

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

156th Legislative Day

11/10/2004

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PRESIDING OFFICER: (SENATOR DeLEO)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Reverend Brandon Boyd, Loami Christian Church in Loami, Illinois. Reverend.

THE REVEREND BRANDON BOYD:

(Prayer by the Reverend Brandon Boyd)

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Please remain standing for the Pledge of Allegiance. Senator Maloney.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR DeLEO)

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

SECRETARY HAWKER:

Senate Journal of Tuesday, November 9, 2004.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine.

SENATOR HAINE:

Mr. 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 DeLEO)

Okay. Senator Haine moves to approve the Journal just read by the Secretary. There being no objections, so ordered. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 826.

Passed the House, November 9, 2004, by a -- three-fifths vote.

I have a like Message on House Bill 2220.

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Also passing the House, November 9, 2004, by a three-fifths vote.

And a like Message on House Bill 4651.

Pardon me. And the fourth bill is House Bill 7029.

All passed the House, November 8, 2004, by a three-fifths vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, please place those bills on the Calendar.

Madam Secretary, any motions?

SECRETARY HAWKER:

Yes. I have a motion filed by Senator Clayborne with respect to House Bill 4651.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, that too should be placed on the Calendar.

Madam Secretary, Resolutions, please.

SECRETARY HAWKER:

Senate Resolution 730, offered by Senator Dillard and all Members.

And Senate Resolution 731, also offered by Senator Dillard and all Members.

They are both death resolutions.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions Consent Calendar, please. Senator Sullivan, for what purpose do you rise, sir?

SENATOR D. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If you could please join me in welcoming - one of our former colleagues is with us today - a great lady, my former seatmate, Senator Kathy Parker.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Parker, welcome back to Springfield. We'd ask all Members, please come to the Floor. All Members within the sound of my voice, please come to the Floor. We'll be taking final action very shortly. Please come to the Floor. The Chicago Tribune, Charles Osgood -- photographer seeking leave of the Body to photograph the proceedings. Seeing no objection, leave

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is granted. Ladies and Gentlemen, if you turn to page 8 in our Calendar. Page 8 in our Calendar. In the middle of page 8, we have Motions in Writing, Override Total Vetoes. We'll start in the middle of page 8, on Senate Bill 2273. Senator Forby. On page 8 of the Calendar, we have the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Forby, on Bill 2273. Do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move that the Senate Bill -- 2273 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Forby.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Forby, to explain the motion, sir.

SENATOR FORBY:

Thank you, Mr. President. I want to override the Governor's veto on Senate Bill 2273. This is where the ATV peoples pays into a fund that takes care of the issues and the problems they're having. It's their money, so I think the money ought to be spent back on what they spend for. And this went through the Senate before, 40 -- 40 plus votes. It went through the House, 90 plus votes. So this is a good bill. I'm asking everybody to vote for this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Forby moves that Senate Bill 2273 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Is there any discussion? Seeing no discussion, Senator Forby, to close.

SENATOR FORBY:

I just ask everybody for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall Senate Bill 2273 pass, notwithstanding the total veto of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 39 Ayes, 17 Nays, 0 voting Present. Senate Bill 2273, having received the required three-fifths majority, is declared passed, notwithstanding the

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veto of the Governor. Continuing on page 8 of the Calendar in the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Jacobs, on Senate Bill 2525. Do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2525 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs, to explain the motion, sir.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2525 was vetoed by the Governor - it's a bill that passed out of here 55 to nothing, - contending that it would allow only one utility company to engage in business practices that discourage competition, contains safeguards that are inadequate to ensure that utility's regulated ratepayers are fairly treated, and could lead other utility companies to demand similar exemptions. These allegations are all mistaken. They're ignoring the facts. The company has been doing this for ten years. There's never been a problem. Whenever the issue arose, the -- the Commerce Commission said, "Hey, in the absence of legislation, you can't continue to do that, so go back and pass legislation." We did. It -- it'd been worked out on and negotiated with CUB, with even the ICC and the Attorney General's Office. And why the Governor voted -- vetoed it is beyond me.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Jacobs moves that House -- Senate Bill 2525 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Sieben, for what purpose do you rise, sir?

SENATOR SIEBEN:

Thank you, Mr. President. I rise in support of the gentleman's motion and also ask the Members on both sides of the aisle to vote Yes on this legislation. We all voted in favor of this unanimously when it went through the first time. I'm a cosponsor of the bill with Senator Jacobs. It does affect a

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portion of my district that joins Senator Jacobs'. And in reality, this -- this legislation actually permits the continuation of competition among utility companies. It also adds some new safeguards for consumer protection. So, it's good legislation and I'd ask everyone to vote Aye on the bill -- on the motion.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Jacobs, to close, sir.

SENATOR JACOBS:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall Senate Bill 2525 pass, notwithstanding the total veto of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 44 Ayes, 10 Nays, 1 voting Present. Senate Bill 2525, having received the required three-fifths majority, is declared passed, notwithstanding the total veto of the Governor. Okay. Ladies and Gentlemen, continuing on page 8 of the Calendar. We have Motions in Writing, Accept special -- Specific Recommendations of the Governor. For changes, these votes will require -- require a majority -- three-fifths majority. We have on page 8, Senate Bill 2395. Senator Crotty. Senator Crotty, do you wish to proceed, ma'am? She indicates she wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 2395 in manner and form as follows:

Amendment to Senate Bill 2395

in Acceptance of Governor's Recommendations

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Crotty, to explain the motion, ma'am.

SENATOR CROTTY:

The -- the motion is to accept these recommendations of the Governor on Senate Bill 2395. As we remember, Senate Bill 2395 was an important step in reducing the shortage of speech

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pathologists available to work in our Illinois schools. The only thing that has changed is we're adding "including experience required by federal law or federal court...", which has to do with the Corey H. decision. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Crotty moves to accept the specific recommendations of the Governor as to -- on Senate Bill 2395. Is there any discussion? Is there any discussion? Seeing no discussion, Senator Crotty, to close, ma'am. She indicates she -- she wishes a favorable roll call. The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 2395 in the manner and form just stated by the Senator. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 Ayes, 0 voting Nay, 0 voting Present. The specific recommendations of the Governor to Senate Bill 2395, having received the required majority, is declared accepted. Continuing on page 8 of the Calendar is the Order of Motions in Writing to Accept Specific Recommendations for Change. We have Senate Bill 2690. Senator Crotty, do you wish to proceed. Madam Secretary, she indicates she wishes to proceed. Please read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 2690 in manner and form as follows:

Amendment to Senate Bill 2690

in Acceptance of Governor's Recommendations

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Crotty, to explain the motion, ma'am.

SENATOR CROTTY:

I again ask that we accept the specific recommendations of the Governor on Senate Bill 2690. This dealt with delinquencies or arrearages that exist at the termination of child support due to emancipation or a specified date. All I'm asking, and all the Governor has asked, that we change the dates from January

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{sic}(July) 1st of 2004 for the implementation of this bill to January 1st, 2005.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Crotty moves to accept the specific recommendations of the Governor as to Senate Bill 2690. Is there any discussion? Is there any discussion? Seeing no discussion, Senator Crotty, to close. She indicates -- favorable roll call. The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 2690 in the manner and form just stated by the Senator. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 Ayes, 0 voting Nay, 0 voting Present. The specific recommendation of the Governor as to -- to Senate Bill 2690, having received the required majority three-fifths, is declared accepted. Continuing on page 8 of the Calendar, in the Order of Motions in Writing to Accept Specific Recommendations for Change is Senate {sic} Garrett, on Senate Bill 2900. Madam -- Senator Garrett, do you wish to proceed, ma'am? She indicates she wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 2900 in manner and form as follows:

Amendment to Senate Bill 2900

in Acceptance of Governor's Recommendations

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Garrett, to explain the motion, ma'am.

SENATOR GARRETT:

Thank you very much, Mr. President. DHS, in conjunction with its Child care and -- Development Advisory Council, was required to develop a plan by 9/30/04 which modifies State rates for certain types of child care furnished to TANF clients. What the Governor -- why he amended this was that he wanted to change the date from September '04 to January '05, and we are in acceptance of his amendatory veto.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you. Senator Garrett moves to accept the specific recommendations of the Governor as to Senate Bill 2900. Is there any discussion? Is there any discussion? Seeing no discussion, Senator Garrett, to close.

SENATOR GARRETT:

I just ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. The question is, shall the Senate accept the specific recommendations of the Governor to Senate Bill 2900 in the manner and form just stated by the Senator. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. The specific recommendation of the Governor as to Senate Bill 2900, having received the required three-fifths majority, is declared accepted. Madam Secretary, do we have any motions?

SECRETARY HAWKER:

Yes. We have a veto motion, filed by Senator Clayborne, with respect to House Bill 826.

PRESIDING OFFICER: (SENATOR DeLEO)

That will be placed on the Calendar on Motions. Senator Maloney, for what purpose do you rise, sir?

SENATOR MALONEY:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR MALONEY:

I'd like to take this opportunity to introduce one of the mayors from my area, Mayor Gerry Bennett of Palos Hills and Vicky Smith, who is the executive director of the Southwest Council of Mayors. I'd like you to welcome 'em to the Senate. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Mayor, welcome to Springfield. Thank you for coming by today. Senator Soden, for what purpose do you rise, sir?

SENATOR SODEN:

Point of personal privilege, Mr. President.

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PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR SODEN:

As you may or may not be aware, I'm sure you all are, that tomorrow is Veterans Day. I look back in memory when it was known as Armistice Day. The eleventh day, eleventh hour, and that is the time that we -- to set aside to honor our veterans. And as time moved on, the day was changed to Veterans Day by President Eisenhower when he was in office. So, I ask each and every one of you - I know many of you will be involved in programs tomorrow - and even though it's a day before Veterans Day, I ask you all to take within your heart these young men and women who are serving us all over the world. And especially those that are in Fallujah today. May God give them the shield of protection and give them the spirit which they need to continue forward because they're serving with honor and credit to each and every one of us. They've given us the opportunity through all of our conflicts to enjoy the freedom that we enjoy here today in the Senate. So with that, if you'd just take one moment and just bow your head and let's pray for all of our men and women wherever they may be.

PRESIDING OFFICER: (SENATOR DeLEO)

We'll take a moment of silence for our men in the armed forces -- men and women in the armed forces. Thank you very much, Senator. Madam Secretary, do we have any motions?

SECRETARY HAWKER:

Yes. I have a new motion with respect to House Bill 2220, filed by Senator Silverstein.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, that will -- motion will be placed on the Calendar. Okay. Ladies and Gentlemen, returning to our Calendar, on page 4 of the Calendar, Secretary's Desk, we have Resolutions. So, on page 4 of the Calendar is the Order of Secretary's Desk, Resolutions. We have Senator John Sullivan on House Joint Resolution No. 9. Senator Sullivan, do you wish to -- your resolution considered? Madam Secretary, he indicates he does. Please read the resolution.

SECRETARY HAWKER:

House Joint Resolution No. 9.

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There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan, to explain the motion, sir.

SENATOR J. SULLIVAN:

Thank you, Mr. President. House Joint Resolution 9 -- designates Interstate 72 as the commemorative Purple Heart Memorial Highway, to pay tribute to the many thousands of Illinois residents who have been awarded the Purple Heart medal.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Sullivan moves the adoption of House Joint Resolution No. 9. It's the opinion of the Chair that this resolution requires an expenditure of State funds and therefore a roll call must be taken. Those in favor of House Joint Resolution No. 9 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 Ayes, 0 voting Nay, 0 voting Present. The resolution, having received the constitutional majority, is adopted. All right. Continuing on page 4 of the Calendar in Order of Secretary's Desk, Resolutions. Senator Demuzio. Senator Demuzio, do you wish your resolution considered? Madam -- she indicates she does. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

House Joint Resolution 54.

There are no committee or Floor amendments reported. {sic}

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Demuzio, to explain your resolution, ma'am.

SENATOR DEMUZIO:

Yes, Mr. Chairman. House Joint Resolution 54 creates the Rural -- Rural Water Infrastructure Task Force to study ways to improve access to rural water infrastructure. What this bill is to do, or this amendment, is to add the Lieutenant Governor who will serve as the Chair of the Governor's Rural Affairs Council, who does presently serve, and add him to the Rural Water Infrastructure Task Force.

PRESIDING OFFICER: (SENATOR DeLEO)

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Is there any discussion? Is there any discussion? Senator Viverito, for what purposes do you rise, sir? Senator Viverito, for what purpose do you rise...

SENATOR VIVERITO:

...a -- a point of special privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Point of personal privilege. Please state your point.

SENATOR VIVERITO:

I would like very much to give a warm welcome to a man that's worked very hard with the Mayors Association, the President of the Mayors Association, Gerry Bennett from Palos Hills and Vicky Smith, his assistant.

PRESIDING OFFICER: (SENATOR DeLEO)

Gerry, once again, welcome to Springfield. Is there any discussion on House Joint Resolution 54? If not, Senator Demuzio, to close, please.

SENATOR DEMUZIO:

Okay. I ask for a favorable vote on HJR 54 and to be able to add the Lieutenant Governor to this task force. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Demuzio moves the adoption of House Joint Resolution 54. Once again, it is the opinion of the Chair that this resolution requires the expenditure of State funds and therefore a roll call must be taken. Those in favor of House Joint Resolution 54 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. The resolution is adopted. With leave of the Body, we will -- on bottom of page 4, we'll skip House Joint -- Resolution 64. Continuing on page 4 of the Calendar, we have House Joint Resolution 68 on the Order of Secretary's Desk, Resolutions. Senator Bomke, do you wish to proceed, sir? Senator Bomke, do you wish to proceed on this motion? He indicates he does. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

House Joint Resolution 68, offered by Senator Bomke. There are no committee or Floor amendments reported.

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bomke, to explain the resolution, sir.

SENATOR BOMKE:

Thank you. As we are -- we'll soon be opening the Lincoln Museum and Lincoln Library. With the efforts of Mayor Davlin -- through the efforts of Mayor Davlin, Representative Brauer, Representative Poe, and myself, we thought that there ought to be a Lincoln Parkway that would direct people from the north and the south and past the Lincoln Library and -- and that's what this House Joint Resolution does. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, Senator Bomke, to close, sir.

SENATOR BOMKE:

Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Bomke moves the adoption of House Joint Resolution 68. Once again, it's the opinion of the Chair that this resolution requires the expenditure of State funds and therefore a roll call vote must be taken. Those in favor of -- House Joint Resolution 68 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 Ayes, 0 voting Nay, 0 voting Present. The resolution is adopted. Continuing on Secretary's Desk, Resolutions, we have House Joint Resolution 69. Once again, Senator Bomke, do you wish to -- your resolution considered, sir? He indicates he does. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

House Joint Resolution 69, offered by Senator Bomke. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bomke, to explain the resolution.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is not much different than 68, but this is a direct route off of I-55 to the north to New Salem. It's a -- it's a route that has been used for a number of years and we

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felt that it should be identified as the Lincoln Highway and that's what this bill does.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, Senator Bomke moves the adoption of House Joint Resolution 69. Once again, it's the opinion of the Chair that this resolution requires expenditure of State funds and therefore a roll call vote must be taken. Those in favor of resolution -- House Joint Resolution 69 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. House Joint Resolution 69, the resolution is adopted. Continuing on page 5 of the Calendar. Top of page 5 is Senate Joint Resolution 73. On the Calendar of Secretary's Desk, Resolutions. Senator Lightford, do you wish to proceed, ma'am? She indicates she wishes to proceed. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

Senate Joint Resolution 73, offered by Senator Lightford and others.

There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lightford, to -- to explain the resolution, ma'am.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 73, it designates the Administrative Pavilion at the John J. Madden Health -- Health Center in Chicago the Patricia Thompson Madden Administrative Pavilion. This is the Madden Mental Health Center that's in my district, in the Village of Maywood. Patricia was a resident of the Village of Oak Park, a very hard working, intelligent woman that I happened to admire a great deal. Her son, Rob, is actually the administrative staff in Senator Don Harmon's office and we'd like to extend the Center to her. It's ironic that both their names happen to be Madden. There was no relationship. But this woman earned a degree in nursing from the University of Illinois, and a master's degree in community mental health. And she did numerous things in the Oak Park

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community related to mental health. And I'd ask for all you support this resolution.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Senator Harmon, for what purposes do you rise, sir?

SENATOR HARMON:

Thank you, Mr. President. To the resolution: I rise in strong support. As Senator Lightford said, Pat Madden was a constituent of hers. She was for a -- a time a constituent of mine. She was a wonderful woman. Senator Lightford also said her son, Robert, is the director of my legislative office. It would mean a great deal to him and to his family to rename the Administrative Pavilion at the Madden Mental Health Center in honor of his mom. And I, too, ask for your Aye votes.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Lightford, to close, ma'am.

SENATOR LIGHTFORD:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Lightford moves the adoption of Senate Joint Resolution 73. Once again, it's the opinion of the Chair that this resolution requires expenditure of State funds. Therefore, a roll call vote must be taken. Those in favor of Senate Joint Resolution 73 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, and 0 voting Present. The resolution is adopted. Like to ask all members of the Rules Committee - we'll have a Rules Committee meeting immediately in the President's Anteroom - all members of the Rules Committee, please come to the President's Anteroom. We will be meeting immediately. Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - Floor Amendment No. 2 to House Bill 757; refer to Environment and Energy Committee - Floor Amendment 7 to House Bill 911; refer to Executive Committee -

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Senate Joint Resolution 90; refer to Judiciary Committee - House Bill 6424; Be Approved for Consideration - Motion to Concur with House Amendment 1 to Senate Bill 184, Motion to Concur with House Amendment 1 to Senate Bill 2256, Motion to Concur with House Amendment 1 and 3 to Senate Bill 2299, Motion to Concur with House Amendment 1 to Senate Bill 2377 {sic}(2375), Motion to Concur with House Amendment 1 and 2 to Senate Bill 2404, Motion to Concur with House Amendment 1 and 3 to Senate Bill 2411, Motion to Concur with House Amendment 1 to Senate Bill 2499, Motion to Concur with House Amendments 1 and 2 to Senate Bill 2617, Motion to Concur with House Amendments 1, 2, 4, 5 and 6 to Senate Bill 3007, Motion to Concur with House Amendment 1 to Senate Bill 3188, Motion to Concur with House Amendment 1 to Senate Bill 3197, Floor Amendment 1 to House Joint Resolution 64, Floor Amendment No. 2 to House Bill 1007, House Bills 552, 678, 768, 834, 1000, 1021, Senate Bill 1592 and Motion to -- to Concur with House Amendment 3 to Senate Bill 1592 and House Joint Resolution 30 {sic}.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, could I ask all Members, please, to be in their seats? We ask staff to retire to the rear of the Chamber, please. I'd like to recognize the Republican Leader, Senator Watson, for a point of personal privilege. Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. Just -- this may be the appropriate time. We had a -- a situation about a month ago that a member of our staff here, who'd been with us about six months, was unfortunately and tragically killed in an automobile accident while he was working on the Lloyd Karmeier campaign in southern Illinois. Mike Baer. And I just thought, you know, we -- we fight among ourselves here and -- but we are family. When we lose one of our own like that in a very tragic situation - he lived here in Springfield. A very fine young man. Great future ahead of him, Cardinal fan, and -- but this is a really tragic situation. So, I thought it -- this would be an appropriate time maybe just to have a moment of silence. He was our staffer on Local Government, of which Senator Jones, Wendell Jones, was our spokesman. And I'd like for Wendell to

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have an opportunity to say a few words about this young man and his contribution.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Jones.

SENATOR W. JONES:

Thank you, Mr. President. Mike was -- he was our key staff person on Local Government and those of us on the Local Government Committee got to know him particularly last spring. He was always very enthusiastic about his work, and did a great job. And it's a tragic loss for all of us in the Senate. So I would appreciate a moment of silence in remembrance of Mike. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Would ask the Members to please stand at a moment of silence, please. Thank you. Senator John Sullivan, for what purpose do you rise, sir?

SENATOR J. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR J. SULLIVAN:

I have a high school government class from my district here today, Union High School in Biggsville, Illinois. They're up in the gallery over on the -- our side over here. And their teacher, Cheryl Leath, is with them as well. And I'd like everybody to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senator del Valle in the Chair.

PRESIDING OFFICER: (SENATOR DEL VALLE)

We are proceeding to page 2 on the Calendar. House Bills 3rd Reading. House Bill 1007. Senator DeLeo, on House Bill 1007. Senator DeLeo seeks leave of this Body to return House Bill 1007 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1007. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator DeLeo, to explain your amendment.

SENATOR DeLEO:

Thank you very much, Mr. President. Floor Amendment No. 2 to House Bill 1007, as you may recall, we passed this identical bill, was Senate Bill 2247, this past June. What we did, this is leasing IDOT property, and if you recall, it was underneath the Kennedy and Dan Ryan Expressway. Senator Risinger brought up a point in -- in committee and also on the Floor about fair and equal value. We did get values. We did get appraisals. We forgot - and I apologize to the -- to the Membership - we forgot to put an effective date. This just puts the effective date in the bill. So I ask for its adoption, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator DeLeo moves the adoption of Amendment No. 2 to House Bill 1007. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

3rd Reading. Now on the Order of 3rd Reading, House Bill 1007. Senator DeLeo, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1007.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President. The amendment says it all. All this does is add the effective date, which we failed to do in -- in the past spring Session. Bill doesn't change, nothing changes, and I ask for a favorable roll call on House Bill 1007.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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The question is -- is there any discussion? Any discussion? If not, the question is, shall House Bill 1007 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 the question, there are 59 Ayes, none voting Nay, none voting Present. And House Bill 1007, having received the required constitutional three-fifths majority, is declared passed.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, continuing on House Bills 3rd Reading, on page 2 of the Calendar. We'll go to House Bill 2577. Senator Link, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 2577.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. House Bill 2577, as amended, lowers the threshold for coverage under the Illinois Public Labor Relations Act from units of local government from thirty-five or more nonsupervisory employees to units with five or more. Doing so expands collective bargaining rights to more than twenty-five thousand local government employees who currently do not have a right to join unions. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Thank you. Senator Link, what's the underlying problem that you're trying to address with this legislation?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Link.

SENATOR LINK:

Basically what this will do, Senator, is to stop playing the games that have happened in a lot of smaller communities when the threshold comes, to laying off people that -- you know, you get -- some of the areas have thirty-five employees, thirty-seven, and this has happened in communities that I know of. I had it happen in a community that I represented, matter of fact, that had thirty-six or thirty-seven employees. The community wanted to unionize, the employees filled out their cards, they started getting a bargaining unit together. So what they did is they decided to lay off three employees to get under the number of thirty-five so they could get around the fact of -- so that they couldn't unionize this. They then were challenged in court, the courts upheld this and allowed them to -- the people to have the wishes in which they wanted to do. I think this would change this. They still will have to follow all the procedures. It would be the will of the -- the employees to do this. The will of the municipality. This is not forcing anybody into joining unions. It's not forcing municipalities to pay money that they don't have. It's not forcing anybody into doing anything. It's just throwing -- lowering a threshold to help people get organized if they so desire to.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Brief -- briefly to the bill: You know, we have -- and I -- and I understand, and I appreciate Senator Link being very candid about what his intentions are. I think we run a risk here of an unintended consequence, and that is, while trying to, so-called, level the playing field, we're simply going to be foisting a higher cost on our local units of government. There's nobody with a straight face that can have any expectation that this is going to do anything except put more, and more, and more of a burden on local property taxpayers, particularly as it relates to these various municipalities and other special districts. So, while I understand the thinking of allowing people to collectively -- bargain. Let's not kid ourselves and realize that the net effect is going to be an

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increased burden on local property taxpayers. So if you are a property tax fighter, I would urge caution on this bill. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Haine, for what purpose do you rise, sir?

SENATOR HAINE:

Mr. President, to the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR HAINE:

I rise in support of this bill. It brings not only the blessings of collective bargaining as to wages and hours to a large number of public employees, but it goes a long way to providing a buffer in small towns and villages from arbitrary and capricious behavior toward employees, which is a necessary thing. These employees are sometimes lost between the cracks and they deserve the -- the protections of collective bargaining also. It's in the great tradition of Illinois to provide this protection. It's a good bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Halvorson, for what purpose do you rise, ma'am?

SENATOR HALVORSON:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, please.

SENATOR HALVORSON:

I stand in strong support of this bill. I had the same concerns as a previous speaker. However, as I talked to a few people, you can only negotiate with what you have. If the money is not there, there's nothing you can do to produce it. So I think it's a right of everybody to be a part of this process, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. Is there any further discussion? Seeing no further discussion, Senator Link, to close, sir.

SENATOR LINK:

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Thank you, Mr. President. To echo what my colleagues have said, to -- to -- to correct a misnomer is -- and I want to say that this is collective bargaining. And -- and it's very true, this is not going to raise the cost. And the fear - we always put this fear in that this is going to raise taxes, this is going to put a burden on the property tax. We have collective bargaining in many a communities. We have this in communities right now. We haven't seen this rising cost in the property tax because of it. I -- I think what this is doing, if the money is not there, you're not going to see it. It's a right of the people to do. It's a right of them to organize if they so wish to. All we're doing is changing the number. The private sector has this number right now and their number is at two, which is a lot lower than five. So they have that right. I think that municipalities and units of local government should have the right at five. I think this is the right thing to do, and I would ask for an affirmative vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Thank you, Senator Link. The question is, shall House Bill 2577 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 37 Ayes, 22 Nays, 0 voting Present. House Bill 2577, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, with leave of the Body, we'd like to return to page 4 of our Calendar. On page 4 of the Calendar is the Order of Secretary's Desk, Resolutions. We'll go to the middle of Secretary's Desk, Resolutions. There's House Joint Resolution 64. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

House Joint Resolution 64, offered by Senator Haine.
There are no committee amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any Floor amendments, Madam Secretary?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Haine, to explain the amendment on your resolution, sir.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This passed the House. However, it wasn't called because of the -- the logjam, I guess, in the summer Session. And, therefore, we change the date that the committee will make its final report to the General Assembly from January 3rd of 2005 to May 1, to give them more time to look at these issues and report to the General Assembly.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Seeing no discussion. I'm sorry. Senator Dillard, for what purpose do you rise, sir?

SENATOR DILLARD:

Thank you, Mr. President. I heard Senator Haine and perhaps he misspoke. He referred to this as being bottled up during summer Session -- summer Session. We don't have a summer Session of the Illinois General Assembly. We have a spring Session. And hopefully, Senator Haine, if you get anything bottled up next year you'll say that it was bottled up during the spring Session since we don't have a summer Session. Thanks, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator, for that clarification. Senator Haine moves the adoption of Amendment No. 1 to House Joint Resolution -- House Joint Resolution 64. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and Amendment -- Floor Amendment No. 1 to House Joint Resolution 64 is adopted. So, going back to -- on page 4 of the Calendar is the Order of Secretary's Desk, Resolution. Senator Haine, now on House Joint Resolution 64. Do you wish your resolution -- do you want your resolution considered, sir? He indicates he does. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

House Joint Resolution 64.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine, on House Joint Resolution 64, to explain the resolution.

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SENATOR HAINE:

Mr. President -- and I stand corrected by Senator Dillard. This was a House Joint Resolution which calls for a study of the loss of jobs in Illinois manufacturing, with various representatives appointed by the Leadership and the Governor from various interested parties. And it was -- it was -- wasn't called because of a bottleneck in the spring regular Session of the Illinois General Assembly. And, therefore, I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Haine moves the adoption of House Joint Resolution 64. Once again, Ladies and Gentlemen, it's the opinion of the Chair that this resolution will require the expenditure of State funds; therefore, a roll call vote must be taken. So those in favor of House Joint Resolution 64 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. House Joint Resolution 64, the resolution is adopted. Okay. Ladies and Gentlemen, with leave of the Body, we'd like to go to page 6 of your Calendar. On the Secretary's Desk, Concurrence, Senate Bills. The bottom of page 6 is Senate Bill 3186. The sponsorship has been changed to Senator Cullerton. Senator Cullerton moves to nonconcur to Senate Bill 3186. Senator Cullerton, on the motion.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. We do have a better sponsor now. I would move to nonconcur with the House in the adoptions of Amendments 1 and 2 to Senate Bill 3186.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Cullerton moves to nonconcur in House Amendments 1 and 2 to Senate Bill 3186. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the motion carries. The Secretary shall so inform the House. Thank you, Senator. Ladies and Gentlemen, we'll now go to Senate Calendar -- Supplemental Calendar No. 1. It's been printed and distributed. Should be on all Members' desk. On Secretary's Desk, on the Order of Concurrence, Senate Bills, the

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top of your Supplemental Calendar, it will be Senate Bill 184. Senate Bill 184 is Senator Shadid. Madam -- do you wish to proceed, Senator? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 184.

Motion filed by Senator Shadid.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Shadid, to explain your motion.

SENATOR SHADID:

Thank you, Mr. President. I -- I move to concur with House Amendment No. 1 to Senate Bill 184. Current law requires all action of the Heart of Illinois Port Authority to be taken by resolution or ordinance. This amendment clarifies that action can be taken by the board by motion as well, except an expenditure of funds in excess of five thousand dollars shall be by ordinance only. This amendment was requested by the Heart of Illinois Port Authority. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, Senator Shadid, to close, sir.

SENATOR SHADID:

Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment -- House Amendment No. 1 to Senate Bill 184. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 184, and the bill, having received the required three-fifths constitutional majority, is declared passed. Continuing on the Supplemental Calendar is Senate Bill 1592. Senator Sieben. Senator Sieben, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

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I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 1592.

Motion filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sieben, to explain the motion, sir.

SENATOR SIEBEN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. The actual Amendment No. 3 becomes the bill, put on in the House, to deal with a crisis situation in Stockton School District who has had a breakdown, basically, in their fifty-year-old steam system -- heat system for their school. This would allow them to exceed their property tax limitation there by seven hundred and fifty thousand dollars to retrofit their -- their heating system. Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Just a question or a clarification from the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LAUZEN:

Senator, I understand the crisis, the emergency situation here. I think that in your presentation you mentioned that it is a -- an exception to the tax cap. With the time that's transpired since it was first proposed, to now, has there been an attempt to put such a -- a crisis onto the ballot to ask the people of that area if they would vote to support, because of its urgent need?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sieben.

SENATOR SIEBEN:

There's not been the question put on the ballot this past election because in -- or, in November of 2002, the previous election, they had just raised their education fund tax rate significantly. This school district is on the Financial Watch List and they felt going this method is what they wanted to try to accomplish. So it was not put on the ballot to the voters in the previous November election.

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link, for what purpose do you rise?

SENATOR LINK:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir. Senator Link.

SENATOR LINK:

Senator Sieben, to echo Senator Lauzen's question that this is an exception to the PTELL. Correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sieben.

SENATOR SIEBEN:

That's correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link.

SENATOR LINK:

I -- I brought this up in committee when we had this in committee how many months ago that we brought this and -- and I voted to get this out of committee because I know the importance of this and I -- I think this is more going to be a statement than it's going to be anything else. And it's -- we've had a lot of bills over on this side of the aisle that we brought up that were exceptions to the PTELL. And we tried to emphasize the importance of why we needed these exceptions, that there are times that there are exceptions needed, and that we -- we emphasized why they were needed and we -- we tried to portray that. And I've got a couple incidents here: Senate Bill 83, which I was the lead sponsor on; Senate Bill 1049, which Senator Walsh was the lead sponsor on. Both times, you were a No vote on it. And many of your colleagues on that side were No votes on it. And that you were seeing that these were not of importance, that they were -- they were exceptions, so that they were not of importance to you because they were problems in our areas. So they were not there. And I -- I look at this as a -- a situation where I -- I think that we have to realize this is a large State and there's problems throughout the entire State. And I know we went through this rhetoric in this last election of everything's in Chicago and it's Chicago against the rest of

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the State. Well, I don't live in Chicago. I want that -- to make that very clear. I do not live in Chicago. I don't represent any part of Chicago. So I want that very clear. But, you know, I know there's concerns in Chicago, as I know there's concerns in Jo Daviess County. And I know there's concerns in every other part of the State of Illinois and I look at those concerns. So when there are exceptions, we have to look at the concerns. And I voted in favor of this in committee and I'm willing to vote in favor of it right now, but I'm asking you, when other exceptions come up on this Floor, when it be any Senator, either on this side of the aisle or that side of the aisle that introduce this, that we look at 'em for the area and not look at 'em just because they're an exception that they're bad. That we look at 'em for the case that they are and not make an exception. And I think that's what we've got to stop doing, is this rhetoric that just because it's an exception to PTELL that it's bad. And I would look at it at that way and I would hope that all of our colleagues start looking at it case by case. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Link. Is there any further discussion? Seeing no further discussion, Senator Sieben, to close, sir.

SENATOR SIEBEN:

Well, thank you very much. I think the previous speaker's point is well-made. And because of that, what we talked about since this came up in your committee, just yesterday I voted for an exception to PTELL to support storm water management in -- in one of your colleague's districts and there were, I think, over forty Members. So you had Members on both sides of the aisle that recognized a very critical situation dealing with storm water and we voted to -- for the exemption to the tax caps therein. This is a very serious, critical situation for a very small district that needs to deal with their fifty-year-old steam system. And now they've got mold in the school as well as -- as a failing steam system. And I'd just appreciate an Aye vote for this exception to PTELL.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in

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House Amendment No. 3 to Senate Bill 1592. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are -- 45 Ayes, 12 Nays, 0 voting Present. The Senate concurs in House Amendment No. 3 to Senate Bill 1592, and the bill -- bill, having received the required three-fifths constitutional majority, is declared passed. Ladies and Gentlemen, once again, on the Order of Concurrences, we have Senate Bill 2256. President Jones, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2256.

Motion filed by President Jones.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jones, to explain the motion.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. House Amendment 1 deletes all in the bill and -- and it becomes the bill. It permit the town in Curran in Sangamon County to incorporate as a village, making it eligible for funding to solve a serious wastewater problem. It provides an exception for the Public Water District Act for municipalities that incorporate after June 1st, 2004. This change will authorize that public water district to provide water service to residents within one mile of a municipality that operates a public water supply regardless of the number of municipalities in the water district. This change was requested by the Mayor of Springfield and is supported by the Municipal League and the citizens of Curran. That's all that it does, and I move to concur in the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. Is there any discussion? Is there any discussion? Senator Trotter. Senator Trotter, is this on the motion, sir? Is this on the... Okay. Is there any discussion? Senator Bomke, for what purpose do you rise, sir?

SENATOR BOMKE:

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Thank you, Mr. President. To the bill: This is a piece of legislation we had in the spring. We thought we had all the problems worked out. It was -- allow a community by the name of Curran to incorporate by way of referendum, only to realize later that it was to the detriment of the City of Springfield. This corrects that problem and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. The gentleman asks for a favorable roll call. So this is -- Ladies and Gentlemen, once again, this is final action. The question is, shall Senate concur in House Amendment No. 1 to Senate Bill 2256. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 Ayes, 0 Nays, 0 voting Present. The Senate concurs in Amendment No. 1 to Senate Bill 2256, and the bill, having received the required three-fifths constitutional majority, is declared passed. Senator Jacobs, on Senate Bill 2299. Gentleman asks it be taken out of the record. Senator Carol Ronen, on Motion to Concur on Senate Bill 2375. On the Order of Concurrence is Senate Bill 2375. Senator Ronen, do you wish to proceed, ma'am? She indicates she wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2375.

Motion filed by Senator Ronen.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Ronen, to explain the motion, ma'am.

SENATOR RONEN:

Thank you, Mr. President. This bill has to do with outsourcing of services. It requires notification. The change that was made in the House, I should say, was just that if somebody contracts with the State, says that they are not outsourcing and then changes that, that would be in violation of the contract. What this does is just keep track of companies who do contract with the State the extent to which they are outsourcing. I think this is a compromise bill. My understanding is the Illinois Chamber supports this, as does the

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AFL-CIO and other interest groups. I would ask for your approval.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, the Lady has asked for a favorable roll call. Once again, Ladies and Gentlemen, this is final action. The question is, shall Senate Bill 2375 concur in House Amendment No. 1. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 3 Nays, 0 voting Present. Senate Bill 2375 concurs in House Amendment No. 1 -- and the bill, having received the required three-fifths constitutional majority, is declared passed. Ladies and Gentlemen, on -- still on the Supplemental Calendar No. 1, we have Senate Bill 2404. On that Order of Concurrence, Senator Cullerton, do you wish to proceed, sir? He... Okay. Ladies and Gentlemen, on the Order of Concurrence, we have Senate Bill 2404. Senator Cullerton indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2404.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to explain the motion, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. These amendments are technical amendments at the request of the Department of Insurance. They would require insurance companies to file certain documents, such as policies, certificates and riders, electronically with the Department of Insurance. Also provides for quarterly invoicing for filing fees. Removes the cap on filing fees for certain policy forms. It enhances the regulatory flexibility and authority of the Director when dealing with situations involving an undercapitalized or troubled insurance company. I don't know of any opposition and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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Is there any discussion? Is there any discussion? Seeing no discussion, this is final action. The question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 2404. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 54 Ayes, 1 Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 and 2 to Senate Bill 2404, and the bill, having received the required three-fifths constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 2411. Senator Link, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 2411.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link, to explain the motion, sir.

SENATOR LINK:

Thank you, Mr. President. This just amends the TIF extension for the City of Waukegan. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, Senator Link, to close. Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Yes. Would the sponsor explain the bill?

PRESIDING OFFICER: (SENATOR DeLEO)

You'd ask the sponsor - I'm sorry - to explain the motion?

SENATOR GEO-KARIS:

Yes, sir.

PRESIDING OFFICER: (SENATOR DeLEO)

The Lady requests an explanation of the motion, sir.

SENATOR LINK:

What the legislation does, it extends the maturity date for tax increment financing obligation. It extends it from twenty-

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three years to thirty-five years for Waukegan with the ordinance adopted on September 21st, 1998.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. Ladies and Gentlemen, this is final action. The question is, shall Senate concur in House Amendment No. 1 and 3 to Senate Bill 2411. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 53 Ayes, 4 Nays, and 0 voting Present. The Senate concurs in House Amendment No. 1 and 3 to Senate Bill 2411, and the bill, having received the required three-fifths constitutional majority, is declared passed. On the bottom of Supplemental Calendar No. 1 is -- on the Order of Concurrence, is Senate Bill 2499. Senator Cullerton, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2499.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to explain the motion, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This is a very straightforward bill that passed unanimously in the House. It came through our Judiciary Committee. It simply says that it would prohibit any person or entity from providing or co-signing a loan or a credit, directly or indirectly, to any biological parent or a relative of a biological parent based on the contingency of a surrender or placement of a child for adoption. So we don't want to let -- let these loan agreements between attorneys and prospective adoptive parents and biological parents used to coerce the biological parents to place their babies for adoption if they later on change their mind. So, pretty straightforward issue, I think. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you, Senator. Is there any discussion? Any --
Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, ma'am.

SENATOR GEO-KARIS:

What is the basis of the bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Apparently there's been situations where people enter into an agreement to adopt babies and they also lend money to the biological mother. And then when the lady wants to change her mind and wants to keep the baby and not put him up for adoption, they got this loan agreement that's in place that coerces her to go forward and put the baby up for adoption even though she doesn't want to. So this would prohibit that.

PRESIDING OFFICER: (SENATOR DeLEO)

Seeing no further discussion, the sponsor has indicated he'd ask for an affirmative roll call. So that, once again, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2499. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 Ayes, 0 voting Nay, -- 0 Nays, and 0 voting Present. The Senate concurs in House Amendment No 1 to Senate Bill 2499, and the bill received the required majority, is declared passed. On the second page of our Supplemental Calendar, on the top of page 2, is Senate Bill 2617, on the Order of Concurrence. Senator Haine. Senator Haine, do you wish to proceed on Senate Bill 2617, sir? Madam Secretary, he indicates he does. Please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2617.

Motion filed by Senator Haine.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Haine, to explain the motion, sir.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a -- a bill which would prevent an HMO from requiring that certain things be sold by the -- the optometrist. It is an initiative of the Illinois Optometric Association. Apparently, currently certain managed care entities are requiring panel doctors to purchase certain items or goods in order to participate. And the optometrists would like to be free of that burden. It seems to be reasonable and I would ask the Members of the Senate to see their way to support this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion? Any discussion? Seeing no discussion. This is final action. The question is, shall Senate Bill 2617 concur in House Amendment No. 1 and 2. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 Ayes, 0 Nays, and 0 voting Present. The Senate concurs in House Amendment No. 1 and 2 to Senate Bill 2617. Having received the required three-fifths constitutional majority, is declared passed. Senator Cullerton, on Senate Bill 3007. Do you wish to proceed sir? He indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2, 4, 5 and 6 to Senate Bill 3007.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to explain the motion, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill was obviously passed by the Senate, went over to the House and they added a number of amendments that I worked with both parties, over in the Senate, that really has improved the bill. It has to do with a -- giving ex-offenders a second chance. It's a -- it's a record-sealing bill that would reduce recidivism. It's a bipartisan-sponsored bill. Senator --

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appreciate Senator Dillard and Winkel cosponsoring it with me, and it's a very significant piece of legislation. People who have successfully completed certain sentences now can have their actual conviction records sealed, and what this bill does is to expand it and -- and improve upon the current law by putting some safeguards in. First of all, should make it very clear that the records are not sealed for law enforcement and public prosecutors. They still have access to criminal records. Second thing that's important is that we worked with the Retail Merchants Association on this bill, and -- and we -- we learned from them what convictions they don't want to have sealed and -- and what -- which ones they would be willing to have sealed. And so they are neutral on the bill. We also worked with the State Police. We put an amendment on for them so they can implement this, as well as the -- the -- the circuit court clerks. What the -- what the House did to improve this bill is to say that if we have any federal -- State laws that say that, let's say school bus drivers, that they're barred from having -- getting a job because they have a previous conviction, then we can't seal that law. Or in the future if we decide we want to seal -- we want to make it a condition of employment that you not have any convictions, those records would never be sealed. We said - and this was, I think, Chapin Rose I think is the State Representative over there who -- who wanted this and we added it - if a person is trying to have a drug possession record sealed, he -- he has to show that he's -- he's passed a drug test, to show that he's not using drugs now. Another thing I should point out is that you can't get these records sealed until four years after you've completed the sentence. So that's a period of time that we're -- we're waiting before we even give 'em this -- this opportunity. The State Police indicated they want to implement a computer system to maintain certain records. This bill is -- does not go into effect until they certify that that's been -- been done. It allows the circuit clerk, pending approval of the county board, to set certain filing fees for the petitioners so that they cannot impose a burden on the clerks. And also a clarification of -- of the -- the bill in terms of what documents they have to bring to the circuit clerks. So we've worked with -- with -- as I said, both sides of the aisle.

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I think it's -- it's people from the community who've come forward and said, "Look at, we've got all these people being dumped out of the Department of Corrections coming back into our neighborhoods. They come back to the places where they lived and they're committing crimes again." We got a recidivist rate that's almost fifty percent. We got to help these people, try to help 'em get a job. And that's the goal of the bill, to give those people a second chance and be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Senator Righter, for what purpose do you rise, sir?

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR RIGHTER:

Thank you. Senator Cullerton, I know that this bill has been a -- a -- a long project, and a lot of work's been done on it. And I -- I appreciate your efforts on it. And I've had several conversations with proponents of the bill. First, I want to ask some -- a technical question about a person who goes in and fills out an application for employment. And as we know, nowadays, most applications for employment will ask the question somewhere, "Have you ever been convicted of a felony?" Now, obviously, let's say that there's an individual who -- this becomes law, there's an individual who's availed themselves of what this law would -- this bill would allow. What do they put on there? Do they put on there -- to be honest and say "yes", or do they start their relationship with their new employer by lying to them and saying "no"?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Actually, this bill is an expansion of a bill that we passed last year. So we already have the concept of being able to seal certain records. So I'm going to read to you from the current law - okay? - which answers your question, I hope. Except for -- with respect to law enforcement agencies, the

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Department of Corrections, State's Attorneys, or other prosecutors, an -- a sealed record may not be considered by any private or public entity in employment matters. Applications for employment must contain specific language which states that the applicant is not obligated to disclose sealed records of conviction. So what we're saying is, that they're not being asked to lie. We're telling the employer you can't ask that question in the first place. If the -- if they've gone through the process and they got their records sealed, in these limited cases the Legislature is determining, they are not allowed to ask the question, so therefore the -- the applicant is not in a position to have to lie.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Well, let's back up a little bit then, Senator Cullerton. Is it your understanding of current Illinois law that an employer, a private employer, other than those that you've listed, cannot ask the question at all, "Have you been convicted of a felony?"

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

They are not allowed, according to Illinois State law, to -- the -- the applicants for employment -- applications for employment must contain specific language which states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest. That's what the law is. They can't ask the question. So, therefore, the -- person is not in a position to have to answer it.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Most employers are not lawyers. Most of them are not as schooled as you are in what the law says with regards to that, or how to interpret that. And so on behalf of my constituents who fall in that category, does that mean they can't ask the question at all, or does that mean they can ask the question, but then have to advise the applicant somewhere else on the

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application that you don't really have to tell me the truth with regards to that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, if I understand what you're posing - if you're saying what if the employer breaks the law by asking whether or not somebody's records are sealed - the answer is, the -- the -- they -- they -- the law says they may not ask if an applicant has had any records sealed, so the applicant doesn't have to answer the question because it's -- it's by law it can't even be asked.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Doesn't that prohibition not only protect the applicant from the -- the potential employer discovering about felony offenses that you're wanting to protect -- keep the employer from finding out about, but anything else above and beyond that? Because if they're not allowed to ask the question -- I mean, the question isn't -- they're not being told you can't ask a question about a felony that was nonviolent and committed within the last, you know, longer than four years ago. It's anything. You're saying that's already law so that's not the issue here. Is that -- is that fair to say, Senator? Okay.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Briefly to the bill: I -- I appreciate the work that's been done on this. The issue that I have, and I think that the issue that a lot of our constituents, particularly those who are employers, obviously will have is, is that rather than work with the employers and try to get them to understand that someone who was convicted of a nonviolent Class 4 felony, a drug possession, or whatever it may have been, seven years ago, can still be a good employee and still be a good member of society, rather than try to talk to 'em about that and trust 'em with that, we're going to lie to 'em. And you have to ask yourself in the long term is this what you want to do for

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that employee to start the relationship with that -- that employee? And is that -- is that the progress -- is that the progress we want to make? I -- I don't think it is. I think employers are going to resent this. I think the backlash from this is going to be more suspicion and other ways to try to find out whether or not the employees have done something wrong in their past. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Geo-Karis, for what purpose...

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, ma'am.

SENATOR GEO-KARIS:

Does this bill include rapists and child molesters?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Absolutely not.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any further discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Senator Cullerton, does this have any application to the character and fitness portion of the bar?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

No.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

So the Supreme Court is able to ask and have answered and the Illinois Bar is able to ask and have answered the question, "Have you been convicted of a felony?" in a prospective

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attorney. And all the law firms would have that information and the Illinois Supreme Court would have that information. But mom and pop that's living on the corner and has a candy store, they can't ask that question?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

They are not an employer, they're a licensing agency and that's why that -- they're not covered.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

But you'd admit that the employer, who are the large law firms, they'd get the benefit of that information, wouldn't they, 'cause they'd have the question answered, "Yes, I am -- I've been convicted of -- of a felony"? So the large law firms downtown would know that information. Whereas, the mom and pop selling the licorice, they don't get the information.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

If I understand your question, you're talking about attorneys applying for a license, they would have to disclose it. Then they get the license, and now they go out and they try to get a job and the employer, if it's one of those limited sealed records, misdemeanors and a -- a couple of felonies that are drug related, and I think prostitution is included, then if they were sealed, they would be in a position of an employer and they would be just like the ma-and-pop drugstore, they'd -- they'd be in the same position. If the courts -- if the records are sealed, they can't ask about 'em.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

In my hypothetical, the point I was trying to draw out is the lawyer probably never gets past that hurdle in the first place. In other words, the prospective employer, via the law firm, gets the benefit of the screening process, right, 'cause the -- the prospective attorney can't get probably past the

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character and fitness portion of the -- of -- of the bar exam? Let me move on to ask another question. I took a deposition one time and it was one of those depositions that was actually pretty funny, and I asked the guy a standard question - you've asked this question in all the depositions you've taken - "Have you been ever convicted of a crime -- a -- a felony or a crime involving dishonesty?" And he paused and he looked at me, and just like Bill Murray in Stripes, he said, "Convicted? Never convicted." Well, it sort of raised a lot of other questions that -- that I was able to ask and we were able to figure out what the bottom line was. What happens in that situation? Let's say, for example, that -- and I was so confused by your exchange with Senator Righter, I don't know which way is up and which way is down on that whole application question, but let's say, for example, that somebody says, "Yes. I was -- I was convicted of this drug offense or this prostitution offense." Is there anything in the -- in this law that -- that prohibits the employer from discriminating on that basis, from using that information even if -- if it was not disclosed in -- in that earlier way that you and Senator Righter had spoken about?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, let me see if I can first clarify, as best I can, the exchange with Senator Righter. The employer -- okay. If -- if you're going to seal certain records so that the employer doesn't find out about it - that's what we're trying to do here. That's what we've done already. If you don't cover the situation where the employer gets to ask it anyway, then -- then you've -- you haven't accomplished anything. So in order to -- to overcome that problem, we specifically say in the -- in the law, currently the law, you can ask about felony convictions, you can ask about misdemeanor convictions, but if the guy has had a misdemeanor conviction or felony conviction sealed, you're not entitled to ask that. Which means he doesn't have to answer it. Okay? Stop.

SENATOR ROSKAM:

One Adam-12. Thank you. Okay. On that question then, Senator, how is the employer supposed to know that they're not

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supposed to answer the question? They have no personal knowledge of this particular offense. Are they supposed to ask the question this way on the application: "Have you been convicted of any offenses, any felonies, except Class 4 nonviolent drug offenses and prostitution charges?" Is that the way the form has to read now?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

No. It -- to me it would be very simple. You can ask whether or not they've ever been convicted of any offenses other than those that have been sealed or expunged.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Senator, how do they know which -- which ones have been sealed or expunged? Is that the ones that are enumerated in -- in the law? Is that what you're saying?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

The individual knows that their records have been sealed. So they would be -- they still have an obligation to honestly answer that question when they -- when they apply for the job.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

I understand. Thank you. Is there any immunity for an employer who -- for any sort of subsequent action that could be taken against them for, let's say, the felonious conduct that were to take place during the course of the employment of the employee and it was a situation where, you know, based on their attitude or conduct, the employer could -- you could argue that the employer knew or should have known? Even though the records were -- were expunged or sealed -- even though the records were sealed, you can still make the argument, "Hey. This person had this pattern." I mean, you can hear it, can't you? You can see the pleadings that can get filed in Cook County on this. This person had a pattern of a panderer or the pattern of a

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prostitute, or the pattern of a past drug offender, therefore, the employer knew or, in the exercise of due care, should have known. Don't you think that there should be some sort of immunity portion in here that says employers basically are bulletproof if they bring somebody in on the basis and they didn't know?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

There's -- there's nothing in the law that addresses what you've just raised. I -- I'm a little confused as to what type of a lawsuit you're contemplating under this. And I assume you're -- you're saying it wouldn't be just limited to Cook County. These lawsuits would be even in DuPage. Is that right?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

I don't think twelve people in DuPage would buy it, but you know, we could -- we could work it up maybe. But my point is, you -- you can anticipate pleadings that would be filed that -- that -- that would say something like this, by some injured person - right? - by someone who was -- some potential plaintiff that says XYZ corner drugstore hired this person and through, you know, whatever the -- the plaintiff is somehow injured or harmed and so forth. My point is, and my question is, is there any immunity that's built into the statute that you're contemplating to change that would -- that would be kind of the -- the shield that an employer can rely on? You understand my question? And then I'll let you answer it and I'll be quiet. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Harmon, what purpose do you rise, sir? Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The Gentleman moves the previous question. We have four additional speakers seeking recognition. Senator Cullerton, to...

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SENATOR CULLERTON:

Just...

PRESIDING OFFICER: (SENATOR DeLEO)

...respond to Senator Roskam's question.

SENATOR CULLERTON:

Now I -- now I understand what Senator Roskam's talking about. You're talking about somebody who's injured by an employee -- employer and sues the employer, saying you shouldn't have hired this guy. All I can say is, the law -- the employer's going to say, "By law I couldn't have found out that that record was sealed." And therefore, as a result -- there's their defense. I mean, it -- to me that's -- it's pretty clear.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR HENDON:

First of all, I want to let the Senator -- previous speaker know that I'm personally offended that you would imply that the only people ever convicted of anything are from Cook County. I'm sure you got some people in -- in DuPage County that have been convicted of things and if -- that's what it -- that's the way I took it, and I'm personally offended by that. Also, you cannot assume that everyone who has ever been convicted of something when they were a -- a young person, or whatever, was guilty. You know, there are a lot of times when people are incarcerated who actually didn't do anything at all and they come and they try to get a job and they simply can't get employed. And if they don't get employment and they've turned their lives around, if -- if you don't find a decent way to make a living, you're just inviting them to -- to -- to go back to a life of crime. So I -- I support this bill and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Hendon. Senator Garrett, for what purpose do you rise, ma'am?

SENATOR GARRETT:

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I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, ma'am.

SENATOR GARRETT:

So after listening to this debate, the question I have is that nurses, teachers, school bus drivers are required to have criminal background checks. How does this expungement work in that regard?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

It doesn't affect it at all. And we made it abundantly clear with an -- House Amendment No. 2, which specifically said if the law already, you know, makes it a condition of employment that they not have any convictions, that that has to be revealed. That can't be sealed. Okay? You can't get...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Garrett.

SENATOR CULLERTON:

You can't get -- you can't get it -- you can't get that -- that sealed record cannot be sealed from an employer if the statute says that they're -- the employers are entitled to know what -- about that conviction.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

A question or two of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR RAUSCHENBERGER:

Senator, is the Illinois Retail Merchants Association supporting this?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

They are officially neutral, but they helped write the bill, 'cause I -- I knew I couldn't pass it if they were opposed to it. And I asked them which offenses are there that you don't want to -- that -- that you want to know about, like theft or

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things like that, and they made it real clear. So as a -- when we were done with that, they said they were officially neutral.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Are there other parts of the business community, the employment community, supporting this bill explicitly?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

It's been a while. I'm trying to remember in terms of the -- the witness slips and that sort of thing at the -- in the committee. None opposed.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, is it fair for me, kind of an unsophisticated retailer, to think of this bill as indemnification for employers from potential suit for hiring someone who may have a felony in their background -- or, Class 4 felony in the background or some offense, where if I -- if it's public record and I don't look, I -- I've failed to do my due diligence, if there -- if I do look and hire 'em anyway, I'm exposing other employees or my customers, potentially, to some harm that might be alleged in a lawsuit? Is -- is it fair for me to think of this as a way of, kind of, sort of, indemnifying the employers if they select the -- the employee?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

I believe so, and that's along the same lines as Senator Roskam's questions. The employer couldn't reasonably have known about a previous conviction if the law says they're not even entitled to ask for it.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Final question. I don't want to prolong this. Couldn't we also solve this with a fundamental effort of taking a look at

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tort reform, to make sure that employers, exercising their responsibilities as employers, not be subject to the fears of making employment decisions because it exposes 'em to lawsuits and liability insurance problems? I mean, isn't that a better approach than essentially saying we're going to put a blind up and -- and -- and not allow a public record to be available to the public?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I think we -- we could use both approaches. If there are frivolous lawsuits filed against employers because of some alleged injury as a result of them hiring people who've had previous convictions, and they're frivolous, I'd be very much open to looking at -- see how we can even nip that in the bud in the first place. I -- I believe it's really clear now that there's no -- this law doesn't enhance any -- in any way a lawsuit against an employer who's hired somebody who's records are sealed.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle, for what purpose do you rise, sir?

SENATOR DEL VALLE:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR DEL VALLE:

This bill has been around a long time. It -- it's undergone a tremendous amount of scrutiny. Many folks have been involved. Advocacy groups. Business groups. They've all worked on this legislation. I think the issue of -- of how to word the line on an employment application regarding felonies, I think, has been addressed here. It's clear that the statement on that application has to be such that it's clear that an individual who's had a record expunged can address the question in an appropriate manner. And I -- I think it's clear what needs to be done and what the wording has to be on that application. But in talking about all these legal technicalities, I think we -- we tend to lose sight of -- of what the purpose here is. And the purpose is to allow individuals who may -- who may have made

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a mistake in their lives to be able to get on with their lives, to be able to become productive members of society. I have individuals come to my office regularly, who say to me, "I want to work, but I'm having a hard time finding employment. I did make a mistake, but I haven't made a mistake since then. I paid my dues and I deserve an opportunity." And that's what this is all about. If there are unintended consequences, then what is the legislative process for? It's for us to come back and amend and fix and do whatever we need to do. I don't think there are going to be any unintended consequences as a result of this legislation. I think what's going to happen is we're going to see fewer individuals going back to prison. We're going to see more children being cared for by a parent who's able to find employment and provide for a family, and we're going to see communities with individuals who are working rather than being on the street unemployed and being directed to do things that otherwise they wouldn't be doing if they were productive members of society. So let's not forget about why we're doing this. I want to compliment Senator Cullerton for the tremendous job he's done on this. And I think this is a bill that deserves the support of every Member of this Body.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. Ladies and Gentlemen, this is final action. The question is, shall Senate concur in House Amendment No. 1, 2, 4, 5 and 6 to Senate Bill 3007. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 33 Ayes, 22 {sic} (23) Nays, 1 voting Present. The Senate concurs in House Amendments No. 1, 2, 4, 5 and 6 to Senate Bill 3007. The bill, having received the required majority, is declared passed. Continuing on Concurrences. On the Order of Concurrence is Senate Bill 3188. Senator Forby, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3188.

Filed by Senator Forby.

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Forby, to explain your motion.

SENATOR FORBY:

Thank you. I concur with Amendment to Senate Bill 3188. What this bill does is a bill like we passed out of here before on 621. This makes sure that all the fund goes to the FutureGen project and no other project. We just want to make sure all the money that's supposed to go to the FutureGen goes to the FutureGen project. And that's what this is all about. I urge a Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in the House Amendment No. 1 to Senate Bill 3188. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 57 Ayes, 0 Nays, 0 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 3188, and the bill, having received the required three-fifths constitutional majority, is declared passed. Ladies and Gentlemen, the Senate would like to recognize the former President of the Illinois State Senate here joining us today. Sitting behind President Jones is former President of the Senate, President Phil Rock. Welcome, Senator Rock. Continuing on the Concurrences on the Supplemental Calendar. On the Order of Concurrence is Senate Bill -- SB3197. Senator Larry Walsh. Do you wish to proceed, Mr. Executive? He indicates he wishes to proceed. Mr. Secretary, please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3197.

Filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh, to explain the motion, sir.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill -- the -- Amendment No. 1 to Senate Bill

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3197 contains two provisions. Clarifies the contest rulemaking process for the State Fair in Springfield and DuQuoin, and also increases the State Fair Advisory Board from fifteen to twenty members. As many of you know, last year a -- situation arose at the State Fair where the grand champion steer was disqualified following a drug test because the owners had given the animal a banned substance. The owners sued the State over the disqualification and a judge ruled that while the State acted properly in disqualifying the animal, the rules were invalid because they were not adopted through the formal JCAR rulemaking process. If I could ask the indulgence of the -- of the Body, I would like to, because the Fair Board -- or, the Fair has asked me to read into the record language for clarification and exactly what we are proposing in this -- in this piece of legislation. I would like to get into the record a statement that is pertinent to the issue of the need to clarify the State Fair Act. Senate Bill 3197 does not expand or make substantial changes to the existing law regarding a contest held during the Illinois State Fair. It simply clarifies what the law has said all along, that these rules do not have to be promulgated through the Joint Committee on Administrative Rules. Section 6 of the State Fair Act sets forth the policies, procedures, powers concerning the operation of the Illinois State Fairs. In particular, Section 6 states that the Illinois State Fair contest requirements are to be established and published by the Illinois Department of Agriculture. For decades the Illinois Department of Agriculture has established and published these contest rules in the books -- pursuant to Section 6 of the State Fair Act and pursuant to Title 8, Section 270- -- or, .255 of the Illinois Administrative Code, which states that -- the requirements for the books for the contest, taking into consideration the experience of previous Illinois State Fairs and other State Fair, changes in the industry, available appropriations, and any other matter which may affect the contest. Throughout the history of these contests, such requirements were not required to be promulgated pursuant to the rulemaking process of the Administrative Procedure Act because the rules for the contests do not fall within the meaning of the rules pursuant to the Administrative Procedures Act. The

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Department hosts over fifteen thousand contests, including as examples: livestock contests, the husband calling contest, maybe the longest pigtail contest. One of the more important aspects of Senate Bill 3197 is the clarification that it was not the intent of the General Assembly to require that contest rules for all events held at the Illinois State Fair be promulgated through the Joint Committee on Administrative Rules. The very nature of the rulemaking procedures, which allow the opportunity for public comment and -- review by the Joint Committee on Administrative Rules, make clear that those procedures are designed to protect citizens from the administrative regulation which impinges upon the rights of the citizens. Such protections are necessary pursuant to the Administrative Procedures Act when administrative agencies act in a quasi-legislative -- capacity to promulgate an agency statement of general applicability that implements, applies or prescribes law or policy. In contrast, contests held at the State Fair are intended to promote agricultural industry in Illinois and to generate an interest in the fair. Contest rules are merely a means of orderly administration of those promotions in a way that reflect industry standards. The large number of contests which reflect the diversity of the agricultural industry in Illinois and an interest in the fair, combined with the absence of an impact upon private rights, renders former rulemaking procedures both impractical and unnecessary. For these reason, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion? Is there any discussion? Senator Rutherford, for what purpose do you rise, sir?

SENATOR RUTHERFORD:

I just wondered if County Executor Walsh would yield for a question.

PRESIDING OFFICER: (SENATOR DeLEO)

He indicates he'll yield for a question, sir.

SENATOR RUTHERFORD:

Senator, the -- that was a rather extensive explanation in there and I have no fault with the legislation. The only question I do have is, you obviously went through a great deal

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of detail for purpose. This will not have any effect on the case that took place under this last experience at the fair. I know there was litigation and this will have no impact on that. Am I correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh.

SENATOR WALSH:

Yes. That's my understanding. Yes. We're just setting -- we're -- we are stating what the rules should have been. You know, exactly the -- the procedure that should have been there when -- that the rules were there even though -- even though they weren't published, you know, by JCAR.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rutherford.

SENATOR RUTHERFORD:

I guess the concern I have, and -- and I think you're going the right direction. I don't know that we are really trying to say what they should have been. I think what we're saying is what they shall be. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh.

SENATOR WALSH:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rutherford.

SENATOR RUTHERFORD:

With -- with that being said, also this is not unusual precedence, because we already allow for this to occur for the Illinois State Lottery, that their rule -- that their rules for implementation of lottery games, and so forth, do not go through our Joint Committee on Administrative Rules. So I'm -- I'm glad that we are identifying this, 'cause it did have a problem this last time out there. And as long as we agree that what we're talking about is prospective, then I do stand in favor of this legislation. I'm glad that we do have it finally clarified.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Dave Sullivan, for what purpose do you rise, sir?

SENATOR D. SULLIVAN:

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Thank you, Mr. President. You know, Senator Walsh presented us with a lot of information in there and I'm not sure we caught it all. Could he repeat that for us?

PRESIDING OFFICER: (SENATOR DeLEO)

Absolutely not. Okay. Ladies and Gentlemen, this is final action. The question is, shall Senate concur in House Amendment No. 1 to Senate Bill 3197. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 56 Ayes, 0 Nays, 0 voting Present. The Senate concurs in Amendment No. 1 -- House Amendment No. 1 to Senate Bill 3197. The bill, having received the required three-fifths constitutional majority, is declared passed. Mr. Secretary, Messages, please.

ACTING SECRETARY KAISER:

A Message from the House by Mr. Maloney {sic} (Mahoney), Clerk.

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

House Joint Resolution No. 99.

(Secretary reads HJR No. 99)

Adopted by the House, November 9th, 2004.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Mr. Secretary. Resolutions Consent Calendar, Mr. Secretary. We will -- so we need to adopt the adjournment resolution. So, Senator Welch moves to suspend the rules for the purpose of the immediate consideration and adoption of the Joint Resolution 99. Those in favor will say Aye. Those opposed will say Nay. The Ayes have it, and the rules are suspended. Now, Senator Welch moves for the adoption of House Joint Resolution 99. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the resolution is adopted. Now, Ladies and Gentlemen, we're going to Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar.

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Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

ACTING SECRETARY KAISER:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the motion carries, and the resolutions are adopted. Okay. Ladies and Gentlemen, pursuant to House Joint Resolution 99, the Senate will stand adjourned until the hour of 12 noon on Tuesday, November 16th, the year 2004. Have a happy and safe holiday. The Senate stands adjourned.