

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd 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 at their desks? Will our guests in the galleries please rise? The invocation today will be given by Dr. Baker Siddiquee of the Islamic Society of Greater Springfield, Illinois. Dr. Siddiquee.

DR. BAKER SIDDIQUEE:

(Prayer by Dr. Baker Siddiquee)

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR WELCH)

Please be seated. Reading and Approval of the Journal. Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journals of Thursday, May 22nd, and Friday, May 23rd, 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 objected, so ordered. Ladies and Gentlemen, we are going to go to House Bills 3rd Reading as the first order of business. Please vacate your offices and come to the Floor of the Chamber. So if the secretaries would please get their Senators to come up here, we're going to be voting on legislation. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 174, offered by Senator Link and all Members.

And Senate Resolution 175, offered by Senator Geo-Karis and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR WELCH)

Consent Calendar. Message from the House.

SECRETARY HAWKER:

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

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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:

Senate Bill 472, together with House Amendment 1.
Passed the House, as amended, May 23rd, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

We're going to start on page 24. House Bills 3rd Reading. House Bill 76. Senator Wojcik. Senator Wojcik. House Bill 186. Senator Dillard. Senator Dillard. House Bill 205. Senator Trotter. Senator Trotter. House Bill 235. Senator James Clayborne. House Bill 276. Senator Schoenberg. House Bill 463. Senator Garrett. House Bill 495. Senator Garrett. Read the bill, Madam Secretary. It's a recall. Senator Garrett seeks leave of the Body to return House Bill 495 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 495. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. Senate Amendments No. 2 and 3 to House Bill 495 are agreed amendments worked out by interested parties, including the State Board of Education, the Illinois Council of Code Administrators, the American Institute of Architects, the Statewide Management Alliance and the Illinois Municipal League. The amendments would allow municipal building, fire and plumbing inspectors to share their expertise with school officials by reviewing school construction plans and responding back with feedback to the regional superintendent of schools. For uniformity, their feedback will be based on the Health/Life Safety Code which is based on the 1996 BOCA Code and not local municipal codes. Amendments 2 and 3 would also set up a task force to make recommendations regarding the training and accreditation of individuals who will be reviewing plans and inspecting public schools. And that's about it.

PRESIDING OFFICER: (SENATOR WELCH)

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Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, are there any further amendments?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett, I believe you explained that as well. Is that correct?

SENATOR GARRETT:

I did. I'm sorry. I combined 2 and 3 together. So if the Chamber will allow me, if we can include them. Thank you.

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 Garrett, for what purpose do you rise? ...the Order of 3rd Reading, House Bill 495. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 495.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Again, thank you, Mr. President. House Bill 495 has come a long way since it's original introduction in the House and we have a totally agreed-upon bill that basically, as I said, sets up a task force, makes sure that when there's new construction on schools, that not only do the regional office of superintendents, as well as the architects, take a look at all of the construction codes, but that the municipalities have the opportunity to also weigh in. What we're saying is that this is really another pair of eyes. Code inspectors look at other buildings, schools. Public schools are the only buildings that

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have been omitted. This is a permissive bill, and again, has been agreed upon by all parties.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. It's good to see you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

You, too, Senator.

SENATOR BURZYNSKI:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield.

SENATOR BURZYNSKI:

Thank you. Senator, we had a lot of debate about this bill in committee and -- and your amendments obviously -- in my opinion, made a bad bill better. But, still, whether or not this bill is actually needed. What has caused you to bring -- come forward with this bill? What fire has there been? What construction problem has there been? What building has fallen down that has caused this bill to be necessary?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I guess, Senator, I can answer that in two ways. One, schools obviously have had issues with some of their construction. And that's not to say that the people overseeing the construction codes haven't done a good job, but we think we can do a better job. And also, when you look at it, on the face of it, public schools are the only entities that are eliminated from having local code inspectors present their opinion. And we are making this really very permissive. And I think if we go back to our districts, Senator, our -- our constituents would agree that they would, with their tax dollars, want to make sure that we have another set of eyes looking at these plans because -- actually it's one of those win-win situations. So, as far as specific problems, I'm not here to point out any of those. I'm just saying that we can do a better job.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

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SENATOR BURZYNSKI:

Thank you. Then is it fair to say you don't know of any specific problems?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

You know, Senator, there have been some issues related to school construction. Am I here today to say that it's because the authorities that were overseeing that construction didn't do their job? No, I'm not going to say that. What I'm going to say is that this is a preventative measure. It's safety. And that's our job, and that's why we're presenting this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Can you name one specific instance that's been a problem?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Okay. Examples of why this legislation is needed can be found in St. Charles, Palos Heights, Palos Hills, Orland Park. St. Charles East High School was closed for over a year because of toxic mold embedded in exterior walls. Students and faculty had been suffering from asthma, upper respiratory infections and sinusitis. So far, this has cost local taxpayers millions of dollars. Also in St. Charles, herbicides were found in the water supply at Anderson Elementary School. Last year construction problems at the high schools in Palos Heights and Orland Park delayed the start of the school year and have caused students and faculty to break out in rashes, and -- along with breathing problems. Fed -- fed up with the health hazards caused by construction, students at Sandburg High School staged a walkout. Ongoing construction in Andrew High School in Palos Heights has made it difficult for students and teachers to -- to evacuate during an emergency.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you for pointing out those situations. I guess my question is, would this make it any better? For instance, you -- you indicate the -- the mold problem at St. Charles. What local ordinance or building code would there have been that would have prevented that? I don't think there's any. When we take a look at what school districts do now, you've got the Capital Development Board. Their people are inspecting the plans. They're there. You've got architects on site. You've got construction managers on site who oversee these projects, you know. And I know the argument's been, well, the regional superintendents don't have the -- the ability to review these plans. Well, those other three people certainly do and they're working for the taxpayers as well. So, I think that we've got a real problem here that you're trying to fix -- excuse me. I don't think there's a real problem that you're trying to fix. I think that the instances that you brought up wouldn't have made any difference if there was a local ordinance. Now, let me ask you about this "permissive" question. What does permissive mean in this situation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

The municipality receives information that there is new school construction and then they can or cannot in -- in written form, may come over to the school and make comments. And the -- the cost is borne by the municipality, which is why it's permissive.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski, could you -- wrap up?

SENATOR BURZYNSKI:

Thank you. So, they -- they may or may not go into the school district, so -- but the school district can't say, "No, you can't come in."

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

The school district cannot say, "No, you can't come in," but, you know, it is a public institution. I doubt they would say that anyway. This actually is very permissive. You know, I

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don't know, Senator. This is agreed upon by the State Board of Education and all of the entities that had put this together. It's actually a good piece of legislation. I don't think we should be here nitpicking, looking for reasons why this could have or could not have helped Palos Heights or any of the other schools that had problems. The point is, is that we want to make sure that we do everything we can to prevent any future problems. And when we go back to mold in the walls, I mean, I think having somebody who may be qualified as a plumbing inspector to look to see if there's any water seepage, that may have actually prevented the mold from seeping into the walls.

PRESIDING OFFICER: (SENATOR WELCH)

Could you wrap it up, Senator Burzynski?

SENATOR BURZYNSKI:

I'll try. She took quite a bit of my time there. First of all, the mold problem in -- in St. Charles was not a result of water seepage, at least not from any sprinkler system or anything else. But, secondly, I just think this bill is a bad bill. It's going to create delays in the process when you have to go through another layer of inspections, another layer of -- of whatever, and I think it's really too bad. I would suggest that the Capital Development Board's checklist, the things that they have to go through, the -- the engineering, the construction diagrams that -- that are looked at are probably much more stringent than what local municipalities are. I would urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield.

SENATOR LUECHTEFELD:

Senator, we've been through a lot of this before, and I -- you know, I spent thirty-three years of my life in a school. And -- and I -- and I just -- you -- you know, there are enough hoops that these people have to go through to build -- to build a school. You know, you -- you ran off a list or read a list of a lot of things. Those things -- you may have read that same

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list off if there'd have been all kinds of inspectors that -- that's not proof whatsoever, I don't think, that -- that we wouldn't have had those problems. Am I right that when you first had this bill, that most of those groups that you talked about basically opposed it? Is that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, they did and we spent -- I spent a lot of time not just working on an agreement to pass the bill, but we think that actually the taxpayers of this State want to see this kind of legislation enacted. So we found a way in which we could find common ground, and every, single one of the interested parties is now supportive of the bill. And I would like to bring up something else, since we did talk about this in the Education Committee. One of the Senators from your side of the aisle did bring up the fact that he did receive a phone call from Bolingbrook High School asking that we support this legislation because they have had problems getting through to the schools and making sure that the construction work was done in a proper way. So, this is not something that we should be fighting. It's something we should actually be embracing.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Tell me, how did you -- in your amendment that everyone all of a sudden jumped on board, how did -- what did you change? What did you change to do that? Because I've talked to some of those groups and they're not excited about this bill, I can guarantee you that. In fact, they don't like it. Go -- go ahead. How -- what did you do to make all of them go on board?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Well, we had, I think, a total of either two or three meetings and what we did was we set up -- we -- through this legislation, we will be setting up a task force that will be looking at how this process will be put together. That was instrumental. We want to make sure that we are abiding by the

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School Code and BOCA and that the schools remain a major voice in this -- in this legislation. And actually, you say that they don't like it. I'm surprised to hear that because I have received phone calls, from most of them, at least, saying that they were -- they're very happy that we got to the point we're at.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, just a little bit to the bill. I know that very likely I'm not going to change anyone's mind on this, but, you know, I -- I see a lot of legislation that I say: Isn't enough enough? You know, we could come along next year and find somebody else to inspect that school, and -- and, you know, where do you draw the line? You know, we -- we've built schools for a long time. I think they've been -- they've been -- my experience has been they have to go through so many hoops already, it's a -- it's a -- it's a problem. And again, I -- I'm probably not going to change anyone's mind, but this truly is an unnecessary -- I don't want to call it a bad bill. Let's just call it a -- a -- unnecessary bill. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill. You know, over the weekend, I think a lot of us have heard from our constituents and so forth, and we've had a lot of discussion over the past several weeks about what we're doing to our schools and the funding formulas and so forth. And I don't know if -- if your districts are like mine, but mine has come and they've said, "Turn it off. Stop. Don't give us anymore suggestions. Don't give us anymore notebooks. Don't give us anymore people we've got to meet with and consult with and deal with and -- and send emails to and get people to sign off and jumping jacks and so forth." Our schools need relief. This is not a bill -- with all due respect to -- for -- to an earnest sponsor, this is not a bill that gives school districts relief. School districts are under incredible pressure financially in my area, putting unbelievable pressure on property taxes. The bills that were

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moved last week were a real mixed bag for suburban schools. And now what are we doing? We're putting -- with this bill, House Bill 495, putting more pressure on these people. This is a bad idea. It's the wrong time for this. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I respectfully disagree with the last speaker, because this is actually putting no pressure on our schools. This actually is, as I said, permissive. And to the previous Senator who spoke, there is no time delay and that is one of the beautiful parts about this bill, is that there is a turnaround period of fifteen days that was always in the bill from the beginning. This is a bill that will not go against schools. Schools are supportive of it. It actually is something that I think our constituents and our taxpayers want whenever there is new construction.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. To the bill: I rise in strong support of Senator Garrett. This is some good legislation. I don't understand why you're nitpicking on this bill. She's said time after time again that it's -- it's permissive, and I urge an Aye vote in strong support of House Bill 495.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR RIGHTER:

Senator Garrett, is there anything in the law now that prohibits a school board or a regional office of education from talking with the local fire department or local fire protection district or someone from the city or the county and say, "We'd like you to look these -- these over and give us your opinion on -- on how they look like and what you think?"

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Garrett.

SENATOR GARRETT:

No, Senator, there's -- there is nothing that would prohibit that, but because there is nothing that encourages that, public schools are now the only facilities that do not have the same kinds of inspection procedures that every other building, including our own homes, have in the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator, does this bill allow those entities that I named before, whether it's the municipality or the county or the fire protection district or the fire department, to actually force any substantive changes in the plans?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

What this bill does is allow for the inspectors from municipalities to provide written comments. And, actually, the regional office of superintendents may or may not take that advice, but it's something that is going to be or could be provided in written form.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

To the bill, Mr. President. Ladies and Gentlemen, I'm going to echo some of the comments, very briefly, that we've heard already. This bill permits nothing that is not already permitted under the law and it allows nothing that is not already allowed under the law. There's nothing here of substance in this legislation. With all due respect to the sponsor, I don't think it's our job to be, quote, unquote, "encouraging" the regional superintendents to do this or do that. If we think there's a problem, then let's put something in the law that requires them to do something. If we don't really think there's a problem or if we think that it's a problem but not one that should be addressed from Springfield, then let's just leave it alone. Let's not put another layer of bureaucracy on top of our

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school districts. I would urge an Aye vote -- a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett, to close.

SENATOR GARRETT:

I -- I hope that the Senators in this esteemed Chamber can come to grips with this bill, because it's actually good for the schools, it's good for our taxpayers, it's good for the school community, including the parents and the students. Again, this bill is supported by State -- hold on. This bill is supported by the State Board of Education, the Illinois Council of Code Administrators, the American Institute of Architects, the Statewide School Management Alliance and the Illinois Municipal League. There is no reason to vote No on this bill. This bill is good for the taxpayers. This bill is good for the schools, and we should all give these entities our support.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 495 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? ...the record. On that question, there are 31 Members voting Yes, 22 Members voted No, 1 Member is recorded as Present. House Bill 495, having received the required constitutional majority, is declared passed. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Just to say it's great to see you again, and we'd just like to see who all's here so far today. We'd request a verification.

PRESIDING OFFICER: (SENATOR WELCH)

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

SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Cronin, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Garrett, Haine, Halvorson, Harmon, Hendon, Hunter, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Ronen, Schoenberg,

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Shadid, Silverstein, John Sullivan, Trotter, Viverito, Walsh, Welch, Woolard, and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR BURZYNSKI:

Yes. Senator Haine.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine. Senator Haine. There he is, by the phone booth. Senator Burzynski.

SENATOR BURZYNSKI:

Senator Lightford.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR BURZYNSKI:

No doubt.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford. Madam Secretary, strike her name. Senator Burzynski, do you question any other Member's presence?

SENATOR BURZYNSKI:

Senator Sandoval.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sandoval. He's not recorded as voting, Senator. Senator Burzynski.

SENATOR BURZYNSKI:

Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg is in the middle aisle.

SENATOR BURZYNSKI:

Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter is in the back by Senator Jones.

SENATOR BURZYNSKI:

Senator Woolard.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard is in the middle aisle.

SENATOR BURZYNSKI:

You're hiding there, Larry. Thank you. She's here.

PRESIDING OFFICER: (SENATOR WELCH)

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Do you question anybody else's presence?

SENATOR BURZYNSKI:

Senator Harmon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR BURZYNSKI:

He's in the back?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon. He's in the phone booth. He's in the back of the Chambers.

SENATOR BURZYNSKI:

Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

...verified roll call, there are 30 Members voting Yes, 22 Members voting No, 1 Member recorded Present. House Bill 495, having received the required constitutional majority, is declared passed. House Bill 547. Senator Silverstein. House Bill 552. Senator Jones. Please turn to page 31. House Bill 654. Senator Watson. It's on the recall list. Senator Watson seeks leave of the Body to return House Bill 654 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 654. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. I'd like to thank the President of the Senate for relinquishing this bill so that we can move this forward. This legislation passed out of the House unanimously, and I picked it up over here in the Senate, which was kind of the kiss of death. It was held in Rules. But the Senate President was kind enough to relinquish this shell bill and now this amendment becomes the bill, and it deals with motorboats that are pulling a person on water skis. That's pretty well what it deals with. Be glad to answer questions, otherwise appreciate your consideration.

PRESIDING OFFICER: (SENATOR WELCH)

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Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR GEO-KARIS:

Senator, is this the bill that says there's only one person required following the water skier?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

I'm sorry. I didn't hear what the question was.

PRESIDING OFFICER: (SENATOR WELCH)

Please repeat the question, Senator Geo-Karis.

SENATOR GEO-KARIS:

Is this the bill that requires -- does not require two people in the boat following the skier?

PRESIDING OFFICER: (SENATOR WELCH)

Hold on one second. Could we please have quiet? Senator Watson can't hear the question and, frankly, neither could I. Senator Watson.

SENATOR WATSON:

Yes. It provides that if the motorboat is equipped with certain types of mirrors, that there would only have to be two individuals in the boat.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will you explain that, please? In other words, if -- if your bill didn't take place, what -- what -- what is the status of -- of the motorboat and the skier?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Well, if the boat has a certain type of a mirror that would be able to visualize the skier behind, then there doesn't have to be a requirement that two people are in the boat.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Thank you. Mr. President, Ladies and Gentlemen of the Senate, much as I like my Leader, I'm afraid I have to disagree with that bill. I think we're taking away an element of safety by not leaving the -- the situation as it was before the passage of this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading, House Bill 654. Senator Watson, do you wish to proceed on 3rd Reading? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 654.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. I -- this now is 3rd Reading and the amendment becomes the bill, and the amendment adds new language that a person may not operate a motorboat that has in tow or is otherwise assisting a person on water skis or aquaplane or similar device upon any waterway unless there is a motorboat -- there is in the motorboat a person in addition to the operator in a position to observe the progress of the person being towed. So, this is -- this is all about water skiing and it's about the ability to -- and I think safety is addressed. Senator Geo-Karis talked about safety. We're talking about devices on the boat that would make it possible for that operator of the boat to be able to see the skier or those that are -- the individual being towed.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 654 pass. All those in favor

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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 44 Members voting Yes, 7 Members voted No, and 1 Member is recorded Present. House Bill 654, having received the required constitutional majority, is declared passed. On page 34. House Bill 687. Senator Trotter. Senator Trotter seeks leave of the Body to return House Bill 687 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 687. Madam Secretary, are there any Floor amendments?

SECRETARY HAWKER:

Floor Amendment 1, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. Senate Amendment No. 1 becomes the bill. It amends the Department of Public Health Powers and Duties Law of the Administrative Code to address Hepatitis C education outreach program in addition to a Lupus education outreach program and Wilson's disease. It makes implementation of this Act subject to appropriation.

PRESIDING OFFICER: (SENATOR WELCH)

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. On the Order of 3rd Reading is House Bill 687. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 687.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

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Thank you very much, Ladies -- Mr. President, Ladies and Gentlemen. According to the Centers of Disease Control and Prevention, an estimated four million people in the U.S. are infected by the Hepatitis C virus and are not aware of their illness. What this bill would do will allow the Department of Public Health to have an outreach program, as well as an education program, addressing this virus that is impacting on so many people annually, causing up to ten thousand deaths annually. It also will address and have an education and outreach component for Lupus and Wilson's disease. I will -- answer questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, very much. Briefly, to the bill. This legislation, as amended, passed out of the Health and Human Services Committee unanimously, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any -- any further discussion? If not, the question is, shall House Bill 687 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 51 Members voting Yes, no Members voting No, and none are recorded voting Present. House Bill 687, having received the required constitutional majority, is declared passed. House Bill 690. Senator Obama. House Bill 697. Senator del Valle. It's on recall, Senator del Valle. Take it out of the record. On page 35, House Bill 714. Senator George Shadid. 714. Page 38 of the Calendar, on the recall list, is House Bill 757. Senator Larry Woolard. Senator Woolard? No. Please turn to page 44, the bottom of the page. House Bill 841, on the recall list. Senator James Clayborne. Senator Clayborne in the Chamber? Senator Geo-Karis, for what purpose do you seek recognition?

SENATOR GEO-KARIS:

Mr. President, point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR GEO-KARIS:

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In the gallery joining us today to watch us and learn from us, I hope, are Mike and Linda Fletcher, my constituents from Winthrop Harbor, Illinois, and I'd like you to welcome them.

PRESIDING OFFICER: (SENATOR WELCH)

Would the Fletchers please rise and be recognized? They're behind the President. Welcome to Springfield. On page 46, House Bill 861. Senator Jacobs. It's on the recall list, Senator. Page 47. House Bill 876. That's... Leave to return to that bill? Leave is granted. On page 50, House Bill 920. Senator Silverstein. Senator Silverstein. Senator Silverstein seeks leave of the Body to return House Bill 920 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 920. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. The amendment becomes the bill and it just states that a student member may serve one term at Northeastern Illinois University. This was brought for me by the trustees and this was pursuant to a student referendum.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, 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 Silverstein. Read the bill, Madam Secretary. House Bill 920.

SECRETARY HAWKER:

House Bill 920.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. As I stated before, what this does is it states that a student member may serve -- only serve one term at Northeastern Illinois University. This was brought before -- by a student referendum. I -- no objections. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 920 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 52 Members voting Yes, no Members voted No, and none are recorded as voting Present. House Bill 920, having received the required constitutional majority, is declared passed. With leave of the Body, we will turn to page 46. House Bill 861. Senator Jacobs seeks leave of the Body to return House Bill 861 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 861. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This just makes a technical change. Says that all parties with an ownership interest in the property must agree to the specification. It is an initiative of the Illinois County Treasurers Association and it will resolve problems encountered by the county treasurer when, for example, a property owner grants an interest in a property and then presents a specification - i.e., a legal description - to the treasurer and requests the property tax bill be broken up amongst all those with an interest in the property.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted.

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Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 861. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 861.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. With the noted changes just talked about, requires all parties with an ownership interest in a property area to agree to each of the applicable tax specifications before the collector can demand tax payment. I know of no opposition and ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator Jacobs, the Calendar on this bill today says Property Tax Code-Tax Exemption-Property Used for Religious Purposes-Technical. Those are all sort of buzz phrases that makes everybody crazy. Could you just spend a minute and -- and give us a nutshell version? I know you spoke about it when you put the amendment on, but I just think, for the benefit of the Members, if you could explain what the problem is and what it is we're trying to fix here.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. The problem we're trying to -- to fix here is that many times there are a number of tax owners

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within one ownership, and -- and this would allow the treasurer the opportunity to either issue one tax bill or one to each one individually. Now, there was a concern because of condo interests, et cetera, that if they specify it to be broken up, it can be broken up into individual shares of that tax payment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam. Is there any further discussion? If not, Senator Jacobs, to close. The question is, shall House Bill 861 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Members voting Yes, no Member voted No, and none are recorded voting Present. House Bill 861, having received the required constitutional majority, is declared passed. Please turn to page 52. House Bill 940 is on the recall list. Senator Trotter. Senator Trotter seeks leave of the Body to return House Bill 940 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 940. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Yes, I'm just getting the analysis. I'm sorry. Thank you for your indulgence. Yes. Senate Bill {sic} No. 1 is some language that was asked for by some Members of the Committee that we establish some changes in the public works contract. It specifically exempts local governments or school districts, that they are not in -- let me start over. Of local government or school districts, is not procured in accordance with the Illinois Procurement Code and the State Finance Act, and authorize or necessitates any increase in the contract price that is fifty percent. The overall bill deals, again, with dealing with change orders, and I'll discuss it...

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Risinger.

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SENATOR RISINGER:

Just want to comment on the amendment. The amendment was added to take care of some concerns with MFT funds for the local governments, and I think this amendment covers it pretty well.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 940. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 940.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Mr. President, I would like to take this bill out of the record at this time, please.

PRESIDING OFFICER: (SENATOR WELCH)

Take the bill out of the record.

SENATOR TROTTER:

Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

On page 55, House Bill 986. Senator Lightford. Page 58. House Bill 1017 is on the recall list. Senator Harmon seeks leave of the Body to return House Bill 1017 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1017. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

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Thank you, Mr. President. The -- the amendment to House Bill 1017 makes it identical to House Bill 130, which passed the House unanimously and was sponsored here in the Senate by Senator Dillard. I'd be happy to debate the merits on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, 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. On the Order of House Bills 3rd Reading, House Bill 1017. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1017.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. House Bill 1017, as amended, as I said, is now identical to House Bill 130, which did pass the House unanimously. Senator Dillard sponsored it here in the Senate, and it -- it stalled. We are trying to resurrect it now. The bill simply creates -- or -- or, validates trusts for domestic or pet animals. This was called to my attention by a lawyer in my district who specializes in pet law, and it would allow any of us to provide a -- a valid trust for the care of our -- our pets after we pass on. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill 1017 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Members voting Yes, no Members voting No, and none are voting Present House Bill 1017, having received the required constitutional majority, is

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declared passed. House Bill 1023. Senator Silverstein. Senator Silverstein. On page 59, House Bill 1038. Senator Crotty. Senator Crotty seeks leave of the Body to return House Bill 1038 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1038. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President and Ladies and Gentlemen of the -- of the Senate. House Bill 1038, Amendment 1 will become the bill. It amends the Code of Civil Procedure. It clarifies that health care facilities and practitioners must provide records to the patients treated by them. It requires the facilities and the practitioners to provide the records within thirty days of receipt of a written request by a patient. It also requires the facility or the practitioner to provide the -- the records within sixty days if -- if, in fact, they do a written request on why they couldn't make it in thirty. It also requires them to provide to the public through newspaper with at least thirty days prior notice of a closure of the facility, including how a patient can obtain their medical records.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR ROSKAM:

Senator Crotty, right now, is -- there's a requirement that a health care facility or health care professional provide the records. Is your amendment just simply putting a time frame on that? Is that essentially what it is?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

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Right now it's sixty days. We're asking for it to be within thirty days. Unless, for some reason, they can't provide that within the thirty-day time limit, they could write the reason why they can't get it for thirty days and go back to the sixty-day.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, 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 John Jones, for what purpose do you seek recognition?

SENATOR J. JONES:

Well, thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR J. JONES:

On Thursday I would like to announce to the Senate that we're going to have a celebrity here from the -- from the City of Olney, the Home of the White Squirrel. I don't know how many of you pay attention to the "Survivor" program, but Butch Lockley, one of my middle school principals from Olney, was one of sixty thousand people that entered that contest and made it -- the sixteen people that was on the program, and he made it to the final Sunday night a couple weeks ago. And so, Butch will be here and -- and hopefully say a few words to the General Assembly.

PRESIDING OFFICER: (SENATOR WELCH)

Well, I hope he brings a white squirrel with him. Thank you. On the Order of 3rd Reading is House Bill 1038. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1038.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you very much. And in my discussion of the amendment, that is the bill and I'm told that it -- I should mention to the Members that it -- it came out of committee unanimously.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1038 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 1038, having received the required constitutional majority, is declared passed. The bottom of page 59, House Bill 1043. Senator Halvorson seeks leave of the Body to return House Bill 1043 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1043. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Halvorson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. This is the annual land conveyance bill. It was House Bill 1044, but there was a drafting error in part of it so they just fixed the drafting error and put it on a new bill. And I will debate it, if need be, on 3rd.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, 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)

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3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1043. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1043.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Again, it is our annual land conveyance bill. I think we have a little bit of everything in here for everyone. So I hope everybody wants to vote for it.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: It passed unanimously out of the Executive Committee and I urge its passage.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator Lauzen.

SENATOR LAUZEN:

Senator, could you just describe the difference between conveyance bill and a -- quick-take condemnation bill to give some of us newer folks an idea of what that is?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Basically, it's excess land that goes back. It's not being taken. So, it's the opposite.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator Halvorson, to close. The question is, shall House Bill 1043 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

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Members voting Yes, no Member voted No, no Member is recorded voting Present. House Bill 1043, having received the required constitutional majority, is declared passed. Please turn to page 63 of your Calendar. House Bill 1088. Senator Emil Jones. House Bill 1091. Senator DeLeo. Senator James DeLeo. House Bill 1178. Senator Larry Walsh. House Bill 1179. Senator Larry Walsh. House Bill 1191. Senator Haine. House Bill 1254. Senator Obama. On page 65, House Bill 1434. Senator Haine. House Bill 1458. Senator Larry Walsh. Senator Larry Walsh. House Bill -- excuse me. House Bill 1462. Senator Link. House Bill 1482. Senator Link. That was on recall, Senator. On page 66, House Bill 1487. Senator Cullerton. House Bill 1580. Senator Emil Jones. House Bill 1729. Senator Clayborne. House Bill 2200. Senator Clayborne. House Bill 2221. Senator Ronen. House Bill 2234. Senator Schoenberg. House Bill 2280. Senator Ronen. House Bill 2329. Senator Lightford. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2329.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford. Out of the record, Madam Secretary. On page 67, House Bill 2331. Senator Cullerton. House Bill 2345. Senator Schoenberg. House Bill 2391. Senator Trotter. House Bill 2486. Senator Schoenberg. House Bill 2492. Senator Emil Jones. House Bill 2504. Senator Cullerton. House Bill 2523. Senator Garrett. House Bill 2524. Senator Dillard. House Bill 2549. Senator Maloney. House Bill 2550. Senator Lightford. House Bill 2577. Senator Link. Please turn to page 72. House Bill 2902. Senator Dillard. House Bill 2983. Senator Woolard. House Bill 3023. Senator Martinez. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3023.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

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SENATOR MARTINEZ:

Thank you, Mr. President. House Bill 3023 deletes all. It amends the Public Aid Code to address the family cap policy in relation to the TANF program, clients exempt from certain TANF requirements, sanction under the TANF program, operations of TANF program, discrimination under the Public Aid Code and the rights of recipients and the obligation of DHS under the TANF program. It makes provisions and makes technical changes and adds an immediate effective date.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR ROSKAM:

Senator Martinez, one of the big underpinnings of welfare reform in the past ten years was the so-called family cap. In other words, it was a reality check for families on welfare that like many people in -- who -- who are not on welfare, just because somebody has a new child, the -- the welfare benefit does not continue. Because if you're a working family, as you know, and you have another child, the mom and dad who are working don't necessarily get a -- get a pay raise or a promotion. Now, this moves away from that. Is that right? I mean, just so we're clear. This is a very big, monumental change from the past welfare reform initiatives. Is that a fair characterization? This is a big move, right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Yes, Senator, it is. As a matter of fact, the funds for the family cap phaseout are in the Governor's budget for three hundred and ninety thousand. They are part of the budget line for TANF monthly cash assistance. That is going down by twenty million in FY'04. So, this is not an increase in an existing line. And I think that over the course of time, since 1995, it's been the -- the experiment that's been conducted out there has deterred women from adopting a welfare style by having more

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children. The research shows that this policy does not deter childbearing. Newer welfare reform policies are more effective in preventing anyone from adopting a welfare style.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, on page 8 of your bill, if you could flip over to it. This is good cause and the pre-sanction process. You're taking some language out in paragraph 18 that -- that's a current protection for taxpayers. Can you explain why you're -- why you're striking that language? Paragraph 18, page 8, line 15.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Senator, where -- where are you on the -- on the bill? What page?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

It's under the good cause and pre-sanction process, Senator. Page 8, paragraph 18, line 15. It's a requirement that -- that they show good cause.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

I think one of the things, too, we're trying to do is actually get people that have an excuse for not going to work, they were able to at least know that for a good cause, they would not lose that benefit. So, in other words, they would go back to work -- I mean, they would take that day off to do something, but it would not affect them.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

To the bill. Thank you, Senator, for your responses. You know, a couple times on this Senate Floor I've characterized some of the things that have happened over the past ten or twelve years that everybody recognizes as good things: truth in

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sentencing, tax caps and welfare reform. Without a doubt, all across the country, Republicans and Democrats, the feds, the states, municipalities, everybody involved has said that welfare reform has been a great thing, and it's been an area that has transcended donkeys and elephants and we have all done a good job. Now, this is a move in the opposite direction. This is a move that -- that says if you have additional children and you're in the welfare system, we're not going to have a cap anymore. What has been the benefit of the welfare system is that it's tried to put welfare recipients into the -- what we could characterize as the real world. What Senator Martinez is doing on that language of page 8 of this bill is actually removing a requirement that various welfare recipients have to -- to -- to document why they're not participating in a particular program. Think about that. We're removing the requirement on why they don't have to report. Those of you who have campaigned in the past and characterize yourselves as folks who have been in favor of welfare reform, just be advised this is not a -- this is not sort of a sleeper bill like we've dealt with here in the past couple of hours, sort of noncontroversial things. This is a sea change. This is an enormous vote you're about to cast that -- and this is not an overstatement, that is the beginning -- of the unraveling of the welfare reform system. I urge caution and I urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. When we -- when we took control of the Senate in 1994 and then in the 1995 Session and 1996 Session, we, on this side of the aisle, took it upon ourselves to make a significant difference in the way that the whole welfare system was being dealt with as we knew it. And we began on this venture, and we called it the Personal Responsibility Act. Those of you that were here probably recall that. I was the sponsor of the -- one particular bill over here. I know Senator Syverson was the sponsor of a bill a little later, that all dealt with personal responsibility. In the 1960s, we -- we declared war on poverty. We declared war on poverty, and I think we all admitted that we lost that war. We

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did not succeed in ending poverty as we know it by throwing more and more money after the issue. That's what we did. That's all we were doing, is throwing more and more money at individuals who really didn't know how to deal with the situation they were in. So we -- we felt we needed to make some changes 'cause we saw generation after generation being caught up in the whole quagmire of poverty and no way out. No hope. No hope. So we got tough on some of 'em, and that was kind of what we did. It wasn't an easy situation, wasn't an easy thing to do, but we said, "Those of you who are able, those of you who are capable of working, get into the job market. Get into the job market." And one thing that we did -- and I said, on this Floor, there were four things that I wanted to see done with the revenue and the money that was realized from the savings that -- that -- that was done as a result of -- of welfare reform, and that was -- what I wanted to do was quality day care. We needed to create a quality day care system by which those people, that sons and daughters of primarily single parents, could be put into a quality day care where they had an opportunity to learn. We did that. We've put, I want to say, six, seven, eight hundred million more dollars, since that time, into day care. We wanted to do something into education. Obviously, education is the way out of -- of poverty. And we've done that. We've put millions, almost billions, of additional dollars over those years into education. And training. We -- we established the workforce -- the community college effort -- Welfare to Work effort by the community colleges, and the community college has done a great job, an outstanding job of helping people find work and get themselves prepared to work. And then we also said transportation was a problem, and we've put a lot of money into local transit districts, in to help people be able to get back and forth to work. And a lot of 'em have succeeded. And what's happened? And I wish you were out there in the frontlines of seeing the positive impact that people that are now working that, for generations after generations, all they ever knew was the welfare check that was coming in. Now they're productive members of society. They're contributors. They're making a difference. And see the self-esteem of these people who are now part of the positive solution of what we're trying to do in this

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State and in this country, ultimately. So a lot of good has come from this, and we've gotten national awards. This State has gotten unbelievable recognition about our efforts of putting people into the workforce and helping people find productive jobs and -- and help their self-esteem. And as the previous speaker mentioned, this is the beginning of the unraveling of that effort that we put forth in the mid-nineties, and I urge you to reject this effort. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, the last two speakers, I think, have created a tempest in a teapot. The notion that somehow we're unraveling welfare reform as a consequence of this, I think requires a little bit of correction here. First of all, just to refresh people's memories. Although there were a variety of attempts to institute welfare reform at the State level, real welfare reform happened at the federal level when President Clinton signed legislation that, in fact, imposed time limits, work requirements and so forth on welfare recipients. I was here by that time. I was the Minority Spokesperson for the Democrats in negotiating with Senator Syverson and others in good faith to craft what turned out to be, in fact, one of the most effective, least punitive welfare reform policies in the country. And I am proud of the work that we've done, and I think we deserve -- bipartisan applause for the work that we've done because, in fact, everything that was said with respect to the value of work over welfare is absolutely correct. And I spend a lot of time on the frontlines, probably more than some of the previous speakers, in conversation with welfare recipients and they're appreciative of the opportunities to work. But let's just make sure that we're focusing on this bill and not debating the general importance of welfare reform, all of which we generally support and we continue to have a bipartisan consensus about. What this does is it basically tweaks existing welfare reform policy along a couple of lines. It's based on social scientific evidence that was done. We've been tracking what's been successful and what has not been successful with respect to

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welfare reform. The things that have been successful are retained in the bill. We will still have a TANF time limit. We will still have work requirements. We will still have strong work supports. And I'm one of the people who introduced a bill very early on at the -- at the outset of welfare reform to make sure we tracked what was successful, and everything that's been successful will be retained even after this bill is passed. Here's what this does: It basically says there are a couple of things that have not been particularly effective. The family cap policy as instituted has not been particularly effective. It has not discouraged smaller families. It hasn't led to people getting off welfare. What it has done is resulted in some families with larger families who -- let's say the -- the mother is disabled or in -- has other circumstances in which she cannot enter into the workforce, it's made life tougher on their kids. That doesn't make sense and that's not a good work policy. In fact, the evidence has indicated that the family cap may have made it more difficult for people who are in these circumstances actually to end up in work. Now, there are other things in this bill. There's a bill that says that we want to encourage whoever is administering TANF to make sure that they're doing assessments ahead of time so we're placing them and steering them in the right kinds of help that they need to get on and enter into the workforce. That's not something that should be controversial. It also adds the Transitional Jobs program as a list of approved activities. We don't know if those are going to be funded yet, but this facilitates, potentially, our ability to do so. And finally, it improves the -- our ability to assess people who may have literacy problems or problems with English as a second language as a barrier for work. So, having looked at the bill as a whole, the notion that this somehow is wrecking welfare reform, unraveling welfare reform and so forth is an overstatement. I would suggest that let's sustain the kind of bipartisan cooperation that we've had that's made welfare reform successful. This is coming out of people who actually spend a lot of time thinking about how to make welfare reform successful. Nobody wants folks stuck on welfare. Everybody wants people working and mainstreamed into the society. This bill will help accomplish that. I would urge an Aye vote.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A comment and also a question. I think some of the previous speakers have talked about the concerns about this. I was here and one of the sponsors who helped negotiate this legislation. And we had heard for so many years about the success of Wisconsin's plan, and frankly, we weren't the first state to pass this important welfare reform but we were the State who did it right. We took the best of what other states did and we capitalized it on ours. And I think the key is what has been discussed earlier, that we weren't punitive in the way we passed our welfare reform. We put in job training. We put in day care - in fact, the largest day care program in the -- in the nation - to make this work. That's why this State has won so many awards, including financial awards from the federal government, because of the success of our program. And certainly I'm concerned about us going backwards. My concern is those who are proponents of this legislation are the same ones who were the opponents to us passing the original legislation. These aren't the groups that supported us when we passed this legislation. They're the ones who said this would never work, and yet it has worked and it's helped so many families. I'm concerned that this is taking away some of the personal responsibility, and I guess this goes to the question I have for the sponsor. Is there a reason in this legislation that we are taking away documenting good cause? One of the reasons I think that -- of this legislation is we're teaching individuals the responsibility of work, and certainly part of those responsibilities when you're in the workforce, if you're going to be taking time off, you've got to be documenting, you've got to be proving to your employer that what you are taking off, you're -- you're taking off for a reason. This legislation specifically says you don't have to document when you're asking for time off. Is there a reason why we put that in the legislation, that if a person is taking time off, that they don't have to bring in any kind of proof that there was a reason for that time off?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Martinez.

SENATOR MARTINEZ:

Well, first of all, under the current law, there is a list of good causes, reasons that will cause a TANF recipient's failure to participate in work activities, such as a death in the family; however, that list is too narrow and recipients whose failure to -- is beyond their control can be and are sanctioned or terminated from the program. This result interferes with the family's transition from welfare to work, out of poverty. It -- the amendment deals with this issue by expanding the list to include scheduled or medical appointments and scheduled school appointments. Experience has shown that these types of appointments are activities that parents should engage in, but they sometimes conflict with appointments at a DHS office that could be scheduled differently. The provision of Senate -- Senate Amendment 1 will -- will avoid unfair punishment and encourage cooperative scheduling of competing activities. Again, Ladies and Gentlemen, the funds for the family cap phaseout are in the Governor's budget - three hundred and ninety thousand - and the monthly cash assistance is going down by twenty million dollars. Like Senator Obama said, this is something that we need some tweaking, and I think it's a great thing. We're not hurting the mothers or the fathers; we're actually hurting the children by capping - the children. There's over ten thousand children out there -- twenty thousand that were capped. So, I think that this is a good piece of legislation. It just keeps on working for the families to continue to go to work and get out of the welfare style that they have lived up to this time, and I think we're doing a good thing here. And I urge a Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you. I appreciate those comments, and unfortunately, it didn't get to the question, though. The question was not the family cap or even expanding the list of exemptions. The question is: Why are we taking away from -- when we have these exemptions, why are we taking away the requirement for them just to document that? If you or I are working and we're asking for

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time off, we have to bring that documentation to our employer. Why are we taking out the need to document? If they have to go to the doctor, no one's saying that that's wrong. But what's so hard about them documenting that they went to the doctor? This legislation specifically takes out the need for them to document that they are, in fact, doing what they said they were going to do.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

I think everything is still intact. I -- I don't know where a Senator is saying that we're taking away some of the restrictions. I think that's all still there. I think since 1995, times have changed. People have gone back to work. A lot of people have gone back to work, but we have to continue to monitor them and I think this legislation will continue to do just that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, could you wrap it up? Senator Syverson.

SENATOR SYVERSON:

Thank you. Well, this is only my -- my third question, but I guess if there's a concern over understanding the bill, maybe we should take it out of the record, but clearly it says on -- on line 17, on page 8, that documentation is taken out of the legislation. So, my question is not expanding the list. The question is why are we taking out a simple request to say, "If you want time off to go to the doctor, just give us some proof that you went to the doctor, provide documentation," which is what we're trying to teach individuals as they're moving into the work requirement, that that has to be done. Why are we specifically taking out the need for documentation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

I think somehow it's being misread. And let me just say something, also, is the fact that we have a lot of people who are actually the proponents of this, and I want to just name a few: the National Center on Poverty Law, Ounce of Fund Prevention {sic}, the Caucus of Adolescent Health, Chicago Job

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Council, Women Employed, the Catholic -- the Catholic Conference of Illinois...

PRESIDING OFFICER: (SENATOR WELCH)

Senator, that's...

SENATOR MARTINEZ:

DHS.

PRESIDING OFFICER: (SENATOR WELCH)

He just asked a question. Could you just keep that in your -- for your closing statement, so we can get out of here?

SENATOR MARTINEZ:

Okay. It is actually -- it's being misread.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you. I don't want to belabor the point. Can you show me or tell me what line in the bill where it says that documentation is still in that legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

In front of me I have page 8. It says non-receipt by the participate -- the participant of a notice advising him or her of a participation requirement.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

If -- if you read the rest of it, it says, if they document the -- and that's the problem. They're taking out the second line. Documentation has been taken out. That's what line 17 through line 26 do. They take out the need for documentation. Or let me ask it the other way then and then I'll -- I'll wrap it up. Are you saying that documentation is still mandated under this law? So, for the record, are you stating that this list, every one of these required excuses need to be -- need to be documented under the legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Yes.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I was here when we passed the reform bill for welfare and I voted for it. You know, there's an old adage that said that if it isn't broke, don't bother fixing it. What we did is we tried to incur a sense of responsibility. A lot of these people never had it from their own parents. They were people from one-parent homes and people who came from homes that didn't care for them. To teach them responsibility, that was one of the essences of the bill that we passed some years ago. I think what you're doing here is really negating a sense of responsibility. I've had people who've been off the welfare rolls write and tell me how glad that they've been able to work and feel their dignity restored to them. What you're doing with your bill, whether you realize it or not, when you're not forcing documentation, what you're doing is eliminating a sense of responsibility. I feel that we should keep that sense of responsibility in order to promote into those people, who've been more unfortunate, the right to feel a sense of dignity for themselves by doing the right thing and doing documentation. There's nothing wrong with that. We have to document our presence here. If we're not here, people will know it and they can certainly find out about it. All I can say is, much as I respect the sponsor of this bill, I feel it's not right at this time to go forward with it, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

She -- she indicates she'll yield, Senator.

SENATOR RIGHTER:

Senator, I want to pick up on the point that Senator Syverson was talking about, about the requirement for documentation. I think there's some clear confusion by one side or the other here on whether or not the bill still requires that. And I'm going to go back to page 8 again, beginning on

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line 15, listing what may constitute good cause. It starts, "non-receipt by the participant of a notice advising him or her of a participation requirement" - you've inserted a period there and you've deleted, ", if documented by the participant." And then going down to line 26, "If the documented non-receipt" - and you've marked out the word "documented" again. If that's not erasing the requirement that someone, in writing, demonstrate why they weren't there, what is that? And if there's a replacement for this language somewhere in this bill, can you point it out for us?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez.

SENATOR MARTINEZ:

Senator, there is no replacement. It is just saying: non-receipt by the participant of a notice advising him or her of a participation requirement. If the non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participate -- participants.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Senator Righter, please have another question. We've had several questions on this same point. We're getting the same answer. Senator Righter.

SENATOR RIGHTER:

Mr. President, I appreciate that. With all due respect, I don't think we're getting the same answer, and I think this is a serious issue, whether or not documentation is required anymore or not. Now, Senator, your point is that this provision does not require -- this -- this provision deletes the requirement that documentation be submitted. You disagree with that.

PRESIDING OFFICER: (SENATOR WELCH)

Is that the question? Senator Martinez. Yes or no.

SENATOR MARTINEZ:

Are you still talking about the good cause?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Martinez, he indicates he is.

SENATOR MARTINEZ:

Okay. And again, I go back to the cause. Under the current law, there is a list of good cause. And again, this

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result interferes with a family's transition from welfare to work and out of poverty. There is a lot of reasons why people sometimes take time off and that -- and we're just saying -- we're adding in there that if it's a conflict due to a school appointment or a medical appointment, there should no be reason why they should be dropped.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

To the bill, Mr. President, please. Thank you. Ladies and Gentlemen, for those of you who may be considering supporting the bill because of the family cap provision, I would urge you to take a look at the bill and pay attention to the discussion that's been going on here because there is clearly an omission of a requirement or deletion of a requirement that, for good cause, documentation be shown. That is not in the law anymore if it passes and is signed by the Governor. If you don't want the people to have to -- have to demonstrate in writing why they miss something or why they didn't get mail or notice, then vote for the bill. If you want to require some basic sense of responsibility with regards to those provisions, then I would urge you to oppose the bill.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR MARTINEZ:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill -- 3023 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Members voting Yes, 25 Members voting No, no Member voted Present. House Bill -- 3023, having received the required constitutional majority, is declared passed. Next bill. We're going to return to House Bill 2391. Senator Trotter has to go to a budget meeting. Page 67 of the Calendar. Madam -- Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

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House Bill 2391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Could you hold on one second, Senator Trotter? I forgot to call on Senator Clayborne. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR CLAYBORNE:

Right here behind me, to my immediate right, is Luella Hawkins. And I was going to say that I -- and I have known Ms. Hawkins all my life. I was going to say she was like a mother, but she looks so young. I'll say she's like an -- an older sister. And also behind me is Cathy McDonald and they're both here. I'm sorry. Younger sister, then. I'm -- I'm sorry. But -- and Cathy McDonald is from Belleville West, which is right down the street where one of my sons go. So, I'd like for them to be recognized. And also, Jobs for Illinois Grads are up in the -- up in the gallery as well.

PRESIDING OFFICER: (SENATOR WELCH)

Will our guests in the galleries please rise? Welcome, all of you, to the City of Springfield and the Illinois Senate. Thank you very much. Senator Trotter, on House Bill 2391.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. House Bill 2391 was just described as an expungement bill. That's sort of a misnomer. It's more of a second chance bill. This bill provides that if a person was charged with a misdemeanor and stays clean for three years after his acquittal or dropping of charges or the completion of his sentence or suspension, he can request that his records or those proceedings be sealed. If the misdemeanor was not one of those excepted from this procedure and if local law enforcement officials do not object, then the record would be sealed. Sealing of the record means that it is not available to anyone other than law

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enforcement agencies, which continue to have full access for all of their purposes. And I'm available for questioning.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill 2391 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 30 Members voting Yes, 26 Members voting No, and 1 Member voting Present. House Bill 2391, having received the required constitutional majority, is declared passed. Returning to page... Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

To request a verification on the last roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Verification is in order. The Secretary will read the affirmative votes.

ACTING SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, do you question the presence of any Member voting in the affirmative?

SENATOR ROSKAM:

Senator Hendon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon is right in the front row by Reverend Meeks. Do you question any further Members?

SENATOR ROSKAM:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR WELCH)

Senator James DeLeo. Senator DeLeo -- no, that's not Senator DeLeo. Strike his name from the record, Mr. Secretary. Any further questions? The question having -- Mr. Secretary, please restore Senator DeLeo to the roll of the affirmative

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voters. Do you request -- do you question the presence of anyone else? If not, House Bill 2391, having received the required constitutional majority, is declared passed. On page 72. House Bill 3047. Senator Munoz. Read the bill, Mr. Secretary. Excuse me.

ACTING SECRETARY HARRY:

House Bill 3047.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR COLLINS:

I would like for the Members of the Senate to welcome my district director to Springfield, Kathy Welch. She's spending the day with us to get a idea of how things work down in Springfield. So I would like for you to give her a welcome. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR HAINE:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR HAINE:

As to House Bill 2391, it happened so quickly I didn't have a chance to say this for the record. The Senate sponsor, Senator Trotter, and myself met some days ago and my Aye vote on this is predicated upon his commitment and Representative Howard's commitment in the House to amend this bill when it goes back to the House to double the time for misdemeanor convictions to six years.

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SENATOR HAINE:

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Okay. I'm just saying it for the record, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, for the record, in the Senate we do not have explanation of votes, either during the vote or after the vote. That is what the House of Representatives does, and -- and you are a Senator. Thank you. Senator Munoz, on House Bill 3047.

SENATOR MUNOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3047 makes two main changes to the Physicians Assistant Practice Act. It permits a physician assistant to be employed by a practice group that employs physicians at one or more locations. If this is the case, then a physician at each location may be designated as the supervising physician. The bill also clarifies that a physician assistant or advanced practice nurse can administer radiation to human beings. This bill and its amendment passed unanimously out of Licensed Activities Committee. I know of no opposition. I will attempt to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill 3047 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, 56 Members voted Yes, none voted No, and none are recorded voting Present. House Bill 3047, having received the required constitutional majority, is declared passed. House Bill 3231. Senator Munoz. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3231.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President. House Bill 3231 amends the Municipal Code regarding discontinuing water service. Just sets a procedure through which municipalities and sanitary districts may authorize the discontinuance of water or service when payment for it has become delinquent by at least thirty days.

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Also be advised, before authorizing a shutoff, the water or sewage bill must be at least thirty days overdue. Also, the provider of the sewage service shall not request discontinuation of water service before sending a notice of delinquency to the sewer user and affording the user an opportunity to be heard. I will attempt to answer any questions if necessary.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill -- pardon me. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR GEO-KARIS:

My analysis says that the -- Senator, that the North Shore Sanitary District would not be able to issue backdoor -- revenue bonds.

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me, Senator Geo-Karis. Ladies and Gentlemen, Senator Munoz cannot hear the questioner, and neither could I. Could we please have a little quiet? Could the doorkeepers please tell the people in the hallways to be quiet? There's an awful lot of noise. I think all the noise is coming from there. Senator Geo-Karis.

SENATOR GEO-KARIS:

I'll repeat. I understand there was an amendment put on this bill which would enable -- which -- which prevents the North Shore Sanitary District, which is in my area, to issue backdoor revenue bonds.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Senator, that amendment, it deleted North Shore Sanitary District.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The amendment was deleted?

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Munoz.

SENATOR MUNOZ:

That's correct, Senator. We did the amendment the last time the bill was brought up, ma'am.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Thank you. Then I'll support your bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Yes. I rise to support this bill. I think there was some -- confusion on it last week. There is a procedure in the bill for a hearing before anything is shut off, and that wasn't clear when we discussed it last week. So, I think with that clarification, it'll be a bill that we can have near unanimous support to. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR DEMUZIO:

I was under the impression that when this bill was first called, that this pertained to counties less than two hundred and fifty thousand population. Is this counties -- does this only affect counties with two hundred and fifty thousand population or more?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

No. That's -- that's not correct, Senator. It's "or less."

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, it just strikes me as odd that I have someone from the most populous area in the State trying to do something to

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the less populous portion of the State. This digest says where a majority of the municipal sewer system users are outside the municipality, it authorizes discontinuance of water or -- or sewer service, or both, when payment for sewer service has become delinquent except in counties with more than two hundred and fifty thousand population: Cook, DuPage, Lake, Will, Kane, Winnebago, -- McHenry, Madison and St. Clair. So that means that this provision applies only to counties that have two hundred and fifty thousand or less. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

That's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Why do we need this? I mean, isn't -- if I'm a municipality and I'm seven thousand population and I don't pay my water bill, doesn't this -- this, I guess, provides -- says if you don't pay your water, they cut off your sewer, too, or vice versa. Why do I need this when the -- the city council has authorized this by ordinance?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Senator, currently, when a private, investor-owned water company is ordered by a -- municipality to discontinue delinquent service, the water company must comply and shut off either the sewer or water requested, then they were going to put a lien on it. This just states after thirty days of delinquency, the municipality can work with the county there to go ahead and send notice to try to get their water restored or shut off, if nobody comes forth during the notice of hearing.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I guess I -- I really fail to see what -- what we're doing here. I mean, if -- if the -- my city or my municipality has an ordinance, and I assume they all do, that

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says that if you don't pay your bill, you're cut off. And then after thirty days apparently what you are suggesting is, is that you're -- someplace within the thirty days you're entitled to a hearing and then at some point you are -- what happens after the hearing? I mean, do you -- is there any fees to be paid or other sanctions included in your bill? I mean, I -- I don't understand why we're doing it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

As far as for fees, I would think you'd have to just pay the water bill that's owed to the municipality unless they show cause at the hearing why they can't pay the full amount and something can be worked out.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

All right. What does this have to do with privately-owned public utilities, or -- is -- is this something -- it says an investor-owned public utility providing water service within a municipality. I really don't know why we need this thing. I -- I don't know why it's here. Going to have to give me a good reason, Senator, or I'm not voting for it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Basically, Senator, the legislation -- just let me tell you, in support of: Consumer Illinois Water Company-Kankakee, Illinois American Water Company-Belleville, the Illinois Municipal League, Association of Waste Water Agencies and the National Association of Water Companies-Illinois/Missouri Chapter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sorry to rise for a second time, but for the purpose of legislative intent, Senator Munoz, didn't I understand from what you said earlier that your bill does not apply to the North

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Shore Sanitary District, which is in a county of about six hundred and -- forty thousand people?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I didn't hear. I'm sorry.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones, for a second time.

SENATOR W. JONES:

And thank you, Mr. President. Just as a clarification to the questions that Senator Demuzio was asking, this is -- this is on the municipal sewage systems that are located outside of municipal -- municipalities' corporate limits and it involves the payment of delinquent charges. And as I said earlier when I stood up, the delinquent charges get a hearing before anything is cut off. So I think we're getting confused between what the municipality can do and what the -- outside the municipal boundaries can do. I think it'll be a fine Yes vote on this side of the aisle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Briefly to the bill. This is one, obviously, that got taken out of the record last time, and I originally thought it was on Postponed Consideration but it got taken out of the record. The -- the question that -- that we asked and discussed last time that really hasn't been answered today is, if you have the proverbial little old lady who does not pay her -- or, she doesn't pay her sewer bill, under this bill her water bill gets turned off. Now, I don't think that's a good idea. And I don't think there's enough

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Senators in this room that thinks that's a good idea. So, I'd urge a No vote and let's stand up for the little old lady.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Roskam, I think I'm changing. Now, as I understand this - and I think Senator Wendell Jones made some sense - this applies to a water district that is outside of the municipality, and this apparently would be affording them the same rights and privileges, I guess, as a municipality over their own -- no. Wendell? Okay. Over their own public utility system. So, it seems to me that this is probably a proper thing to do. It only makes me a little nervous when I see someone from the most populous area of the State of Illinois trying to subject me to something. And so, apparently this is good. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Meeks.

SENATOR MEEKS:

Thanks so much, Mr. President. Let me ask the sponsor a question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz indicates he'll yield.

SENATOR MEEKS:

I was under the impression that this bill protected the little old lady, because whereas now they would turn off her utility, without this bill they would put a lien on her house. Is that correct? And so what he's trying -- what you're trying to do is to protect the little old lady from having a lien put on her house by saying it's better that her water bill would be -- water turned off, rather than having a lien on her house.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Correct, Senator. And before they actually go and turn the water off, the little old lady has a notice that's sent. A hearing is set up and they have to be present to see if they're going to make any type of payment for the past water bill before anything is even shut off.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Meeks.

SENATOR MEEKS:

But your bill actually saves her from having a lien placed on her property and her losing her property because of a delinquent bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR MUNOZ:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3231 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 42 Members voting Yes, 12 Members voting No, no Member voted Present. House Bill 3231, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, WCIA-Channel 3, Champaign, seeks leave to either photograph or videotape these proceedings. Is there objection? If not, leave is granted. Start the cameras. House Bill 3402. Page 72. Senator Harmon. This bill is on recall. Senator Harmon seeks leave of the Body to return House Bill 3402 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 3402. Mr. Secretary, are there any Floor amendments approved for consideration? Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. A procedural inquiry. Would this be -- we've already considered Amendment No. 1. Would this be an appropriate time to ask leave of the Body to table it?

PRESIDING OFFICER: (SENATOR WELCH)

Yes, sir.

SENATOR HARMON:

I would ask the Body.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Harmon makes a motion to table Amendment No. 1 to House Bill 3402. Is there any discussion? If not, all in favor, say Aye. Opposed, Nay. Motion {sic} is tabled. Mr. Secretary, are there any further amendments?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senators Harmon and Cronin.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. This is the -- the agreed amendment to the -- to 3402, the DuPage Water Commission bill. I'd ask it to be attached and would be happy to discuss it on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 3402. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 3402.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I am pleased to come before the Senate Chamber today with a -- a compromised bill that resolves the fairly contentious debate over the fate of the DuPage Water Commission. The amendment is supported by all -- all parties active in the negotiation. In brief, it does -- it does several things, the most important of which is it will provide almost immediate water service to -- residents of unincorporated DuPage County who are currently served by tainted wells. This is also being done without the -- the threat or the immediate -- the imminent annexation of such property. And to be clear, for

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legislative intent, I would like to point out that it is our intent in this bill that property in unincorporated territory receiving water pursuant to -- to our amendment here shall not be annexed without the consent of the current owner of the property. This was one of the most contentious points. The solution was very creative. We have essentially grandfathered the current owners in those unincorporated areas. In addition, it freezes the water rates that the municipalities would pay to the Water Commission. It eliminates penalties for municipalities who now seek to join the Commission. It will provide funding to DuPage County for homeland security and bioterrorism response plan and other critical public health and safety measures, and will provide for an annual audit by the Illinois Auditor General. As a point of information, we may be coming back with a trailer bill at the request of the Auditor General to make some technical changes to the language regarding the audit provisions. But, again, it's an agreed bill. And I would -- I appreciate the indulgence of this Chamber, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Yes. Thank you, Mr. President. I rise in support of this bill. And if I may share with many of my colleagues -- all of my colleagues, in particular, suburban colleagues, the Daily Herald from Sunday, the 25th, wrote a nice piece that talked about the benefits of this legislation. It went through the points that Senator Harmon has just highlighted for us moments ago. They talked about money for cash-starved public health and safety programs with the county. Talked about water to the people in the unincorporated areas who are sitting on poisoned wells, which I believe, personally, is a moral issue, getting clean water to these folks. Next, it talked about no increase in the rates the Commission charges municipalities for water for the next five years. A highlight in the bill. And then, finally, questions about whether the Commission is practicing good fiscal management will be answered on a yearly basis by the Illinois -- Illinois Auditor General, which provides accountability to this Commission, which -- which really is an

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organization that we believe does good work, but taxpayers and water customers really have really no way of knowing because the accountability mechanism is -- is really not a big part of the current structure. This is the result of many, many hours, hours and days of negotiation. I was pleased to -- to participate in it and I'm delighted that this is an agreement. All parties praise this final agreement. All parties recognize this was good for all the citizens in DuPage County and the neighboring communities that serve -- that enjoy the service of the water from this Water Commission. I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Yes. Will the sponsor yield for question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR W. JONES:

Senator Harmon, when we discussed this in Local Government last week, the explanation was made for Amendment No. 3. Is it your intention to not pass this today and -- and put this amendment on and get it out of Rules, or were you going to do a trailer bill and -- and clean it up? I -- I can't remember which you were going to do.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Senator. The Amendment No. 3 that Senator Jones is referring to are the technical changes suggested by the Auditor General that I made reference to. It is our intention to find another vehicle to add that later. Given the -- the -- the lateness in our Session, I wanted to make sure this moved to the House for ample opportunity for concurrence.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Well, you -- you could wait a day or two and the amendment would catch up, but I don't know whether that would give you enough time to get it out of the House or not. So, I'll leave

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that up to you. To the bill: This is a good example of a bill that was a -- a pretty bad bill about three weeks ago, Ladies and Gentlemen. And it's a good example of what can happen in this legislative Body when -- when people come together and negotiate and work together and -- and forge out an agreement which everybody can -- can live with. Now, there are going to be a lot of contentious bills in the next two or three days, some of which have not had that same opportunity. And I'm not going to filibuster this bill; I'm going to vote for this bill now. But I can tell you that in the future days, I just wish we could have the same opportunity on other bills that come before this Body, to have the same kind of give-and-take and discussion that went into this. It still sets some precedents that I have some concerns about, but I think since everybody is happy back home, we're going to go ahead and pass it. So, I intend to support this bill. I just hope, as we stand up and talk about future bills, that we give them the same amount of legislative time on this Floor. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I want to thank Senator Harmon and Senator Cronin for their patience and never losing sight throughout the battle between the DuPage County Board and its chairman and the mayors and managers and village presidents of DuPage County that this is an issue about public health. And both Senator Harmon and Senator Cronin were keenly aware that it is unconscionable to force annexation upon unincorporated residents so that they may bathe their children in clean water or, even worse than that, get a carcinogen ingested and cause somebody to have cancer. It's a popular thing around here to name bills after individuals. We've had Scott's Law. We've had bills dealing with ecstasy and other things named after Kelley Baker, and I read in the paper over the weekend that a homecoming queen from one of the Downers Grove high schools now has cancer and has filed suit against one of the alleged contaminators in our particular area of the county that I represent. And perhaps, Senator Harmon, if we have a trailer bill, we should track down the former homecoming queen of one of

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the two Downers Grove high schools who has filed suit after, at a very young age, having obtained cancer, she alleges, from one of the contaminators. And I just want to thank the sponsors. This is a great compromise. "All politics is local," said Tip O'Neil. And I apologize, for those of you from other parts of this State who have been embroiled in this battle, but the two gentlemen who sponsored this bill have done yeomen's work on a very, very difficult issue. And the bottom line is, they never forgot about the public health of the people that we all represent, and I thank them.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon, to close.

SENATOR HARMON:

Thank you, Mr. President. Senator Dillard did an elegant job of describing why this bill is so important. Senator Jones also articulated how extensively negotiated this was. And that is a good thing. I'm afraid if every bill were subject to the intensity of negotiations this one was, we'd pass about four bills a year, which some folks may think is a good idea. But I'm sure we can get an awful lot done. I appreciate the support from both sides, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 3402 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 none voted Present. House Bill 3402, having received the required constitutional majority, is declared passed. Could we have everyone's attention? Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. We would request a Republican Caucus immediately in Senator Watson's Office, please.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski, about how much time do you think this will -- this is going to take?

SENATOR BURZYNSKI:

I'm guessing at least 3 o'clock, sir.

PRESIDING OFFICER: (SENATOR WELCH)

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All right. That request is in order. Senator Demuzio.

SENATOR DEMUZIO:

Three -- I'm sorry. Did you say 3 o'clock, Senator Burzynski? Then why don't we just recess until 3:15, 3:30 at the call of the Chair. Somewhere in there. Is that all right? Okay. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Yes. Ladies and Gentlemen, the Senate will stand in recess until 3:30. However, when we come back, we will be going back to 3rd Readings and conference committee reports as -- and concurrences. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, there being no further business to come before the Senate, the Senate stands adjourned until the hour of 10 o'clock a.m., on Wednesday, May 28th, 2003. The Senate stands adjourned.