

STATE OF ILLINOIS  
94th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

53rd Legislative Day

5/30/2005

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PRESIDING OFFICER: (SENATOR HENDON)

The regular Session of the 94th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in our galleries please rise? The invocation today will be given by Senator Adeline Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDING OFFICER: (SENATOR HENDON)

Amen. Please remain standing for the Pledge of Allegiance. Senator Maloney.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move that reading and approval of the Journals of Saturday, May 28th and Sunday, May 29th in the year 2005 be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter moves to postpone the reading and approval of the Journal pending arrival of the printed transcript. There being no objection, so ordered. Squires Photography seeks leave of the Body to take photographs. Leave's granted? Leave is granted. Illinois Information Service seeks leave to videotape. Is leave granted? Leave is granted. Would all Senators under the sound of my voice please come to the Senate Chamber? It is - - the intention of the Chair to move Senate business promptly and swiftly today. Please come to the Senate Chamber. Senator Geo-Karis, for what purpose do you seek recognition?

SENATOR GEO-KARIS:

Madam -- Mr. President and Ladies and Gentlemen of the Senate, I would like to ask that we have one moment of silence in memory of this day.

PRESIDING OFFICER: (SENATOR HENDON)

A moment of silence in the Senate Chamber. Thank you, Senator Geo-Karis. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 257, offered by Senator Dave Sullivan. It is -- pardon me, I'm sorry, it is a death resolution.

PRESIDING OFFICER: (SENATOR HENDON)

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Resolutions Consent Calendar. Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2122, offered by Senator Sandoval.

(Secretary reads title of bill)

And Senate Bill 2123, offered by Senator Harmon.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports the Motion to Concur with House Amendments 1 and 2 to Senate Bill 157, recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HENDON)

Would all Members under the sound of my voice please come to the Senate Chamber? It is the intention of the Chair to move to Senate business and move it swiftly and promptly. If you have anything on the Calendar, you need to be in the Senate Chamber. Senator Righter, for what purpose do you seek recognition, sir?

SENATOR RIGHTER:

Inquiry of the Chair, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

State your inquiry.

SENATOR RIGHTER:

Mr. President, I think most of the Members probably have had distributed on their desk a flyer that's got a picture of a beautiful young lady pictured in front of an American flag. I wonder if you could help us and -- and -- and tell us who that is. You don't have one?

PRESIDING OFFICER: (SENATOR HENDON)

I -- I believe that is the lovely, effervescent, Kay Wojcik. Senator Wojcik. Is that correct?

SENATOR RIGHTER:

It is. It is. And just a reminder to all the Members that they will -- be hosting a reception, farewell reception for her, tonight at the Pasfield House after 7 p.m., and we'd encourage all the Members to come. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Where is she going, to her high school prom?

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SENATOR RIGHTER:

She looks like it, doesn't she?

PRESIDING OFFICER: (SENATOR HENDON)

You say she's leaving...

SENATOR RIGHTER:

She looks like it. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

High school prom. Okay. Very good. That's tonight at the Pasfield House after Session and hopefully that will be about 6 or 7 o'clock. After 7. Great. We'll try to get out of here. Keep that in mind, Senator Righter, when you discuss things on the Floor today. We'd like to get out of here so we can bye-bye to Kay. Would all Senators under the sound of my voice please come to the Senate Floor? It is the intention of the Chair to go to Senate business promptly. Perhaps you do not want to spend your entire Memorial Day holiday here in the Senate Chamber. I would agree with you. Please come to the Senate Floor. We were about to get started. Would all Members under the sound of my voice please come to the Senate Chamber? We're about to begin Senate business for the day. It is 12:05. Please come to the Senate Chamber. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Yes, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point, madam.

SENATOR DEMUZIO:

Well, the Chamber is very honored here today and I would like to -- the Members of the Senate to know that yesterday we were missing a Doorman. And that Doorman was from Virden, Illinois and that's my home county and -- but his family and friends kept him there yesterday, because yesterday was his eightieth birthday. And that Doorman has been with us now for nineteen years here in the Illinois State Senate. He did decide to come back to work today even after turning eighty and I'd like for the Senate to recognize Mr. Fred -- Snodgrass and have him come forth - eighty years old.

PRESIDING OFFICER: (SENATOR HENDON)

Come forth, Fred. Happy birthday. You don't look a day over seventy-nine. Happy birthday, Fred. Happy birthday. Most

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of you wouldn't have made it back to work the next day after your eightieth birthday. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 1009.

Passed the House, May 30, 2005.

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

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

House Joint Resolution No. 31.

It is substantive and Senator Collins is the sponsor -- the Senate sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 3761, offered by Senator Harmon.

(Secretary reads title of bill)

And House Bill 3871, offered by Senator Sandoval.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Forby, for what purpose do you seek recognition?

SENATOR FORBY:

Point of announcement.

PRESIDING OFFICER: (SENATOR HENDON)

Make your announcement, sir.

SENATOR FORBY:

I want to introduce today -- an honorary daughter -- my honorary granddaughter, a grand-boy here today, Jenifer Tirey and Flint Tirey. I want you to give 'em a big welcome today.

PRESIDING OFFICER: (SENATOR HENDON)

Will the Senate please welcome Jennifer Tirey and Clint {sic} Tirey to the Illinois Senate. Welcome. Please turn to

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page 73 of your regular Calendar. Page 73 of your regular Calendar. We're going to go to the top of page 73 to the Order of Concurrences. First bill on the Order of Concurrence is Senate Bill 251. Senator Demuzio, do you wish 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 251.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 251, House Amendment No. 1, it does amend the Recreational Use of Land and Water Areas Act to limit the liability of a landowner to individuals and members of the public who use the landowner's land for hunting or recreational shooting or a combination thereof. And what happens is that this just basically amends that to allow the -- the individuals and members to go on the land.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a good bill, but I do have a question for the sponsor if I may.

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Demuzio, suppose I'm on your land and I'm moving equipment for a deer stand, for example. Is that covered under this bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Yes it is, Senator. This is for other recreational uses, too. So not only would it be for hunting, but for all other recreational uses.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Dillard.

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SENATOR DILLARD:

Thank you, Mr. President. To the bill: I rise in support of this bill. I congratulate Senator Demuzio for putting - I kidded her in committee - a very eclectic group of people as supporters of this bill: the trial lawyers and the National Rifle Association. There is a -- a real group of people behind this and I just wanted to clarify that, you know, deer stands and other things associated with hunting under the right circumstance would be covered. So, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

Thank -- thank you, Mr. President. I just stand in strong support of this legislation. This is legislation which I sponsored last year. I wish we would have been able to pass it last year. We left a lot of people at risk, but I want to compliment the sponsor on picking it up and her hard work on moving Illinois forward. This is a critical issue and I urge your...

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you -- Mr. President. To the bill: I just also want to stand in -- in strong support and congratulate Senator Demuzio. She's done a great job on this legislation. Started out as a very controversial piece of legislation, but she worked with all the sides, brought 'em together, came up with a -- a good compromise here, and I urge all Members to support it.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 251. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 to Senate Bill 251. And the bill, having received the required constitutional majority, is declared passed. We'll skip Senate Bill 501 and come back to that order of business at the proper time. Senate Bill 1912.

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Out of the record. Senate Bill 2038. Senator Lauzen. Senator Lauzen, on the Order of Concurrence. Senate Bill 2038. 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 2038.

Motion filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill -- there were three additional pieces of property conveyances for a rehabilitation center in Elgin, St. Charles School District and St. Charles -- the City of St. Charles -- piece of property and I would ask for Aye votes.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur to House Amendments No. 1 and 2 to Senate Bill 2038. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 1 voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 and 2 to Senate Bill 2038. And the bill, having received the required constitutional majority, is declared passed. We will now go to Supplemental Calendar No. 1, which is on your desk. Supplemental Calendar No. 1 on a concurrence motion is Senate Bill 157. Senator Schoenberg. On the Order of Concurrence is Senate Bill 157. 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 157.

Motion filed by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think that today -- this effort will spread around considerably more cheer than the last time I stood before this



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Body. This concurrence motion for House Amendments Nos. 1 and 2 to Senate Bill 157 is a bigger and better hospital assessment program - a three-year program that will, upon receipt of approval by the federal government, bring 1.8 billion dollars in new federal funds -- federal health care funds to Illinois, the majority of that going to hospitals. As you recall, this Body approved a prior hospital assessment that is currently -- has currently brought just under half a billion dollars in new federal Medicaid funds to Illinois. And under the federal guidelines that we are strictly adhering to so as to ensure swift approval by the federal government, this plan is more redistributive. Meaning that it better -- that it targets the resources that we acquire -- targets the dollars that we acquire to where the needs are the greatest. Amendment -- I can go into greater detail. Amendment No. 2 eliminates -- modifies and eliminates a concern that the Retail Merchants had about a particular data collection procedure that is in here and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

The Chair would appreciate succinct questions and answers. Senator Geo-Karis.

SENATOR GEO-KARIS:

You said that this is a better bill. Is that right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would now -- would you briefly explain - I mean briefly - in one good sentence what your bill is doing with the amendments?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Because it was you asking, I will be -- be as succinct as possible. The changes are the way we generate the revenue is based on gross revenues for each hospital minus Medicare. Under the current assessment, it's based on a complex formula on taxing

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occupied inpatient bed days. On the disbursement end, once we've received the federal money back, it goes to seventeen different payment streams and it provides the -- it provides more resources to where our needs are the greatest: in trauma care; in tertiary care, which is more complex care; in inpatient psychiatric care; more money for children's hospitals; more money for Medicaid reimbursable obstetrics; more money for rural hospitals; more money for outpatient care.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. Senator del Valle.

SENATOR DEL VALLE:

Thank you. Thank you, Mr. President. I want to, of course, thank Senator Schoenberg for the hard work that he's -- he's done on this. He's really the leader of -- of the movement in Illinois to capture more federal Medicaid dollars to help our hospitals, particularly the disproportionate share hospitals. Last year many of us were dissatisfied with the agreement that took awhile for the federal government to -- to approve. And I think one of the reasons why it took awhile to approve that at the federal level was because there were many, many questions. I think this agreement this year is exactly what the federal government wants to see. They want to see those dollars distributed to the areas with greatest need, and so I commend the sponsor for coming up with an agreement with the Hospital Association that distributes those dollars to those areas, those high Medicaid caseloads hospitals that are in dire need of help.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Mr. President, I'd like to call the question.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs moves the previous question. There are one, two, three, four more speakers. Senator Raoul.

SENATOR RAOUL:

I rise in support of the bill. I want to -- I, too, want to commend the sponsor for targeting funds to where they're needed the most. I have two major hospitals within my district that have a -- a high volume of -- Medicaid. I also have interest in community hospitals and I know that the sponsor has committed to

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-- to doing work in support of some of the community hospitals as well.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: This is one of those bills that comes up and you evaluate it based on hospitals, and so forth, in your district. Some of my hospitals do very, very well and some of them -- and -- and one of 'em doesn't do particularly well. And I know "well" is a relative term, but I just want to raise -- raise a point here. There was a different version of this that was being circulated, a different version of the formula, some time ago. And in the hospital that I represent, one of them is Edward Hospital. As you may know, Edward Hospital has been a whistleblower hospital and has been, you know, took on the Health Facilities Planning Board, and so forth, and has brought no little amount of embarrassment to the Second Floor in how they've done things. Edward Hospital in -- in -- now this version of this bill really doesn't do well at all. They -- I mean, they're not a loser in the traditional sense of the word, but to look at where they were a couple of days ago and then after -- not -- I'm not -- and I'm not accusing Senator Schoenberg of bad faith by any stretch of the imagination. I know he's worked very, very hard on this. But it just raises a certain level of suspicion, the ability to manipulate these things so that the one hospital in the State of Illinois who has been forthright and -- and calling law enforcement in when appropriate, that's one hospital that has been - just miraculously based on these formulas that no one can explain - just miraculously moves from a net winner of about half a million dollars or so to a meager seventeen thousand dollars. So, I know there are other losers, bigger losers in this formula, but it is -- life is irony and this is part of life's rich ironic tapestry that we're dealing with. And I intend to support this, because I do have some winner hospitals, but I just have to point out that Edward Hospital is kind of getting lost in the shuffle.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg, for a brief response.

SENATOR SCHOENBERG:

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Thank you. Senator Roskam, "That dog just won't hunt." as President Clinton used to say. You raised this point in the Executive Committee. Edward Hospital received -- over 1.2 million dollars last year as I -- and -- and is still not a loser. It's still receiving back just slightly more than it is paying out in taxes and that's ultimately what determines a loser. And, by the way, there are now nearly three times as many losers. The changes that were made are a direct result of the changes of the variables in both the tax and the distribution schedule. When the initial model was created by the Illinois Hospital Association, Edward -- there was never a scenario where Edward Hospital was doing phenomenally well, because the formula is different on both the tax and the disbursement side. So, I -- I would question that, and I want to point out that in contrast Lutheran General Hospital in Senator Sullivan's district does pay out 9.5 million dollars more than it receives. So, everything I guess is relative. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. Leader Watson, the previous question was moved, but I will always recognize you, sir, as the Leader. Leader Watson. Leader Watson.

SENATOR WATSON:

Senator Roskam's name was used in debate, Mr. President, and first of all, thank you. I did not realize the previous question had been moved. I was just told that by staff, but I'd like to -- for you to recognize Senator Roskam if you would since his name was used in debate.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam, for a brief response. And -- and it is the intention of the Chair, I want you all to know, we do not intend to get in tit-for-tat today. Senator Roskam.

SENATOR ROSKAM:

Well, thank you, Mr. President, for honoring the Senate Rules and traditions today. I appreciate that. The irony is, that and -- and -- this isn't really that complicated and it's not difficult to make the assertion and I think the dog does hunt, because you've chosen to engage on it, Senator. The previous year when there was no problem, when -- when Edward Hospital, like everybody else, was keeping their head down,

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avoiding eye contact and doing what everybody is supposed to do in this State, they were treated like everybody else. But the second that they raise the red flag and say, there's something wrong that's going on here, that's the year that they are singled out.

PRESIDING OFFICER: (SENATOR HENDON)

Leader Watson.

SENATOR WATSON:

Thank you, Mr. President, I just want to point out a couple of things myself. The -- first of all, I want to thank, I guess, is the word, that the St. Louis hospitals are included in this -- this year's assessment as they were last year, but we -- it -- it's been difficult getting them included and I'm not sure why that would be the case, because they -- they do such a superb job and I'm talking about Cardinal Glennon Hospital in St. Louis, St. Louis Children's Hospital. Obviously, the trauma and the emergency and the -- the critical care that they supply to the young people of probably Springfield - south. The vast majority of people who -- who need that type of care, St. Louis comes to their rescue and they've -- they do a marvelous job and we should appreciate that. But I just have to mention that they were reduced, unfortunately. They are a sixty-six percent Medicaid hospital. They were reduced. I -- once again, I just -- I appreciate the fact they're being included, but they have been reduced from the first printout to this printout and that just kind of concerns me and troubles me. I wish they would have been given some more consideration, but thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine. And thank you, sir. Senator Haine.

SENATOR HAINE:

Mr. President, Ladies and Gentlemen of the Senate, I rise in support of the bill. I have four hospitals in my -- district; two are losers, quote-unquote, two are winners. However, hopefully, we'll take up another bill later today coming from the House that will, if passed, will be a tide that carries all boats. But I commend, again, Senator Schoenberg who's shown a remarkable patience with informing people that they are losers. It's a complicated procedure. He was an early advocate of -- of this. It's necessary and his courage and stamina should be

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recognized by this Body. I want to add one small thing, Mr. President, that in the future when we consider assistance to our hospitals, there should be a provision of -- of money, as we've talked about before, for capital improvements, because these hospitals who are disproportionate share and the other that take in a high number of uninsured have a difficult time obtaining credit for the -- the necessary -- expansion and equipment that they need to keep them state of the art. So that's got to be our next -- one of our next projects. Thank you, Mr. President and Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard, and then Senator Schoenberg, to close.

SENATOR DILLARD:

Thank you, Mr. -- thank you, Mr. President. I want to commend Senator Schoenberg. He's worked on hospital assessments for many, many years and I've always voted for these and, in fact, when I was Governor Edgar's Chief of Staff, we first came up with the novel idea of running our first hospital assessment-type program to take care of, primarily, City of Chicago hospitals. While we didn't get much credit from Mayor Daley, we took care of places like Mt. Sinai and we even came up with the creative mechanism to take care of Cook County Hospital. So, I've always been for these and I don't have a problem with this type of financing scheme. But for the first time since we started the Medicaid assessment program, and the rules have been changed by the Bush Administration, the two hospitals that physically lie in the 24th Senate District which I represent, lose over three million dollars. So I just want to explain, I don't have a problem with this type of -- of mechanism, but my particular two hospitals lose more than three million dollars. So I will cast a red light today, unlike past years. And, you know, like normal, I looked at the Chicago Tribune's website when it was on -- over school funding last week, my district is a net contributor to the State of Illinois. Only my hometown of Hinsdale finished second to Senator Garrett's Lake Forest in terms of losers under the school finance scheme that we read about in the Tribune last week. So, I'm going to vote No, again. Unfortunately, the people of my district continue to pay and pay and pay, and we lose a few million bucks. So nothing against

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Senator Schoenberg's bill, but I'm going to vote No, 'cause it hurts my district. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. Senator Schoenberg, for -- brief close.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This will not only bring in a major infusion of new federal resources to hospitals, but with the amount over the cap for hospitals, this will pay for increased dollars to nursing homes, to treatment for the mentally ill and developmentally disabled and will help the State address its backload in outstanding Medicaid debt. This is -- in closing, this proposal - it's bigger, it's better, it's more technically sound, and it also, I believe, will help us avert any litigation over the hospital assessment and make it an easy proposition for House Speaker Hastert and our congressional delegation to wholeheartedly support for federal approval in Washington. I urge your Aye vote for Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 157. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, 6 voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 and 2 to Senate Bill 157. And the bill, having received the required constitutional majority, is declared passed. We will now to turn -- will you please turn to page 74 of your -- regular Calendar. Secretary's Desk on the motions of nonconcurrency. The top of page 74. House Bill 114. Top of page 74. House Bill 114. Senator Cullerton. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to recede from Senate Amendment No. 1 to House Bill 114.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Just -- just a moment, please. Senator Cullerton.

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SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Before I present the bill, I'd like to say hello to Senator Crotty. How are you? This is a motion to recede from a -- amendment that was put on a House bill. The underlying bill which will now be final action on the underlying bill is not controversial. It amends the Election Code and it just codifies a -- a -- a Supreme Court case that basically says that if you're in jail awaiting trial, you haven't been convicted, you're added to the list of people who are qualified to vote by absentee ballot. The amendment that we put on was also a good amendment. It -- it dealt with the issue of judges' home addresses being sealed and not on the Internet. Unfortunately, the House and my State Rep. did not concur with that amendment, because of some procedural rules over in the House concerning the amendments to election bills. So they did not do it. I'll have to find another home for the amendment. So I just want to pass the original bill, which is not controversial, by receding from Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Cullerton moves to recede on House -- from -- from Senate Amendments No. 1 to House Bill 114. This is final action. The question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 114. All those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, 3 voting Nay, none voting Present. The Senate recedes from Senate Amendment No. 1 to House Bill 114. And the bill, having received the required constitutional majority, is declared passed. Senator Halvorson, for what purpose do you seek recognition, ma'am?

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. Today is a very special day and I would like the Senate to recognize that this is Senator George Shadid's anniversary. Now I know it's not his first or his second, and -- and, you know, we just want to be able to say happy anniversary. I know it's rough not being at home and you have to be here. So, I just want all of us as his Springfield family to say happy anniversary to Senator



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Shadid.

PRESIDING OFFICER: (SENATOR HENDON)

Happy anniversary, Senator George Shadid. Senator Halvorson, are you certain you don't want to do some type of proclamation or give an award to his wife for remaining married to him for more than a day? Senator Halvorson.

SENATOR HALVORSON:

Senator Hendon, I just also want to report that I guess she called the Senate President and said, "Thank, God, you're in. Keep him there."

PRESIDING OFFICER: (SENATOR HENDON)

I'm sure. We will now continue with House Bill 1195. Senator Link. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 2 to House Bill 1195 and request that a conference committee be appointed.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. There seemed to be -- on this there was an amendment in the House or two amendments with this amendment. There was a little confusion in the House on the -- the reading of the amendment. It was agreed upon that we would work on the amendment in a conference committee. So I would ask to refuse to recede from the amendment.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Link moves to refuse to recede from Senate Amendments No. 2 to House Bill 1195, and that the conference committee be appointed. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the Senate -- the Secretary shall so inform the House. House Bill 1316. Senator Munoz. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to recede from Senate Amendment No. 1 to House Bill 1316.

Motion filed by Senator Munoz.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The House nonconcurrred with this amendment since it made certain handicap parking violations a moving violation. Without the amendment, the bill continues to provide that any person found guilty of illegally using -- handicap placard or a license plate will be fined five hundred dollars and could have their driver's license suspended or revoked by the Secretary of State for a period of time designated by the Secretary of State. This bill is an attempt to crack down on these abuses and keep handicap spots for those who truly need them.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Righter.

SENATOR RIGHTER:

Senator Munoz, since I assume we're going to be taking a roll call on this, can you please -- and I -- it's a little noisy in the Chamber, but be clear on exactly what we are voting to strip off of this bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

There was an amendment that was placed on before it left to go to the -- or went to the House and that's the amendment that they didn't want to concur with. If you need for me to speak on the amendment itself that we're taking off, I'd be happy to do so, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

If you would, Senator, I think it would be beneficial for the Members who are going to be casting a vote or a recorded roll call vote, if they know exactly what they're -- what they're peeling off the bill.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Munoz.

SENATOR MUNOZ:

One second, we'll get the amendment out for you, Senator Righter.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

The amendment -- this is the amendment that was taken off. Retains the underlying bill and further adds that any unqualified person caught using disability license plates, parking decals or devices illegally is guilty of an offense against traffic regulations governing the movement of vehicles and shall be fined five hundred dollars.

PRESIDING OFFICER: (SENATOR HENDON)

The question -- this is final action. The question is, shall the Senate recede from Senate Amendments -- No. 1 to House Bill 1316. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, 0 voting Present. The Senate recedes from Senate Amendment No. 1 to House Bill 1316. And the bill, having received the required constitutional majority, is declared passed. Leader Watson, for what purpose do you seek recognition, sir?

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR WATSON:

Yes. Thank you very much. If I could have your attention just for a moment as -- since this is...

PRESIDING OFFICER: (SENATOR HENDON)

Senator Watson.

SENATOR WATSON:

Thank you. Since this is Memorial Day, I'd like to take a moment for us to honor the men and women of the U.S. Army Battalion which is deployed in Iraq as we speak. While none of these six companies are actually in my district -- many of the members do live in my district. And one of those members is here

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on the Floor with us today and has been with us during this Session. He's one our Republican Pages. Kevin Borntreger and he's from St. Elmo. He's in my district. He's a member of B Company out of Effingham and Kevin is on alert to accompany a thirty-five-man team that will be leaving in the next four to six -- four to eight weeks for some quick training and then join members of B Company in Baghdad. The -- and I -- I'd like to recognize Kevin at this time.

PRESIDING OFFICER: (SENATOR HENDON)

Will the Senate please recognize Kevin? He is a fine, outstanding young man. Kevin, we honor you and we recognize you. Leader Watson.

SENATOR WATSON:

Yes. And thank you. And the deployed Battalion that is there now is the 2nd Battalion of the 130th Infantry Army National Guard and A Company is out of Mattoon which is in Senator Righter's district. Detachment 1 of A Company out of Danville is in Senator Winkel's district. B Company out of Effingham is in Senator John O. Jones' district. C Company out of Litchfield is in Senator Demuzio's district. D Company and the Higher Headquarters Company out of Urbana is also in Senator Winkel's district. The -- the Battalion was deployed on January 8th and before landing in Baghdad, Iraq this past week, they had training in Fort Stewart, Georgia and Fort Irwin, California. There are four hundred and thirty Illinois soldiers in this Battalion deployed for one-year mission with the 45th Infantry Division out of Georgia. So, once again, our hearts and prayers go out to the men and women who are serving us in Iraq and we certainly wish Kevin well as he trains and prepares himself for another adventure. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Leader Watson, and we all join you in your comments. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I certainly wish Kevin the best. Kevin has been great being here. He's very well balanced. He's very well disciplined and I think he'll make a great, great soldier for all of us and he'll go all the way up in the ranks. And I certainly wish him good health,

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happiness and -- and good service and -- and happy -- and safe service.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator Geo-Karis. Kevin, we -- we wish you well. May God be with you and all of your comrades as you defend and protect this great country of ours and freedom around the world. Senator Schoenberg, on House Bill 1457. Out of the record. We're going to go to the top of page 75, is House Bill 2500. Senator Winkel. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to recede from Senate Amendments 1 and 3 to House Bill 2500.

Motion filed by Senator Winkel.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. House Bill 2500 sets up a process by which drainage districts can be detached. The underlying bill is no opposition. Amendments 1 and 2 -- Amendment No. 1 is a technical exception that was carved into the -- the underlying bill and Amendment No. 3 would be a TIF extension for the Village of Gardner. It -- both of which were refused in the House and I'm moving now to recede from Senate Amendments 1 and 3 to House Bill 2500.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate recede from Senate Amendments No. 1 and 3 from House Bill 2500. All those in favor, vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 57 voting Aye, 1 voting Nay, none voting Present. The Senate recedes from Senators -- Amendments No. 1 and 2 {sic} to House Bill 2500. And the bill, having received the required constitutional majority, is declared passed. For the record that was Amendments 1 and 3. House Bill 3480. Senator Radogno.

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Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to recede from Senate Amendments 2 and 3 to House Bill 3480.

Motion filed by Senator Radogno.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. The reason we're receding from these -- from these amendments is, there were some technical problems that would have hurt the underlying bill. The underlying bill, as you may recall, was an effort to make sure that schools are accountable for all the monies that they receive, even monies from soda pop contracts and class rings and photographs. So, it was voted out of here unanimously, but we want to get it back to where it was originally so that it can take effect.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate recede from Senate Amendments 2 and 3 to House Bill 3480. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 1 voting Nay, none voting Present. The Senate recedes from Senate Amendments 2 and 3 to House Bill 3480, and the bill, having received the required constitutional majority, is declared passed. With leave of the Body, we will turn to page 74 of your Calendar. House Bill 369. Page 74 of your Calendar. House Bill 369. Senator Trotter.

SENATOR TROTTER:

Hello. Yes. Thank you very much, Mr. President. I refuse to recede from Senate Amendments 1 and 2 to House Bill 369.

PRESIDING OFFICER: (SENATOR HENDON)

Is that a motion, Senator?

SENATOR TROTTER:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Would you like to explain your motion, Senator? Why you're

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refusing to recede?

SENATOR TROTTER:

The House, as you know, had -- had -- I had put amendments on the bill which dealt with the restitution deals for misdemeanor charges that courts can look at misdemeanor charges in the courts during trial. My amendments excluded the Counties of Cook, Will, Kane and DuPage, and I would like to keep that amendment on the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will, Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Trotter, I think you and I discussed this legislation the last time it was here in this Chamber. And one of the points that I raised was the fact that there's a serious question about constitutionality. This is criminal restitution and affording remedies in criminal cases to some people in some part of the State and not to other people who live in another part of the State. And the only reason that one group may have that ability and the other group doesn't is because of where they live. That raises serious questions of constitutionality. Why won't you recede from the amendment and let the -- let the bill become law as it is?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

For two reasons, sir. What one is, we're talking about civil restitution versus criminal restitution in these cases is the way I've been told or explained the bill to be. The second, being is if there're constitutionality question, should be discussed in the courts and not necessarily in this Body.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter moves to refuse to recede from Senate Amendments No. 1 and 2 to House Bill 369 and that the conference committee be appointed. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the motion carries, and

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the Secretary shall -- so inform the House. Please turn your Calendars to page 59 -- 51. Senate Bills 3rd Reading. Page 51, please. In the middle of page 51, we're going to be dealing with Senate Bill 1127 with Senator Cullerton as the sponsor. Senator Cullerton seeks -- Senator Cullerton seeks leave of this Body -- to the Order of 2nd Reading for the purposes of an announcement {sic}. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1129. Madam Secretary, are -- 1127. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This is another version of a bill we've debated dealing with red light photo enforcement. I'd like to adopt the amendment and then debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator -- Senator Cullerton moves the adoption of Amendment No. 1 to Senate Bill 1127. All those in favor will say Aye. Opposed, say 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1127. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1127.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. As I said, this bill -- a version of this bill we've already debated, did



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not receive enough votes and it's on postponed consideration. It's -- it's not a party issue. It's a -- it's a -- there's bipartisan support, bipartisan opposition. My motivation in trying to pass this bill is to save lives. I know there is some controversy about whether or not this is an effort to -- for municipalities to make money on unsuspecting motorists. So, I have changed the bill from one -- the one we debated to show my good faith in that regard by lowering the amount of the fine that can be charged. It was five hundred dollars. We've lowered it to a hundred and eighty dollars. The reason for that is, that the only municipality that has this red light photo enforcement is the City of Chicago. They charge a ninety-dollar fine. If someone doesn't pay on time, it goes up to a hundred and eighty. So, that's what is in the bill. We've seen in the City of Chicago that there has been an overall reduction in these -- these photo -- enforcement tickets from when they first were initiated to now. It's a thirty-two percent reduction, because people figure out that there's a camera there, they're not going to go through that red light. So, it's had a reduction in tickets. They do not have studies yet in Chicago showing the reduction in fatalities, but we have in other jurisdictions where this has been implemented a -- there's -- there's been a reduction. They've done it in other countries and in other jurisdictions where it's shown there -- there is a reduction. I just want to emphasize that this is not to be confused with surveillance cameras. That we -- that is a controversial issue which I'm concerned about. This is limited to a picture of the license plate, not of the driver. As such, it is not a moving violation and it is equivalent of a parking ticket. The whole goal is to discourage people going through the red lights and one other...

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. You -- you will be able to -- there will be a lot of discussion on this bill. You will be able to answer all your questions. Senator Shadid.

SENATOR SHADID:

Will the -- I don't have any questions. I -- I have some comments to make regarding Senate Bill 1127 which used to be House Bill 21 and I think this -- they had another number for it,

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but anyway, it's the third time we've talked on this. On Wednesday of last week, the Ohio House of Representatives voted 72 to 23 to approve House Bill 56, a bill that would effectively prohibit the use of red light cameras and speed cameras in that state. The bill would only allow the devices to be used when a police officer is present to witness the offense and issue the citation to the driver and not to the owner of the car. The House also voted 92 to 4 to add a provision standardizing -- standardizing yellow signal timing and -- to the -- ITE recommendations. The amendment sponsors cited the Texas Transportation Institute study showing longer yellow times decreased accidents. The sponsor of the Ohio bill also argued that the photo enforcement represented a program that at best has questionable results. He cited cases in Ohio where individuals had improperly received tickets for offenses they did not commit, as well as studies which show red light camera use actually increased the number of accidents where they were used. I would just like to, as a former police officer and sheriff, just like to tell the Members that our goal in these types of situations should be not issuing tickets and how many can we issue, our goal should be, can we reduce accidents at these dangerous intersections. And we can do that without costing any money to the residents or visitors to your communities if we do what -- what Senator Risinger and I proposed with using red lights longer at -- at the intersections on every direction. So I would urge a No vote. This is not the way we should be going. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. To the bill: You know, we -- as was previously mentioned by the previous speaker, we have defeated this bill - I think we defeated it last -- last week. And I don't know about the rest of you, but every year my office gets a number of calls from individuals who allegedly were in Chicago and got a parking ticket. I don't know if you get 'em, but we get 'em and many -- more often than not, they hadn't been there in years or maybe never been to Chicago and we go through the arduous task of trying to correct the problem. This is not going to be any different. And those of you who vote for this --

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if this gets out of here, when my office gets those calls, I'm going to give 'em your name. I'm going to ask 'em to call you and you try to defend why you voted for this bill. I know the sponsor has indicated this is not unlike a parking ticket, but it really is. All of us have gotten parking tickets. We walk up to our cars, we see that little sticker in the windshield, we get that little sinking feeling in our stomach, we immediately look at the meter to see if it's expired and we know we've been caught red-handed. That's not the case here. You're going to get a ticket in the mail, weeks, maybe a month after the alleged incident happened. How you going to defend it? And it may not be you, may not have been you driving the car. It's the owner liability. It could be a friend. It could be a relative. Could be your child, but you're going to get a ticket in the mail. This is nothing less than a cash cow for municipalities. Now I don't know about you, but the parking tickets in Springfield are five, ten, maybe twenty-five dollars. This could be a hundred and eighty dollars and it's not defensible. If the sponsor truly is interested in -- in safety, I suggest he take this out of the record, he either sponsor or co-sponsor Senator Shadid or Risinger's bill and this truly will save lives and cut down on accidents by putting a two-second delay on the stop light. I strongly urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, sir, for your timing. Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. To the bill: I do appreciate the Senator. I think that he has -- is very sincere in what he's trying to do and he's certainly persistent. But this bill is not much better than what we've voted on the last couple of times. We have lowered the fine a little bit. I still will argue that this bill is about making money. If you can imagine that after you -- you collect a hundred thousand dollars in a community or whatever the number happens to be, and that goes in the budget, that the administrator - the city administrator - will put pressure on the traffic engineer to make sure that that money stays in the budget every year. We do not want to politicize the traffic engineers in communities. Now we have it going on in Chicago right now. We -- we -- we have cameras in Chicago, but

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we don't have 'em in every community in the State of Illinois. There is a way to cut down on the accidents at intersections and that's through the control of the timing of the traffic signals, and the engineers can do that. And through our resolution that Senator Shadid and I presented and you all voted on and passed, we are urging IDOT to take a look at that and all the community engineers to take a look at that and lean towards the safety aspect rather than the capacity aspect at these intersections where there's a lot of accidents. If that doesn't work, Senator Cullerton, later on we can always pass this bill, but give it a chance for the engineers to do their work and for us not to send a ticket to everybody that goes through these intersections.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Cullerton, I recall the last time we debated this bill, the -- the bill that received 27 votes, you made the comment that the bill wouldn't affect or in any way change the practice in the City of Chicago. Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Well, let me ask you then. Our staff, being as meticulous as they are, has gone through the bill and on page 23, the last page of the bill, it strikes - and this is part of the original bill, as well, the one we voted on before - it strikes the requirement that is contained in lines 2 through 8 that only allow a municipality with a population over one million to use one of these cameras in the instance where either there was an motor vehicle accident, a leaving the scene of a motor vehicle accident or a reckless driving that results in bodily injury.

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So, before, I got the impression that you were saying, now -- which means that now that requirement will no longer apply - that they can use these in any instance, regardless of whether or not there's a motor vehicle accident or leaving the scene. That would be changing what the City of Chicago is allowed to do under the law, wouldn't it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

No, that language has been in the law for quite some time. The City, under their home rule powers, have implemented the current red light enforcement in twenty intersections which is -- which is -- which is -- goes beyond what this language allows for. So this -- with the passage of this bill, this language would be unnecessary. It's already covered in other Sections of the bill. So it's really just a technical change.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, to wrap it up.

SENATOR RIGHTER:

Well, question of the sponsor. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Question.

SENATOR RIGHTER:

Senator Cullerton, also the amendment that you just put on the bill removes the language in the underlying bill that required the municipality to place the camera there in cooperation with a law enforcement agency. Why did you take that language out?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Could you show me which Section that is of the bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter. Senator Righter, to find the Section of the bill.

SENATOR RIGHTER:

Page 17, Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Go right ahead, Senator Righter.

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SENATOR RIGHTER:

Lines 21 through 26.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The -- first of all, I should indicate that this -- as I indicated before, this bill is different than the one we voted on before. We lowered the fine. We worked with the City of Chicago and they asked that -- that we, even though their -- their program is enforced, they've implemented it through an ordinance -- they asked if we would take their ordinance into account when we passed the State law and this Section is designed to allow for the municipality, if they wish, to determine where the intersections are - where they should go - and based on a safety analysis through their Department of Transportation rather than trying to find -- trying to set up speed traps to benefit the -- the police department. That's basically what the philosophical difference is, and I would -- it'd give me an opportunity to remind you that this is permissive legislation, in that, if your jurisdictions don't want to pass it, they don't have to.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, if you could.

SENATOR RIGHTER:

If I might, Mr. President, I didn't get an answer to my question. And the question is, why did you remove the requirement that this be done in conjunction with a law enforcement agency? I mean, if this is a safety measure, then why don't -- why aren't we requiring law enforcement be involved in the decision-making?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton, for the last time under this..

SENATOR CULLERTON:

Well, actually in response to the concerns that it's just designed for -- to have the analogy of a speed trap and since it's not, it's based on the safety engineers, the people who would decide which intersections are the most dangerous. Not -- that's not something which would be determined by the police department and that's -- that's the reason why it was changed.

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It's -- it's a safety issue rather than an enforcement issue by the police department. We -- we're not trying to give people tickets, we're trying to cut down on red lights.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, to the bill. Thank you, sir.

SENATOR RIGHTER:

Thank you very much. Mr. President, Ladies and Gentlemen of the Chamber, as Senator Cullerton said before, there are only twenty-seven of you who voted to support this bill before. I would submit to you, because they've removed the requirement that a law enforcement agency be cooperated with in placing these cameras here, that this is now a worse bill that it was before. So if you voted No before, I would suggest probably you want to maintain that stance. And for those of you who did support it, you want to think through in your mind whether or not you want to make sure law enforcement's at the table when making the decisions about where these cameras are going to be, because now under this version, they're not. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski, for one question. And I appreciate the gentleman for keeping it to one question.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield.

SENATOR BURZYNSKI:

Thank you. Senator, on page 19, paragraph (f) -- (f) of the bill it provides that the recorded images are confidential and are made only available to the violator and governmental and law enforcement agencies. Are they also made available to the lawyer or the attorneys for the violator or the attorneys for the municipalities, et cetera?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Of course. It's made available to the person that goes through the -- the -- the car that goes through. You have a photograph, make it available to the violator and then they would

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utilize their defenses. Built right into the bill are defenses like there was a funeral, that's why I pulled through the intersection; there was an ambulance, that's why I pulled through the intersection. That's -- that's the purpose of that. And it's put in there so that people know this is not a big brother effort to take pictures of your license plate, but that's only used for this limited purpose.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski, for a follow-up to his one question. Senator Burzynski.

SENATOR BURZYNSKI:

And -- and it is a follow-up. So -- just for point of clarification though, it is a made -- if -- if my attorney, if I was one of those people, I rolled through a light; whatever. My attorney requested a copy of the -- of the image, my attorney could receive one, receive that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Well, it's given to you and you -- you give it to your attorney, of course.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton, to close.

SENATOR CULLERTON:

Thank you, Mr. President. I'd like to address some of the concerns that were raised. There -- first of all, I would want to emphasize this is permissive. Okay. So, we're not enacting this statewide. Individual jurisdictions who have come forward and asked for this legislation, who want to do it, that's up to them to pass it through an ordinance. Okay? We're not mandating it. The -- I really want to address Senator Bomke's issue, because I was involved in the original legislation dealing with the City of Chicago's parking tickets. And we worked very closely with the City and Representative Black to make sure that people who got the wrong tickets were -- that it was dealt with from the City's point of view and it still to this day is done. But the difference is, instead of a police officer writing down the wrong license plate, now we have a photograph of it and that's a big distinction. So, there's very, very little chance



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of it being the wrong one. And, yes, if somebody else is driving it and somebody else runs a red light, you get the ticket. Just like if somebody borrows your car and parks it illegally, you get the ticket. The studies that were cited about how it increases accidents are -- have been totally found to be false. There's an organization called the National Motorists Association which is against this bill. They are opposed to -- in addition to this bill, they're opposed to automobile safety inspections, mandatory automobile insurance, mandatory factory installation of air bags and they're trying to repeal laws that double fines for traffic violations in work zones. That's that group. Okay? So I don't think they have any credibility. This is -- I've tried to do everything I can to emphasize this is not meant to be a revenue raiser. Senator Risinger and I have talked about this issue of delaying the red lights at intersections. It's a -- this bill is not inconsistent with that. I support that effort to do so, because it -- it -- it's a tradeoff that we've talked about between traffic flow and protection of pedestrians. This bill received bipartisan support in the House with 84 votes. I -- I would really think that what we're trying to do here is save some lives and I would, once again, appreciate the second opportunity to present it, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 1127 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 25 voting Aye, 30 voting Nay, none voting Present. House -- Senate Bill 1127, having not received the required constitutional majority, is declared failed. Please turn to page -- 72 of your Calendar. Resolutions. Page 72 of your Calendar. Resolutions. Senator Hunter -- Senator Hunter, on House Joint Resolution 1. Out of the record. Senator Syverson. Senate Joint Resolution 22. Out of the record. Senator Dave Sullivan. Senate Joint Resolution 32. Out of the record. Senator Schoenberg. Senate Resolution 60. Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Resolution 60, offered by Senator Schoenberg.

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There are no committee amendments.

PRESIDING OFFICER: (SENATOR HENDON)

Are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President. Floor Amendment No. 1 retains the -- underlying resolution of acknowledging the many accomplishments of Rotary International, and instead deletes the provision of Rotary International Day and -- and congratulates them instead on their one-hundredth-year anniversary.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg. Is there any discussion? Senator Schoenberg moves the adoption of Amendment No. 1 to Senate Joint -- Senate Resolution 60. All in favor, say Aye. Opposed, say Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg, to explain your resolution.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think we're all aware, in our respective communities, of many fine contributions that Rotary International makes for community service and putting service above self and dealing with children at risk, poverty, illiteracy and violence. We should commend them on their one hundred years internationally for -- of their fine work and that's what this resolution does and I urge your favorable consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg moves adoption of Senate Resolution 60. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted. Senate Resolution 208. Senator Schoenberg. Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Resolution 208, offered by Senator Schoenberg.

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There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Resolution 208 directs the Department of Commerce and Economic Opportunity to work with the administration and the General Assembly, the City of Chicago and the Illinois Biotechnology Industry Organization, which we know as IBIO, to formulate and make recommendations about the State's commitment to the continued growth and development of life sciences and biotechnology to the State and to promote and market the BIO 2006 International Conference {sic} (Convention) which is scheduled to be held in Chicago. And I know I'm joined by Senator Dillard and a number of you in our efforts to make Illinois a world leader in biotechnology, and I urge your favorable consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Schoenberg moves the adoption of Senate Resolution 208. It is the opinion of the Chair that this resolution requires expenditure of State funds, and therefore a roll call must be taken. Those in favor of Senate Resolution 208 will vote Aye. Opposed, will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, 2 voting Nay, none voting Present. The -- the resolution is adopted. The Senate will recess to the call of the Chair. We're asking all Members to remain close, because we will be returning back shortly to the Floor. The Senate is in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. Will all Members please come to the Senate Chambers? Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that

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the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 475, together with House Amendment 1.  
Passed the House, as amended, May 30, 2005.

I have a like Message with respect to Senate Bill 562, with House Amendments 1 and 2.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 832, together with House Amendment No. 2.  
Nonconcurrent in by the House, May 30, 2005.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

House Bill 2154, offered by Senator Sandoval.

(Secretary reads title of bill)

1st Reading of the bill.

Make that Senate Bill 2124.

PRESIDING OFFICER: (SENATOR HALVORSON)

All Members within the sound of my voice please come to the Senate Floor. We will be going to Floor action shortly. Please come to the Senate Floor. WICS-TV requests permission to videotape. Is leave granted? Leave is granted. Madam Secretary, Message from the House.

SECRETARY HAWKER:

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

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

House Joint Resolution 43, and the sponsor is Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Purpose of introduction, Madam Chairman.

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PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR JACOBS:

I have a young -- beautiful young lady with me this afternoon by the name of Kendall Spoor who attends Vachel Lindsay School and she's seven years old, going on eighteen, and I'd appreciate a nice round of applause for her.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome to Springfield. Good to see you, again. Senator del Valle, on House Bill -- we're going to be going to page 66 on the Calendar. House Bills 3rd Reading and our first one is, 881. Senator del Valle. Senator del Valle seeks leave of the Body to return House Bill 881 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 881. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cronin. Senator del Valle. We're going to take it out of the record for now. So 881 is out of the record. Senator Harmon, on 2379. Senator -- Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 2379.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2379 is an initiative of the Metropolitan Water Reclamation District. It is a series of technical amendments to their Article of the Illinois Pension Code. It is almost identical to Senate Bill 455 which passed out of this Chamber unanimously. The -- the differences are -- are technical. I'm not aware of any opposition and I do not believe that the financial impact of this is anything but modest. I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Is there any discussion? Seeing none, the question is, shall House Bill 2379 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting Present. And House Bill 2379, having received the required constitutional majority, is declared passed. Senator Harmon, on 2595. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 2595.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2595 is a similar bill. It's also identical to Senate Bill 1294 which passed out of the Chamber without opposition. It permits municipalities to create special service districts to fund improvements required by municipal codes, such as sprinklers in high rises that have been recently required by the City of Chicago. Again, I'm aware of no opposition, and I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. I rise in support of the bill. It enjoyed unanimous support in the Revenue Committee.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR BURZYNSKI:

Thank you. Senator, does this just apply to the City of Chicago?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Harmon.

SENATOR HARMON:

No, it does not. It would apply beyond the City.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Seeing none, the question is, shall House Bill 2595 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present. And House Bill 2595, having received the required constitutional majority, is declared passed. With leave of the Body, we will be returning to House Bill 881. Senator del Valle. Senator del Valle seeks leave of the Body to return House Bill 881 to the 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 881. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, as also a sponsor of that amendment, if you could please explain it for Senator Cronin.

SENATOR DEL VALLE:

Thank you, Madam President. And because I hurried to get back on the Floor, I just missed the last inning and the White Sox just pulled out a victory in the bottom of the ninth. Madam President, Amendment No. 2 was -- was filed by Senator Cronin and I just talked to him and he's on his way. He asked me to -- to handle the amendment for him. Current law prohibits public officers from holding any financial interest in contracts on which they may -- may be called to vote and they may not accept gifts that may influence their votes. This -- what this amendment does, it -- it clarifies that these bans do not preclude an elected school board member from participating in a group health insurance plan provided to an employee of the district that the board member serves if the board member is a dependent of that employee.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion on the amendment? Seeing none,

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Senator del Valle moves the adoption of Amendment No. 2 to House Bill 881. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 881. Senator del Valle, do you wish to proceed? Can everybody please keep it down? Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 881.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. This -- this bill is identical to a bill that has already been approved by the General Assembly, establishing standards for gifted education programs in the State Board of Education and those standards would be used to determine funding if funding becomes available. The amendment, Committee Amendment No. 1, was clarifying language and then Committee {sic} (Floor) Amendment No. 2 was the one I just talked about that Senator Cronin put on. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall House Bill 881 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Yeas, none voting Nay, none voting Present, and House Bill 881, having received the required constitutional majority, is declared passed. The Rules Committee will meet immediately in the President's Antechamber. Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

I rise on a -- on a point of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.



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SENATOR CROTTY:

I know that come Wednesday I think we have two Senators' birthdays. One, I think is Kirk Dillard and he -- and we also -- my seatmate, Mattie Hunter, is going to be -- I think she's going to be thirty years old on Wednesday. But she -- while we waited in recess, she baked a cake for all of us. So, enjoy. And happy birthday, Mattie and Kirk.

PRESIDING OFFICER: (SENATOR HALVORSON)

Happy birthday, Mattie, and also to Senator Dillard. I'm sure she'll -- she'll share her cake with you, Senator. Okay. Mr. Secretary..

PRESIDING OFFICER: (SENATOR DEL VALLE)

Mr. Secretary, Messages.

ACTING SECRETARY KAISER:

A Message from the President.

Dated May 30th, 2005.

Dear Madam Secretary - Pursuant to Senate Rule 2-10, I hereby establish May 31, 2005, as the committee deadline and December 31, 2005, as the 3rd Reading deadline for House Bill 3092.

Signed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Mr. Secretary, Committee Reports.

ACTING SECRETARY KAISER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Education Committee - House Bill 3092; refer to the Executive Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 1842, Floor Amendment 2 to House Bill 806, Floor Amendment 3 to House Bill 4053; refer to the Judiciary Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 475 and the Motion to Concur with House Amendment No. 1 and 2 to Senate Bill 562; refer to the Local Government Committee - a Motion to Recede from Senate Amendment No. 1 and 2 to House Bill 655 and the Motion to Recede from Senate Amendment No. 2 to House Bill 832; and Be Approved for Consideration - Floor Amendment No. 2 to House Bill 4050.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson, for what purpose do you rise?

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SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. Since I am very fond of my colleagues, Senator Rutherford and Senator Dahl, I move to waive all posting requirements so that House Bill 3092 can be heard in Senate Committee on Education today for them and Crescent City.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Halvorson moves to waive all posting requirements so that House Bill 3092 can be heard in the Senate Committee on Education today. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. Purposes of an announcement. Senate Education will meet at 6:15 in Room 212. 6:15. 212.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton, for what purpose do you rise? Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Purpose of an announcement, Mr. President. Senate Executive will meet at 6:30 in Room 212.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

Point of an announcement. Local Government will be meeting at 6:15 in A-1.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

The purpose now is to correct my first announcement. That will be 7:15, Local Government, A-1 Stratton. That's 7:15.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Local Government, 7:15. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

To also make a correction in the time. 7:15 for Education in Room -- 212.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Both committees at 7:15. Senator Cullerton, for what

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purpose do you rise?

SENATOR CULLERTON:

Yes. Purposes of an announcement. The Judiciary Committee will meet in Room 212 at 7:45 p.m.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

I defer to Senator Silverstein for the purposes of an announcement.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Silverstein.

SENATOR SILVERSTEIN:

Ah, yes. Just to -- a little -- a little mistake. Executive is going to meet at 7:30, not at 6:30..

PRESIDING OFFICER: (SENATOR DEL VALLE)

Executive at 7:30. Okay. Let's go over these again. Education meets at 7:15. Judiciary at 7:45. Executive at 7:30. Local Government also meets at 7:15. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President, just for an inquiry of the Chair. Thank you. Senator, I -- I wasn't exactly sure what our -- what our timetable was today. I -- I know that we stood in recess for five hours and now we've got committees that are going to be meeting in another hour, and I just didn't know which train we were on or what station it was leaving from or what time, and I certainly didn't want to be in front of it or underneath, I wanted to be on a train tonight. So, I -- I didn't know whether you could tell us what the intent is of the Chamber, relative to further Floor action tonight or not.

PRESIDING OFFICER: (SENATOR DEL VALLE)

President Jones.

SENATOR E. JONES:

Thank you, Mr. President. We're here to do the people's business. I -- I don't care how long it take, but we're -- we're going to stay here. Now if you have your ticket, you can get on the train, but -- but don't lay down on the tracks because the train is moving and we don't want you to get hit.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Burzynski.

SENATOR BURZYNSKI:

Well, you know, it -- we were just wondering. We -- we didn't want to get in the way of "Snidely Whiplash". I think that's the guy's name or whatever, you know, on the train track, but -- so then, Senator, it is the intention to come back after committees tonight for -- for further action?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Emil Jones.

SENATOR E. JONES:

It is our intention to -- to come back. As I promised you in January, we will deal with the critical issue in this State of dealing with medical malpractice. And so that legislation will be dealt with this evening in this Chamber. So -- so I want to keep my pledge to the people -- as the train is rolling, you know, I want you to be on that train.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Senator, and -- and thank you, Mr. President, for that clarification. That's -- that's what we wanted to know if we were going to be doing Floor action later this evening. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

SENATOR GEO-KARIS:

In all due respect to President Jones, one of our colleagues will be leaving us and all of you are invited to a little reception for her. It starts at 7 o'clock tonight at the Pasfield House. And that means all of you, Democrats, Republican, Independents and what have you. So, I just wondered, President Jones, if we couldn't defer some of the action past 8 o'clock.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Geo-Karis, I think the response was after business

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is completed, then we will be able to participate. We will now be moving to page 68. House Bill 4050. Senator Sandoval. Senator Sandoval seeks leave of this Body to return House Bill 4050 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 4050. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval, to explain your amendment.

SENATOR SANDOVAL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll defer to explain my amendment on the -- the presentation of the full bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Haine. Senator Sandoval moves the adoption of Amendment No. 1 to House Bill 4050. 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?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval, on the amendment.

SENATOR SANDOVAL:

Yes, Mr. President and Gentleman -- Ladies and Gentlemen of the Senate. I'd ask to explain the Amendment 2 on the full debate or full presentation of House Bill 4050. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval moves the adoption of Amendment No. 2 to House Bill 4050. All those in favor will say. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

3rd Reading. Now on the Order of 3rd Reading is House Bill

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4050. Senator Sandoval, do you wish to proceed? Mr. -- he -- he indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 4050.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Sandoval, on House Bill 4050.

SENATOR SANDOVAL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you walk the streets of the southwest side of Chicago in the neighborhoods of Gage Park, West Lawn, Marquette Park and even the westside of my fellow colleague, Rickey Hendon, Senator Rickey Hendon - and if you go door to door, you'll see that the economic devastation -- afflicting the working class people of Chicago is very evident. I share with you the -- I share with you some remarks made by Maria, who fell ill with cancer, lacked health insurance and stopped making mortgage payments; or I share with you the comments of Jesus, who got divorced and could no longer make his monthly nut; or I share with you the -- Michael's, who is a crew-cut truck driver, who took on too much debt and lost his job and fell behind on his mortgage payments. Mortgage companies, as he recounted to me, mortgages companies have convinced me to refinance and each time our bill went up, and up, and up, and up. You fall behind and they swoop down on you, he recalled to me. For some American homeowners the greatest housing boom in U.S. history has delivered many riches. They repeatedly tap their homes for equity and use the cash to purchase countertops, BMWs, even a trip to the Super Bowl, but there's a dark side to that story. The darkest side is that there is a sharp rise in foreclosures that are destroying the single greatest generator of personal wealth of most Americans in Cook County. Just for example, foreclosure rates rose in forty-seven states in March of this year. According to Forclosure.com online foreclosure listing service, the rates in Florida, Texas and Colorado are more than the twice national average. Even in New York City and Boston, where real estate markets are white hot, foreclosures are rising in working-class neighborhoods. Should the nation's housing bubbles deflate as many economists

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and federal officials expect, the foreclosures could prefigure a national crisis. Americans now shoulder record levels of housing debt. More than eight percent of homeowners spend at least half of their income on their mortgages. We are currently seeing a spike in foreclosures in a number of areas, like in Cook County. But many policymakers say the rise in foreclosures leads to a larger question. Is a push to boost homeownership, successive presidential administrations have strongly promoted, backfiring? As home prices and personal debt rise to record levels, homeownership has become an albatross for millions of Americans, especially in Cook County, destroying rather than creating wealth. That is why House Bill 4050 is one of the -- is one of the best bills that can help Illinois, Cook County not become one of those national statistics. In essence, what House Bill -- what 4050 does is target areas that have had high rates of foreclosures in Cook County. It will allow the Department of Banks and Real Estate to implement a database that'll, in essence, provide free counseling sessions and educate financial literacy to potential borrowers in the areas where there is high rates of foreclosures. House Bill 4050 -- House Bill 4050 has been limited only to Cook County, especially in the areas like my neighborhood, like Senator Collins' neighborhoods, where there are very rate -- very high rates of foreclosures. Taking into consideration -- taking into consideration, some of the comments made by industry over the last few days, the original bill that came over from the House included a number of zip codes. In fact, it included seventy-eight zip codes. My bill eliminates the zip codes and provides that -- the Department of Banks and Real Estate the authority to determine the pilot program area by rule so that it covers areas where a high foreclosure rate on residential home mortgages is primarily due to predatory lending. The Department must designate the pilot program area within thirty days after the effective date of this bill. Also, it requires the Department to produce an annual report to be presented to the -- to the G.A. and the Governor regarding the administration on effectiveness of the pilot program. I also in House Bill 4050 take out the three-loan-quotes notice requirements that was found in the House Bill, and most importantly, it specifies that a borrower has the authority to

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make his own final decision about whether or not to proceed with the mortgage transaction. Ultimately, ultimately, the borrower will have to make his own decision on whether or not to proceed with the financial transaction that is proposed. And lastly, my final amendment limits it to only the County of Cook. I ask your favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Well, I -- I was going to move the previous question, but I'm sure there -- it's about a hundred lights now since the presentation took so long, but -- and I can see by the board that it's a thousand lights. So, who cares?

PRESIDING OFFICER: (SENATOR LINK)

There's two, four, six, eight, nine lights. Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

To -- to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator del Valle.

SENATOR DEL VALLE:

I -- I rise in -- in strong support of this bill. And I know that much will be said about concerns that the mortgage industry has, but Senator Sandoval has worked very hard to respond to those concerns. He has filed amendments to -- to limit this bill in many respects, but the bottom line is that we do need to put laws into the books that -- that protect people. Now some folks are concerned about the blight that abandoned properties cause, and certainly that's one of our concerns also. When people can't pay their mortgage, many times they end up having to leave and -- and all kinds of things happen. But my concern is always about -- always about the individual and -- and what they go through. The trauma that they go through when they end up in a situation as a result of doing business with a -- a subprime lender that really doesn't have their best interest in mind, that really just wants to close a deal and make money off of that deal. And you see that repeating itself time and time again in certain areas. This problem is not limited to any particular neighborhood in the City of Chicago or in County of



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Cook, but it is -- there are some areas where there's more foreclosures than in other areas. And years ago I was able to -- to be the chair of a -- of a organization called the Spanish Coalition for Housing that is one of the oldest Hispanic HUD certified housing counseling agencies in the State of Illinois. They provide prepurchase counseling and I asked them to review this bill and to give me their feedback. And they wrote back yesterday and said to me that this bill is an excellent bill. Every single housing advocacy group that has worked here with us during this year on the affordable housing issues, including the rent subsidy issue and other issues, is in support of this bill, because they recognize that while years ago it was tough to buy a house, now lenders do all kinds of creative things to buy a house. Not that long ago, I went to a mortgage lender after I was a State Senator, after I was elected State Senator. And I couldn't believe what that guy said to me when I told him how much I had and what my income was and then we looked at the price of the house I was looking at. And the fact of the matter is, that my income was not enough for that house. And the guy looked at me straight in the eye and he says, "Well, we can do some things here. We can get you into that house. I can take care of your tax forms. We'll make changes. We'll make modifications." I couldn't believe what the guy was saying. Now he said that to a legislator. This was several years ago. Since then, the housing market has picked up. We have mortgage lenders all over the place. I have one -- one mortgage guy right next to my district office. A lot of them are good people doing very well, acting in responsible manner, but we've got some bad apples out there. And while we can't do away with those bad apples overnight, and some people will say that that's because the Office of Bank and Real Estate have not done their job, and I agree with that. That's why we've got to look at that, because I think they need to be more effective in dealing with predatory lending in the State of Illinois. But I think what this bill does is that it pushes them to be more effective, and at the same time, it zeros in on areas where there's a problem and it allows for us to be able to document that problem and to address it. And I don't think mortgage lenders should be afraid of this. You know, Senator Sandoval was quoting from an article just today in

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The Washington Post. Just today, ran across this article by accident, and it says, State and -- federal regulators place much of the blame for the foreclosure problem at the feet of mortgage brokers and bankers who have crafted ever riskier ways for Americans with poor credit to buy homes. Interest only and adjustable rate mortgages account for sixty-three percent of new mortgages - sixty-three percent. And all we're saying in a very limited manner that we want to provide some protections. We want to make sure that individuals get counseling. And this bill does not keep anyone from closing a deal. They can proceed, but if they're going to proceed, they have to know what they're getting into and they have to understand what their obligations are. This is a preventive measure that is good for consumers. It's even good for the mortgage lenders, because it helps clean up some of the bad characters that are out there. And so I encourage you to seriously look at this very limited piece of legislation and to support it.

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR GEO-KARIS:

Do I understand, Senator, that the reason for your bill here is to prevent some of these schlock mortgage companies from charging rates very high for someone to get a -- money?

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Geo-Karis, that's part of it, but most importantly what this bill does is educates the consumer. It educates the residents of Illinois, especially in Cook County, on financial literacy information on what they're getting into.

PRESIDING OFFICER: (SENATOR LINK)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, what you're trying to do is try to educate these people who can be taken for a ride by some of these schlock

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mortgage companies. And if that's your purpose, I certainly support the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. Basically, I rise because of my sincere appreciation for what Senator Sandoval is trying to do. And most of you on that side know that I'm a very strong advocate for township government, and I truly believe in my heart that local government probably is more important than any other government, almost, that we have, where you get to know the people. Obviously, many of you on that side -- this is only going to affect Cook County. It's not going to affect the neighbors downstate. It's not going to affect the people outside of Cook County, but what it's going to do is to correct an injustice for a lot of people that have been taken advantage of, especially those individual people that have language problems and are eager to buy a home. There's a lot of unscrupulous mortgage people out there that are taking advantage of these individual people. I'm asking you, especially on the other side, who sometime don't realize the problems here in Cook County, especially in some of these changing neighborhoods where people do have a serious language problem. And more and more people are getting into the business of lending money and sometime they're not doing it in an ethical matter, they're doing it in an unscrupulous matter. And when you want to buy a home and you don't have much, and believe me I know what that's like, because over fifty years ago when my dad bought his first house, it was tough and a lot of people could sell him a lot of things that he didn't understand either. So I'm asking you to give every consideration to 4050, because of the local people know the problems that exist in their own neighborhoods far better than a lot of people that live in southern Illinois. We vote for a lot of things in southern Illinois, because we know it's the right thing to do - malpractice and many other particular changes that are taking effect. I'm certainly there standing with you and I'm asking you to give our Senator -- Marty Sandoval, the opportunity to correct his neighborhood and also to correct the Speaker of the House - problem in his neighborhood. Thank you very much.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I'd like to speak to the bill. Thank you. To the sponsor, I -- I understand what you're trying to do, and there's -- there's no one on this side of the aisle who -- who disagrees with what you're trying to do and -- and I think there's going to be many of us probably that vote against this. But it's not because we disagree, Senator, with what you're trying to do, we just disagree with the -- the method you're using and -- and that doesn't mean you're right, you're wrong or we're right or we're wrong. But I happen to come from this industry. I'm a real estate broker. I have a mortgage bank. I deal in this frequently. I'm concerned that what this may do is create a barrier for people to make the best investment they can make in their life. The -- the best investment any of us probably have ever made and the most stable investment, one of the investments that has made this country what it is economically is a home. To be able to invest in your home requires, for many of us, a mortgage. And to be able to start that investment at any point in time is critically important. It's important that we don't throw up a barrier for people to be able to do that and that's -- that's why I stand in opposition to this, Senator. I -- I work in this industry. Mortgage bankers, mortgage brokers, banks provide opportunities to -- for people to develop wealth. It's just that we're concerned, on this side of the aisle, that we may be creating a barrier. Now, informing people is one thing, but making the mortgage business jump through the hoops that -- that you're talking about here is -- is different, and they'll consider this liable. They'll -- they'll consider it a problem for them and I think in the long run, and even maybe the short run, this may end up doing more harm. Now, I think this side of the aisle is more than interested in working to help better educate people. We do that by requiring APRs and other things. And -- so I -- please don't take a No vote from me or anybody on this side of the aisle as not a compassion -- as not compassion for your problem. It's just that we differ in what the best way to solve it is.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

To speak to the bill. First of all, thank you, Mr. President and Ladies and Gentlemen of the Senate. I want to commend the sponsor, Senator Sandoval, for not only taking in some of the criticisms that he heard originally when he presented the bill and making changes, tried to meet some of the concerns and the issues addressed by the mortgage lenders and brokers. But let me speak briefly on why I feel this is important. And I think it has been mentioned that home ownership is one of the dreams of most Americans and working families. But what has happened is, that American dream often results in an American nightmare for the reasons of the -- foreclosure and the rise in the foreclosure -- if the foreclosures fall particularly hard on Black and Latino families -- and it is this sharp rise in foreclosure that is destroying the single greatest generator of personal wealth for most Americans. I know there is anti-predatory lending legislation in place, but that has not prevented the abusive subprime lending practices. They still continue and what happens is, that for many African-Americans and Latinos, even the families with very good credit, are being steered to subprime loans, even though they could qualify for prime loans. And as an example, these are probably some experiences I just want to share briefly. Again, the subprime loans are concentrated in the minority census tracts and to minority borrowers regardless of income. The cost of subprime and predatory mortgage lending can be significant to both an individual borrower and the surrounding community. Borrowers with prime credit who receive higher cost subprime loans can end up paying tens to hundreds of thousands of dollars in additional interest over the life of a mortgage. Subprime loans are also more likely to have high fees and features such as onerous prepayment penalties that prevent a borrower from getting out of a high-cost loan into a better priced one. Because of their high cost, risky nature, and onerous terms, subprime mortgages are more likely to enter into default and foreclosure than prime loans. If these loans and subsequent foreclosures are concentrated in lower income or minority communities, these neighborhoods will bear a disproportionately high portion of the

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economic, social and emotional cause related to foreclosures. So that's why I stand in strong support of House Bill 4050, because I believe that putting in place regulatory measures, it means that we can more readily distinguish the legitimate from predatory and abusive actors in the subprime lending process. Some of the questions that came up is in reference to the database, but those are some of the concerns -- were also raised with the Payday Reform Act. We had a lot of opposition to the database, but believe me that -- the database is the only way for us to truly monitor and to see what really is going on. So I just ask all my colleagues to support House Bill 4050.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Continue.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen, it's -- it's interesting some of the comments were made in favor of this bill and particularly one comment with regards to the fact that this bill now has been limited to Cook County and we should let the sponsor take care of his people in Cook County. I can say that that statement -- would of held a lot more weight for me before yesterday's vote on pension matters when the downstate teachers pensions were affected and the Chicago teachers pensions were not. There was talk about the mortgage lenders and how they're preying upon individuals, and that may very well be true. Part of the problem with that, I suspect -- at least, you know, is a lack of regulatory activity. Over the last two years, over a million dollars has been plucked from the Savings and Residential Finance Regulatory Fund. That's the fund that pays for regulation of the mortgage brokers. That's been plucked by the administration. I would suggest to you that that's part of the problem, as well. I agree and I think everyone in this Chamber agrees that people at some level need to be protected, but I think where the divide begins to grow is where we start protecting people from themselves, and that's what this bill calls for, and it's going to have a very, very troubling

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unintended consequence. And here's what it is: The bill requires that the broker pay for the mandated counseling service. Okay. The broker's going to have to do that. Now the broker's the person that the individual who you -- who you're -- we're trying to help here buy a home, because we're going to give 'em counseling service. That's the person -- that -- that person comes to the broker and says, I want you to show me this house in this neighborhood. If the broker believes that there is a credit problem with that individual, they're not going to show 'em that home, because to show 'em that home is to risk taking on the liability for paying for that credit counseling. What this is going to wind up doing is shutting people out of neighborhood. Because the broker knows what that house is worth and if they have a feeling that this individual is at the very least going to be ordered to do credit counseling, they're not going to show 'em that house. This bill treats people not as individuals, but it categorizes them based on where they live. I don't care how -- detailed the Department gets on this, they cannot possibly treat people as individuals under this bill. We can do a lot better than this. There is a problem out here. This bill is a very, very bad answer to this problem. I urge a No vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR HARMON:

Senator, I -- I support your efforts to crack down on predatory mortgage lenders and unless I hear something alarming in debate, I certainly plan to vote for this bill. But you and I have had several discussions at length about some of my anxieties about this bill and I -- I thank you, first of all, for amending it to deal with many of those. But, I'm from Oak Park which really has been at the vanguard of fair housing. And one of the components of the original bill before you amended it really set off red flags for me and that was the inclusion of the zip codes. That just smacked to me of red-lining and it raised a concern I'm still somewhat uneasy about. You and your cosponsor, simply by

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affixing your names to the bill, have done a great deal to comfort me, but we've certainly heard a parade of horrors from -- from the opponents about this bill and I think we both learned to discount the sky is falling arguments we often hear. But I just want to ask you one question. If -- if these unintended consequences come to pass, if lending comes to a halt in certain neighborhoods, if titles can't be recorded and insured, if seniors are locked into their homes, because the market has dried up or worst of all, if African-Americans or Hispanics are prohibited from moving into certain neighborhoods because of the -- the unintended consequence of this bill, will you introduce legislation to unravel this?

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Harmon, I -- I appreciate your comments and, yes, we have been -- you've been gracious enough to entertain in our discussions over the last two nights and I've taken into consideration many of industries concerns, as well as yours. And -- and, yeah, there are some things that necessarily need to be ironed out in the mortgage lending industry which I and you and many Members and my colleagues on the other side of the aisle have discussed over the last few days of which I am willing to work with after this Session. But the -- this is a pilot program for a -- a limited period of time - a four-year-period. But I'd be willing - I'd be willing - along with the House sponsor, if need be, to at some point in time, if a year and a half, two years from now you come to me and Members in this Chamber say that commerce is being obstructed I will consider, you know, legislation to, you know, alter or move on with this program.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Then, to the bill: Senator, I recognize that this is a very grave problem in many of our neighborhoods and I applaud you for taking up the fight. I wish we weren't wrestling with it in the last couple of days of Session. Such a monumental problem deserves a lengthier discussion of the solutions. But when in doubt with a problem



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like this, we should try something. If it doesn't work, try something else. So, again, I appreciate both your -- your undertaking the effort and your willingness to listen to those of us who believe in the cause, but had misgivings about the mechanism. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine is the final speaker before Senator Sandoval's closing. For what purpose do you rise, Senator Haine?

SENATOR HAINE:

To speak to the bill.

PRESIDING OFFICER: (SENATOR LINK)

Proceed.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I appreciate Senator Sandoval's willingness also to work with our concerns about the bill since we are not aware of the -- the same problem in my area. Reading the information submitted on HB 4050, there appears to be a tremendous problem in the County of Cook and the Chicago area with foreclosure rates. Therefore, I have to pay him deference and those from that area in dealing with this -- problem. Certainly, House Bill 4050 will provide more information about -- to help us, as the policymakers for the State, to determine accurately the reasons for these incredible number of foreclosures in the City and in the near -- near city. So, therefore, I -- I support the bill. I think it's a well-intentioned effort that may yield information which -- ultimately may benefit the area that I -- represent. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Thank you very much, Mr. President and Ladies and Gentlemen. As I stated in committee, because of a potential conflict of interest, I'll be voting Present on this House Bill 4050. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

The record shall reflect. Senator Sandoval, to close.

SENATOR SANDOVAL:

I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

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The question is, shall House Bill 4050 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 22 Nays, 6 voting Present. House Bill 4050, having not received the required constitutional majority, is declared failed. Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

Thank you, Mr. President. I'd ask for postponed consideration of House Bill 4050.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval requests that House Bill 4050 be put on postponed. The bill will be placed on the Order of Postponed Consideration. There will be a Rules Committee immediately in the President's Anteroom. Rules Committee -- immediately in the President's Anteroom. Mr. Secretary, Messages from the House.

ACTING SECRETARY KAISER:

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

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

House Joint Resolution No. 37.

And Senator Collins is the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Resolutions.

ACTING SECRETARY KAISER:

Senate Resolution 258, offered by Senator Link.  
It's substantive.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Committee Reports.

ACTING SECRETARY KAISER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Floor Amendment No. 1 to House Bill 1197.

PRESIDING OFFICER: (SENATOR LINK)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

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Purposes of an announcement. The Executive Committee will meet to consider Floor Amendment No. 1 to House Bill 1197 one hour from now, which would be five minutes to eight.

PRESIDING OFFICER: (SENATOR LINK)

On page 73 of your book. On the Order of Concurrence is Senate Bill 501. Senator Hendon. Senator Hendon, do you wish 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. 3 to Senate Bill 501.

Filed by Senator Hendon.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hendon, to explain your motion.

SENATOR HENDON:

Thank you, Mr. -- Mr. President. This is the relocater bill for the towing situation in the City of Chicago that we fixed and I -- I appreciate an Aye vote. We -- they fixed the bill and we're ready to roll.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur on... The question is, shall the Senate concur on House Amendment 3 to Senate Bill 501. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate concurs in House Amendment 3 to Senate Bill 501. The bill, having received the required constitutional majority, is declared passed. Mr. Secretary, Messages.

ACTING SECRETARY KAISER:

A Message from Senator Wojcik.

Dear Madam Secretary - This letter is to inform you of my resignation from the 28th District Senate seat, effective June 30th, 2005. It has been an honor and a privilege to represent the people of the northwest suburbs in my various roles as a township official, State Representative and especially as an Illinois State Senator. After thirty {sic} (37) years in public service, I am at the point where I feel the need to return to the private sector. I have thoroughly enjoyed the time I have spent

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in the Illinois Senate and I value the experience I have gained throughout these past couple of years. I truly appreciate the opportunity to serve in this capacity.

Sincerely, Kay Wojcik.

PRESIDING OFFICER: (SENATOR LINK)

Will the staff please just move to the rear of the Chamber?  
Senator Wojcik.

SENATOR WOJCIK:

Well...

PRESIDING OFFICER: (SENATOR LINK)

Excuse me. I'm out of order. Mr. Secretary, Resolution.

ACTING SECRETARY KAISER:

Senate Resolution No. 257 {sic} (259), offered by Senator Watson, Emil Jones and all Members.

(Secretary reads SR No. 257 {sic} (259))

PRESIDING OFFICER: (SENATOR LINK)

Senators Watson and Jones move to suspend the rules for the purpose of immediate consideration and adoption of Senate Resolution 257 {sic} (259). All those in favor will say Aye. Those opposed, Nay. The Ayes have it, and the rules are suspended. Senators Watson and Jones now move for the adoption of Senate Resolution 257 {sic} (259). Is there any discussion?  
Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I was a little bit of help to Kay when she ran for the Illinois House when the power broker in her area decided that she wasn't going to be the candidate. Well, it's too bad. She was a candidate and she won very honorably and very loyally and very fairly. And Kay has been a -- an -- an -- she -- she's been just a great person, an inspiration to all of us. She reminds me of my late sister, because she has the most beautiful flashing eyes, so how can anybody resist her in -- on the other side? She is one great lady, very conscientious, very honorable, very honest and very dedicated to working to the best of her ability for the citizens of not only her district, but for the citizens of Illinois. Kay, I'm going to miss you terribly, needless to say, because you and I come from the old same school. God bless you and Norb and I hope that you enjoy your life with him and have loads of fun,

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because if anyone deserves it, you do. We love you and we thank you for your dedicated and wonderful service.

PRESIDING OFFICER: (SENATOR LINK)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. As John Cullerton says, "Kay, this beats a death resolution." Kay Wojcik, and I can say and use the term "lady", unlike Pate Phillip might use that term "lady", but Kay Wojcik is one of the great ladies of the Legislature. And I guess Kay is classy enough to know that I mean "lady" in a -- in a very warm and loving sense and in a -- in a way, in a manner that she carries herself with class. I use the word "lady" because she is a great lady of the Legislature. Kay Wojcik, let me tell you, she is a saint. She had to serve in the same physical geographic area with Pate Phillip and Lee Daniels as her partners for years. And anyone that can do that, Kay, I think, has a special place in heaven for them. Kay, we'll see you at the U of I games. Kay is an avid University of Illinois fan. As you know, Senator Winkel, she's always there virtually for every football game. And just one quick, real cute story about Kay Wojcik. Kay and I were at a National Conference of State Legislatures convention a few years ago up in Milwaukee and Kay and I had the dinner -- the fortune to go out to dinner with a few friends and I'll never forget, Kay orders and she -- and then the waiter looks at me and says, "And what will your husband have?" meaning me. So, Kay and I -- we -- we are a husband and wife team, I think, at least in a waiter's eyes and I take that as a compliment. Let me tell you, Kay is not one to not have her input in things. I'm the county chairman of the majority of her Senate district and let me tell you, Kay has a successor in mind and my guess is that successor, like most things Kay Wojcik's for, will happen. So, Kay has continued to have input and will have continue to have input here long after she physically leaves here - but she will never leave here. So, my best to you and Norb. And let me tell you, Kay, you have been blessed. Many times we forget about our partners at home, but the real husband of Kay Wojcik is a gentleman named, Norb, whom she loves deeply. And Norb was a great, great partner. You would see the Wojciks together, not only in Springfield, but as I

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mentioned at the U of I game and everywhere. And you are very lucky to have a great partner and I know he weighed in your decision to -- to get out of here at an early date in your career. And I wish you and Norb and your family the best. We will miss you, but I get to see you back home. Love you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Senator Wojcik, I just wanted to tell you -- what a delight it's been for me to serve with you, not only in the Senate, but also in the House and I -- Senator Dillard reminded me of when I was the Floor Leader of the Democrats over in the House, I do remember questioning you on a few occasions about how your Senator was going to vote on your bills, that being Senator Philip. I know you're friends with my aunt out in the suburbs. And -- and, as Senator Dillard also referred to, there are four ways to leave this place and this is the best. This is the best. And the only bad thing is this, if it's -- if it's bad - I've read rumors in the paper about who your successor might be - and I'm just wondering if you could just stick around for a few more years? We -- we'd all -- we'd all -- we'd all like it. But we're really truly going to miss you and I just wish you the best as you go on into your retirement.

PRESIDING OFFICER: (SENATOR LINK)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. This is going to be kind of tough for me, because Kay and I knew each other through the Township Officials before we came to the Legislature. Used to go to Washington to -- on several legislative trips together and we just happened perchance to be elected to the State House of Representatives together and in the House, Kay sat right in front of me, just like she does in the Senate. And sometimes when it would be boring, we decided we wanted to play some games with Kay. Now I had two old curmudgeon State Reps that sat next to me - Tom McMaster and Fred Tuerk. And they said, you know, it's time that we have some fun with Kay. So, Kay was out doing her thing, we went and we changed the buttons on her switch from

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green to red and a bill came up and she voted for it and her seatmate who was Don Hensel, said, "Kay, is that the way you want to vote?" And she says - she's looking down - and "that's the way I want to vote." And, of course, the Speaker is saying, you know, have all voted their wish and he says, "Kay, is that the way you want to vote?" And she looks down and he said, "Look up at the board." She looks, she still doesn't get it. Finally he reaches over and there's this fight. She grabs his hand and they're wrestling on the switch and finally we got it straightened out. In the meantime, the two curmudgeons sitting next to me our rolling in the aisles watching Kay and Don Hensel wrestle with each other. But anyway, many a time we talked about many of the political strategies that go on in Legislature, and I was glad when Kay came over to the Senate. We started up our close relationship on our political endeavors. And we're going to miss you. I'm going to miss you and I know you and Norb are going to be traveling and doing a lot of things together and I know we all are going to wish you well. Good luck.

PRESIDING OFFICER: (SENATOR LINK)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. I, too, rise to pay homage to a lovely lady that I've known for many, many years in township government, along with Senator Peterson. I think we were all in Washington, D.C. that time testifying in revenue-sharing and all the good things. But I, being a southwest side guy and Kay being from the Schaumburg area, our township fell in love with Kay Wojcik and when we heard that she was running for a -- for a Representative's position our whole board wanted to come and celebrate with her at a cocktail party. Her and -- our Clerk, Ed Watus were the dearest friends. Kay, we wish you good luck. We were delighted when you came over to the Senate. I felt family again and we wish you and Norb the -- the very best of health and -- and good luck in your retirement.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the -- Senate. Well, Kay, I've only known you for two and a half years

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and during that period of time, you and I can honestly say that we've become friends. And I've also had the opportunity of hanging out with you and your husband, Norb last month. I'm not going to say where, but we had an opportunity to hang out for a while to get -- have an opportunity to visit one another. So, anyway -- I'm going to miss you. I've learned a lot from you and I look forward to continuing our relationship with one another. So, Godspeed, God bless you and I wish you the best of luck. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Kay and I have been friends since before either of us were a member of this august Body and she's my neighbor on the Floor and she's my neighbor back home. Our districts adjoin right at Woodfield Mall. So, of course, we both would like you to all shop at Woodfield. But she's been a -- a true friend, a dear friend. She's as -- and pointed out, a great lady. For those of you who have gone out to dinner with Kay and maybe -- probably everyone who's gone out to dinner with Kay, especially the -- the -- the gentlemen here, you know, quite often a -- a -- waiter or waitress, I don't think they mean to be sexist, but they -- they will hand a wine list to a gentleman at the table. Whenever they gave it to me, I said, oh, no, don't -- don't give it to me. She's the expert on wine. Give it to Kay and she always picks out a terrific bottle of wine. But, Kay, thank you for your friendship, we will see you and Norb many times back in the neighborhood. We will miss you in this neighborhood, but we'll see you back home in the other neighborhood. Dru sends her best. God bless.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. You know, well we've known each other for seventeen years, when our first -- we served in the House together and I -- and I found then, and it was a more kinder and gentler era, but even when things got rough and things got more partisan, there was still this very conscientious



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individual who's always sat on the other side of the aisle then and now is sitting over here, who truly understood the diversity of this State. But also truly appreciated all the things that we had in common and that we've been able to collaborate on -- on women's and issues -- women and children's issues, issues just germane to my district. And even if I couldn't get a vote, at least I knew someone over there understood what was going on. I've also shared many different venues with Kay and -- and I won't tell all the places I've seen her and we've been as well. We've -- we've traveled around this country together and -- and have -- I've always appreciated your company and again, as mentioned, your husband's company and -- and your friends that seem to always be around you, who share that same kindness and consideration for all the people of this State. You will be missed and -- and as I told you when you came over here, I was glad you were here and upset that you're leaving. But I know that you -- you love this State. You're still going to have some -- some part, something to do with some of the things that we do down here. So, go forward, have a -- a lot of fun and enjoy your life and I know I'll see you out there. Love you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Kay, I just want to say that I've known you for twelve years and one of the things I didn't hear in the resolution that many of us have benefited from, Senator Rutherford and the rest of us, is when we came in here we were new and you had been around and you always reached out in a special way to help everybody, particularly those of us who are new and needed your help. So, for that we're grateful and we know that you're doing this for the right reason. We wish you well and we look forward to seeing you, and keep us in line.

PRESIDING OFFICER: (SENATOR LINK)

Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Kay, I just want to say thank you. Just kind of to echo Senator Brady's comments. Senator Kay was the Minority Spokesperson for -- for Licensed Activity and she reached out and she was right there to help me and to kind of

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guide me along this past Session. And I really want to say thank you. We have gotten to know one another, I think, very well. I loved her motions in committee when she would just turn around and give me one of these and say moving on and I kind of took her lead. We've just recently shared one of her finer bottles of wine and we had a good time in doing so. And I wish you the -- the best. And I know that this has been a decision that once it came, you told me that it was the right decision and so I wish you Godspeed. I know that you'll enjoy it. I have a feeling that we'll probably see Senator Kay down here. Never know when she may come back and never know in what capacity, but I think that her heart is -- is going to be back here with the Legislature. Again, I can't express my thanks, my deepest thanks to you for being that mentor and kind of helping me through these -- this past -- this past Session. My love goes out to you and your husband. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. Actually, I've had the good fortune to know Kay about twenty-five years, and since I celebrated my -- my birthday last week that's half of it. I had gotten to know Kay from back in the days of Schaumburg Township with Don Totten and the days when I got know her during the Reagan campaign. And back in the early eighties, it was probably I don't know what, Kay, '80, '81, '82? I was actually living in the City of Chicago, so I have a great appreciation for that wonderful City up north. I was on Governor Thompson's staff at the time and if I'm not mistaken, it was the National Conference of State Legislators were having their national convention in Chicago. So I lived at 2 East Oak, top floor overlooking Rush Street. Young guy, it was a tough, hard place to live when you were that young and there. So, I decided to have a party, kind of suck up to all the Legislators, 'cause I was going to someday try to make a dive into the political arena myself. And I remember Kay came to that party and -- the colleagues and friends from Illinois Delegation was there and Kay was one of the, really only the ones I really knew, and helped make it a great evening. So, the time came of ultimately I was going to decide and foray

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into the political scene and one of the first people I called to talk about running for the State House of Representatives was Kay Wojcik. Kay -- gave me good advice and good counsel. I had the opportunity to serve with her there. We eventually went into the leadership team, where I followed her in the leadership team in House. And, Kay, as you and Norbert are preparing to go on into the next wonderful chapter in your life to enjoy the fine wine, the fine food and most especially the fine family that you have, know that you have touched many of us. You have touched us in our hearts and you've touched us in a way of dignity and respect to show to other people. And for that, Kay Wojcik, you have a made an indelible impression upon many of us and we love you and we will miss you in this role. God bless you.

PRESIDING OFFICER: (SENATOR LINK)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. And, Kay, stop crying. Stop right now. I, too, like so many of us in this Chamber, came here in the -- in the eighties and so many, as Senator Cullerton mentioned and so many others, we served -- and Senator Peterson, we all started out in the House together back in the early eighties and Kay was here a term before I was elected. I came into Springfield, Illinois and you're young and you're wide-eyed and you're going to change the world and you're going to be excited. And I met this wonderful lady by the name of Kay Wojcik. And there was this gentleman by the name of Bob Piel and Bob Churchill and numerous others who were all just freshmen and sophomore down here and there was this older gentleman that used to take us out and to dinner all the time - a table of twenty, twenty-five - Ralph Capparelli. And that's where we started acquiring this wonderful taste for fine wine and Kay was like a mentor to all of us teaching us the fine wine. But I always say when you come to Springfield and after you get here for a few years, we have a tendency to have short fuses, we have a tendency to get a little crabby and I say sometimes, especially this time of year, it seems like people lose their manners, people lose the kindness, people -- things that our parents bestowed, teachers bestowed in us, our parents bestowed in us about being polite and it never left Kay no matter

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what time a year it was, when we were in Session. And I think the -- best to sum it up is, if you look up in Webster's, you look up the word "class". There's a foldout of you, young lady. Godspeed. We love you.

PRESIDING OFFICER: (SENATOR LINK)

President Jones.

SENATOR E. JONES:

I, too -- I, too, like to join my colleagues in wishing Kay well in her retirement. All the times I've had to deal with her on various issues she was a class lady. And I -- I had the pleasure of working with her as it relate to the wine industry in Illinois, and even though she sat on the other side of the aisle, you would have never known that she was of opposite party. She always came together and worked -- you know, I thought all the Republicans were that way. So, we wish you well in your retirement. I had the pleasure, my late wife and I and my children, on the many trips we used to make together, we enjoyed all those great times we had together. And I listen to Senator Dillard talk about being the chairman of the committee that does the selection, but in the bill we just passed, Senator, things have changed. I believe the Presiding Officer of each Chamber will do -- be doing with selection to fill any vacancy. But we wish you well, Kay, and it's always nice knowing you. You were always a class lady and you never took this partisanship stuff as some people do, but you were always one, you never changed, you -- you never showed any real billowy emotions. You always was class and you always stuck to the subject that you were very interested in, and it's always been wonderful to work with you. I know we will see you again. Best luck in your retirement. God bless you, your husband, Norb, and we look forward to seeing you back down here again. You are leaving, as John Cullerton often said, the best way. God bless you.

PRESIDING OFFICER: (SENATOR LINK)

Leader Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I don't know if all of you've been noticing the flowers on the desk the last several weeks and that's the Woodfield Mall making their jest as far as they're glad to see her coming back into the region on a

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permanent basis, because Senator Sullivan, they will do quite well with her in the area and the region. This is our social director, I don't know what we'll do now. John Millner, social director? I don't think that's going to quite fit. But, Kay, you -- you've been a wonderful lady for us. And I -- I had the opportunity and probably most of you haven't -- haven't had this opportunity is, go to her home - and been there twice as a matter of fact, and we had a wine tasting party there and -- Norb and Kay put on and -- and it was quite an event and it was actually in the wine cellar and -- the -- we had, I don't know how many people, sixteen, eighteen people there and -- and the wine cellar in the Wojcik house will put any restaurant in Chicago to shame. I'm -- I'm just serious about that. She has quite a collection and knows her wine as was stated. She knows it very well. And, you know, a lot of times we get -- when you see these and read these resolutions and you hear all these wonderful things that we've done and how great we were and -- as Senators and all, this lady made a difference in this State. This lady really, truly made a difference and I'm talking about the wine industry. The wine industry was nothing. It was a fledgling kind of a -- we'd bottle 'em in our basement kind of approach and have a bottle or two on the wall and -- and -- and that was about the extent of it. But it is a -- full-blown entrepreneurs, big part of agriculture now, tourism, economic development. This is your legacy, young lady. This is the legacy you leave this State. And a lot of us go through this process and we'll -- we could be here for a long, long time and never, never have the legacy that Kay Wojcik is leaving this State in the wine industry and the success that it's had in -- in Illinois. And I think she personally, single-handedly has developed that over the years of her service here. And I -- and I know we all understand and realize that, but I just wanted to say it, because it's a -- it's an outright fact. Now, in the -- in the resolution there's one - - there's one "Whereas" that really kind of says it all and when you really think about Kay Wojcik, "Whereas, Kay has a zestful love for life, enjoying good food, good wine and good times with family and friends," - now that's -- that says it all. That's Kay Wojcik. And as the President said, a very classy lady that we're going to miss. And I know, Norb, you've been with her all

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through this travel and you're going to be able to spend more time together and we know that you will enjoy that with your family. And we wish you well and you've served us well and been great to have you here in the Senate. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall the Senate Resolution 257 {sic} (259) be adopted. All in favor will say Aye. Opposed, Nay. The Ayes have it. The resolution is adopted. The honorable Lady from Cook, Senator Wojcik.

SENATOR WOJCIK:

Thank you. That's enough. That's enough. That's enough. It's too much. Thank you. Thank you. Please sit down. You know they always say, how can I follow this? And I'm trying not to cry, John. I -- I -- it's a very difficult and emotional moment for me right now. Listening to what you all have to say, I say, "Who is that person?" I don't even know that person you were speaking of and I listened to that resolution, I'm like, Oh, my God, did I do all this stuff? You know, my mother was widowed when I was nineteen months old. She had four children and one of the things she told me is that as you grow up you remember the people who took care of us when we needed help. I have never forgotten that. Never. And that's why I look at people today and if they don't have what we have or they need some sort of assistance from government, that's what I'm here for and especially for the disabled. They didn't ask to have that problem or the affliction. And so, therefore, if we can do something for people like that, that makes me very happy. And I would say to you today, I wish my mother was here to see me, because I'm the baby of the family and I always said if I was going to write a book. I was going to title it, "The Widow's Daughter", because as the baby, whatever went wrong in the neighborhood, it was the widow's daughter that did it. I was the most innocent person you saw, but it was the widow's daughter. So, her guidance and her love actually brought me to my husband. She picked him out. I didn't like him. It's the truth. She said, it's the most clean-cut boy you ever brought to this House, you know, I says, "Oh, mother, he doesn't have a car, he doesn't have this." Well, look at here, in August we're going to be married forty-nine years - forty-nine years. So your comments,

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your wonderful, wonderful kind words - I'd like to pick everyone out who said something to me and pick everyone out in this august Body and say how much I love you. I love you all and I would not be here if it wasn't for the love of Pate. Because he did it and I told Pate at the time, I said, "Pate, you know, how -- I'm in the House, why are you doing this to me?" He said, "You're going to be a Senator." And that's just how he said it to me. So, Pate, God bless you too, because I found a beautiful group of people. I never thought I could experience this wonderfully emotional experience that I have. And the knowledge and understanding you've given to me and you made me grow a little bit more. And I hope to keep growing -- not in stature, but keep growing. So, thank you all -- all for you words. I mean, they're just awesome. And I -- again, I have to say, "Who is this?" But there's one thing I'm going to say right now, I've had a wonderful life, I've had a wonderful career in politics and I've had -- met wonderful, wonderful people - children, adults and aged people - and I thank you all for this. But you know what? I'm going home. I'm going home to this man. Thirty-seven years he's given his life to me and now after what he's gone through, it's my turn to give it back to him. So thank you all and I love you. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

The Senate will stand in recess to the call of the Chair after committees. The Senate will reconvene to receive Committee Reports and for further Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LINK)

Will all the Senators -- the Senate will come to order. Will all the Senators in the sound of my voice please come to the Floor? We will be doing Floor action immediately. All Senators under the sound of my voice please come to the Floor immediately. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Crotty, Chairperson of the Committee on Local Government, reports the Motion to Recede from Senate Amendments 1

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and 2 to House Bill 655 and a Senate Amendment No. 2 to House Bill 832 recommended Do Adopt.

Senator Lightford, Chairperson of the Committee on Education, reports House Bill 3092 Do Pass.

Senator Silverstein, Chairperson of the Committee on Education {sic} (Executive), reports Motion to Concur with House Amendment No. 1 to Senate Bill 1842, Senate Amendment 2 to House Bill 806, Senate Amendment 1 to House Bill 1197 and Senate Amendment 3 to House Bill 4053 recommended Do Adopt.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, reports Motion to Concur with House Amendment 1 to Senate Bill 475 and House Amendments 1 and 2 to Senate Bill 562 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR LINK)

Senator Dave Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR D. SULLIVAN:

Thank you. We're trying to rotate the Sullivan children through our Memorial Day weekend, so tonight I have with me my oldest son, Brendan, who's just finished up his sophomore year at Marquette University and his friend, Kevin McKay, who has just finished up his sophomore year at DePaul. If you could welcome them.

PRESIDING OFFICER: (SENATOR LINK)

Will our guests rise? And we welcome them. We will be going to the Supplemental Calendar which has been distributed to everybody. On the Order of House Bills 2nd Reading. House Bill 3092. Senator Halvorson, on House Bill 3092. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 3092.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR LINK)

Have there been any -- 3rd Reading. We will go to page 66



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on the regular Calendar. There's been a change of sponsor to 1197. Senator Trotter. Senator Trotter seeks leave of the Body to return House Bill 1197 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1197. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter, to explain your amendment.

SENATOR TROTTER:

Thank you very much, Mr. President. Floor Amendment No. 1 to House Bill 1197 is the budget implementation language for the soon to be coming budget bill. Passage of this language, and it -- it impacts on seven different Acts in the Illinois Code. To begin with, the first Act that it would change is the Illinois Administrative Procedures Act and it would expedite the timely implementation of the FY2006 budget. It allows and it gives emergency rulemaking powers to the Governor's Office. This language is essential to, and is needed to allow for Medicaid rate adjustments. The second Act that it will impact on and change is the Illinois Act on Aging and it changes the mechanism in which administrative costs for employees and wages for -- homemaker rates will be established. And they -- they are saying that -- it can be established with -- this legislation through administrative rules. Thirdly, it impacts on the Children's Health Insurance Program Act, the KidCare and FamilyCare Act making changes in the fee schedule for the KidCare Program to reflect the FamilyCare Program. Then it has impact on the Illinois Public Aid Code. It gives a general freeze of annual inflation adjustments to nursing home rates which would be continued in FY'06. It goes on to change the Medicaid Managed Care Act, making a provision for one hundred and eighty Medicaid clients enrolled in managed care plans to move from managed care to a DPA fee-for-service plan by requiring DPA to negotiate the contracts with HMOs. It has -- also provision for pharmacy payments deleting the soft cap provision in the Code, which initially dealt with dispensing of four brand name drugs per client, to dispensing of three brand name drugs per client with

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stipulations. It -- it also makes provisions for medical services for non -- for certain noncitizens and that is -- eliminates the language from medical services for certain noncitizens subject to specific appropriations. And finally, it addresses the All-Inclusive Care for the Elderly Act which is the PACE Act, which makes technical changes. I will answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR RAUSCHENBERGER:

To the amendment.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR RAUSCHENBERGER:

It -- it's a shame in a way that we're reduced on budget implementation to the level of the House, where Members are scurrying to see analysis to find out what's in the bill. But before we go too far, I thought maybe we could all take a deep breath and talk about this. This is a first of several Budget Implementation Acts, I'm sure. You want to adopt the amendment first? Is that -- you'll come back to me? Good. Well, you know, we didn't know when the timers were coming on tonight. So..

PRESIDING OFFICER: (SENATOR LINK)

Any other further discussion? Seeing none, Senator Trotter moves for the adoption of Amendment 1 to House Bill 1197. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on -- now on the Order of 3rd Reading. House Bill 1197. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1197.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Trotter, to explain the bill.

SENATOR TROTTER:

Sir, I -- we just explained the bill basically on the amendment. The amendment did become the bill and I'm available for questions.

PRESIDING OFFICER: (SENATOR LINK)

Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

I move for the previous question.

PRESIDING OFFICER: (SENATOR LINK)

There are three, six, seven, eight speakers and the timer will be on. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I -- I -- thank you, Mr. President. To the bill, I guess now. I guess -- I will debate on 2nd Reading then maybe, because we don't have to worry about the timer. You know, it -- we just -- as we kind of move through the end of Session, it was okay for us to wait eight hours - you wouldn't want people to have three minutes to talk about this. But, as we move along, I -- I just would let Members of my side of the aisle know that in this BIMP we're suspending -- in the Department of Aging, we've always had a statutory relationship between administrative costs and the wages that they've paid people. We're now permitting the Department of Aging under the leadership of the Bureau or the Governor's Office of Management and Budget to negotiate that in the dark, taking it out of statute, moving it to rules. Also in this bill, seems to be authority for the Department of Public Aid to negotiate in sidebar agreements with managed care entities to achieve some kind of mythical savings amount. I think this gets to the whole fundamental question of the payment cycle problem that led to discussions over the last forty-eight hours of eliminating managed care in the Medicaid program, throwing upwards of a hundred thousand people out of their medical home in the dark of night, because John Filan says it might save us sixty-eight million dollars. I would recommend people on this side of the aisle - inasmuch of this is not negotiated, was not discussed, it was not shared with both sides of the aisle - would vote No on this budget implementation Act.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. Just some questions regarding this legislation.

PRESIDING OFFICER: (SENATOR LINK)

The sponsor -- indicates he will yield.

SENATOR SYVERSON:

And this is the first time we're seeing this, too, and, you know, I'm surprised we've been here all day long doing nothing and then we -- we sit down and have a timer and we move the question on a program that it looks like - if I'm reading this right - we're going to be kicking a hundred and eighty thousand people off of health care in this State? Senator, maybe you can answer. Does this -- does this legislation eliminate the managed care program currently we have in place in Cook County and in East St. Louis area?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

That is not how I interrupt the language that is here, sir. Certainly, I believe there is an intent to eventually phase them out and go to a mandatory -- managed care program.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

Well, that's something we've been talking about doing. That's what the Lewin Report said, but the administration has rejected that. Our reading of this says that the savings occurs is by eliminating the managed care program in this legislation. That says that we have individuals -- you're talking about pregnant women from Chicago who next week will no longer have a doctor to see. They're going to be asked to go out and find a new doctor that's willing to accept Medicaid. And we have no problem with telling these people that they can no longer see the current doctor that they're seeing under this legislation. And where -- I guess, can you point out where that's not occurring in this legislation?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

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SENATOR TROTTER:

The language that I have on page 22, line 4, it says, the Department shall renegotiate the contracts with health maintenance organizations and managed care community networks that took effect in August 1st, 2003. That language to me clearly says that they're not being dumped, that they're still in process of renegotiating those contracts.

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson.

SENATOR SYVERSON:

I'll -- I'll wrap it up with this, 'cause obviously we don't have time to do this, but the individuals that have looked at this have said clearly that's where the intent is, that's where the seventy million dollars is supposedly be going -- saved by asking -- kicking these individuals off of the health care. And, yes, we'll save a couple of months of payment cycle, but that's what this administration seems to be about - pushing things off to next year. I -- I really can't believe that at the time that we are talking about now asking and pushing individuals off of health care or potentially pushing them off of health care at a time when we know there aren't enough doctors around to serve this population. I wish we would have had time to discuss this further or that this would have gone through Appropriations..

PRESIDING OFFICER: (SENATOR LINK)

Senator Syverson, your time is up. Senator Radogno, what purpose do you rise?

SENATOR RADOGNO:

Thank you, Mr. President. To address this bill. I -- I guess I want to follow up on this issue of the -- the -- eliminating people from the voluntary managed care. It's my understanding that in the bill there's seventy million dollars that is purported to be saved by doing that. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

That is the correct -- that is correct at this time.

PRESIDING OFFICER: (SENATOR LINK)

Senator Radogno.

SENATOR RADOGNO:

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How much of that is payment cycle and then how much of that is what they would anticipate might be saved in actual fees?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

Specifically, I don't know the answer to that question. Certainly, I could find out. I don't know how much would be in payment cycle -- how many days that actually means. I do know this though, however, under the managed care, it is -- it is mandated that they have to pay within sixty days and if they go for fee-for-service, they have up to a hundred and twenty days. But I can find out, specifically, what the dollar savings would be.

PRESIDING OFFICER: (SENATOR LINK)

Senator Radogno.

SENATOR RADOGNO:

Our understanding is, because this is -- we've been aware of this possibility for couple of days that thirty-eight million of that is in the payment cycle issue, that if we extend the -- if we don't pay the managed care providers up front and we go in the sixty days and then don't pay our fee-for-service providers for a hundred and twenty days, that's worth six hundred thousand dollars a day. And that's why this program is so attractive to the administration, because we get these short-term savings right up front. But the problem is in Cook County, in particular, and I would assume in the metro area as well, the fee-for-service network is not in a position to absorb these people. So what's going to happen is that people that have care today are not going to have it tomorrow. They're going to be scrambling for a doctor. For people that you -- pregnant women -- there's an obvious concern, but if you have a child that's sick that starts with an ear infection and, you know, they're crying at night and you don't know who to call, what you're going to do is not call and just keep hoping it gets better and better. And what's going to end up happening is those kids, rather than being seen in a doctor's office or getting a prescription over the phone, are going to end up in the emergency room and they're going to end up with a much more severe condition than they would otherwise. This is bad news for our patients. And many of the community

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organizations that are aware of this are very much opposed to it for that very reason. Again, it's just a -- a crystal clear example of the short-term savings for -- with terrible public policy behind it, and I certainly do not think that we should adopt this amendment at all. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'd like to yield my time to Senator Syverson.

PRESIDING OFFICER: (SENATOR LINK)

Senator Geo-Karis.

SENATOR GEO-KARIS:

If what Senator Syverson says is correct, I think we're doing the wrong thing here if we're -- depriving people of necessary health care, and I -- I think we're going about it the wrong way.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen of the Senate, one of the things that we have worked very hard on in the last year has been the issue that you've heard addressed by the three previous speakers, and that is the issue of how to make the State's Medicaid program more cost efficient for the taxpayers and better for the enrollees. Better health care for the people who depend upon State taxpayer dollars to get it. We went through a long process. We went through the formation of a taskforce which Senator Radogno served on, which I served on, which the distinguished sponsor of this legislation served on, and we went through six hearings statewide and heard from everybody. We commissioned an outside consultant to tell us what was the best way to do this in Illinois and that's the Lewin Report that you hear about. The Lewin Report said, to phase out the voluntary program that exists in Cook County in conjunction with - and that's what the report says - in conjunction with enrollment in a

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mandatory program. In other words, if there's two boats out there, you don't ask people to step off of one boat unless they can step onto the other boat without getting their feet wet. What's in House Bill 1197 asks people to step off the first boat and go right in the water. There is nothing, there's nothing in statute to say that we're going to create a mandatory program for those a hundred and eighty thousand people. There is nothing, nothing in the Department's actions, certainly nothing in the Governor's Office actions, to indicate they have any intention of creating a mandatory program. You know, in the -- in 2002, the American Academy of Pediatricians told us that of all the doctors who are taking Medicaid patients in this State, only thirty-seven percent are -- are accepting new Medicaid patients. That was in 2002. I'll guarantee you that number is lower today. So when you dump a hundred and seventy-five to a hundred and eighty thousand people out onto the market in the fee-for-service program, you can look for thirty-seven -- thirty percent of them to get picked up. This is a bad move. This is particularly a bad move for the people who represent individuals in Cook County. Don't shove them off the boat like this. We can do better. We've got time to fix this. Take this managed care provision out of here. It's not worth the seventy million dollars that John Filan tells you we're going to save to kick these people off their plans. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Could we have a little quiet please in the Chamber? This is a very important issue. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. Chairman and Mr. President. I -- I know time is limited, so I -- I -- I'm just trying to get for the record here some legislative intent. Is it -- is it the intention of the Department to use that seventy-million-dollar figure as -- as a way of -- of negotiating in good faith to try and get the cost of managed care down and to maybe combine and come up with the savings by lowering the rates, as well as stretching out payment so that the net effect is a seventy-million-dollar saving during a twelve-month period. Is that the intent of the Department?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.



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SENATOR TROTTER:

That is how I interpreted the language that was here. As you are probably aware, Senator, that just until a few hours ago there was no language. This language was put in there, because the -- the thing was there was negotiations ongoing. We're coming now to the end of the day and the clock is winding down. This language needs that opening there for negotiations to continue.

PRESIDING OFFICER: (SENATOR LINK)

Senator del Valle.

SENATOR DEL VALLE:

To -- to the bill: I agree with the intent of the Department to bring the cost of managed care down. I think that it is too high, but I don't agree with the Department if -- if what they intend to do is to eliminate managed care altogether. Now this bill, it's been stated, does not do that. And so I want to get it into the record that that is not what is supposed to happen. I'm not so sure, I'm not totally convinced, but I will take the word of the Department and of the Legislative Leadership here that that is what's going to happen. I have managed care working with the three hospitals in my area. It's a not-for-profit managed care system. You know, some people like it, some people don't. Some people don't like going to the fee-for-service Medicaid mill doctor in the storefront that you find on a street in my district. Fee-for-service could be just as bad as -- as a -- as a bad managed care operation. But the question is, what are we doing to reduce cost, to contain cost? What are we doing to give people options? And -- at -- not that long ago we saw managed care as the salvation. All of a sudden now we see managed care as -- as being awful and we're talking about wiping it out. So, I hope that the end result will be that we will still be able to have the option of managed care, while achieving our goal of bringing down the cost of dealing with the marketing problems that exist with managed care, because there are some serious marketing problems, and of making sure that people have options when it comes to obtaining quality health care services. And I think you -- as you indicated, that is the goal, that is the intent, so I expect that the...

PRESIDING OFFICER: (SENATOR LINK)

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Time's up, Senator del Valle. Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I'd like to speak in favor of this bill and I'd like to address my remarks to the specific Section that everybody's been talking about so far. And with all due respect to my colleagues on the other side of the aisle, I think what they're saying is in some cases lacks information and other cases it is -- is a distortion of the information when we talked about the Lewin Report. What did the Lewin Report tell us? The Lewin Report said that there was overspending in this program. That's what it clearly said and that we had to get savings from it. That the -- the voluntary HMO - some of them were -- were charging more than a fee-for-service doctor's. That's wrong, and I would think, being fiscal conservatives as you purport to be, that would be of concern to you. What is being proposed here today is fiscally sound. You want to look at the program, see where there is overpayment and make sure that it -- the amount of money being paid is fair. If we can save money, that means we serve more people on Medicaid, not less. That's where the money goes. The more money that is being ripped off from the system by fees that are too high takes health care away from poor people. What's being proposed here is to negotiate what are fair fees, slowly and carefully and making sure that nobody loses their health care. As everybody knows, in Cook County, managed care -- mandatory managed care is not allowed because of the intergovernmental transfer. It has to be a voluntary system. Voluntary HMOs are hard to do and the -- what the Lewin Report told us was, the voluntary managed care programs were spending too much money. This is a fiscally sound proposal to help us save money so that more people can be served in the way they need to be served. I would support the gentleman's motion and hope everybody else does.

PRESIDING OFFICER: (SENATOR LINK)

Leader Watson.

SENATOR WATSON:

Yes. Thank you. I guess in response to the previous speaker, recommended -- Recommendation No. 2 of the Lewin Report says: We do not see adequate value in continuing the existing voluntary capitation program in Cook County. We recommend that

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this program be phased out of existence in conjunction with an immediate creation of a -- similar sized mandatory capitation program in selected zip codes in Cook County. That's what the report says. That's not what this does. This does away with the managed care concept in Cook County. Now I want to ask a quick question, if I could, of Senator Trotter.

PRESIDING OFFICER: (SENATOR LINK)

He will yield.

SENATOR WATSON:

Senator Trotter, are you aware of Senate Bill 998, Amendment No. 2, that the House has put on that does not contain the managed care language that's coming back this way? Are you aware of that, sir?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter.

SENATOR TROTTER:

I have not seen that amendment, sir. No.

PRESIDING OFFICER: (SENATOR LINK)

Leader Watson.

SENATOR WATSON:

I understand that it's coming this way. So, those of you that have some real concerns about this, why vote on this bill when you've got another one coming that -- takes the managed care language out, and I think addresses the concerns that many of you have talked about? And I just want to quote right from the bill, right from the amendment: The Department shall renegotiate the contracts with health maintenance organizations and managed care community networks that took effect August 1st, 2003, so it -- so as to produce seventy million savings to the Department, net of resulting increases to fee-for-service program for the State fiscal year '06 - seventy million savings. That's thirty percent. Now the -- these people aren't operating the managed care systems that are out there that are creating the care - taking care of the people - are not making this type of money. They're -- in other words, what will happen, because it says it's mandatory. It's mandatory savings is seventy million dollars. I don't know how much clearer it can be. What's going to happen is there's not going to be managed care in the City of Chicago. A hundred and sixty some thousand people, then, will be put on the

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street and asked to -- go into the fee-for-service program or some other means of care. I just don't think this is really what you want to do, Senator Trotter. I don't think this is you at all. This is what one lady said, Dr. -- excuse me, Dr. Art Jones, CEO of Lawndale Christian Health Care Center: Medicaid patients in managed care plans receive a superior, a superior level of -- of coordinated care, service and access to care than do the majority of Medicaid recipients who are left on their own to navigate the complex and often unfriendly fee-for-service system, Dr. Jones said. Managed care patients have a medical home. Many others are essentially left homeless. I think that's very clear, Mr. President and -- and Senator Trotter, that this is -- this is not the direction we need to go. This is not the -- the recommendations of the Lewin Report, and I would urge us to all vote No. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

President Jones.

SENATOR E. JONES:

Thank you, Mr. President. To my good friends on the other side of the aisle, and -- and -- and the times that I've had to read the Bible it said: Beware of wolves in sheep clothing. Now all of a sudden these wolves who oppose expansion of KidCare, who oppose FamilyCare, who fight against all the things that you proclaim that you are speaking for today, that all of a sudden you're so interested in the poor people in the City of Chicago -- all these wolves in sheep clothing. And on top of it, the Minority Leader just got through speaking -- this whole thing came about as a result of the budget negotiations last Session. It says a lot of waste in the -- a lot -- lot waste in the -- in the Medicaid program. We need to save dollars. No one's being kicked off the program. The language in the bill says that so we can negotiate and find ways to save money. Someone used the figure -- you're automatically kicking folks off. No, that's not the case. We want to manage and save money. Now all of sudden we are doing what you're talking about, along come the wolves in sheep clothing. Oh, you kicking all the folks off. Trying to influence certain Members on this side of the aisle. It just doesn't work. You must be consistent and stop playing games with this issue. You -- you're the ones who say we must do this. We

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did it. And in Chicago and Cook County with the IGT you cannot have mandatory, so you must force those individuals who are feeding off the poor that you had to take less and save some money. No one is being kicked off. It's a phase-in. P-H-A-S-E I-N. That's what it's all about. I don't think any Member on this side of the aisle, the sponsor of this bill, would stand for that. I do not stand for that. So let's tell the truth in these waning hours of Session. But I recognize the wolves in sheep clothing. I recognize them. I've heard their voices time and time again. I'm not going to be fooled, nor will I be used with the scare tactics. This bill is designed to do what you thought was best, but now you don't want to own up to it. All we are doing is saying we can save money in this line. So you get together, you negotiate the contract.

PRESIDING OFFICER: (SENATOR LINK)

President Jones, could we wrap it up please?

SENATOR E. JONES:

Yes. As I wrap up, I -- I caution the Members on this side of the aisle or all those who are all of sudden show so much concern is beware of those wolves in sheep clothing, 'cause I see quite a few of 'em over there.

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you much, Mr. President and the Members of the Senate. Nine months ago - I believe it was nine months ago, last August when we got out of here - we talked about that we had -- to save money. We had to find some way that we can do better for the citizens of this State. We looked at many options and one of 'em, of course, we said that our health care system was broken and we asked that we put together a committee to look into this issue and we've spent good State dollars to do that. They came back with a report and told us that, yes, our system was broken, that there was waste in the system, that we should do better and we can do better if we did it with a mandatory -- Medicaid program, managed care program. And this language here, I believe, is -- is a result of us going in that direction. It says that we shall renegotiate with those contracts with the health maintenance organizations. It doesn't say we are

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eliminating them -- here. Say we're going to renegotiate with them until we can come up with a real good transition report or at least a position. That report is like most things that we do here in the Legislature. Looks good on paper, but until we try to enact it, then we find out what the real inherent problems are. This, again, does not preclude that those managed care organizations can still not be part of this system, just not working as they had before. And before we forget, this is one of eight provisions of this bill. There're -- seven other issues that must be addressed for us to implement our budget so we can take care of the women and children, so we can take care of those home care workers, so we can ensure that the aging - when we put dollars into their contract lines - that the money doesn't go to the administrator, it comes back to them. There's -- some good legislation here in this bill and we need to pass it today. Just -- just one answer to -- about the amendment coming over, there's one amendment, maybe, coming over. It may be four of five or 'em, but in its absence, what we have today is House Bill 1197, and I seek its passage.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Bill 1197 pass. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 27 Nays, 1 voting Present. House Bill 1197, having received the required constitutional majority, is declared passed. Leader Watson.

SENATOR WATSON:

Yes. I ask for a verification, please.

PRESIDING OFFICER: (SENATOR LINK)

Always in order. Madam Secretary. Senator Watson has requested a verification. Will all Members be in their seat? The Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Forby, Garrett, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Raoul, Ronen, Schoenberg, Silverstein, John Sullivan, Trotter, Viverito,

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Wilhelmi and Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR WATSON:

Martinez only, because we can't see. She's got her chair -- thank you. Thank you. We can't hear Rickey Hendon, so is he here? Is Rickey here?

PRESIDING OFFICER: (SENATOR LINK)

He's sitting in his chair.

SENATOR WATSON:

Thank you. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

On the verified call, there are 30 Ayes, 27 Nays and 1 voting Present. House Bill 1197, having received the required constitutional majority, is declared passed. We will turn to the Supplemental Calendar No. 2 on Secretary's Desk for Concurrence. Senate Bill 475. Senator Clayborne, do you wish 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 475.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne, to explain your motion.

SENATOR CLAYBORNE:

Thank you. It's a motion to concur on Senate Bill 475 that deals with medical malpractice reform. This has been a hotbed issue in my area and throughout the State for the last two years. This is really a -- a compromise, which we believe is meaningful, to address some of the current problems. All sides have indicated various reasons why -- what needs to be done. So we've taken a very comprehensive approach. We've looked at and we have insurance regulations where the Secretary of Insurance can call a hearing at any time. The Secretary of Insurance is required to call a hearing at the request of one percent of the insureds within a specialty or twenty-five of the company's insureds, whichever is greater. The Secretary is also required to convene a hearing where there's an increase in excess of six percent.

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There are also -- we've also imposed fines up to one thousand dollars a day for companies that maintain excessive rates. In fact, once their rate is filed, then the company can use the rate, unless there's a hearing and the -- and the Department of Insurance determines that there is a need to reduce that rate. The company also, writing medical liability insurance in the State of Illinois, must give one hundred and eighty days notice before that company discontinues writing medical liability insurance in Illinois. It also creates a Professional Liability Insurance Resource Center, which is listed on the Illinois Department of -- of Insurance website, and shows contact information for medical liability insurers -- insurance providers and their base rates. It also requires submission of data to the Secretary by all medical liability insurers, stop loss insurer, captive insurer, risk retention group, county risk retention trust, religious and charitable trust -- pooling trust, surplus line of insurance, and it -- it also imposes penalties on companies that fail to report this claims data. There's also enhanced medical discipline. We changed the Board of the Medical Disciplinary -- the Medical Disciplinary Board by adding two additional members going from nine to eleven members. It requires that all members must be voting members. There are goals that members practice in neurology, obstetrics/gynecology, cardiology. There also must be a licensed physician who practices in the area of osteopathy. There's also -- must be a - a chiropractic doctor, as well. We increased the public members to four members and they cannot be engaged in any way as providers of health care. We also increase the investigators in the Department of Professional Regulation. We increased from one full-time -- currently the law is one full-time investigator per five thousand - we reduced that number to one full-time investigator for every twenty-five hundred physicians. We also increased the statute of limitations bringing an action as a result of a mandatory report from one to two years. We also increased the imposed disciplinary cases - that fine up to ten thousand dollars. There's also litigation reform. There are limits on noneconomic damages for healing art malpractice cases. For physicians it's five hundred {sic} dollars per -- per physicians and for hospitals it's a million dollars. We -- we've



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also imputed an average weekly wage for those individuals who don't have income -- who don't have wages. We've strengthened the certificate of merit, requiring disclosure of the consulting physician's name, address, license number and State licensure. Requires a consulting physician, who determines that a reasonable and meritorious cause for filing, be an expert in the area of medicine that is subject to the lawsuit by meeting the revised expert witness standards. We also provide annuities for up to eighty percent of the present cash value of future medical costs and require a twenty percent -- twenty percent must be paid automatically to the defendant. We allow physicians to save their salary. We also increase the qualifications of expert witnesses in order to -- to limit frivolous lawsuits. And we also preserve the free medical clinic care. Good faith immunity is extended to physicians, including retired physicians who provide free home visit or free care and free clinics. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Wojcik, for what purpose do you rise?

SENATOR WOJCIK:

I move the previous question.

PRESIDING OFFICER: (SENATOR LINK)

It -- it's a little late, but I think there's approximately seventeen speakers asking for recognition. The timer will be on and the timer will be enforced to the hilt. Senator, it -- it has been, and I think President Jones even saw that. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR LINK)

It's a concurrence. It's a concurrence not adopting of an amendment. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Clayborne, I have some questions for purposes of legislation intent. First, are the increasing costs of medical liability coverage in Illinois causing health care providers to eliminate or reduce the provision of medial care throughout the State?

PRESIDING OFFICER: (SENATOR LINK)

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Senator Clayborne.

SENATOR CLAYBORNE:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Is Illinois experiencing an access to health care crisis as a result of the high cost of -- medical liability coverage of providers?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Does the medical liability crisis Illinois is facing today endanger the public health, safety and welfare of the citizens of Illinois?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Would the public health of the people of Illinois benefit from making the services of hospitals and physicians more available?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Are the high frequency and severity of medical liability claims the primary reasons for the high cost of medical liability coverage for providers?

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PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Are the increasing awards for noneconomic damages driving the high cost of medical liability claims?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Are economic and noneconomic damages the same thing?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

No. Economic and noneconomic losses are separate and distinct forms of loss.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

How are economic damages determined in court today?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

There -- they -- there are objective market-based standards to determine economic -- damages for tangible expenses like medical care and lost wages.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

How are noneconomic damages determined in court today?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

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There are no object -- there are no objective standards for determining noneconomic damages for losses such as pain and suffering. The losses defy having a dollar value placed on them. So there is no right or wrong amount of compensation for such losses.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Why are caps on noneconomic damages fair and reasonable?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Such caps are fair, because they strike a reasonable balance between allowing litigants to recover substantial amounts for their noneconomic losses while protecting the public's -- access to health care as it provides predictability in future claims. As you know, there's no objectivity -- objectively correct amount of any particularly noneconomic loss. So there is nothing wrong...

PRESIDING OFFICER: (SENATOR LINK)

Senator... Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. To continue the need to establish legislative intent, will the sponsor yield?

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR ALTHOFF:

Do the proposed caps discriminate against those individuals who have little or no economic loss because they don't have an income?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

No. The caps in this bill provides those plaintiffs who have little to no income an award based on a presumed amount that is a equal to the average weekly wage as determined under our -- workers' compensations laws. This is an improvement over our current law where people have no lost wages, they get nothing.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff.

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SENATOR ALTHOFF:

But shouldn't plaintiffs without economic loss collect as much as plaintiffs that have economic loss?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

No. Noneconomic damages are not supposed to replace economic damages when a case presents no economic loss. The amount awarded in one area is not supposed to affect the amount awarded in the other area. Every malpractice case is unique in its outcome because every case has its own set of circumstances. Recovery differences, based upon different circumstances of the plaintiff, are an inherent part of the system whether you have caps or not. Those differences do not make the current or -- or reformed system unfair or unreasonable.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff.

SENATOR ALTHOFF:

Are the limitations on noneconomic damages in this bill constitutional?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. The Illinois Supreme Court's decision on caps either do not apply to this bill or support our conclusion. In the mid-1980s, during a medical liability crisis, the Illinois General Assembly eliminated punitive damages in medical liability cases. An entire category of damages available in other tort cases was eliminated. The Illinois Supreme Court upheld that law in the 1987 Bernier decision. The court previously upheld legislation limiting recovery of medical liability cases, because the legislator found that there was -- Legislature found that there was a medical liability crisis affecting access to the health care by the public. The Legislature tailored a solution directly only at -- directed only at medical liability cases. That's the current -- that's what the current bill does. It is directed -- directly tailored to address the public -- public health problems caused by a medical liability crisis, which has been well-established in numerous hearings of Illinois House and Senate

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this season.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff.

SENATOR ALTHOFF:

I'm -- I'm going to combine my last two questions kind of quickly. Can you explain to me why the caps on noneconomic damages for hospitals are substantially higher than the cap for physicians, and then, why do you feel those dollar amounts are -- are reasonable?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

The difference between the cap for hospitals and cap for physician reflects the twin goals of the legislation; to make health care more accessible to citizens of Illinois, while providing fairness and payments to individuals who have been injured by medical malpractice.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Senator Winkel.

SENATOR WINKEL:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR WINKEL:

Yes. Could you finish your last answer, please?

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Senator Clayborne.

SENATOR CLAYBORNE:

Expect to -- accessibility, setting the cap lower for physicians results in the fact physicians can more easily than hospitals leave the State, avoiding performing higher risk procedures or retire. If the same cap that is proposed for hospitals were imposed on physicians, there would be -- there would remain a good chance the physicians would leave the State, limit their practice to low-risk procedures or retire prematurely. With respect to fairness, hospitals and institutions have a greater capacity to bear and spread economic risks than physicians do, thus it is fair and reasonable that the cap on hospitals be higher than caps on physicians. The majority

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of the states in this country have caps on noneconomic damages in medical liability cases that range from a low of two hundred and fifty thousand to a -- one million dollars. The limit in this bill falls squarely within this range. Other states have reasonably concluded that such amounts are fair and reasonable compensation for plaintiffs, while protecting the public's access to health care. Illinois should follow suit.

PRESIDING OFFICER: (SENATOR LINK)

Senator Winkel.

SENATOR WINKEL:

How do caps in this bill work? What happens if three physicians are found liable for medical negligence in a single case?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

The caps in this bill set a maximum liability for each defendant in a case, but the amounts awarded are cumulative. For example, the plaintiffs could recover up to 1.5 million in noneconomic damages or five hundred thousand per -- per physician. No physician -- would be liable for more than a half a million, but the plaintiff could recover up to the amount for each physician liable.

PRESIDING OFFICER: (SENATOR LINK)

Senator Winkel.

SENATOR WINKEL:

Is that the way it works for hospitals?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

If two hospitals are found liable for negligence in a single case, the plaintiff will recover up to one million per hospital or a total of two million dollars.

PRESIDING OFFICER: (SENATOR LINK)

Senator Winkel.

SENATOR WINKEL:

Does a cap vary according to the number of plaintiffs in the case?

PRESIDING OFFICER: (SENATOR LINK)

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Senator Clayborne.

SENATOR CLAYBORNE:

No. The number of plaintiffs in a case does not increase the cap. Only the number of -- liable hospitals and physicians can increase the total recovery for -- total recovery for noneconomic damages.

PRESIDING OFFICER: (SENATOR LINK)

Senator Winkel.

SENATOR WINKEL:

Does the cap vary according to the number of claims or theories of liability in the case?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

No. The number of claims or theories raised in a single case has no bearing on the amount recovery of noneconomic damages.

PRESIDING OFFICER: (SENATOR LINK)

Senator Winkel.

SENATOR WINKEL:

What cap amount applies if an award is entered against a hospital and it is employed -- and its employed physician and its employed nurse?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

With this bill, the cap for a hospital and all of its personnel may not exceed one million. So, under your example, the plaintiffs could only recover a total of a million dollars for noneconomic damages.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Senator Bomke. Senator Bomke.

SENATOR BOMKE:

Thank you. Question to the sponsor for legislative intent.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR BOMKE:

Number twenty-one, if you're following along. Now you've done pretty well, but I bet this one stumps you. Are there any



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studies that demonstrate the effectiveness of caps on noneconomic losses?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Could -- the Congressional Budget Office issued a study in March of 2003, when Congress was considering legislation that included a two-hundred-fifty-thousand-dollar cap on noneconomic losses. The study stated that in states that currently do not have controls on cap -- controls on malpractice torts the legislation would significantly lower premiums for medical malpractice insurance from what they would otherwise be under current law. The U.S. Department of Health and Human Services' July of 2002 study, state the following: States with limits of two hundred fifty or three hundred and fifty thousand on noneconomic damages have an average combined highest premium increase of twelve to fifteen percent, compared to forty-four percent of states without caps on noneconomic damages.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bomke.

SENATOR BOMKE:

Texas recently enacted a two-hundred-and-fifty-thousand cap on -- noneconomic losses for doctors and a two-hundred-and-fifty-thousand cap on noneconomic damages for hospitals. They also enacted a constitutional amendment guaranteeing the constitutionality of their caps. What has been the experience in Texas since they took action?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

The experience in Texas has been dramatic. Five new insurance companies have entered the medical malpractice market and companies have been reducing their premiums by as much as thirty percent for some specialties because of the caps.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bomke.

SENATOR BOMKE:

Many -- many hospitals and large physician groups in Illinois do not purchase liability insurance, but are, in fact,

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self-insured. Have they experienced the same increased cost as those physicians and hospitals who purchase an insurance policy?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. Liability costs have increased for our hospitals and doctors whether they purchase any insurance policy or are self-insured. That is why insurance regulation alone would not solve this crisis. Those who are self-insured have experienced the increase of cost of excessive litigation and extreme jury verdicts.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bomke.

SENATOR BOMKE:

Our physicians in hospitals complain about excessive litigation, how often are claims filed against physicians successfully?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Data submitted during our hearings show that eighty percent of the claims filed against our physicians result in no payment to the plaintiff, yet these unsuccessful claims cost tens of millions of dollars each year to defend.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bomke.

SENATOR BOMKE:

How much have jury awards in medical malpractice litigation increased in the last few years?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Since 1998, the average juries have awarded -- jury awards in Cook County for medical malpractice cases has increased over three hundred percent.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

I'm not going to ask any questions, because I want to

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disrupt this rehearsed testimony and I have had many of my questions answered already; such as, the sponsor already admitting that there haven't been any studies to demonstrate that caps will do anything to increase the access to health care in underserved communities. There hasn't been any evidence that there are more doctors going to states with caps as opposed to states without caps. It's already been acknowledged by the sponsor that the average -- weekly wage provision was put in to make up for the inherent discrimination against stay-at-home mothers, children, the elderly and minorities. You know, Ladies and Gentlemen, I'm a little bit conflicted, because I have two major health care providers in my district. I'm the son of a physician. But I'm the son of physician that spent years serving the underprivileged communities. The underprivileged communities on whose back this so-called crisis is going to try to be solved. This arbitrary average weekly wage proposes to balance to -- to make up for the discrimination. Nobody in this room knows how they figure out this average weekly wage and how it is anyway connected to this -- to this so-called crisis - nobody in this room, including the -- sponsor. So why are we turning to that? Why are we turning to the five-hundred-thousand-dollar and the million-dollar levels? Nobody in this room knows why. It's just negotiations. There's no empirical data, 'cause the State's largest insurer doesn't want to let go of any data that would allow us to do a comprehensive study to see whether these -- this five-hundred-thousand-dollar level, this million-dollar -- level will do anything to reduce premiums. There's been no guarantee. California had caps for thirteen years without any reduction of premiums, yet we want to balance this thing on the back of the poor, on the back of the stay-at-home moms, on the back of the elderly and on the back of minorities. What we're -- at -- speaking as a minority, we're tired of being cast aside. Four days ago this legislation was about premium subsidization for -- for coalminers. So, four days ago we didn't know what was going to be in this legislation. This legislation was put on the -- fast track to try to shove this down our -- throats. The Best decision talks about that, how the fast track can be evaluated to -- to evaluate legislative intent. And I know this nice rehearsed question and answer session, nice rehearsed bipartisan

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question and answer session was done to try to increase the...

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, it's... Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Senate. With all due respect to my wonderful colleague, Senator Clayborne, I stand very strongly opposed to this bill. I believe that caps is not the answer. Caps discriminates against the unemployed, including women, men, elderly and the poor and -- and against minorities like Senator Kwame just stated. I think - and I've been saying this since I've been here for the past two years - what we really need is some serious insurance reform. I think that once we start really hitting it where it really counts in the insurance reform, we're going to see a whole lot more doctors staying here and we're going to see a whole lot more people really believing that we're doing the right thing. The legislation that -- that this puts forward has -- the reforms are needed to encourage competition in the insurance market and keep malpractice premiums lower. This -- this legislation does -- does not give the Division of Insurance authority to conduct public hearings for rate increases and fails to require public disclosure of insurers' actuals and claim loss data. ISMIE is asking this legislation to take away the substantive rights of Illinois citizens via a cap, yet insists that it still should not be required to justify the need for rate increases in the public. There is nothing in this bill to protect these people, only provisions to take away their rights. Some of these provisions in this bill are -- I think we can live with, but definitely no injury, no loss of a -- a person's ability to function due to an accident or a error of a physician should deserve a cap. I don't think no injury is worth five hundred thousand or a million dollars and I would like to ask the Members of this Body to please vote No on this.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford.

SENATOR LIGHTFORD:

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

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

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SENATOR LIGHTFORD:

Well, Senator Clayborne, you know, this is the first time that I've had the opportunity to stand and question you and I hope you don't have the rehearsed script. You mumbled it. It made no sense. It was a terrible script and maybe you ought to sit on that side of the aisle. I recognize that -- this is -- this is serious business when you stand there as an African-American, just like myself. You represent a underserved community, East St. Louis, and I'm sure they don't know that you're down here capping their opportunity to recover in the event they had severe damages. And -- and it's -- it's more than seriously to note that caps do seriously hurt racial and ethnic minorities. It hurts stay-at-home moms, single moms, children, the elderly and your answers didn't make any sense. And, you know, I've searched high and low and I've yet to find a study that showed me where we have over -- we had all year to do a comprehensive study here in the State of Illinois to determine why we have medical malpractice premiums that are so high. Have you had the opportunity to do a comprehensive study here in Illinois?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

No. We've -- we've taken historical data on to what twenty-five other states have done to address this concern.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford.

SENATOR LIGHTFORD:

And how did that data relate to the State of Illinois?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

They have -- they -- they have the same -- they had the same problems that we've had in Illinois dealing with the fact that premiums were increasing and the fact that doctors were leaving. And in the same communities you represent, those high-risk and specialty physicians are not there. So, we've had to take an approach similar to what has been successful in other states and that's the approach that we've taken.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford.

SENATOR LIGHTFORD:

What study was that, Senator, that notated this information?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Again, there's -- it's -- it's general if -- if you listened to what I said. It's the Congressional Budget Office issued a study in March of 2003, with -- when they were considering legislation that dealt with caps on noneconomic damages.

PRESIDING OFFICER: (SENATOR LINK)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I was listening, but it was such a rehearsed script no one could understand what you were saying. It was such mumbo-jumbo, and in -- in lieu of time, I just want it to be noted very clear that this hurts our community, Senator. And I know you need to make a statement, you need to make a statement for downstate Senators here, but you guys need to really be realistic in this. First, you act like you care about Medicaid clients, then you don't; you act like you're for health care for all across the State, then you don't. Make up your mind.

PRESIDING OFFICER: (SENATOR LINK)

Time is up, Senator Lightford. Senator John Jones. Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Will the sponsor yield for purpose of...

PRESIDING OFFICER: (SENATOR LINK)

He indicates he will.

SENATOR J. JONES:

Senator Clayborne, our neighboring state of Iowa does not have caps. Why are their premiums so much lower than premiums in Illinois?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

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Yes. Yes. Liability costs have increased for our -- our hospitals and doctors when they purchase insurance.

PRESIDING OFFICER: (SENATOR LINK)

Senator John Jones.

SENATOR J. JONES:

Number twenty-six, Senator Clayborne.

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

This is a simple matter of -- of Iowa having less litigation and much more -- and much lower awards. In Iowa, physicians at sued at one-third the frequency of Illinois physicians. Secondly, Iowa juries award one-third the amount, on average, as Illinois -- as Illinois juries. Therefore, premiums in Iowa are typically one-third of what Illinois physicians must pay for their malpractice premiums.

PRESIDING OFFICER: (SENATOR LINK)

Senator John Jones.

SENATOR J. JONES:

Have claims against our physicians been on the increase?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. In 2000, our State's largest insurer reported that they received claims at the rate of twenty per one hundred insurers. By 2003, that rate had climbed to twenty-seven per one hundred insurers. Claims have been increasing at a rate of approximately twenty-five percent.

PRESIDING OFFICER: (SENATOR LINK)

Senator John Jones.

SENATOR J. JONES:

If we pass this bill, will it guarantee that physicians will stay in Illinois or come to Illinois and that their malpractice insurance premiums will be lower?

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne.

SENATOR CLAYBORNE:

I can only guarantee you one thing. If we do not pass this bill, black physicians, African-American physicians, white

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physicians in -- that serve Medicaid will not stay. They can't afford to stay. Therefore, it will be difficult, if not impossible, to -- attract new physicians, of all races, to our State and insurance premiums will continue to rapidly increase. In other words, if we do not pass this bill, our current crisis will deepen and access to care for all Illinoisans will further diminish and the public health will further be in danger.

PRESIDING OFFICER: (SENATOR LINK)

Senator John Jones.

SENATOR J. JONES:

Thank you. Thank you and we do care about health care in Illinois. We care about it for everybody. In fact, if you look at the Chicago Sun-Times today, lawyers are racing to file malpractice insurance. That's in the Sunday paper in the Chicago Sun-Times. That's your paper. We do care about health care in the State of Illinois, but we care about our citizens having quality health care access.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

I rise to speak against this bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. So-called noneconomic damages have a disproportionate effect on women who choose to stay at home and take care of their children, on the elderly who are no longer working, on children who have not had the opportunity to show how much income they will generate. You are saying that a stay-at-home mom of five, six or seven children are worth only forty thousand dollars, and therefore, worth less than corporate executives, school administrators, professional athletes as far as this bill is concerned. Ladies and Gentlemen, I would not -- I would not agree to allow myself to render paralyzed and thereby sacrifice my ability to interact and to raise my child for five hundred thousand dollars if it was a doctor's fault, one million dollars or if it was a hospital's fault. But that is what this bill is asking people to do. If I were a young child, I would not



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sacrifice my opportunity for an active childhood and the opportunity to grow up and making a living for five hundred thousand dollars or a million dollars. But this is what this bill is asking us to do. I would not allow myself to be a disfigured woman for five hundred thousand dollars or a million dollars. This bill is discriminatory towards women. It is discriminatory towards children. It is discriminatory towards the elderly and the disabled and we should not support any such thing. Senator -- Clayborne, will the poor and the minorities ever cease from being discriminated against? How long will it take to address the health disparities that exist? The answer is not medical malpractice, the answer is reforming the insurance industry. That's what this is all about. Who controls -- and who raises the rates for medical malpractice? It's the insurance companies. That's who we should be dealing with and that's who we should be talking about here today. Thank you...

PRESIDING OFFICER: (SENATOR LINK)

Senator Pankau.

SENATOR PANKAU:

Thank you, Mr. President. To the concurrence motion: Three months ago my husband's personal physician left the State of Illinois. He's no longer practicing in Elk Grove Village. He was an internist, he wasn't even one of the specialties that we're talking about. He wasn't a neurosurgeon or a -- a -- an obstetrician or any of the other specialties. Had he stayed in the State of Illinois this year, his malpractice insurance was going to be forty-five thousand dollars - hardly the huge numbers that we've heard of some of the others that have left the State. He's now practicing in a small hospital in Iowa. He's one of four physicians in Iowa and his malpractice insurance in Iowa is four thousand dollars, not forty-five thousand dollars. You do the math yourself. You understand why people, doctors are making their own decisions. They're either retiring early, they're -- they're coming here to be educated in our fine hospitals, but not staying or they're just saying, I can't do it here in Illinois anymore, I'm leaving. Please vote Yes on this bill. Let's keep our doctors in Illinois.

PRESIDING OFFICER: (SENATOR LINK)

Senator Meeks, for what purpose do you rise?

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SENATOR MEEKS:

Thank you so much, Mr. Chairman, to speak toward this bill. You know, I try not to say a whole lot on the Floor in the General Assembly. I try to practice the philosophy of Mr. Ed. Mr. Ed would never speak unless he had something to say. Also, as the pastor of a church, I'm usually used to speaking by starting out with a title and if I were to entitle this speech tonight, I would call it "Great Sponsor, Terrible Bill". Reporter came up to me the other day after we had a press conference and said, "Reverend Meeks, I don't understand you and the Black Caucus speaking out against this bill." And they said to me, "Isn't Senator Clayborne, the sponsor of this bill, an African-American?" And I responded by saying, "So is Clarence Thomas, but that doesn't -- that doesn't mean that we agree with all the votes that he takes." As a matter of fact, I don't know of any Clarence Thomas votes that I really agree with. There's no evidence that this bill lowers insurance premiums. There's no evidence that the doctors who left will come back. There's no evidence that this piece of legislation will pass court challenges. Ladies and Gentlemen, this is a sad night in the Illinois General Assembly. The reason this is a sad night is because when we take this vote, this vote is going to pass. We know that the Democrats are in the majority, but this vote is going to pass because our Downstate Caucus is going to be forced to take a vote to vote a downstate ideology, which means, Ladies and Gentlemen, that this is not a good public policy vote. This is a vote to keep the majority, or to stay in the majority, which simply means that we're forced to call a bad bill to stay in the majority. And so now people will walk around crippled and people will walk around maimed, because we're taking a political vote. I would urge the sponsor, since this vote -- this bill is all about downstate, why don't we add an amendment to exempt Cook County and just let it apply to downstate since that's what the vote is all about. I urge everybody to vote against this terrible legislation.

PRESIDING OFFICER: (SENATOR LINK)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. I -- I

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guess I -- I've been, you know, we talked about taking some bad votes. I've seen some bad ones, political ones, the last couple of days, Senator, worse than this one. I -- I guess I'm a really little surprised at what I'm hearing. If you were -- if you, as Legislators who are speaking against this bill, were downstate, I can't imagine that you wouldn't be doing something. Things are unraveling in southern Illinois with regard to the medical system and I have a suspicion that if things don't change, they're going to start unraveling where you live, too. When -- when you have to go to St. Louis just to have a baby or to -- anything that's serious you have to -- you have to cross the river. I know of a couple of people that got caught on the bridge, for instance, in an ambulance and -- and -- and really one is -- is paralyzed today because of a head injury that they didn't get. That's not right. You as -- you as Legislators, if you wouldn't be doing something to help your people, then you wouldn't be doing your job. And this is exactly what Senator Clayborne is trying to do. Things have come apart. We have had, in the Metro-East area, some very good hospitals that, you know what? They not only are questionable today as far as the -- the -- the ability to do serious operations, things have come apart there and you know what? Some of 'em are going to close. And I keep saying -- I listen to this and I can't believe -- who is -- why would -- you know, you talk about women, minorities and the poor, they will be the first people that won't be able to get a doctor if they aren't there. I can't believe that you would be -- you would be doing exactly what he's doing and exactly what we've worked so hard to make happen. And I know Democratic Leadership didn't want this to happen. You know, there's no doubt that, you know, the Trial Lawyers are so powerful and have so much money on that side of the aisle and -- you don't -- you didn't want this to happen. You didn't want this to happen and it's -- it's happening. So, please understand where we're coming from. You -- if you wouldn't be doing something, then you wouldn't be doing your job. So thank you for having the courage to get something done and do, I think, what's the right thing. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator del Valle.

SENATOR DEL VALLE:

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Well, thank you, Mr. President. I'm going to try to talk fast even though I usually talk slow. I'm not going to ask any questions, because I want to just get in as much as possible here. You know, what -- what the -- lots of things disturb me about this. Certainly, it's discriminatory. If -- if you only make thirty-five thousand dollars a year, twenty thousand dollars a year you're not going to be treated the same as a person who makes a hundred thousand or two hundred thousand dollars a year. The effect, even though the injury may be similar or the same, the treatment is unequal and that's clear. But, I'll let the lawyers deal with that. What disturbs me is the strategy that has been applied here. You know, this bill has an inseverability clause and we wanted to support -- I wanted to support the insurance reform measures in this bill. It disturbs me that in Illinois ISMIE has fifty-six percent of the Illinois market - sixty-seven percent of -- of direct premiums go to ISMIE. And ISMIE CEO, Alexander Learner's compensation increased by 6.7 percent to nine hundred and forty-seven thousand and it includes an eighty-thousand-dollar bonus. His compensation is more than double similar medical malpractice insurance company CEOs. According to 2002 filings, ISMIE compensated its board seven hundred and thirty-five thousand. Its top ten executives made eight million three hundred and seventy-three thousand dollars. I mean -- and it goes on and on and on. And yet, our insurance director said in committee that he met with two medical malpractice insurers who explicitly stated an interest in entering the Illinois marketplace and a colleague met and spoke with a third. Each of the three insurers stated that it would need the actuarial memoranda submitted by ISMIE and ISMIE Mutual in order to properly price a product. But they can't do that, because in Illinois, Illinois is one of only four or five states that do not disclose a med mal insurance -- actuarial memorandum. Most states either do not protect the memorandum or protect the memorandum until it is requested by a third party. In other words, the Med Society runs med mal insurance in Illinois. And I thought by having an opportunity to support insurance reforms, we'd be able to open things up to see if that would have an impact on medical malpractice. And then the regulatory reforms to protect -- the clients, to protect people, the people's right

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to know - all these things are important. But, no, because of the inseverability clause, because the Med Society says, if we can't get caps, there won't be any insurance reforms in Illinois. There won't be any regulatory -- reforms in Illinois. How selfish of the Med Society...

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Senator del Valle. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: You know, this used to be a theoretical issue. It used to be one where -- and we have some of those down here, you know, different groups that sort of pair off against one another and -- it -- it's one of those snake and mongoose kind of things; you're on one side or you're on the other and you pick your team, and so forth. This has moved from a theoretical issue. This is no longer doctors versus lawyers fighting against -- about who gets to drive the Mercedes. This is now about trying to reclaim an area of practice where the physicians have said, you win, we're out of here, we can't afford this anymore, you win, it's all yours. That's the problem. Senator Luechtefeld mentioned earlier that it was unraveling in his part of the State and I'll tell you what's happening in my part of the State, in the middle of DuPage County, the fraying is starting at the edges. I represent part of Will County. In part of Will County - no neurosurgeons in Will County today. I get quiet whispers from hospital administrators who tell me how thin the ranks are of neurosurgeons that they have to cover the emergency rooms in the hospitals that I represent. You know, let's set aside for a minute the conspiracy -- theory that has gotten a little bit of traction around the Illinois State Medical Society Insurance Program. Set that aside for a minute and join with me and the other Members of the Senate Judiciary Committee when we heard testimony in this Chamber from - witness at that podium where the Secretary stands - from members of the -- the self-insured hospitals in Illinois. And there was no secret meeting, there's no secret memo, there's no secret e-mail, there's no secret letter. They said, look we're self-insured, there's no giant insurance company that's dealing with us, we're self-insured and we're dying under this. A good friend of mine recently, he's a

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big shot at one of the hospitals, he recently secured a major gift, a twenty-million-dollar gift to a hospital. And he pulled me aside and he said, "Peter, we have to set aside an incredible amount of money into our tort liability fund." Look we've been asked over and over again how long are things going to turn when they turn about. Ask yourself the question, how soon does green -- green grass start to grow after a forest fire? It takes a little bit of time, but the first thing you have to do is to put out the forest fire and help this Senator do that.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. I rise in support of the motion. The facts support Senator Clayborne's efforts here. The GAO Study indicates that premium rates reported for the physician specialties of general surgery, internal medicine and OB-GYN over a period of 1996 to 2002, were lower in states with certain noneconomic damage caps. They had lower growth in premium rates and claim -- claims payments. That's a fact. Now we can argue about the theoretical, hypothetical plaintiff getting all that they might want and if it was my wife, I would want her to get all that was -- available in the Federal Reserve Bank and that's a reasonable position. That's not -- something that's alien to our ethic. I'm a lawyer; I admire a great deal what trial lawyers do. We historically have supported them, but the provision of medical services is not sustainable with unlimited damage verdicts in this present age. That's the fact. In my area the system is collapsing. Senator Roskam hit the nail on the head. After a certain point, they say you've won the rhetorical argument on behalf of victims, you've won the -- rhetorical argument on behalf of discriminated classes, but we're out of here, we're -- we're leaving and that's what's happening. It's not a threat, it's happening. And our hospitals, therefore, collapse. Our nurses are laid off. The elderly, the women who are expecting -- children cannot find a physician. They pack the -- emergency rooms. That's what's happening in my area and Senator Clayborne's and it's bleeding all over the State. Louis Brandeis, the famous Justice of the United States Supreme Court said, "The hallmark of the law is reasonableness. It's balance."

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That's why we're here. We cannot accommodate this system any longer as it applies to medical malpractice. I would like to, but we cannot; therefore, it's not doctors versus lawyers, it's patients, it's citizens. That's what it is, and I strongly urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I had the ill-fated, I guess, distinction of sponsoring the 1995 Comprehensive Act that was struck down, and once served on a Malpractice Reform Commission of Governor Thompson back in the 1980s. The opponents of this have argued that caps are unconstitutional, because the Illinois Supreme Court has ruled similar laws unconstitutional twice. Well, I rise in support of this and believe this is constitutional under this bill. The Supreme Court found caps unconstitutional in 1976, but that cap was a half of million dollars on all economic and noneconomic damages in medical malpractice cases. And the court found that the General Assembly could not limit all damages, even though Indiana does it right across the border. But the court did not tell us that the General Assembly may never impose limits on damages, but instead required the limits to be rationally related to our State's interest. The Illinois Supreme Court next ruled unconstitutional my bill from 1995, but that cap was limited only to noneconomic damages, but it applied to all tort cases, not just medical malpractice like here tonight. The court struck down that cap for two reasons: It was special legislation and they thought it violated our separation of powers, but the Court, in essence, did not find a logical or adequate connection between limiting noneconomic damages in all cases and health care. But now tonight's cap is a little different than those. This cap is different. It's very different from those previous two cases and unlike the caps in those cases, this just applies to medical malpractice, and I believe it will be found constitutional. Some critics also say that this General Assembly cannot constitutionally limit damages in medical malpractice. But to the contrary, in a case called Bernier, the Supreme Court upheld not just the limitation, but the total limitation of punitive

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damages for medical malpractice cases and it did the same for former Senate President Phil Rock when it came to legal malpractice cases. So, for these reasons, I believe we can do what we are doing here this evening. Some say we -- they want to know whether noneconomic damages in this bill are fair. The majority of cases in this country have some type of noneconomic damage caps. Most of 'em raise from -- go from a quarter of a million to a million bucks. We're right in the middle of those kind of states and, in fact, a lot of states limit both economic and noneconomic damages. Colorado has a million-dollar cap on all damages, Indiana 1.2 million. Why are the caps different for physicians and hospitals? For physicians it's easy for 'em to pick up and walk right across the border and hospitals can't do that and; moreover, hospitals have a better way to spread their economic risk. And to close, Mr. President, I want to point out that units of local government have taken the extraordinary end of adopting their own ordinances throughout Illinois limiting noneconomic damages. And I believe this is a good and constitutional noneconomic damage bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Before I deliver my prepared remarks, I'd like to just make one thing very clear. I have great respect for our sponsor, Senator Clayborne, and I respect and appreciate what he's done with this legislation. As an attorney, I fully appreciate and understand this very complex and controversial and emotional issue of medical malpractice reform. All parties to this debate agree that we in Illinois are facing a crisis which involves skyrocketing medical malpractice insurance premiums. Doctors are experiencing huge spikes in the premiums which they claim are driving them out of Illinois. It goes without saying that, if this is true, patients are at risk of losing access to quality health care. And it also goes without saying that we need to find a way to reduce these premiums to keep our doctors here in Illinois. In analyzing the complex issues of this debate, some have asked the following questions: Why are doctors' premiums increasing so drastically? Are these onerous premium increases



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directly caused by jury awards? Will capping noneconomic damages reduce these increased insurance premiums? Some are also concerned that legislation of a similar nature was held unconstitutional in 1997. They are concerned with the lack of proof, regarding whether the capping of noneconomic damages will materially decrease insurance premiums. They have argued that there is no nexus between jury awards and the increase in medical malpractice insurance premiums and that there's no guarantee that malpractice rates will significantly change. These people are -- are concerned with how caps will affect the poor in our State, whose damage awards could be limited. And I want to say all of these are concerns -- all of these concerns are legitimate and worthy of consideration and so is the dilemma of not having access to life-saving health care for our men, women and children. Each Member of this august Body must decide for him or herself the answer to these challenging questions. The bottom line is that whatever we do in the Illinois Senate must be aimed at reducing the escalating medical malpractice insurance premiums of our doctors. And when this bill becomes law, we must monitor insurance premiums and make sure that our efforts have had the intended effect - lowering premiums and keeping doctors in the State of Illinois. If, in fact, we do not see relief in medical malpractice insurance premiums, then it will be our obligation to return to this Body with additional or replacement provisions.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. To the -- to the gentleman's motion. It's now after midnight and I have enjoyed all of the rehearsed remarks. My compliments to the Illinois State Medical Insurance Exchange on writing a fine script. The rhetoric was carefully devised for a Supreme Court audience, but to my view it was long on conclusions and very short on evidence. And since I didn't get a script, let's -- let's turn to some of the facts that we heard in committee. Let me start by -- by framing the problem that's been posed to us. Illinois citizens are being deprived of access to health care because doctors are leaving the practice of medicine or the State. Doctors are leaving the State or the practice because medical malpractice insurance providers

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are raising their premiums astronomically, in some cases fifty or a hundred percent or more. Medical malpractice insurance providers are raising their rates, because they claim that runaway jury awards for noneconomic damages have put them at such grave risk. Now the solution that's being offered in this legislation simply unwinds the problem. If the General Assembly were to impose caps on noneconomic damages, then medical malpractice insurance providers will reduce their premiums significantly, at least enough so that doctors will return to the State or return to the practice and the Illinois citizens will be returned to access to health care. Now this solution includes one critical assumption that I do not believe the facts support. In committee today, representatives from ISMIE stated very clearly that they will not guarantee that premiums will fall if we enact -- enact caps on noneconomic damages. The representatives from ISMIE wouldn't even guarantee that the premiums won't increase. They could not guarantee that these would be held flat. If we can't do this, if we can't say this bill is going to change the status quo, and that seems to be the best we can hope for, why are we doing this? If, at the status quo, doctors are fleeing Illinois or leaving the practice of medicine, and all we can do is ensure the status quo, we're going to ensure the continued exodus of doctors and more and more of our residents will be deprived of access to health care. But we're complicating that problem, 'cause we're saying, not only will they be limited to their access to health care, they will be denied the recourse for the pain, suffering, disfigurement or disability that results from medical malpractice. And I, for one, don't know why we would want to do that. I think it is inexcusable, unconscionable and immoral, and I ask you all to vote No.

PRESIDING OFFICER: (SENATOR LINK)

Leader Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. I want to certainly acknowledge Dave Luechtefeld and Kirk Dillard from our side, Jo Johnson, our staff who did a fabulous job of working on this over the last two years. I want to commend Senator Haine, Senator Clayborne for also standing tall for the people of our

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area. This is a -- this is an important issue to me personally and then to the people that we represent. And we've worked a long time on this and it's a long time coming. Now, I just think we declare victory here tonight as far as the people in our area, and they had a lot to do with why we're here tonight talking about this particular issue, and I'm talking about our constituents. And one of 'em in the gallery, Bill Kessler, up there - at St. Anthony's Hospital in Alton. They brought buses of people here, they could -- they were here every day wearing the green shirts very -- and sent a strong message and I appreciate Bill and the staff there at St. Anthony's. But -- make no mistake, this is -- this is no panacea, what we have here before us. We actually had a proposed bill that would have done a great deal more than -- than what this bill will do tonight, and it would have done a better job, I think, of addressing the whole medical malpractice crisis. But we are in the art of compromise and we understand that and what we have before us a significant step forward. I'm disappointed it took so long and I don't know how many physicians left this State over the last year. This should have been done last year, but unfortunately it wasn't and a lot of doctors left and a lot of access to care for the people we represent went with them. But it is a step forward in medical malpractice reform and the doctors and the hospitals and the constituents and the patients that we -- we represent, gives them some hope. Hope that they're -- that they can continue to practice in Illinois and it -- and -- and flourish in their practice in bringing quality care to the people we represent and keeping their doors open and keeping doctors and the miraculous services that they provide for the people we represent. And how many of you - and I brought this up the other day - how many of you have talked about -- to the people of your area and the students that are in the quality med schools? We have a -- we have wonderful medical schools here in Illinois and I know you've talked to young people who are going to those schools and what are they going to do with their future and -- and they're concerned about coming back to their hometown or their area or their region, because of -- they don't know whether that -- Illinois will be a quality place to do work and -- and practice medicine. This bill will send a message. Sends a

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message to those people that we want you in Illinois and you can provide that service to the people we represent. I never thought I'd see this day come actually, but a line in the Peoria Journal Star editorial this last week when -- this last weekend probably just says it all, "It turns out Democrats need doctors, too." Vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Of course, hospitals' and doctors' insurance premiums are too high. Of course they are and what -- this has happened in other states. What have other states done? They took money from the general funds, they put an assessment on hospital insurance and they put money in a fund to help pay down those premiums. We offered the same thing to our doctors and our hospitals. They said, no, we don't want it, we don't even want to negotiate with you about that. We've got a better way to fund this problem. We're going to go after the people who are the victims of medical malpractice. We're going to charge them. Not just all victims, not the ones who file frivolous lawsuits, we won't charge them, just the ones who win. The ones who actually win and get the award. And not even all of them, just the ones who have been the most severely injured. Those are the ones that are going to chip in and pay for this problem and that's what this bill does. Economic damages versus noneconomic damages - noneconomic damages, pain and suffering, what does that mean? Amputation, disfigurement, paralysis, spastic quadriplegics - for the rest for their life - that's what it's about. But we're not going to take away your economic compensation. The president of GE, if he's the victim of malpractice, that future loss in wages, we're going to compensate you for that entirely. We're going to compensate you for the loss of your ability to work in full. We're not going to compensate you for the loss of your ability to walk in full. That's the difference. It's unconstitutional, because it's unfair. Our constitution since 1870, said no special legislation. This is special legislation, because certain defendants don't have to pay fully to compensate certain plaintiffs. That's at the basic heart of it. It's

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unconstitutional, because of the separation of powers, because only the court can reduce awards, as they do all the time. It's called remittitur. The courts can do that, not the Legislature. The consequences of this legislation are, that certain lawsuits for poor victims will not even be filed. That's how the poor people get hurt and for those who are severely injured, this -- the way this thing works, there will not even be full compensation for their economic losses after they pay all the expenses of the lawsuit. The fact is, I happen to agree with -- with Senator Meeks, it's about politics. And I hope that the true reason for this bill - if it's to elect certain people in certain parts of the State, I hope they get elected, 'cause they're all friends of mine and they're all part of my party. So I'm hoping - and I know this is going to pass - I'm hoping the Supreme Court is listening and I ask them to do what they've done twice before and declare this unconstitutional.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

Point of -- parliamentary procedure.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR RAOUL:

I -- I would like to make an inquiry from the Chair -- pursuant to Rule 7-20, whether we need a three-fifth majority in that it's been mentioned in the -- but it's indicated in the findings that municipalities have -- enacted caps. Do we need a three-fifth majority?

PRESIDING OFFICER: (SENATOR LINK)

Senate Bill 475 calls for the exercise of power exclusively exercised by the State. Moreover, the bill does not impact upon municipalities its -- authority to -- promulgate otherwise valid ordinances. Pursuant to Article VII, Section 6(h) of the Illinois Constitution, it will therefore require thirty or more votes for Senate passage. Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank you, Mr. President. You know, I -- I've -- I've been called a Clarence Thomas, they've challenged my ethnicity. But you know what? I have three sons at home right now and if, God

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forbid, if they injured themselves and they had a close-head injury, now they're half a mile from one hospital, they're three miles from another hospital, but guess what? Their life depends on them making a trip twenty miles away to a whole nother state, across several bridges. That's what their life depends on. So I've been called a Clarence Thomas, but you know what? I -- I've read history, I was taught history. There were -- African-Americans who fought on the side of the South, because they were told that it was better for them, because they had somebody take care of them. You know, the trial lawyers, unfortunately, have misled a lot of my friends. Under current law, if you have no income, you don't get economic damages unless there's some future medical. In this bill we're giving mothers who stay at home, we're giving other people who are employed - males - we're giving them a forty-thousand-dollar a year income for the rest of their projected life. Now, the trial lawyers are not going to tell you that, because they want you to believe that in the South they're going to take care of you. You know, I practice -- I practice law. Today if there's a -- catastrophic injury and the hospital's not involved - see the trial lawyers didn't tell you all this - that if that physician - all he has is a million dollars - that's all you're going to get. That's economic. That's noneconomic. Again, in the South the people in the South told those -- those slaves that it was better for them to stay on the plantation and I'm going to take care of you. Well, I'm telling you all, get off the plantation, let them tell you the whole story. If one child who is injured today in my area is not able to get over to that hospital, I guess you say that's all right. That's the -- that's the -- that's the part of the war that we have to deal with. I say to my colleagues that this is not a downstate problem, because in your areas there were Black doctors that came up here and said that we're closing down, that we provide services to the African-Americans and we are not able to provide those services. But, again, the trial lawyers told you, I'll take care of you...

PRESIDING OFFICER: (SENATOR LINK)

Can you wrap up your remarks, Senator Clayborne?

SENATOR CLAYBORNE:

...it's better. It's -- it's better. If -- in this package

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there is legislation to deal with frivolous lawsuits, comprehensive insurance reform - limiting. We give the data that -- to bring other insurance companies in and most importantly we will stabilize the market and do what the other states have done to keep...

PRESIDING OFFICER: (SENATOR LINK)

This is final -- this is final action. The question is, shall the Senate concur with House Amendment 1 to Senate Bill 475. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 22 Nays, none voting Present. The Senate concurs with House Amendment 1 to Senate Bill 475. The bill, having received the required constitutional majority, is declared passed. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

For a purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your announcement.

SENATOR DeLEO:

The Senate Democrats will caucus at 9 a.m., Tuesday morning. Senate Democrats will have a caucus at 9 a.m., tomorrow morning, sir.

PRESIDING OFFICER: (SENATOR LINK)

In the next couple of hours, correct. There being no further business to come before the Senate, the Senate stands adjourned until the hour of noon on Tuesday, May 31st, 2005. The Senate -- Senate stands adjourned.