

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

147th Legislative Day

7/15/2004

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PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the 93rd General Assembly will please come to order. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Wednesday, July 14, 2004, from the regular Session.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Madam President, I move that the Journal just read by the Secretary be approved, unless a Member of the Senate has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator del Valle, Chairperson of the Committee on Education, reports the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1400 Be Approved for Consideration.

Senator Shadid, Chairperson of the Committee on Transportation, reports the Motion to Recede from Senate Amendment No. 3 to House Bill 4098 Be Adopted.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, reports the Motion to Concur with House Amendment No. 1 to Senate Bill 431 Be Approved for Consideration.

Senator Link, Chairperson of the Committee on Revenue, reports the Motion to Concur with House Amendments 1 and 3 to Senate Bill 2411 Be Approved for Consideration.

Senator Silverstein, Chairperson of the Committee on -- Executive, reports the Motion -- pardon me, reports Senate Amendment No. 1 to House Bill 1007 and Senate Amendment No. 1 to House Bill 1030 and the Motions to Concur with House Amendment 1 to Senate Bill 829 and House Amendment 1 to Senate Bill 2256, all Be Adopted.

Senator Schoenberg, Chairperson of the Committee on State Government, reports the Motion to Concur with House Amendments 1

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and 2 to Senate Bill 2222 and House Amendment 1 to Senate Bill 3188, all Be Adopted.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports the Motion to Concur with House Amendments 1 and 3 to Senate Bill 2299 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR HALVORSON)

Ron Burgundy from Channel 4 News seeks leave to videotape the proceeding. Is there leave? Leave is granted. Senator Welch, for what purpose do you rise?

SENATOR WELCH:

Purpose of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR WELCH:

Senator Ronen will not be here today or tomorrow because of the passing of her mother. The funeral is tomorrow. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank -- thank you, Senator Welch. Madam Secretary, Senate Resolutions.

SECRETARY HAWKER:

Senate Resolution 634, offered by Senator Haine and all Members.

And Senate Resolution 635, offered by Senator Peterson and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has directed me to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 94.

It is a death resolution.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Consent Calendar. If I can have everybody's attention. We're going to be going to page 11 on House Bills 3rd Reading. So if everybody could open your Calendar up to page 11. Senator Schoenberg, on House Bill 1010, do you wish to proceed? Senator Schoenberg seeks leave of this Body to return Senate -- House Bill 1010 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1010. 1010. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, to explain your amendment.

SENATOR SCHOENBERG:

Thank you. Thank you, Madam President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 to House Bill 1010 is the substantive cleanup language that is necessitated by the consolidation last year of several bonding authorities into the State Finance Authority. Very briefly, it makes certain changes in the area of quorum requirements, approval of -- approval of official actions. It deals with allowing the Executive Director to countersign checks by the Treasurer. It also makes definitions of certain religious, cultural, educational, financing less restrictive in order to finance project -- projects. That's done to make it consistent with the -- with the former Educational Finance Authority and the Development -- the former Development Finance Authority. It also features a provision that ensures that the Illinois Farm Development and Rural Bond Bank -- will assure that the -- that the funding -- the bond funding there will not be shorted. I'd be happy to answer any questions anyone might have. There's no known opposition to this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Schoenberg moves the adoption of Amendment No. 1 to House Bill 1010. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, to explain your amendment.

SENATOR SCHOENBERG:

Floor Amendment No. 2 adds an immediate effective date.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Schoenberg moves the adoption of Amendment No. 2 to House Bill 1010. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. On House Bill 1010, Senator Schoenberg, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1010.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President and Ladies and Gentlemen of the Senate. As I indicated, the House Bill 1010, as amended, adds an effective date and incorporates the -- provides a number of cleanup provisions resulting from the consolidation of several bonding authorities and there's no known opposition. And I would encourage your support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Madam President, maybe you could just get everybody a little bit quieter. It's just tough to hear.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Sure. Senator Roskam cannot hear Senator Schoenberg. Please if everybody would be a little quieter.

SENATOR ROSKAM:

Thank you. Senator Schoenberg, just for the benefit of everybody since we've got so little to do, can you explain this in just a little bit further detail? My understanding is that this -- and I think -- I think this is an issue that you've been involved in for quite a while, if I'm correct in assuming. Are -- are you changing a -- a definition just to broaden the scope of the -- the types of institutions that can get the type of support of the underlying program? Is that it?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you for asking that question. As you know, previously, when we had a -- an Illinois Educational Development Finance -- no, I'm sorry -- an Illinois Educational Finance Authority, the definition -- that -- the definition by which projects could be funded, financed through that Authority, were far more restrictive, so that religious institutions that wished to have some of their debt financed often went to the Development Finance Authority to have their debt financed because of the restriction on the portion of the building project that could be financed, that portion being anything relating to whether a portion of the project was sectarian or nonsectarian. What this simply does is clean up that omission, that change that needed to be necessary, so that religious institutions, which are having their projects financed, could indeed follow the definition as it was expressed in the Development -- former Development Finance Authority's powers, which is what is taking place in the first place.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Well, thank you, Senator, for that explanation. I think it's a tremendous idea and I'd urge its passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, do you wish to close?

SENATOR SCHOENBERG:

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I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 1010 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. And House Bill 1010, having received the required constitutional three-fifths majority, is declared passed. We will now go to page 13, House Bills 3rd Reading, on House Bill 4200. Senator Winkel seeks leave -- Senator Winkel seeks leave of this Body to return House Bill 4200 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill -- 4200. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Winkel.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel, to explain your amendment.

SENATOR WINKEL:

Thank you, Madam President. Floor Amendment No. 3 to House Bill 4200 becomes the bill. It is a bill to license genetic counselors. This language is agreed upon by the Medical Society and the Genetic Task Force of Illinois. Although the Medical Society remains neutral. Genetic counselors are the ones who provide information to people who have physical or psychological issues associated with occurrence or risk or occurrence or recurrence of a genetic disorder. And I'd be glad to take any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Winkel moves the adoption of Amendment No. 3 to House Bill 4200. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

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3rd Reading. Now on the Order of 3rd Reading, on House Bill 4200, Senator Winkel, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 4200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Thank you, Madam President. As I said with the amendment, this language...

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Winkel.

SENATOR WINKEL:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Please, you guys act like you haven't seen each other for a while. Let's keep it down so Senator Winkel can -- proceed. Senator Winkel.

SENATOR WINKEL:

Just for background, this -- this does create a license for genetic counselors. And some ask, "What do genetic counselors do? What do they perform?" A genetic counselor estimates the likelihood of occurrence or reoccurrence of birth defects or the potential inheriting of a genetically influenced condition. They can do the counseling, but the genetic testing can only be done by order of a -- of a physician. They can inform the patient on the medical or social implications of a disorder. They can address needs regarding social, psychological or medical support and enter pertinent patient interactions in the patient's medical records. What was discussed here, and what was negotiated, was the amount of oversight by the Medical Society, by the doctors, by the physicians. There is that oversight provided in the compromise, which now has become the bill. And I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Silverstein. Senator Burzynski.

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SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR BURZYNSKI:

Thank you. And -- and first of all, I might indicate that it sounds like we're in the House today. And I think a lot of the noise is coming from back behind me. Thank you. Senator, can -- can you tell me what the qualifications are for a genetic counselor and how many genetic -- counselors we have in the State that have passed this particular certification?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Yes. Senator, you're right. They have to pass a -- an exam. The exam is provided by the American Board of Genetic Counseling or by the American College of Medical Genetics. You have to pass that test. You have to be twenty-one years of age. That's essentially the qualifications. Currently we have about one hundred practicing genetic counselors in the State of Illinois.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Will the Department of Professional Regulation set up some -- sort of oversight, Senator, a -- a disciplinary board like we have with all the other professions or something like that? Do you know if that's a part of this language, as well?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

The language does call for regulations. Certainly there'll be regulations developed. The agency that oversees this licensure is the Department of Professional Regulations.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Go ahead, Senator Winkel. Go ahead.

SENATOR WINKEL:

And that's all I have to say about that.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Okay. Senator Silverstein. Oh. Senator Burzynski, I apologize. Were you done?

SENATOR BURZYNSKI:

No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, first of all, I couldn't hear that answer, so can you do that again, Senator?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Could I have that read back? The Department of Professional Regulations will oversee the licensing of genetic counselors. The provisions of this legislation provide for rulemaking and that in the event there are disciplinary proceedings, those proceedings will be conducted by DPR.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Just one last question. Is that by a current board, Senator, or do you know? Are they going to establish a new board? DPR. I mean, is it through the...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

There is not a specific board designated in this language. That'll be developed through rulemaking authority. And that -- and that by the way is at a minimum cost.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein.

SENATOR SILVERSTEIN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR SILVERSTEIN:

Senator Winkel, originally I had the bill and I -- I just want to ask you, regarding the amendment, why was the term

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sexual orientation from sixty-five of the Act removed? I just -
- I just saw that. I just don't understand what the intent was.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Yeah. It's -- it'd be highly unusual in this sort of --
it'd be highly unusual in this sort of legislated structure for
an agency to include that sort of language. That would be very
much precedent setting, as I understand it. And I think when it
comes to setting that sort of precedent, it ought to be a part
of a general discussion over other bills that we have pending,
and it ought to be policy set by this Body and by the House and
by the Governor rather than inserting it for an agency.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR WINKEL:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 4200 pass. Those in
favor will vote Aye. Opposed, Nay. The voting is open. Have
all voted who wish? Have all voted who wish? Have all voted
who wish? Take the record. On that question, there are 52
Yeas, 3 voting Nay, none voting Present. And House Bill 4200,
having received the required constitutional three-fifths
majority, is declared passed. There being no further business
to come before the Senate, the Senate -- the regular Session of
the Senate stands adjourned to the hour of noon on Friday, July
16th. The Senate stands adjourned.