullerton. House Bill 32. Senator Meeks. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 32.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Meeks.

SENATOR MEEKS:

Thank -- thank you, Mr. President and Members of the Senate. This bill is a very simple bill and it simply says that it prohibits State agencies from using permanent cookies or any other invasive tracking programs that monitor and track website viewing habits. A State agency, however, website may use transitional {sic} cookies that facilitate business transactions and permanent cookies that add to the value of the user. But it creates the Internet Privacy Task Force, with members to be appointed. And so I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 32 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, none voting Nay, none voting Present. House Bill 32, having received the required constitutional majority, is declared passed. House Bill 51. Senator Silverstein. House

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Bill 81. Senator Trotter. House Bill 92. Senator Cullerton.  
Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 92.

(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. This bill makes it aggravated fleeing if in the course of eluding a peace officer, a person disobeys two or more traffic signals. The current law, a driver could, in an attempt to elude a police officer, run multiple stop signs or red lights as long as they're traveling under twenty-one miles per hour and they would only be charged with fleeing and eluding instead of aggravated fleeing and eluding. So this is a increase in the penalty from a Class A misdemeanor to a Class 4 felony for this type of activity, as I think it should be. Happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 92 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 voting Nay, none voting Present. House Bill 92, having received the required constitutional majority, is declared passed. With leave of the Body, we'll return to House Bill 51. Senator Silverstein. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 51.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President, for going back, too. This prohibits individuals convicted of elder abuse from receiving

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property for -- for the reason of the death of an elderly person. We made an amendment, keeping it consistent with the criminal statute.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 51 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, none voting Nay, 0 voting Present. House Bill 51, having received the required constitutional majority, is declared passed. House Bill 176. Senator Radogno. House Bill 205. Senator Trotter. House Bill 209. Senator Halvorson. House Bill 211. Senator Martinez. House Bill 218. Senator Cullerton. House Bill 231. Senator Walsh. House Bill 235. Senator Clayborne. House Bill 259. Senator Silverstein. House Bill -- with leave of the Body, we'll return to House Bill 310. House Bill 336. Senator Haine. Senator Silverstein, your light was on. Okay. Thank you. House Bill 361. Senator Obama. 362. Senator Clayborne. House Bill 405. Senator Clayborne. House Bill 414. Senator Schoenberg. House Bill 429. Senator Garrett. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 429.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. House Bill 429 establishes the Human Services (211) Collaboration Board Act. It describes the composition of the Board. The Board is responsible for implementing a 211 as a statewide non-emergency telephone number for information about governmental and non-profit service and -- referrals to human service agencies. Requires the Board to create a pilot project to implement 211 as a human services information and referral number. The Board is required to make an annual report to DHS, the Governor and the General Assembly concerning the use of 211. The proponents are the United Way of

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Illinois, the Catholic Conference of Illinois, Child Care Association, Telecommunications Association, Lutheran General Social Services, Ounce of Prevention Fund, the Illinois Association of Information and Referral Services. This bill also does not require any government funding and with an amendment is now -- 211 would be accessible to the deaf and hard of hearing.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor will yield.

SENATOR RIGHTER:

Senator Garrett, you and I had the opportunity to discuss this in committee and -- and after committee, as well, on some different issues. There is an -- this is being created, at least in part, based on your expectation that there will be some federal dollars available. Is that fair to say? And if that's the case, can you tell us more about what the basis of that expectation is?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

There will be a match of federal dollars, but there is not a requirement of any State funds. It would be a public-private funding process.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Righter.

SENATOR RIGHTER:

Now, you said there won't be any requirement of State funds but it's going to be a public-private partnership. So, I guess, if you have in mind that there are going to be public dollars involved here, are we talking about GRF, local money? I mean, can -- outline for me where the dollars will come from and where you know the -- if there's public dollars, where they won't come from.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

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SENATOR GARRETT:

First, let me say that this program has already been implemented in many states and I think that Illinois is one of the only states in the Midwest where it has not been implemented. And basically, local authorities secure funding from private resources, and the way I understand it, those private resources are then matched with federal funds. It does not require or ask for any State funds.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Righter.

SENATOR RIGHTER:

Thank you. Will there -- will there be a process put in place whereby local governments or entities can apply to the State for funding, and are they applying for State dollars or are they applying for federal dollars?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Senator Righter, what this bill does first and foremost is establish a Board that will put that process and, the procedures in to place. There already is a format that has been used extensively across the United States. That Board, however, will establish the criteria. And -- and let me say this again, because this bill has been amended, per your request, that we do not ask for any State funds. So, in other states, they have been very deliberative and have received local private funds and, at the same time, received matches from the federal government.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Righter.

SENATOR RIGHTER:

So, it's fair to say, then, the -- the Board would be a pass-through for local governments to make applications to this Board in order to obtain federal money. If that's the case, Senator, I notice in the bill, we -- we establish the Board, but there's no authority for the Board to hire any staff or anything like that to make applications to process grant requests. How's that going to be -- I mean, is that going to be done by the eight members of the Board?

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Yes, it is, and again, as far as hiring staff, this is not going to require any State dollars. So, if they do hire staff, as an example, since this is an initiative of the United Way, some of those dollars could be coming from the United Way.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Righter.

SENATOR RIGHTER:

To the bill, Mr. President. Thank you. Very briefly, I appreciate the Senator's work on this. She has worked very hard to tighten it up and I would urge our Members to vote Aye on the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 429 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, no Nays, none voting Present. House Bill 429, having received the required constitutional majority, is declared passed. House Bill 430. Senator Welch. House Bill 463. Senator Garrett. House Bill 467. Senator Obama. House Bill 469. Senator Cullerton. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 469.

(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. House Bill 469 is designed to waive Illinois' statutory sovereign immunity from suits in cases brought under certain federal statutes. These statutes - the Age Discrimination in Employment Act, the Fair Labor Standards Act, the Family and Medical Leave Act and the Americans with Disabilities Act and the Civil Rights Act of 1964 - they allow for abrogation of the states' Eleventh Amendment immunity. But the Supreme Court has recently held

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that the Congress exceeded its authority when it so legislated that immunity and therefore the states would have to do it ourselves. So the -- the immunity had been in existence up until the federal lawsuit and this just corrects it. And I believe that we need to have some legislative intent with regard to the effective date of the bill. But with that -- but other than that, I'd be happy to answer any questions and explain the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Speaking of legislative intent, I do have a question for the sponsor, but let me...

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor will yield.

SENATOR DILLARD:

Thank you. Senator Cullerton, this bill waives the State's immunity from lawsuits under the federal Age Discrimination in Employment Act, the federal Fair Labor Standards Act, the federal Family and Medical Leave Act, the federal Americans with Disabilities Act, and Title VII of the Civil Rights Act. With the budget deficit the State is facing and the impossibility of determining how much liability this bill might create for the State, I'm concerned about the possibility of this bill being interpreted by a court to apply to pending cases or cases where the cause of action accrued prior to the effective date of this bill and an action is filed after the effective date of this bill, which would increase the cost to the State. While Illinois case law has stated that in the absence of a legislative statement to the contrary, a law will not apply retroactively without clearly stating the prospective nature of the bill, the Legislative Reference Bureau bill drafting manual clearly tell us, quote, "there is no clear way to determine how the court will decide the issue", end quote. Therefore, since I understand that, due to time constraints, the House sponsor will not agree to an amendment clearly setting forth the prospective nature of this bill, I'd like to ask you, sir, for the purposes of legislative intent, is this bill intended to apply

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prospectively, that is, apply only to causes of action accruing on or after the effective date of this bill?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Although the bill is silent as to temporal reach, it is intended to apply only -- it is intended to only apply to causes of action accruing on or after the effective date of the bill and does not apply to pending cases or causes of action that accrued prior to the effective date of this bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Dillard.

SENATOR DILLARD:

Thank you. To the bill, Mr. President. And I appreciate Senator Cullerton answering my question. We need to be careful as a Body over the next ten or twelve or fifteen or eighteen days, however long we're here, to the legislative drafting approaches that are taking place. The House sponsor refuses to allow an amendment to this very complex bill that could have gigantic fiscal implications to the State of Illinois. And while I appreciate Senator Cullerton working with us and our staff, it is just imperative that we try to go through the legislative drafting process in a proper fashion. And it's too bad that the House won't do this the right way, which was to take an amendment to this bill. We've had to do it through some rather cumbersome legislative intent. And I rise in support of the bill, but I just implore all of you, over the next couple of weeks, to try to draft these bills and get our legislation in proper form and urge our House sponsors to be somewhat cooperative. This is the second time we've had a big bill in the Judiciary Committee over the last couple weeks where the House just refuses to draft the legislation properly and they try to do it through legislative intent and in a sloppy fashion, and I urge all of you, my colleagues, to try to work with our House sponsors, our House colleagues, to do these bills the right way. And while I'm not completely comfortable with how we did it through legislative intent, I do rise in support of the bill and would urge a green vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)



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Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR ROSKAM:

Senator Cullerton, it seems like you're sort of stuck in kind of a bad place, in that the House sponsor has refused to yield to I think a -- a -- really, a good suggestion. I think a lot of people are in favor of this underlying immunity waiver provision. It makes a lot of sense and you were very eloquent in the -- in the Senate Judiciary Committee. But it seems like this -- this approach is a little bit iffy, in that my understanding of -- of the bill, Senator Cullerton, now is that the language is really not ambiguous about this waiver provision from a temporal point of view, which is a phrase I've not heard used on the Senate Floor before. But, temporally, it doesn't seem ambiguous, and it seems like, notwithstanding the conversation that you and Senator Dillard had, if there's a conflict with the language, for example, in legislative debate on the House side, then a judge doesn't have to look beyond the plain language of -- of this bill. And so my question is, isn't there a better way out of this tough spot that you're in, and that is to either hold or defeat this bill and let's find a conference committee that puts this really in a better, cleaner posture? Because if everybody is agreed that this should be prospective only, why don't we make just dead-bang sure that it's prospective only? And maybe the only way to do that, Senator, is to defeat or hold this bill and then I'm sure the attitude of the House sponsor may change. Would you respond to that?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton.

SENATOR CULLERTON:

You know, you've -- you've given me a very good idea, and I -- and I think what we should do is do a trailer bill, because - - and there -- there certainly has been an example of trailer bills, where you pass two bills simultaneously that affect, you know, the same Act. And I think we should try to find a vehicle

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for a trailer bill. However, let -- let me just address the substance of your suggestions. First of all, I think that we clearly have accomplished our goal by the legislative intent that we've stated here. I believe that it's -- it's -- it's very clear - and it was clear, I believe, in the -- in the House because the House sponsor agrees with me - it's intended to apply only to causes of action accruing on or after the effective date of the bill. There's nothing in the bill to the contrary that says otherwise. It does not apply to pending cases or cause of actions that accrued prior to the effective date of the bill. It would not be a bad idea, I agree, to add an amendment to another bill that would clarify that even further. It's a very important bill. It was the law for a number of years, and as people have indicated, the substance of the bill is -- is important. We want to make sure we pass it. And things like the words "conference committees," I think we should -- we should warn ourselves here, all of us, that there may not be any conference committees this year. It -- I just think that there's a possibility of having the -- lot of legislation go down into a big dark hole and this is important legislation. If it wasn't as important as it is, perhaps we would chance an amendment going back to the House. But I think on this bill, it's really important and this is why we have to do what we're doing.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

Senator, I've known you for a long time and I can tell when you're enthusiastic about a piece of legislation, like primary enforcement of seat belts or helmets. You're animated and -- and you -- you bring us along and you give us eye contact. And when you're very reluctant about bills, you talk like this, "And it's really just not such a great bill and I've got to do it 'cause I've got to do it and, by golly, it's not going to get called in the other Chamber and that's -- I really have no choice and please vote Aye." So, I would ask maybe the folks that are here, we can help Senator Cullerton, and we can call him to his higher nature, because he, in his heart of hearts, can't make the argument right now that I'm making, that I know

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he wants to make, and that is let's vote No or Present on this bill. That empowers Senator Cullerton to go back to the House sponsor and to say to the House sponsor, "Come, let us reason together. Let's do the right thing. We are for your bill prospectively." So he can go back with a straight face and say to the House sponsor, "I did my best in that Senate, but you know those people, they read those bills, and by golly, I wasn't able to pass it the way you wanted to do it so let's -- let's do it the right way, Madam House Sponsor." So, in closing, for Senator Cullerton, let's vote Present.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton, with an enthusiastic closing.

SENATOR CULLERTON:

You know, I think -- I think Senator Roskam's right. I just don't feel, right now, enthusiastic enough about this bill to call it. So I'd like to take it out of the record until I get my enthusiasm level up.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Out of the record. House Bill 495. Senator Garrett. House Bill 496. Senator Walsh. House Bill 497. Senator Trotter. House Bill 514. Senator Emil Jones. House Bill 515. Senator Roskam. Senator -- Senate -- House Bill 528. Senator Walsh. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 528.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate {sic} Bill 528 amends the Counties Code and the Municipal Code in regards to impact fees. And -- and House Bill 528 has basically been a -- a work in progress on behalf of some school districts, the Realtors, the Home Builders, in all; that we're dealing with an issue that evidently come out of the court system. And this particular piece of legislation allows school districts to implement impact fees, also known as developer donations, received -- pursuant to county or municipal

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ordinances but not only -- for not only the purchase of land but also for site improvements, including school buildings or infrastructures -- necessitated by the developer's subdivision in question. As may -- some of you may be aware, school districts, pursuant to the general interpretation of the Illinois Supreme Court case of Krughoff versus the City of Naperville, were allowed to use impact fees or developer donations for school infrastructure or site improvements for the last twenty-five years. Last spring, in what can only be termed as a very unique and narrow decision, the Second District Appellate Court, in Thomas {sic} (Thompson) versus Newark, revisited this issue and stated that the term "school grounds" as set forth in both the Municipal and County Codes was specifically limited to the actual land. The import of the decision was that schools could only use these fees to purchase land, something which makes absolutely no sense if the school district already has the land and the needs for the money for the school infrastructure -- for school infrastructure necessitated by the development. This bill -- reverses that decision and in -- in -- is in line with the original legislative intent to allow schools to use the money for land or school infrastructure as needed. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR ROSKAM:

Senator Walsh, I apologize. I -- I didn't hear your whole presentation and I don't mean to belabor this. You mentioned Naperville, and that's -- that's my district. Now, in a nutshell - I -- I think I picked up enough of this, but I just want to make sure I've got it right 'cause these types of things are real controversial - there was -- there was a use of -- there was a use by developers of certain types of property and an adverse decision by the Second Appellate District that you're trying to clean up. Is that correct?

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Walsh.

SENATOR WALSH:

In a nutshell, Senator, yes, that's -- that's what it was, was that for twenty-five years, developers were making this school donation and the schools were allowed to use that donation either as purchase of land or infrastructure improvements to the school. Then there was a court case and it was -- I think it's Krughoff - Krughoff - versus the City of Naperville, K-R-U-G-H-O-F-F versus the City of Naperville, in -- in which that they -- that set this. And then in a appellate court decision, Thomas {sic} versus Newark, basically revisited this and -- and changed that position.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

So what you're doing is you're giving more flexibility to the school districts to be able to -- to use those funds as the elected board sees fit. Is that right?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Walsh.

SENATOR WALSH:

That's -- that's correct. What I'm doing is basically giving -- we're codifying the fact of -- and working hand in hand with the Realtors and the Home Builders, that basically what was done for twenty-five years, we are now stating in statute that they can do that.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President. I don't want to cloud the issue; I just want to try to clarify what Larry just said, because basically, as I understood it, there was a confusion in court as to whether you could buy land and buildings and the court case clarified it. Our committee supported the bill. So I -- I think it's fine. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Walsh, to close.

SENATOR WALSH:

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Just ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 528 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, no Nays, 1 voting Present. House Bill 528, having received the required constitutional majority, is declared passed. House Bill 531. Senator Clayborne. House Bill 547. Senator Silverstein. House Bill 560. Senator Hunter. With leave of the Body, we'll turn to page 28. House Bill 579. Senator Emil Jones. With leave of the Body, we'll go to page 33. House Bill 666. Senator Woolard. With leave of the Body, we'll keep moving here to page 35. House Bill 696. Senator Harmon. House Bill 699. Senator Ronen. House Bill 714. Bottom of the page 35. House Bill 714. Senator Shadid. We're running out of pages, folks. With leave of the Body, we'll turn to page 39. Bottom of the page. House Bill 784. Senator Schoenberg. With leave of the Body, we'll turn to page 44. House Bill 858. Senator Welch. House Bill 861. Senator Jacobs. House Bill 862. Senator Link. House Bill 865. Senator Demuzio. And with leave of the Body, we'll turn to page 46. House Bill 891. Senator Cullerton. With leave of the Body, we'll turn to page 47. Bottom of the page. House Bill 914. Senator Link. With leave of the Body, we'll turn to page 49. Bottom of the page. House Bill 940. Senator Trotter. Turning to page 50. House Bill 954. Senator Trotter. With leave of the Body, we'll go to page 51. House Bill 975. Senator Garrett. 975. Senator Garrett. With leave of the Body, we'll turn to page 55. House Bill 1031. Senator Crotty. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1031.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Crotty.

SENATOR CROTTY:

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Thank you very much. House Bill 1031 amends the State Employees Group Insurance Act to provide that the program of benefits may include coverage for hearing evaluations, hearing aids and dispensing of hearing aids. This change is necessary to show legislative intent that hearing coverage could be included as a benefit if funds are available or can be negotiated by employees.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. For the benefits -- for the benefit of the Members on my side of the aisle there were two No votes in committee on this legislation. Since then, I've had the opportunity to discuss the bill with -- with the Senator and with some of the representatives who are supporting the legislation, and I think it's a good bill and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 1031 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 Aye, none voting Nay, none voting Present. House Bill 1031, having received the required constitutional majority, is declared passed. We -- we will turn to page 56. House Bill 1044. Senator Halvorson. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1044.

PRESIDING OFFICER: (SENATOR HALVORSON)

Secretary Hawker.

SECRETARY HAWKER:

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. House Bill 1044 is the annual land conveyance bill. It has everything

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in there that releases highway easements and parcels of land in probably about fifteen different counties.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1044 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, none voting Nay, 1 voting Present. House Bill 1044, having received the required constitutional majority, is declared passed. With leave of the Body, we will turn to page 57. House Bill 1065. Senator Jacobs. House Bill 1067. Senator Jacobs. House Bill 1068. Senator Jacobs. House Bill 1069. Senator Jacobs. House Bill 1070. Senator Jacobs. House Bill 1071. Senator Jacobs. House Bill 1072. Senator Jacobs. House Bill 1073. Senator Geo-Karis. House Bill 1091. Senator DeLeo. Turning to page 59. House Bill 1119. Senator Garrett. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1119.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. Speaker {sic}. House Bill 1119 amends the Higher Education Student Assistance Act and changes the name of the Illinois Incentive for Access Grant Program to the Silas Purnell Illinois Incentive for Access Grant Program. For these grants, provides that the maximum amount paid per applicant per year is one thousand dollars for applicants with an expected family contribution of zero dollars, and five hundred dollars for applicants with an expected family contribution of five hundred dollars or less but more than zero. I'd be happy to answer any questions. I -- I do want to say who some of the proponents are. I've got the Kankakee Community College. I've got College of Lake County, Parkland College, Truman College, College of DuPage and Southeastern Illinois College.

PRESIDING OFFICER: (SENATOR DEL VALLE)



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Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. This bill commits us. It commits us to spend more money, and granted, it allows some time to transpire between the promise of today and the fulfillment of that promise in July of 2004. Now, a lot of you are going to say, so what, you know, we're here today, it's getting late, we're thinking about dinner. You know, we got the budget on the horizon. You know, there's a lot -- not a lot of focus on what may take place or a promise that -- that there's an expectation we will fulfill in July of 2004. And so I would urge you, and I -- I -- I know this is probably going to pass out of here, but I would urge you to be a little bit more responsible, to say, you know, wait a minute, this might be a good idea. There's nothing preventing us from taking up this idea next year. Lord knows we'll have a lot of time next year to do things. Lot of good ideas. Lot of Session days. There is no responsible reason to be thinking about this, to be proposing this, to be committing us to this right now. Please do the right thing. Vote No. And, Senator Garrett, you can take this issue up again next year and we'll probably have a little better idea about whether or not we can actually keep the promise that is contained in this bill. Please vote No.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett, to close.

SENATOR GARRETT:

Thank you, Mr. President. This bill is subject to appropriation, so it is not going to cost the State any money unless the Governor signs this piece of legislation into law. It is a very important bill because it gives those students who don't have any dollars to attend, at the very minimum, a community college to pay for their books and pay for their transportation, a way in which to do this. This program has been highly successful to date since it started in 1996. We have had a hundred thousand students participate, about eighteen thousand per year. I ask that you support this bill. And I do understand where Senator Cronin is coming from, but know that this bill is subject to appropriation. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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The question is, shall House Bill 1119 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 15 voting Nay, 2 voting Present. House Bill 1119, having received the required constitutional majority, is declared passed. House Bill 1161. Senator Brady. House Bill 1165. Senator Trotter. House Bill 1180. Senator Woolard. House Bill 1192. Senator Clayborne. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1192.

(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. House Bill 1192 amends the Illinois Insurance Code and allows for, at the request of a written -- at the request -- written request of the insured, an insurance company shall provide the insured's loss information directly to the insured's producer or agent. In other words, when an -- an insured -- an individual is shopping for insurance, at his written request or her written request, the former insurance company has to provide the -- the loss information to the new insured's producer or agent. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I rise in support of this legislation. It passed unanimously out of committee.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Just a point of personal privilege. I didn't mean to interrupt Senator Clayborne's flow. I've got...

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

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SENATOR OBAMA:

...some students who are down here as part of the Southwest Youth Collaborative. I want to recognize them. They're behind the President's seat. Will they please rise?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Will our guests in the gallery please rise to be recognized? Welcome to Springfield. Senator Clayborne, do you wish to close?

SENATOR CLAYBORNE:

I just ask for your favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 1192 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, no Nays, none voting Present. House Bill 1192, having received the required constitutional majority, is declared passed. House Bill 1254. Senator Obama. House Bill 1281. Senator Cullerton. House Bill 1281. Senator Cullerton. House Bill 1313. Senator Viverito. With leave of the Body, we'll turn to page 60. Middle of the page. House Bill 1353. Senator Trotter. House Bill 1387. Senator Collins. With leave of the Body, we'll turn to page 61. House Bill 1458. Senator Walsh. House Bill 1475. Senator Shadid. House Bill 1482. Senator Link? House Bill 1482. Senator Link. House Bill 1487. Senator Cullerton. House Bill 1489. Senator Walsh. House Bill 1532. Senator Obama. House Bill -- House Bill 1532. Senator Obama. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1532.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill would establish an interagency coordinating committee on transportation to deal with the particular issues facing low-income and working families

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accessing jobs. There is federal money that is available for such coordinated activity. We passed this bill previously out of the Senate unanimously, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I rise in support of the bill. The bill did pass out of Human -- Health and Human Services unanimously. And it's my understanding there isn't any cost to the State with regards to this initiative.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 1532 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, no Nays, none voting Present. House Bill 1532, having received the required constitutional majority, is declared passed. House Bill 1543 will end up on a recall list. House Bill 1574. Senator Rutherford. Senator Rutherford. House Bill 1574. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1574.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President and Ladies and Gentlemen, thank you. What this bill does is it would prohibit -- stating that a vehicle may not be driven in the left lane except when overtaking and passing another vehicle. And there are a complete list of exceptions here and I'll just kind of summarize some of them, such as that if there's -- the traffic conditions or congestions require it, snow, obstructions, need to take a left from a -- to -- to exit the expressway and -- and some dealing with an I-Pass. I appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Is there any discussion? Is there any discussion?  
Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR ROSKAM:

Senator, what -- what is the current law?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Current law. It says -- the current law, as the analysis would state, it says: Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right hand curb.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

Just for our benefit, for those of us that aren't on the committee, what are the exceptions? I know -- I'm sure they're well thought out, but could you rattle through 'em?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you. The exceptions are, number one, no other vehicle is directly behind the vehicle in the left; number two, traffic conditions and congestions make it impractical to drive in the right lane; number three, snow or other inclement weather conditions make it necessary to drive in the left lane; number four, obstructions or hazards exist in the right lane; number five, a vehicle changes lanes to comply with Section whatever, whatever - it's talking about approaching an emergency vehicle, talking about highway construction or maintenance area; number six, because of the highway design, a vehicle must be driven in the left-hand lane when preparing to exit; number seven, on the highways when necessary to use I-Pass and on the toll or other highways when driving in the left lane is required to comply

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with an official traffic control device; or, number eight, law enforcement vehicles, ambulances and other emergency service vehicles engaged in official duties and vehicles engaged in highway maintenance and construction.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

Senator, is -- did this come from somewhere or are you -- you thinking these up by yourself when you're driving down? How does that work? Just...

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

It didn't come out of left field. It -- no, this came out of -- this actually was precipitated by the chief of police, who is the president of the Chiefs of Police Association in the State, that had -- had highlighted the fact that what we have happening out here is -- is a great deal of safety concerns, courtesy concerns and just common sense, that what happens is, people get in the left-hand lane and they just drive there, regardless of snow conditions and whatever - and that's why there are the exceptions here - and people come up behind them and actually cause a traffic hazard. I'll tell you why I'm sponsoring it, the reason that -- when I heard about it first in the House, I had some concerns about it. I was on the way down here to Springfield. I'm in the left-hand lane behind someone who is going less than the speed limit and a big semi truck is in the right-hand lane. I look behind me and there is traffic backed all the way up. I mean, this guy is not moving out of the way. I mean, it -- so we have a traffic hazard, a concern. Behind me, then, in the right-hand lane comes some -- and it was not a legislator. Somebody comes screaming up, right-hand lane, gets behind the semitrailer and puts on their brakes. I mean, we almost had a problem there. Bottom line is, you drive in the right-hand lane when there is good conditions. You stay out of the left-hand lane. But for the person that likes to meander down the highway in the left-hand lane, with nobody behind 'em, no snow hazards, no emergency situation, they want to drive in the left-hand lane, we gave 'em an exception.

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR PETKA:

Senator, in looking at this legislation, did you provide for an exemption of police officers who drive slowly in the left lane?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Senator, there was nothing specific about that in here but it -- but we do have a provision that law enforcement vehicles, ambulance and emergency vehicles engaged in official duties are exempt. So, no, in regards to a law enforcement official in the left-hand lane going slow, there was not a specific provision written into the language.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Petka.

SENATOR PETKA:

Then -- then what enforcement mechanism do we have against those who are supposed to enforce the law who are breaking the law?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Well, not being a prosecutor nor an official law enforcement officer myself, my suggestion is anyone -- no one is above the law - legislators or law enforcement. If they are breaking the law, they should have the full punishment and recourse that the law provides for.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Petka.

SENATOR PETKA:

And what might that be, Senator? What might be the full recourse?

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator...

SENATOR PETKA:

I'm saying this -- it may seem partially unjust. What happens when you -- having a -- a police department, not necessarily from the State Police, that's having a bad day and simply decides to -- to get into the left lane and drive at or under the speed limit?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

That's a fair question. I'm going to -- I'm not going to be able to answer with the full adequacy that you deserve, but I would think that if there is another law enforcement officer in the -- in the area and they see that they are intentionally doing that and they are violating the law, I would hope that that law enforcement officer would impress upon the one violating the law that they're doing a wrong and arrest them. Now, your question, I think, begs itself, is we, as a normal citizen, is seeing this occur and I -- I'm going to be very candid with you, Senator. I don't have the good answer for that, outside of maybe getting the individual's license plate number, getting the type of vehicle it is and phoning it in to the commander of the -- of the district of the State Police, perhaps, who was doing the violation of the law.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Petka.

SENATOR PETKA:

Is there -- in the event that the person who is driving in the left lane at a speed which may be in excess of the posted suggestions that they have - in other words, the person at that point in time may be driving sixty-six or sixty-seven - would that person still be subjected to -- to possible penalties under this law?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

If I can clarify, your question is, if they are driving the speed limit and they're in the left-hand lane, would they be in the violation of this law? The -- the point is, if there is --



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if there are other vehicles behind them, they do need to get in the right-hand lane.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEL VALLE)

The sponsor will yield.

SENATOR GARRETT:

Senator, I noticed in the analysis that this bill makes a reference to vehicles. Do the vehicles include trucks?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Yes.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

Are you sure? Because the way -- I think there's a separate provision that was passed in 1996 that allows for trucks to use the two right -- well, when there -- there's a two-lane road, that they're allowed to use both lanes. I don't know if that's a separate provision other than what's been cited here, but I think in all fairness, if we're going to pass this for vehicles..

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford. We need to keep it down. The sponsor of the bill is having a difficult time hearing Senator Garrett. Senator Rutherford. Senator Garrett, could you repeat your question, please?

SENATOR GARRETT:

I -- the first question was, does this proposal -- do vehicles include trucks?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Yes, Senator Garrett, trucks are -- I'm sorry. Vehicles are considered to be trucks as well.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Garrett.

SENATOR GARRETT:

And the reason I ask that is I believe there is a separate provision that states that when there are two lanes, that trucks may use both lanes, either passing or not passing. It seems to me that this particular provision does not take that provision into consideration, and I would hope that if we are going to apply these standards to vehicles, that we would apply the same standards to trucks.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

With respect, Senator Garrett, I'm not familiar with that, nor is -- is -- from the immediate exposure of this, my staff, but let's just suggest I would agree with you. We should be consistent and we will have a trailer bill or a vehicle bill or some kind of follow-up if there is some inconsistency, but I don't know that there is.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett.

SENATOR GARRETT:

That provision that I'm referring to did pass in 1996, and I will vote for this. I just want to make sure that the intention is that you will have a trailer bill so there -- there are consistencies instead of inconsistencies, especially when it comes to these two-lane roads.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. Would the sponsor yield for a couple questions?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR DeLEO:

Senator Rutherford, do you -- by any chance, do you know how many registered vehicles we currently have in Illinois?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

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It's my understanding approximately 9.5 million.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator...

SENATOR RUTHERFORD:

And the only reason I know that is because I've -- just working on a license plate bill here about Pat Quinn trying to take away the specialty plates from people.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator DeLeo.

SENATOR DeLEO:

Well, I can definitely tell you I'm opposed to that part of the legislation, taking away special plates. Senator, we have in -- I believe on -- on all the Chicagoland expressways - the Dan Ryan, the Kennedy, the Eisenhower - they're all multiple-lane facilities. There's three, four lanes. Trucks are prohibited for the -- third lane. The problem with this piece - special piece of legislation - and let's use I-55, for example, going through the entire State of Illinois - most of it is two lanes. What this is doing, with the amount of registered vehicles we currently have, nine and a half million vehicles in Illinois, plus our tourism, plus our traffic, plus our truck traffic, plus people coming from the -- the tri-states, we're reducing our asphalt to one lane. We're actually reducing our traffic flow to one lane. I don't think that we can afford to take our major highway transportation system and put every single vehicle in the right lane. I think this is a very -- your intention is very good, and -- and I've been traveling I-55 for over nineteen years and I know exactly what the problem is, but I don't think this the way we're -- we're addressing the problem and the right decision. I think a reduction of asphalt, when -- when we're trying to add more highways, more freeways, more -- more accessibility and I think this is -- is going in the wrong direction, but I think your intentions are good, sir.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. If I could respond: First of all, Senator DeLeo, what this does, it deals with just the interstate highways and full access controlled highways. So

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we're not -- you know, we are very defined in what this is. And the other thing is, this does not change anything about one being able to use the left lane and even to drive in the left lane than what the existing law is, unless there is a backup of traffic. If there's traffic backing up, it says move over, and I gave you the list of the other exceptions as well. So, I mean, I do understand what you're saying about the -- the -- focusing in on just the one lane, but if they want to go ahead and continue the way they were doing it, people are up behind you, you're backing up traffic. Your job is to move over, let 'em by.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor will yield.

SENATOR RAUSCHENBERGER:

I know the sponsor's well-intended and I know that he comes from a community located along I-55, but I just want him really to search his soul and tell us whether this bill is really necessary now that Pat O'Malley is retired from the Senate.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford.

SENATOR RUTHERFORD:

We -- we still have Senator Trotter with us though.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rutherford, to close.

SENATOR RUTHERFORD:

Mr. President and Ladies and Gentlemen, thank you. I -- you know, this -- every one of us have been on the highway. We've seen the person that is -- is backing up traffic, causing a hazard. This bill simply says, with multiple exceptions for good reason, that the person should move to the right and let the traffic go by. I'd appreciate a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 1574 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 10 Nays, 5 voting Present. House Bill 1574, having received the required constitutional majority, is declared passed. House Bill 1632. Senator Martinez. House Bill 1729. Senator Clayborne. House Bill 1751. Senator Sieben. House Bill 2136. Senator Cullerton. House Bill 2188. Senator Schoenberg. House Bill 2200. Senator Clayborne. House Bill 2234. Senator Schoenberg. House Bill 2265. Senator Clayborne. House Bill 2280. Senator Ronen. House Bill 2291. Senator Halvorson. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2291.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the General Assembly. House Bill 2291 will provide an exemption from the mobile home local services tax for a mobile home owned and used exclusively by a disabled veteran. The exemption would start in January of '04. The gentleman in my district, he currently has it in his home, but he moved to a mobile home. And we thought that was the least we could do for someone who was completely disabled, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates she will yield.

SENATOR BURZYNSKI:

Thank you. Senator Halvorson, I was looking at the bill. Don't disagree with it, but, as you might recall, a couple of weeks ago we passed out a bill relative to mobile home being mandated to be located on permanent foundations. Now, if that

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bill's signed into law, how does your bill play into that?  
Would they still be exempted?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson.

SENATOR HALVORSON:

I believe so, because this is a person living in a mobile home that is completely disabled, a veteran.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Burzynski.

SENATOR BURZYNSKI:

Okay. But looking at -- looking at the -- at our analysis anyway, I don't see an exemption for one that's permanently located on a foundation. That's why I'm asking. So you might -- might just want to be aware of that in case that becomes an issue.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson, to close.

SENATOR HALVORSON:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 2291 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, no Nays, none voting Present. House Bill 2291, having received the required constitutional majority, is declared passed. House Bill 2301. Senator Halvorson. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2301.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. This is the bill that we took out of the record yesterday because Senator Watson asked for a clarification of who this would affect. What we found out was the highway departments in

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cleaning up the roads, the homeowner or the person who owns the land or the place, whether they live there or not, are responsible for cleaning up things that are in the way or are an obstruction, and the fines go into effect after the ten days of it sitting there and being told that they need to move it.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator John Jones.

SENATOR J. JONES:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates she will yield.

SENATOR J. JONES:

Senator Halvorson, I -- I voted for this bill in committee, but I -- I don't see how in the world I could have let that slip up. But why are we increasing the fines so drastically though? That's -- that's a big question I think Senator Watson had yesterday and it's a question I have. That's a -- that's a heck of an increase in fines.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson.

SENATOR HALVORSON:

What was told to me is, for the lesser amount, people are not paying the fines and they're not cleaning it up.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Jones.

SENATOR J. JONES:

Well, I would just advise the Members on this side of the aisle that this is a pretty hefty fine increase, and I would advise the -- the -- the Members on this side of the aisle to vote No on this bill or Present.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson, to close.

SENATOR HALVORSON:

Thank you. I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 2301 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40

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Ayes, 16 Nays, none voting Present. House Bill 2301, having received the required constitutional majority, is declared passed. House Bill 2317. Senator Welch. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2317.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is expand projects eligible to be available -- to be paid for under special assessments to include streets, storm drain sewers and -- and other items. This was requested by the Village of Minooka. The idea behind it also is that the Village itself can't -- can't handle the special assessment so they want the county to do that. So this bill allows them to do that as well. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion?  
Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President. We voted against this in committee and I can't remember why. But it must have been a hell of a good reason. So I would suggest we vote No.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch, to close.

SENATOR WELCH:

We'll, I've got two amendments to the bill that passed out of that committee unanimously, 8 to nothing. So I'm not sure -- you voted against the vehicle bill when there was nothing on it, but I have the two amendments passing eight to nothing, Senator. So, anyway, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill -- Senator Wendell Jones.

SENATOR W. JONES:



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I stand corrected. You are correct. We -- we voted against the original and then we -- we voted for the other two. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Okay. Thank you, Senator. The question is, shall House Bill 2317 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, 1 Nay, none voting Present. House Bill 2317, having received the required constitutional majority, is declared passed. House Bill 2330. Senator Harmon. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2330 creates the Illinois Civil Rights Act of 2003. This bill fills two gaps in -- in the law in the State of Illinois. First, it prohibits governmental policies that discriminate against a racial group or have a disparate impact against a racial group, and it allows those people who are aggrieved by such policy to challenge the policies in State or federal court. Second, it facilitates private enforcement of civil rights laws by allowing the award of attorney fees to parties who prevail in litigation brought under this new law or the Illinois Constitution, including those parties whose litigation causes a reversal of policy by the government. This is in direct response to recent reversals and direction by the United States Supreme Court. In the case of the disparate impact, it reversed a thirty-year history on a five to four vote. With respect to the recovery of fees, it reversed ten of eleven circuits. This is a -- a good bill. We did discuss in committee a couple of concerns. I believe that instead of amending the bill, we'll be able to talk about it here on the

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Floor and make sure that everyone going forward understands our intentions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

...you -- thank you, Mr. President. Will the sponsor yield for legislative intent questions?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR DILLARD:

Thank you. Here we go again. Like an earlier bill today, we've got to have some lengthy legislative intent questions asked because of a refusal to amend a bill that is gigantic in nature. And, once again, I would submit this is not the right way to go about the bill drafting process, but here's my question. Senator Harmon, the bill creates a new cause of action against the State or units of local government for civil rights violations based upon race, color or national origin. With the budget deficit the State is facing and the impossibility of determining how much liability your particular bill may create for the State, I'm concerned about the possibility of this bill being interpreted by a court to apply to pending cases or cases where the cause of action accrued prior to the effective date of this bill and an action is filed after the effective date of this bill, which would potentially increase the cost to the State. While Illinois case law has stated that in the absence of a legislative statement to the contrary, a law will not apply retroactively, without clearly stating the prospective nature of the bill, the Legislative Reference Bureau bill drafting manual clearly tells us, quote, "there is no clear way to determine how the court will decide the issue", end quote. Therefore, since I understand that, due to time constraints, you do not want to amend this bill clearly to set forth the prospective nature of it, I would ask you, for purposes of legislative intent, is this bill intended to apply prospectively, that is, apply only to causes of action accruing on or after the effective date of this bill?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon.

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SENATOR HARMON:

Yes, Senator. Although the bill is silent as to temporal reach, it is intended to apply only to causes of action accruing on or after the effective date of the bill and does not apply to pending cause -- cases or causes of action that accrued prior to the effective date of the bill. One addition that's off script, if you will. Your remarks indicated this created a new cause of action against the State. It's true it creates a new State cause of action, but it does, more or less, reinstate an existing federal cause of action.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Dillard.

SENATOR DILLARD:

One more question, Mr. President. Additionally, Senator Harmon, there is language in this bill that allows a court to, quote, "mandate {sic} affirmative action", end quote. I'm concerned that this would allow a court to require the State or a unit of local government to create a new affirmative action program. Is that your intent?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon.

SENATOR HARMON:

No, that is not my intent. Those words were taken from the Human Rights Act and are intended to allow the court to order the State or a unit of local government to act in a specific manner. There is no intent to allow a court to mandate the creation of affirmative action programs.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR GEO-KARIS:

Senator, you mentioned temporal. Would you explain to us what you mean by temporal?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon.

SENATOR HARMON:

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The bill is silent as to the timing, be it prospective or retroactive. We attempted in -- in debate to clarify that it is prospective only.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Then, do I -- do I understand -- excuse me. Do I understand, Senator, then if this bill passes, only acts that take place after it is signed into law will be considered, not before?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon.

SENATOR HARMON:

Yes, Senator. It would apply only to causes of action accruing on or after the effective date of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor will yield.

SENATOR ROSKAM:

You know, Senator Harmon, this came up, obviously, a couple minutes ago and you can anticipate a little bit where I'm going with this. But it doesn't seem like it's unreasonable to -- for the plain language of the bill to be open and obvious. It doesn't seem that it's unreasonable, in light that deadlines have been extended on other pieces of legislation. We have probably unanimity. I mean, I'm -- I dare probably to speak on behalf of our caucus on this issue. There's probably twenty-six Senators on this side more likely than not that want to support this bill, but there's three real weaknesses in it right now as drafted. One you've tried to remedy with Senator Dillard, and that is the prospective nature of it. I mean, the -- the -- the stakes are high on this if you're wrong and the judge doesn't look beyond the plain language of the bill and only looks to your backup position. It's -- it, I would argue, is clearly inadequate. That's point number one. We -- we're familiar with that argument. Senator Cullerton agreed to take the bill out of

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the record on that basis and I would ask -- I would appeal to you to do the same thing. We've got plenty of time to fix this bill and we're not even dealing with an animated House sponsor who's adverse to that action. I think we can -- we can do it -- number one, we can do it the right way. The second question is, again, the ambiguity about the language "affirmative action". I mean, affirmative action is such a buzz phrase in this -- in this political environment. Means a lot of things to a lot of people. And so, basically, when you say, "Well, affirmative action is in this bill but it doesn't mean what affirmative action has come to -- to mean in the general political parlance that we all deal with," that is such a highly nuanced answer that it really doesn't give much of an underpinning for those who are -- are concerned about that issue. The other thing that just seems to me that hasn't come up in other areas is this discussion of disparate impact and it's one that I've really not given a lot of thought to, not as much as you have, obviously, as the sponsor of the bill. But here's my question: Would -- under this bill, would an individual be able to make a disparate impact argument on, let's say, the automatic transfer of juveniles? Now, we in the General Assembly have wrestled with that issue and we've looked -- Senator Petka, in the past, has looked at that issue, and -- on some drug offenses in the previous General Assembly, he was the sponsor of -- of legislation to correct that. Now there's attempts now to -- to deal with that. I would argue, Senator, that that's the purview of the Legislature, to make a policy decision. And if what you're doing is you're empowering a criminal juvenile defendant to come in and say, "Hey, there's a disparate racial impact here; you have no right to send me on an automatic transfer basis," the unintended consequence of that I don't think is something that a majority of the Senate really wants to be a part of. So three questions: affirmative action, which I think has been inadequately dealt with; prospective, which has been inadequately dealt with; and finally, the disparate impact question. If you could answer those, then I -- I think I have one more question, but if you could address those, I'd appreciate it.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Harmon.

SENATOR HARMON:

Let me try to address both the affirmative action and the disparate impact -- or, I'm sorry, the affirmative action and the prospective questions together. This bill could have been drafted with different language; it was not. It has been my decision as the sponsor to proceed with the -- with the language without an amendment. We've consulted with Members of your caucus and with staff and have determined that the recitation of legislative intent on the Floor would be sufficient to -- to create the record and make those points clear. You -- you -- you know me well enough now, I hope, to recognize that my enthusiasm is boundless for this particular bill based on my behavior on the Floor right now. I plan to proceed with this bill without taking it out of the record. With respect to the disparate impact, we are reinstating, essentially, thirty years of federal law. I don't believe that it is such a -- a -- a -- it is a significant bill, but I do not believe that, from a lawyer's perspective, it is a significant jump to attempt to codify at the State level thirty years of -- of -- of federal history.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator Harmon, on -- on -- let's take the first two situations, affirmative action and prospective. What happens if you're wrong? It's a rhetorical question, and then answer my real question. Why not -- if you're wrong, then we've got a messed up piece of legislation based on the unintended consequence of an earnest sponsor. Why not -- why not make sure, just dead-bang certain, that the bill means exactly what you intend it to mean, so that there's no ambiguity, so that you drive -- you know, you -- you create a -- a unanimous situation where you get fifty-nine votes and -- and out it goes? I would submit to you, I think that's the better way to go. It's not backing down in any way. It's saying, hey, I'm -- I'm sort of appealing to the higher nature, and since we -- I -- I would understand your argument if this were the last day of Session and -- and so forth, but -- but I -- I don't see why -- why in

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the world we can't, with the time that we have, make it completely unambiguous. That's question number one. Question number two is, even though we're -- you're -- you're basically arguing that we're repairing a -- or, replacing or getting back to a thirty-year remedy that was in place. My question was, would a juvenile criminal defendant who is automatically transferred - that we've argued about in this Chamber in the past few weeks - would that criminal juvenile defendant have the standing, under your bill as you're crafting, to make a disparate impact argument and therefore say, "You cannot send me to the -- to the adult court; you have no standing," and it gives an end run to the legislative process where that debate belongs and you're empowering the court to make that ruling? Is that possible, Senator, under this bill?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon.

SENATOR HARMON:

Let me see if I can answer all the parts of the questions. Let me try to answer the last part first. With respect to disparate impact, I recognize that the Legislature has the purview to -- to try to make these policy decisions. The fact is, on any topic, if we make a policy decision and that policy has a statistically significant disparate impact on a racial group, that policy is wrong and should be redressed in the courts. If we are doing something as a government that is disparate -- that is disproportionately impacting a racial minority, we should be called in -- in a court proceeding to -- to try to redress that. With respect to the -- again, the retroactivity, without trying to make the -- the -- the perfect the enemy of the good here, I think we have addressed that, and I apologize if -- if I am not answering your question. I'm not sure I remember all the nuances of the first question, having answered the second.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Roskam, is this your last question?

SENATOR ROSKAM:

Briefly to the bill, Senator. Thank -- thank you, Mr. President. Well, this is a -- this is a bill that we've discussed at length and I don't want to belabor this. My -- my

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advice, at least to the folks on my side of the aisle, I would strongly recommend a Present vote. I think there are concepts within this bill that we can all embrace, we can all be proud of, and I -- I think that we can do better. We have the time to do better. We've got two weeks left in this Session. We have the energy to do better. This is not about seeking a perfect bill, but it is about, very simply, taking away any ambiguity about what the underlying bill does. And then I would urge caution that this disparate impact initiative is something that we -- we -- we do need a sense of caution to. So I urge my colleagues to vote Present. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon, to close.

SENATOR HARMON:

Just briefly, Senator. I did remember one point I wanted to make. I think we have a genuine disagreement as to the State of Illinois law with respect to the prospective nature. In consultation with our staff and our lawyers, we believe it is very clear that this bill is prospective, even in its silence. So, with that, this is a good bill. It should get all green lights, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 2330 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? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 5 Nays, 23 voting Present. House Bill 2330, having failed to receive the required constitutional majority, is declared failed. Senator Harmon.

SENATOR HARMON:

I would ask the bill be placed on the Calendar, Postponed Consideration.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The bill will be placed on the Order of Postponed Consideration, Senator. House Bill 2331. Senator Cullerton. Turning to page 63. House Bill 2350. Senator Meeks. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2350.



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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Meeks.

SENATOR MEEKS:

Thank you so much, Mr. President. House Bill 2350 amends the School Code, requiring the State Board of Education to accept as qualifications for non-certified personnel, relevant life experience, as determined by the Board by rule. This is in line with the No Child Left Behind. And the proponents of this legislation are simply seeking that experience in the classroom would count and that the Board -- the State Board would determine how it would count. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2350 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, none voting Present. House Bill 2350, having received the required constitutional majority, is declared passed. House Bill 2354. Senator Schoenberg. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2354 expands the School Technology Revolving Loan Program in a manner that goes beyond just featuring school districts. Also includes charter schools, area vocational centers and laboratory schools in an effort to have a fuller integration of technology in classrooms throughout the State. Changes the rotation schedule to a two-year rotating basis from the current three-year rotating basis. Establishes standards for collateral and also has provisions to ensure that at least

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ninety percent of the money is spent for technology investments in the area of hardware, networking, wiring and other things and -- up to ten percent by furniture. There's no known opposition to the bill. This will enable more students throughout the State to access technology and I urge your support.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? There being none, the question is, shall House Bill 2354 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, no Nays, none voting Present. House Bill 2354, having received the required constitutional majority, is declared passed. House Bill 2370. Senator DeLeo. House Bill 2425. Senator Cullerton. House Bill 2434. Senator Sandoval. House Bill 2446. Senator Dillard. Well, we're going to -- back up to 2434. Senator Sandoval, do you wish to call the bill?

SENATOR SANDOVAL:

Yes.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2434.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. Just had the wrong -- the wrong Senate {sic} bill up there. House Bill 2434 amends the Water Reclamation District Pension Code {sic}. It allows eligible members to purchase service credit up -- for up to two years of prior military service. It amends the State's Mandates Act to require implementation without reimbursement. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Brady.

SENATOR BRADY:

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

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR BRADY:

Senator Sandoval, last week you and I discussed this piece of legislation, particularly with an amendment that we gave your staff, at the request of Senator Demuzio, to include teachers in this. My question to you is, what's the status of that and why are you moving this bill?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Brady, we are trying to find another vehicle for which to attach your amendment to. For now, I'd ask for your support of this -- of this bill, and we'll get to the amendment on another vehicle bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Brady.

SENATOR BRADY:

Senator, several Members on this side of the aisle asked if Session was concluding tonight and why -- why we might not be able to go with the game plan which we had requested last week. This is a perfectly appropriate vehicle. You're asking us provide two-year -- a buy-in period for members of the Metropolitan Water Reclamation District. If it's good enough for them, I don't know why you couldn't just hold this, why it wouldn't be good enough for teachers. Individuals on our side of the aisle might find difficulty voting for this. Here you're wanting to give a -- a medical service buy in for members of the Metropolitan Water Reclamation District but not teachers throughout Illinois. I think that's unfair. I think we're sending the wrong message, Senator, and I'd ask that you reconsider and hold -- hold the bill, call it back 2nd Reading and allow the legislation that Senator Demuzio introduced to be amended to this.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Rauschenberger. Okay. Senator Sandoval. Oh. Do -- do you want to comment, Senator Sandoval?

SENATOR SANDOVAL:

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Yes, I would. You know, as a -- talking to the original agency of which this bill resurrected out of, they'd prefer, obviously, that this bill proceed forward without any other attachments from other different agencies, and I think that's the courtesy that I can provide to them.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Jacobs.

SENATOR JACOBS:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I understand Senator Brady's concern. I think that you all received a letter from me. We are going to try to -- to accommodate the Members' leading pension issues, and we will most certainly pay attention to that of Senator Demuzio and any that you may have, Senator Brady. And ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much. I heard my name being -- in debate. I do have an amendment with respect to military credit for the TRS system. I've discussed that with Senator Jacobs, and I think that -- it's our intention to try to put that in some omnibus bill -- pension bill here that may leave here later on. So, I don't have any objections with proceeding with this bill on its own merits.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval, to close.

SENATOR SANDOVAL:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 2434 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 voting Aye, 16 voting Nay, 9 voting Present. House Bill 2434, having received the required constitutional majority, is declared passed. House Bill -- Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

To request a verification on that last roll call.

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PRESIDING OFFICER: (SENATOR DEL VALLE)

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

ACTING SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

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

SENATOR ROSKAM:

Senator Lightford.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford is in the rear of the Chamber.

SENATOR ROSKAM:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

On a verified roll call, there are 32 Ayes, 16 Nays, and 9 voting Present. House Bill 2434, having received the required constitutional majority, is declared passed. House Bill 2446. Senator Dillard. House Bill 2477. Senator Roskam. Turning to page 64, House Bill 2478. Senator Hendon. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2478.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hendon.

SENATOR HENDON:

Thank -- thank you, Mr. President. I want to thank everyone who has worked with me on this legislation. This simply allows residents who have problems with prostitution in their district or in their street, on their block, to be heard in court by the judge when it comes to sentencing. Some people look at

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prostitution as if it's not a victimless -- as if it is a victimless crime, but that's not true. The victims are the communities that have to suffer through this criminal act, and that's the bill does. I'll be happy to answer any questions. I appreciate the Republicans on that side of the aisle for supporting this legislation. There are no opponents. Supported by the Chicago City -- City Council, which I had to get to this point, kicking and screaming, when I was alderman and now we're just taking it to the next level. I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Sponsor indicates he will yield.

SENATOR GEO-KARIS:

Senator, I -- I'm not quite clear. What does your bill really do?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hendon.

SENATOR HENDON:

The bill simply states that judges should allow members of the block club or any community-based organizations who have been dealing with prostitution in their community to come forward with a statement of impact on that community before they determine the sentence.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is there any provision for the fellows who go ahead and solicit the prostitutes?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hendon.

SENATOR HENDON:

Most certainly. When I was alderman of the City Council, my first five ordinances went against the men because it takes two to tango, and I thought it was wrong to just send the poor ladies to jail and let the men get away. So, even in sentencing the men, the block clubs will be able to come in and -- and make

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an impact about the men, as well as -- as it impacts the -- the cause of the tricks, or the johns, whichever way you want to put it, which is part of my bill. So, the members of the community could testify against the prostitute or against the customer.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, you don't have to be that explicit to me. However, I still wonder. All I can say to you is I -- I'm not against your bill as such, but you have not provided, in my humble opinion, the perpetrators who solicit the prostitutes. That's all I'm saying. I can well appreciate your intent to have a very moral community, but let's not forget there are -- this expression, the "tricks of the trade," but they go both ways.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Hendon, to close.

SENATOR HENDON:

Well, I do want to say I understand exactly where you're coming from, but it does, under point (d), go after patronizing a prostitute, as well as being a prostitute. So, it goes after the men and the women. I think that's just fair. Arrest 'em both. Let the block clubs come in and have a say, and the judge should take that in consideration when it come to sentencing. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The question is, shall House Bill 2478 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, no Nays, none voting Present. House Bill 2478, having received the required constitutional majority, is declared passed. House Bill 2486. Senator Schoenberg. House Bill 2489. Senator Welch. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2489.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill will do is require that telecommunication carriers notify the local authorities twenty days before they disconnect the service of an emergency system or a fire alarm system. The purpose behind this is to allow local authorities to contact the owner of the building to maintain the fire line so no discontinuation of service will occur. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I just want to stand up and applaud the sponsor. I know he's done a lot of good telecommunication works, and just heartily endorse this bill. I know the Minority Spokesman was going to stand up and do it, but I just wanted to take this opportunity to kind of rebuild that bridge with Senator Welch.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch, do you wish to close?

SENATOR WELCH:

No.

PRESIDING OFFICER: (SENATOR DEL VALLE)

I didn't think so. The question is, shall House Bill 2489 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, no Nays, none voting Present. House Bill 2489, having received the required constitutional majority, is declared passed. House Bill 2493. Senator Cullerton. House Bill 2504. Senator Cullerton. House Bill 2523. Senator Garrett. House Bill 2525. Senator Lightford. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2525.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford.

SENATOR LIGHTFORD:



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Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2525 amends the Criminal Code of 1961 regarding domestic battery. It expands prior convictions for purposes of sentencing in domestic battery cases to include a prior conviction under the law of another jurisdiction if the violation is substantially similar. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2525 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, no Nays, none voting Present. House Bill 2525, having received the required constitutional majority, is declared passed. House Bill 2526. Senator Welch. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2526.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill was brought to me by the State's Attorney of DeKalb County. In particular, he sought this legislation to help prosecute cases of domestic violence when the witness was unavailable. This provides a specific definition for the -- "unavailability as a witness" regarding admissibility of prior statements when a witness refuses to testify in court. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2526 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. House Bill 2526, having received the required constitutional majority, is declared passed. House Bill 2529. Senator Dave Sullivan, for what purpose do you rise?

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SENATOR D. SULLIVAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

SENATOR D. SULLIVAN:

If the Senate could welcome a friend of mine, a constituent who's in the gallery, George Busse.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Welcome to the Senate. House Bill 2529. Senator Cronin. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2529.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. This bill amends the Illinois Streetgang Terrorism Omnibus Prevention Act. It includes in the definition of "course or pattern of criminal activity" acts of criminal defacement of property if the defacement includes a sign or other symbol intended to identify the streetgang. This bill would bring the act of tagging - that's the term that's used on the street - or making graffiti with a gang sign within the definition of a course of criminal conduct under the anti-gang law. The one act in and of itself does not establish a course. There would have to be an additional act in addition to this provision. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2529 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, no Nays, none voting Present. House Bill 2529, having received the required constitutional majority, is declared passed. House Bill 2545. Senator Cullerton. With leave of the Body, we'll come back to House Bill 2545. House Bill 2550. Senator

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Lightford. House Bill 2567. Senator Crotty. House Bill 2571. Senator Woolard. House Bill 2577. Senator Link. House Bill 2579. With leave of the Body, we'll come back. With leave of the Body, we'll turn to page 68. House Bill 2805. Senator Demuzio. With leave, we'll come back to that one. House Bill 2840. Senator Link. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2840.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this bill does is clarify that -- the school bus charter bill. This is basically the same bill that we passed out of here, identical to Senate Bill 150 that passed out of here 59 to nothing. It's the House version of the bill. It is supported by the Motorcoach Association, Secretary of State and Catholic Conference. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Is there any discussion? If not, the -- the question is, shall House Bill 2840 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, none voting Nay, none voting Present. House Bill 2840, having received the required constitutional majority, is declared passed. Turning to page 69. House Bill 2843. Senator John Sullivan. House Bill 2855. Senator Garrett. House Bill 2860. Senator Collins. At the bottom of the page, House Bill 2950. Senator Walsh. House Bill 2864, on page 69. Senator Crotty? House Bill 2983. Senator Woolard. Are we tapped out here? Senator Wendell Jones, for what purpose do you rise?

SENATOR W. JONES:

Mr. President, I move we adjourn.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Mr. Wendell Jones, I've been advised that we're not on that order of business. Madam Secretary, Messages from the House.

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SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

House -- pardon me, Senate Bill 319, together with House Amendments 1 and 2.

Passed the House, as amended, May 13, 2003.

I have like Message with respect to Senate Bill 125, with House Amendment 1; Senate Bill 222, with House Amendments 1 and 2; Senate Bill 280, with House Amendment 1; Senate Bill 319, with House Amendments 1 and 2.

All passed the House, May 13, 2003.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Appropriations I Committee - Floor Amendment No. 1 to House Bill 2730; refer to Appropriations II Committee - Floor Amendment No. 1 to House Bill 2685; refer to Education Committee - Floor Amendment No. 3 to House Bill 430, Floor Amendment No. 1 to House Bill 764 and Floor Amendment No. 2 to House Bill 2352; refer to Environment and Energy Committee - House Amendment -- pardon me, Floor Amendment No. 1 to House Bill 910; refer to Executive Committee - Floor Amendment No. 2 to House Bill 560, Floor Amendment No. 1 to House Bill 572, Floor Amendment No. 1 to House Bill 715, Floor Amendment No. 1 to House Bill 836, Floor Amendment No. 1 to House Bill 876, Floor Amendment No. 1 to House Bill 986, Floor Amendment No. 1 to House Bill 992, Floor Amendment No. 1 to House Bill 1475, Floor Amendment No. 1 to House Bill 1543, Floor Amendment No. 1 to House Bill 2345, House Joint Resolution 19 and Senate Resolution 139; refer to Financial Institutions Committee - Floor Amendment No. 1 to House Bill 259, Floor Amendment No. 1 to House Bill 1161, Floor Amendment 2 to House Bill 2188 and Floor Amendments 1 and 2 to House Bill 2550; refer to Health and Human Services Committee - Floor Amendment No. 2 to House Bill 88, Floor Amendment 2 to House Bill 211, Floor Amendment 4 to House Bill 294, Floor

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Amendments 1 and 2 to House Bill 414, Floor Amendment 1 to House Bill 690, Floor Amendment 2 to House Bill -- 691, Floor Amendment 2 to House Bill 696, Floor Amendment 2 to House Bill 784, Floor Amendment 1 to House Bill 816, Floor Amendment 3 to House Bill 2136, Floor Amendment 1 to House Bill 2579, Floor Amendment 1 to House Bill -- 3023 and Floor Amendments 1 and 2 to Senate {sic} Bill 996; refer to Insurance and Pensions Committee - Floor Amendment 1 to House Bill 1074; refer to Judiciary Committee - Floor Amendment 1 to House Bill 564, Floor Amendment 2 to House Bill 570, Floor Amendment 3 to House Bill 1382, Floor Amendment 1 to House Bill 1487, Floor Amendment 3 to House Bill 1632, Floor Amendments 3 and 4 to House Bill 2391, Floor Amendment 1 to House Bill 2524, Floor Amendment 1 to House Bill 2843, Floor Amendment 1 to House Bill 2860, Floor Amendment 1 to House Bill 3086, Floor Amendment 2 to House Bill 3486 and Floor Amendment 3 to House Bill 3528; refer to Labor and Commerce Committee - Floor Amendment 2 to House Bill 235 and Floor Amendment 2 to House Bill 3398; refer to Licensed Activities Committee - Floor Amendment 2 to House Bill 2864; refer to Local Government Committee - Floor Amendment 2 to House Bill 1514, Floor Amendment 1 to House Bill 3231, Floor Amendment 1 -- pardon me, make that Floor Amendment 2 to House Bill 3411 and Floor Amendment 1 to House Bill 3530; refer to Revenue Committee - Floor Amendment 1 to House Bill 2855; and refer to State Government Committee - Floor Amendment 1 to House Bill 1032 and Floor Amendment 1 to House Bill 3142.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Madam Secretary, Resolutions. We'll hold on that. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Mr. President. I rise for purpose of an announcement.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your purpose.

SENATOR TROTTER:

Thank you. I'd like to announce that tomorrow at 10 a.m. we'll be meeting in Room 212. Appropriations I will be meeting in Room 212. There may be some action being taken and we'd like all the Members to be there on time. Thank you.

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

I rise on a point of -- an announcement. Licensed Activities will meet tomorrow at 3 o'clock in the Stratton Building, A-1. Licensed Activities, 3 o'clock tomorrow.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Point of information. Insurance and Pensions will meet at 9 o'clock in Room 400 tomorrow, and if you're there on time, we'll get out pretty quick. And I do want to say -- just add that I think I agree with Senator Jones. A motion to adjourn is always in order.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

For purpose of an announcement. The Senate Executive Committee will meet at 1 o'clock tomorrow in Room 212.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. -- President. Announcement, please.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your announcement.

SENATOR LIGHTFORD:

Thank you. Financial Institutions will be meeting in Room 400 at 3:30 on tomorrow. Room 400 at 3:30.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Woolard, for what purpose do you rise?

SENATOR WOOLARD:

For the purposes of two announcements. Education will be meeting in Room 212 at 9 a.m. and State Government will be meeting at 1 p.m. in A-1.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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

SENATOR CLAYBORNE:

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A point of information, Mr. President. Environment -- Environment and Energy Committee will be meeting at 212 at 11 a.m. Again, at 212 at 11 -- at 11 a.m. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Link, for what purpose do you rise?

SENATOR LINK:

An announcement. Senate Revenue Committee will meet at 1 o'clock in Room 400. Be a very short meeting.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Ronen, for what purpose do you rise?

SENATOR RONEN:

For an announcement. The Labor and Commerce Committee will meet at 3 p.m. in Room 400.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

For purpose of an announcement. The Judiciary Committee will meet tomorrow morning at 10 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

I'm rising to complain that it took me so long to make my announcement. No, I'm teasing, Mr. President. For purposes of announcement. Health and Human Services will meet, Room 400 at 11 a.m. Room 400. Please be in there on time, Members.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Purposes of announcement, Mr. President. The Local Government Committee will meet at 9 a.m. tomorrow morning in -- in Room A-1 of the Stratton Building. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Welch, the last one, for what purpose do you rise?

SENATOR WELCH:

To announce that Appropriations II will meet at 3 o'clock tomorrow in Room 212. We will be voting -- we will be voting on amendments tomorrow that actually have dollar figures in them. So if the Members of Appropriation I and II could show up tomorrow, we'd appreciate it. Thank you.

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PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you, Senator. There being no further business to come before the Senate, the Senate stands adjourned until the hour of noon on Wednesday, May 14th. The Senate stands adjourned.