

STATE OF ILLINOIS  
94th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

83rd Legislative Day

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PRESIDING OFFICER: (SENATOR DeLEO)

The regular Session of the 94th General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Dr. Richard Ahlgrim of the Berean Baptist Church here in Springfield, Illinois. Doctor.

DR. RICHARD AHLGRIM:

(Prayer by Dr. Richard Ahlgrim)

PRESIDING OFFICER: (SENATOR DeLEO)

Please remain standing for the Pledge of Allegiance. Senator Maloney, to lead us.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal of March 1st, 2006, pending arrival of the printed transcripts.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Hunter moves to postpone the reading and approval of the Journal, pending the arrival of the printed transcripts. There being no objection, so ordered. Ladies and Gentlemen, for the purpose of an announcement. The Rules Committee will meet immediately. The Rules Committee will meet immediately in the President's Anteroom. I'd ask all members of the Rules Committee, please come to the Senate Floor to the President's Anteroom. Also for the purposes of announcement. We will be doing 3rd Reading, final passage, immediately after the Rules Committee. So we'd ask all Members within the sound of my voice, please come to the Floor immediately. We'll be going right -- immediately to 3rd Readings, final passage. Thank you. Senator Millner, for what purpose you seeking recognition? Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment No. 2 to Senate Bill 702, Floor Amendment 3 to Senate Bill 2180, Floor Amendment 3 to Senate Bill 2796, and Floor Amendment 2 to Senate Bill 2884.

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Senator Forby, Chairperson of the Committee on Labor, reports Senate Amendment No. 1 to Senate Bill 827, Senate Amendment No. 3 to Senate Bill 2339 recommended Do Adopt.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, reports Senate Amendment No. 3 to Senate Bill 2469 and Senate Amendment No. 1 to Senate Bill 2745 recommended Do Adopt.

Senator Maloney, Chairperson of the Committee on Higher Education, reports Senate Amendment No. 1 to Senate Bill 880, Senate Amendment No. 1 to Senate Bill 2225, and Senate Amendment No. 1 to Senate Bill 2376 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Messages from the House, please.

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 bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 874, 4363 and 5462.

All passed the House, March 1, 2006.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has 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 85.

Passed the House, March 1, 2006.

I have a like Message with respect to House Joint Resolution 95.

They're both substantive.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, House Bills 1st Reading, please.

SECRETARY HAWKER:

House Bill 686, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 4314, offered by Senator Sandoval.

(Secretary reads title of bill)

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House Bill 4397, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 407 {sic} (4079), offered by Senator Haine.

(Secretary reads title of bill)

House Bill 4363, offered by Senator Viverito.

(Secretary reads title of bill)

House Bill 4404, offered by Senator Lightford.

(Secretary reads title of bill)

House Bill 4451, offered by Senator Lightford.

(Secretary reads title of bill)

House Bill 4463, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 4546, offered by Senator DeLeo.

(Secretary reads title of bill)

House Bill 4649, offered by Senator Millner.

(Secretary reads title of bill)

House Bill 5256, offered by Senator Sandoval.

(Secretary reads title of bill)

House Bill 5269, offered by Senator Sandoval.

(Secretary reads title of bill)

House Bill 5301, offered by Senator Shadid.

(Secretary reads title of bill)

And House Bill 5382, offered by Senator Link.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, we'll be going to Senate Bills 3rd Reading, final passage. On page 4 of your Calendar is Senate Bill 2123. Senator Hendon in the Chair. Senator Hendon in the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Mr. President. Would all Members please come to the Senate Floor? This is 3rd Reading, final action. Senate -- Senator Burzynski, for what purpose do you seek recognition, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. Before we get started today, I just would like to make an announcement that Senator Winkel is out of town on personal business. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

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Thank you, Senator, and I appreciate you keeping the announcement brief. If everyone would follow Senator Burzynski's intellectual lead here, we would appreciate it. Senator Lauzen, for what purpose do you seek recognition, sir?

SENATOR LAUZEN:

Thank you very much, Mr. President. I'd like to make an announcement -- an introduction.

PRESIDING OFFICER: (SENATOR HENDON)

Please make it brief, sir.

SENATOR LAUZEN:

Okay. I'd like to welcome Samantha Erwin and Dakota Rolfe. Samantha is an eighth grader at Yorkville Middle School. Dakota Rolfe is at Freeman Elementary School, a third grader. And they're joined today in Springfield by their grandparents, Lyle and Edna Rolfe, of Aurora, who are sitting in the stands. So, if you would welcome 'em, I'd appreciate it.

PRESIDING OFFICER: (SENATOR HENDON)

Will our guests please rise and be welcomed to the Senate? Welcome. Senate Bill 2123. Senator Harmon. Senate Bill 2180. Senator Silverstein. Senate Bill -- Senator Silverstein. Senator Silverstein seeks leave of the Body to return Senate Bill 2180 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate -- Senate Bill 2180. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 3, offered by Senator Silverstein.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you -- thank you, Mr. President. This is a technical amendment that makes some changes to the bill that makes it identical to the House bill that has been in agreement. I'll be more than happy to talk about this later or on debate now or whatever.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Althoff.

SENATOR ALTHOFF:

I would just like the Body to know that this is the



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amendment that was agreed to by both the Beer Distributors, as well as the wine industry. So we're okay...

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein moves the adoption of Amendment No. 3 to Senate Bill 2180. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2180. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2180.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This is finally the agreement that we've worked out between the Associated Beer Distributors, the Illinois Grape Growers and the wine -- the Illinois Wine/Spirits Distributors. I want to thank Senator Link, Senator Althoff and everyone who came together. This -- the -- the bill deals with how we're going to deal with in-state and out-of-state shipping of wine. It gives the wineries the right to ship up to twelve cases per year per individual. So I would appreciate an Aye vote on this...

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2180 pass. Those in favor will vote Aye. 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 are 52 voting Aye, none voting Nay, none voting Present. Senate Bill 2180, having received the required constitutional majority, is declared passed. Senate Bill 2225. Senator Maloney. Mr. -- Senator Maloney seeks leave of the Body to return Senate Bill 2225 to the Order of 2nd Reading for the purposes of an amendment. Hearing

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no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2225. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Maloney.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney, to -- on your amendment.

SENATOR MALONEY:

Thank you, Mr. President. The amendment replaces and becomes the bill, so I'd be glad to discuss the amendment on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Maloney moves the adoption of Amendment No. 1 to Senate Bill 2225. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2225. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2225.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. What prompted me to advance this legislation was this past summer the Higher Education Committee had a hearing on graduation retention rates on -- among our universities in the State of Illinois and it became clear that there is a large drop off in the retention between the first and second year of the universities, of our students. And testimony revealed that one of the major problems was the lack of preparation on behalf of many students in that first year. What this bill does is that the -- says that the universities will have the right -- will be able to determine if a student is in

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need of remediation in certain subject areas, and then that remediation would be mandatory. This -- otherwise we set the students up for failure. This does not delay or deter their MAP eligibility and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill: I just rise in support of the bill. Commend Senator Maloney for trying to correct something that really is a problem on our public university campuses and hopefully our schools - our elementary and secondary schools - will do a better job in the future preparing our college students. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2225 pass. Those in favor will vote Aye. 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 are 52 voting Aye, none voting Nay, none voting Present. Senate Bill 2225, having received the required constitutional majority, is declared passed. Leader Watson, for what purpose do you seek recognition, sir?

SENATOR WATSON:

Yes. Thank you very much, Mr. President. We have a group of students with us. I'd like to take this opportunity on a point of personal privilege to -- to introduce this group if I could, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Certainly.

SENATOR WATSON:

Very good. Well, we have a -- a group of five students here with us - Senator John Jones and my district in Clinton County - Central High School in Breese, and we -- going to introduce them, and if they would, just stand as I introduce them: Alison Thole, she's actually a niece of a young lady that works in my office in -- in Greenville; Jamie Rosen; Brett Zueliene; Ian Conner; and Kayla Timmermann. And they're here today as Honorary Pages, a government class at Central High School in Breese, and I'd like for a welcome here to the Senate.

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PRESIDING OFFICER: (SENATOR HENDON)

Would our guests please rise together, in unison, in harmony? Welcome to the Illinois Senate. Welcome. Senate Bill 2262. Senate Bill 2263. Senator Bomke. 2263. Senate Bill 2267. Senator Ronen. 2267. Senator Ronen. Senate Bill 2277. Senator Cullerton. Senator Cullerton seeks leave of the Body to return Senate Bill 2277 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2272 {sic}. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 3, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill deals with the Horse Racing Fund and the returns of some of those monies back to the museums. The off-track betting parlor in Champaign/Urbana moved to -- Champaign moved to Urbana, so we need to change the law so that the money would be redirected to the City of Urbana. And we also, in the City of Chicago, authorize the not-for-profit organization, Museums in the Park, which is an association of museums, aquariums and zoos located on Chicago Park District property, to be the one to receive the authorization of the money. No opposition. Ask for its adoption.

PRESIDING OFFICER: (SENATOR HENDON)

For the record, this is Senate Bill 2277. Is there any discussion? Seeing none, Senator Cullerton moves the adoption of Amendment No. 3 to Senate Bill 2277. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2277. Mr. Secretary, read the bill.

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ACTING SECRETARY KAISER:

Senate Bill 2277.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The amendment that we just adopted becomes the bill. Once again, it -- money is appropriated to the -- that were -- being appropriated to Champaign Park District would now go to the Urbana Park District, and the Chicago Park District Museums in the Park would be the recipient of the money from the General Revenue Fund for -- from the Horse Racing Fund. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Just rising to support this bill. I know that this is an accommodation to Senator Winkel and the Urbana situation as well, and urge its passage.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, Senator Cullerton -- the question is, shall Senate Bill 2277 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, none voting Nay, none voting Present. Senate Bill 2277, having received the required constitutional majority, is declared passed. Senate Bill 2284. Senator Cullerton. Senator Cullerton seeks leave of the Body to return Senate Bill 2284 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2284. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 3, offered by Senator Roskam.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Roskam, to explain the amendment.  
Senator Roskam.

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SENATOR ROSKAM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I want to thank Senator Cullerton for his willingness to take a look at an amendment. Essentially, Amendment No. 3 narrows the definition of who can be the beneficiaries of these residual funds that are created through -- class-action lawsuits. The purpose is to create resources that would be available for those non-profit organizations that exist for three years or more, that are tax exempt, that have a particular purpose of helping people have access to the courts. My concern that Senator Cullerton was sensitive to was that it didn't make any sense to create money for people to come down and lobby us, and rather they should be helping people with access to the court system. We do -- we accomplish that by referencing the Illinois Equal Justice Act, and those institutions that would be eligible under that Act are now eligible under this as well. And I urge - I -- I move the adoption of Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, Senator Roskam moves the adoption of Amendment No. 3 to Senate Bill 2284. All those in favor will say Aye. Opposed will say 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2284. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2284.

(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. This bill deals with the situation where there's a -- a fund created for class actions. It could either be through a settlement or a judgment. And what happens is sometimes the monies that are in

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that fund do not get totally distributed, so that there's money leftover. And what the court is supposed to do is employ the cy pres doctrine. So Senator Haine always likes to be aware of and be conscious of any technical terms. Senator Haine, if I could ask you for your attention. This has to do with the cy pres doctrine. I know that you're particularly interested in that being an attorney. "Cy pres", of course, we all thought perhaps was a -- a Latin term. It turns out it's Norman-French and "cy pres comme possible" means "as near as possible". In other words, the court is trying to distribute the money that's residual money from the -- from the -- from the fund that was created by this -- by the lawsuit or the settlement or the judgment to as near as possible the original recipient, and that's what this bill is all about. And what it says is that up to fifty percent of the money would go to an eligible organization, and Senator Roskam just adopted an amendment which -- which indicates that that organization would be a not-for-profit that's existed for three years and it's been exempt under Section 501(c)(3) of the IRS Code and that would be eligible for funding under the Equal Justice Act. The Equal Justice Act is what we created back in 1999 to provide for funds for not-for-profit legal aid providers.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you.

SENATOR CULLERTON:

So with that, I think Senator Haine is -- is listening. I think it's a -- a good bill and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The Chair would -- the Chair would appreciate succinct explanations of -- of your legislation, as well as responses or questions. This is getaway day. Senator Haine.

SENATOR HAINE:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I just want to note for Senator Cullerton's knowledge that "Voir dire" is another Norman-French term and I would strongly recommend on this good bill a vote of Oui.

PRESIDING OFFICER: (SENATOR HENDON)

Oui. Oui. The question is, shall Senate Bill 2284 pass. Those in favor will vote Aye or Oui. Those opposed will vote

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Nay. The question -- 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, none voting Nay, none voting Present. Senate Bill 2284, having received the required constitutional majority, is declared passed. Senate Bill 2285. Senator Clayborne. Senator Clayborne seeks leave of the Body to return Senate Bill 2285 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2285. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. Thank you, Mr. President. Floor Amendment No. 1 -- under the State's Environmental Protection Act, either a county board or the governing board of a municipality must approve siting of a pollution control facility before the IEPA will grant a permit. Floor Amendment No. 1 is designed to address a situation where a municipality annexes a parcel of land, or voters approve creation of a new municipality, after an application is filed. Then that jurisdiction -- the local government has jurisdiction over the siting on the date of the application -- filing of the date of the application.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Clayborne moves the adoption of Amendment No. 1 to Senate Bill 2285. All those in favor will say Aye. Opposed will say 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2285. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2285.



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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Just kind of a word of caution. I think on balance what Senator Clayborne is trying to do here is -- is the right thing to do in terms of a fair idea, but just in the strange world of politics that we live in, this can be manipulated as, sort of, taking away a little bit of local control. Basically, if the locals wake up late and say, "Oh, man, we're -- we've got a problem on our hands and we're going try to annex this", then -- then this would prohibit them from doing so. So, no accusation of bad faith on Senator Clayborne's part. He is trying to come up with a fair rule system. Just a word of caution, we -- you just may want him to -- to bear the sole burden of leadership in the Majority on this one.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2285 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 voting Aye, 11 voting Nay, and none voting Present. Senate Bill 2285, having received the required constitutional majority, is declared passed. Senate Bill 2290. Senator Martinez. Senator Martinez seeks leave of the Body to return Senate Bill 2290 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2290. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez, to explain your amendment.

SENATOR MARTINEZ:

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Thank you, Mr. President. Senate Bill 2290 replaces the underlying bill, restoring the original language of Senate Bill 2290 and adding provisions for advocates in underserved populations to participate in the deliberation of Executive Committee established by the Act. 2290 adds a provision that would require the issuer of bonds utilizing bond volume cap from the Local Government and State Agency Pool to file an annual report with the Governor and the General Assembly.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion on the amendment? Seeing none, Senator Martinez moves the adoption of Amendment No. 2 to Senate Bill 2290. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2290. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2290.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. 2290 establishes the Comprehensive Housing Plan {sic} (Planning) Act. The sole intent of this Act is to ensure the State of Illinois is using the most effective means to uphold its obligation to provide safe, sanitary and affordable housing to the citizens of United States. 2290 will codify the Governor's 2003 executive order establishing a comprehensive housing policy. The -- the -- it creates goals to help underserved populations, such as the low-income families, seniors, and people with disability, identify all funding resources under State control dedicated to the purpose of housing construction, rehabilitation, preservation, operating or rental subsidies, and supportive housing. It also recommends State action to assist housing creation and suggests incentives for

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communities to create a mix of housing stock to meet the needs of current and future residents. This passed out of the House 114 to 0. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez, happy birthday. You lit up the board like it was your birthday cake. Senator Righter, for what purpose do you -- do you rise?

SENATOR RIGHTER:

I wonder if the sponsor will yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Martinez, there's language in the amendment that's been put on the bill that has to do with bonding. And, specifically, as I understand it, you're -- now going to require locals who want to do a low- or moderate-income housing project to now submit paperwork to the State. Can you tell me what information the State is seeking in those reports?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Senator Righter. The -- in accordance to the U.S. Internal Revenue Code, the State of Illinois annually receives approximately one billion and seventeen million in tax exempt bonds intended to create low-cost borrowing for states. These monies, the bond volume cap, are divided three ways between home rule units, non-home rule units -- local governments and the Executive Branch via State Agency Pool. Currently, there is no exact mechanism in place that will track the specific use of these bonds, and especially as it regards to the areas of interest in the Comprehensive Housing Plan. And -- and I think that the most important thing here is that there's transparency, that we're able to know where these bond issues are being used in our communities. The -- the reporting is very minimal. That would be up to Executive Committee. It's probably a very simple form that they would have to fill out, but I -- I guess the most important thing is making sure that they are utilizing these bonds and -- properly.

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Senator Righter.

SENATOR RIGHTER:

Senator Martinez, is there -- is there some concern that's been brought to you that some of the locals who are using this bonding authority to build their projects have somehow misused that money. I mean, usually we don't intercede into the affairs of a -- a local governmental entity unless we see that, okay, something's gone wrong here, now we need some oversight. Is there something like that that's brought this to your attention?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator Righter, this is, again, a matter of transparency. Right now, based on those bond caps that are being utilized, they have to report back to the federal government. So it's just a matter of them being -- these communities just need to know that they're being utilized - these dollars are being utilized in the -- in the proper fashion and that it is being utilized for what this comprehensive housing plan is.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Well, Senator Martinez, though, we're -- we're talking about the locals' money though, right? I mean, you're talking about an issue of transparency. Usually when we talk about issues of transparency and State government needing oversight, it's 'cause we're talking about State taxpayer dollars. You're not talking about that here though, you're talking about the locals' money. So why is it that the State has to oversee how the locals are going to spend their own money?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

To make sure that it's being used in some of the housing based on the comprehensive plan that all these advocates that's come together -- all the State agencies come together in creating this task force, making sure that -- that -- those dollars are being utilized the right way.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Briefly to the bill: I appreciate your indulgence. Senator Martinez, I -- I appreciate very much the intent of this bill. I'm not sure that I'm convinced that with all the other things that we're supposed to be doing here in Springfield, that -- that we should be taking reports from local governments about what they want to do with their money to try to help folks with low- and moderate-income housing. I would urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President and Members of the Senate. At the Housing Committee, the Republicans voted against this bill because we felt that it would put too many restrictions on our local governments when, in fact, they've been using these bond funds for the appropriate purpose anyway and to just tie this up with more State government didn't make sense to our side of the aisle. With all due respect to the sponsor, I -- I think we would -- we would say we don't want this aspect of the bonding program because it adds too much bureaucracy and perhaps oversight. And maybe down the road, we're going to be dictating what it is we want our local -- our local communities to do and I don't think any of us on either side of the aisle want to do that. So I -- I think there's some flaws in this -- in this whole concept, particularly as it relates to bonding, and I would urge our side to vote No. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Peterson.

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Peterson.

SENATOR PETERSON:

Thank you. Senator, for legislative intent, is it your understanding that this legislation is not intended to supersede or overturn any existing municipal building or zoning ordinances? Is that correct?

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Absolutely not.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Peterson.

SENATOR PETERSON:

It does or it doesn't?

PRESIDING OFFICER: (SENATOR HENDON)

Senator...

SENATOR PETERSON:

Yes or no.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

It will not -- it will not overturn.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff.

SENATOR ALTHOFF:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Althoff.

SENATOR ALTHOFF:

Also for specific purposes. Does this legislation apply to the City of Chicago and home rule communities?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

It applies to everyone.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff.

SENATOR ALTHOFF:

So this legislation would preempt home rule.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

...will not.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff.

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SENATOR ALTHOFF:

Then -- then clarify for me how it affects home rule communities if it doesn't preempt their authority. If they choose not to do these reports then? And -- and let me very -- be very clear, too, I was very supportive of this legislation until we tacked on this amendment. I'm extremely concerned with regard to those reporting requirements and exactly this: If the legislation does not preempt home rule, how are home rule communities and the City of Chicago part of this legislation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Senator Althoff, they already report according to -- to the Constitution. So they have to report how some of these dollars are being utilized - these bonds. Again, this is nothing -- this is just -- not adding more paperwork; they have to do this anyhow. It's a matter of making sure, based on this task force, that the housing -- all the housing that has been done over the -- the last couple years, in creating this task force, all the communities that's been visited, making sure that when these bonds are issued, we want to make sure that the housing is -- that those bonds are being utilized for what it is, to make sure that we have more housing created all over the State. It's about the crisis that we have here in the State of Illinois as falls -- as far as creating more housing, affordable housing, for the people of the State.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff.

SENATOR ALTHOFF:

I understand the intent and, as stated, I was the only Republican in committee that was very supportive of the original legislation that created the task force and codified that. My question remains the same. You're telling me that this legislation does not require home rule or the City of Chicago to file the reports that are now going to be developed by IHDA for non-home rule communities. So how do I know that home rule communities and the City of Chicago are going to report the exact same information or you're not going to require my non-home rule communities to report additional information or more substantive

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information? How -- how are we going to uniform this particular requirement?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Home rule communities already report that information. It's a freedom of information. It's a matter, again, of transparency, making sure -- making sure that these dollars, these bonds, and everything else associated with housing is being actually put in the right -- in the communities that mostly are underserved. And this is what this legislation is all about. It's just making sure that it is being utilized the right way.

PRESIDING OFFICER: (SENATOR HENDON)

Senator, if you -- if -- Senator Althoff, if you could. Senator Althoff.

SENATOR ALTHOFF:

To the bill: I -- I really have, again, grave concerns with regard to the reporting requirement for non-home rule communities. Right now, it's just for housing. I -- I'm afraid that the next step is going to be they're going to require the same information with regard to water bonds, public use bonds, etc. I think it's a bad amendment. I would, again, verge on -- a No vote. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. First of all, I'd -- I'd like to say that I have enormous respect for the sponsor of this legislation. I do feel that we may be going down a wrong path of further centralizing in Springfield a function that seems to be going better in the local than it is at the State level. Is this legislation a response to a problem or scandal at the local level?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

I -- I think, Senator Lauzen, this is actually a way of making sure that affordable housing is put into place in all these communities. I don't believe that it's a scandal or



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anything going on. IHDA -- this is something IHDA suggested that we put into this legislation, basically just to make sure that these bond volume caps are being utilized in communities where the underserved is at. So it's -- there is nothing tricky or anything being done here to take away the power from any -- any community. If anything, the -- the -- it was a suggestion of IHDA to put this into legislation to make sure that -- that everybody is working with this comprehensive task force. We have had too many groups come together, all the agencies come together, put together this task force, and this came as a suggestion from them.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Well, thank you. I -- I was not referring to that -- that this would create this scandal. Although, it goes in a direction where we centralize it in Springfield. My concern -- to the bill: My concern is that this may be putting the fox in charge of the chicken coop. We have so many examples right now of this State in centralized form mishandling the bonding in the State of Illinois: whether it's fund raids by the -- the administration, where more and more people are coming out sponsoring legislation where we don't want to raid the funds; whether it's the pay-to-play scandals that we see every day when we open up the newspaper; whether it's the pension fund raids - who knows what's going to happen to these bonds; whether it's the default on moral obligation bonds that we talked about yesterday in Appropriations Committee, where fifty percent of the moral obligation bonds, the Southwest Illinois Development Authority are now in default based on the principal amount - it's twenty-five million dollars - or the Health Facilities Planning Board. I mean, the list -- I could go on forever, but those are examples of how the people who you're suggesting will be in charge of this are doing a really poor job versus let's keep it local where eyeballs are on this real close. So I would suggest that we either take it out of the record or a No vote today, especially with the amendment.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez, to close.

SENATOR MARTINEZ:

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Thank you, Mr. -- thank you, Mr. President. To all the Members that made their comments, I really appreciate them. I think this is a great piece of legislation for a couple of reasons. One of the things that the previous speaker said about -- about all these scandals, and everything else that you think has taken place, I think this is a way that we can avoid actually in the future having scandals when you have a little bit of -- of -- of transparency as far as good government is concerned. I think that we have had these groups working for the past year and a half on this plan. I -- it was a suggestion from IHDA, because I think this is important that these bonds are being utilized the right way by the issue -- issuer. I think this is a -- a real good way for us to promote, you know, to decrease government waste and to increase -- transparency in government. And I think that this is great bill for all those people in the State of Illinois who are underserved. People who really are in a real tough bind with affordable housing and I think this is a great bill. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2290 pass. 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 30 voting Aye, 23 voting Nay, 1 voting Present. Senate Bill 2290, having received the required constitutional majority, is declared passed. Senate Bill -- Senator John Jones, for what purpose do you seek recognition, sir? Senate -- Senator John Jones and I'll come to Senator Althoff. Senator John Jones, for what purpose do you seek recognition, sir?

SENATOR J. JONES:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR J. JONES:

Well, earlier Senator Watson and -- and I had introduced some students from Breese Central that were here to Page for us today. There's also another group that's here today in the -- in the gallery that's going to Page over in the House from Breese Central. So, we would like to welcome them over here to the

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Senate for a few minutes and then they'll go over to the House.  
So...

PRESIDING OFFICER: (SENATOR HENDON)

Will our guests please rise and be welcomed to the Senate?  
Welcome. It's always great to see our young people come down and  
see your great Senator John Jones and how well he works in your  
interest. Welcome to the Illinois Senate. Senator Althoff, for  
what purpose do you rise?

SENATOR ALTHOFF:

Mr. President, might I request a verification on our last  
vote?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff, we're now on Senate Bill -- 2302. Senate  
Bill 2302. Senator Haine. Senator Althoff seeks -- has  
requested a verification. Will all Members be in their seats?  
Mr. Secretary, ring the bell. The Secretary -- Mr. Secretary  
will read the affirmative votes.

ACTING SECRETARY KAISER:

Following Members voted in the affirmative: Senators  
Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio,  
Forby, Geo-Karis, Haine, Halvorson, Hendon, Hunter, Jacobs,  
Lightford, Link, Maloney, Martinez, Munoz, Raoul, Ronen,  
Sandoval, Schoenberg, Shadid, Silverstein, Sullivan, Trotter,  
Viverito, Wilhelmi and Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Does the great Senator from McHenry County wish to question  
the presence of any Member voting in the affirmative? Senator  
Althoff.

SENATOR ALTHOFF:

May -- may I ask that wonderful Senator Clayborne to wave at  
me?

PRESIDING OFFICER: (SENATOR HENDON)

Senator James Clayborne was making a phone call. There he  
is. See him?

SENATOR ALTHOFF:

Thank you very much and -- and only one other. Senator  
DeLeo. I -- I can't believe I missed you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jimmy DeLeo, in all of his splendor, is right here.

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SENATOR ALTHOFF:

Thank you. And -- and one last one, Senator Silverstein.  
Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ira Silverstein is giving information to the news media.

SENATOR ALTHOFF:

Thank you for your courtesy.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. On a verified roll call, there are 30 voting Aye, 23 voting Nay, 1 voting Present. Senate Bill 2290, having received the required constitutional majority, is declared passed. Senate Bill -- 2303. Senator Burzynski. 2302. Senator Haine. I'll -- I'll come back to you. Senator Haine seeks leave of the Body to return Senate Bill 2302 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2302. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Yes, Mr. President and Ladies and Gentlemen of the Senate. The -- the -- the one Floor amendment is a technical amendment. The other, the amendment to the original bill and I will describe that as I describe the bill. Do you want me to adopt the amendment first or..

PRESIDING OFFICER: (SENATOR HENDON)

Well, there -- there are two amendments. We take one at a time.

SENATOR HAINE:

Well, Mr. President, the second amendment is a technical amendment and the -- the substantive amendment makes this proposed bill compatible with statutes in other states.

PRESIDING OFFICER: (SENATOR HENDON)

First, Senator Haine, we'd like to deal with Floor Amendment No. 1, and I believe we need to take it first and then we'll take

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Amendment No. 2.

SENATOR HAINE:

Amendment No. 1 takes the -- the proposed bill and makes the language compatible with other states that are doing this so we have a uniformity.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Haine moves the adoption of Amendment No. 1 to Senate Bill 2302. All those in favor will say Aye. Opposed will say 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 Haine.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine, on Floor Amendment No. 2.

SENATOR HAINE:

Thank you, Mr. President. This is a -- just a -- a technical amendment, clarifying some language in Amendment No. 2 -- Amendment No. 1, I mean. I'm sorry.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Haine moves the adoption of Amendment No. 2 to Senate Bill 2302. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. 3rd -- 3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2302. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2302.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And I -- I beg your pardon for -- if I'm not as loud as

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I -- I could be. The -- this is a bill, the Cigarette Fire Safety Standard Act. It is a bill which is the law now in three or four states. It's an initiative of the fire services, which are made up of the Firefighters of Illinois, the Fire Chiefs and the Fire Inspectors Associations. This establishes a standard and a requirement, a law, that a manufacturer of a cigarette cannot sell these cigarettes in Illinois unless they are so-called low ignition cigarettes or cigarettes which easily extinguish themselves if left unattended. The -- and -- and the -- the standards are described in the bill, to be implemented by the State Fire Marshal. The -- the one state which adopted this Act a couple years ago was New York State, and they have seen a reduction of almost a third in residential home fires from unattended or discarded cigarettes. We don't have any facts on brush fires or forest fires at all. It's mostly residential fires. This Act would -- is -- is a small imposition on the manufacturers. In fact, Amendment No. 1 was an agreement with Philip Morris, which made them neutral on the bill. The other tobacco companies I guess were still in opposition to the bill. But requiring a uniform Act between the states lessens even further their burden. It's the type of paper the cigarette is wrapped in that causes it to extinguish itself. There's been no burden on the cigarette smoker that anyone can inform us. In committee there was a discussion of the public health study from the Harvard School of Public Health saying that there is, in essence, inconsequential differences between one cigarette, a low ignition cigarette, and the current cigarette being used now.

PRESIDING OFFICER: (SENATOR HENDON)

Thank...

SENATOR HAINE:

So the purpose here is to lessen residential fires which are the result of unattended cigarettes. Thank you, sir.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. Discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

The sponsor will yield, and I would appreciate exact, succinct questions and answers. Senator Roskam.

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SENATOR ROSKAM:

Thank you. Thank you, Senator. Senator, in committee I asked the question -- or, you brought up to the attention of the committee a Harvard public health study and I sort of challenged you a little bit and -- and said that the proponents of change have the burden of moving forward, essentially. And I think actually I'm here to tell you, I think in that case you've met that burden, because I subsequently got that study, read it, and essentially the study -- the beef -- the -- the argument in committee was, look, if you're going to make a change, then it's got to be a -- a healthier change that on balance is going to be better. And there was a -- some -- ambiguous testimony that suggested that the cigarettes were actually going to be more dangerous and more toxic. Well, the study really didn't say that. The study said, well, ever so slightly and it's kind of minuscule, and it was a mischaracterization of the study to conclude that it was going to make the cigarettes more dangerous. So thank you for that subsequent information. Here's a question, is there a possibility of a product's liability lawsuit for someone who leaves this cigarette, foolishly falls asleep, has a -- you know, and it doesn't extinguish quickly enough, starts a fire? How do the liability issues tie into this and are we creating a new, sort of a new class of products liability cases? I know we didn't talk about this in committee, but, you know, being -- being from your unique little slice of sunshine, Senator, just had to ask the question.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Roskam, that was quite a long question. Senator Haine.

SENATOR HAINE:

Yeah. I -- thank you, Mr. President. I -- I appreciate the question. Not all of it, but most of it. The -- I don't -- frankly, I don't see any possibility that this bill could remotely create a cause of -- a cause of action. The -- the law does not require the cigarette companies to market the cigarette as safer for -- to prevent home fires. If -- if we had 'em -- if we said you -- you -- you have to put on your pack this cigarette will save you from burning down your house if you go to sleep with it in your hand, then I could see a possibility. But the --

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the -- it's -- it's silent. In fact, the user of the cigarette probably wouldn't know the difference between one and the -- the other. In fact, I -- again, lawyers, as we know, Senator, being brothers of the book, lawyers can dream up many causes of action. But it seems to me that if this was a cause of action, it'd had been filed by now without this -- this law given the current state of these studies. But this -- this law here would have no bearing, I don't see and no one has ever indicated, that reasonably could create a cause of action, unless it required the cigarette companies to say their cigarette was safer from home fires.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

So for purposes of legislative intent, it is not your intention as the sponsor of this bill to create an additional cause of action. Is that right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Mr. President, thank you. That is absolutely correct. That is not even remotely intended by this bill. This bill is a fire service initiative that's intended to prevent the loss of life and property as a result of residential fires that are caused by unattended cigarettes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator, just kind of along the lines of Senator Roskam. Just very quickly, and I -- I thought about this after committee yesterday. If I'm an insurance company and I insure you and you decide that you're going to purchase your cigarettes outside of the State of Illinois, is -- and -- and so you purchase the normal type of cigarette, not these kind of self-



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extinguishing, is there a potential that I could deny a claim based on that or could I actually put that in as a rider into an insurance policy at some point?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Senator, I don't even know -- I don't know how they would possibly be able to determine that. I don't -- I don't know how they would deny a claim on that. I -- I think if they did deny a claim on that, it -- they would be sued for vexatious denial of a valid claim. I don't -- I don't see that. I really don't.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just one other thing very quickly then. Community -- or, people that purchase -- people can still go outside of the State - it's not illegal - to purchase other types of cigarettes other than the self extinguishing. Just for the record I want to make sure that's clear.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Yes. That -- that is correct. Although, this is -- if Illinois adopts this, this is a major State in the Midwest, in the heartland of America. You've got California and New York on the coast, Vermont, Canada, and if Illinois adopts this, it -- it could be really be taken up by other legislatures.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski, because you are a Leader, sir.

SENATOR BURZYNSKI:

Thank you. To the -- to the bill -- to the bill then, just very quickly: I'm -- I'm voting for the bill; however, I just think that we need to be aware, there potentially could even be some sales tax revenue loss, especially for those that live on borders, and I just, you know, just want to point that out, but I am going to vote for the bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2302 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 48 voting Aye, 6 voting Nay, none voting Present. Senate Bill 2302, having received the required constitutional majority, is declared passed. Pick up the pace. Senate Bill 2303. Senator Burzynski. Senator Burzynski -- no amendment, sorry. Do you wish -- Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2303.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, Mr. President, there was an amendment that was adopted yesterday in committee.

PRESIDING OFFICER: (SENATOR HENDON)

Okay. It was amended in committee. There's no Floor amendment. Give us a second. Senator Burzynski, to speak on the bill as it was amended -- amended in committee. There was not a Floor amendment.

SENATOR BURZYNSKI:

Thank -- thank you..

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski, to the -- to the bill, as amended.

SENATOR BURZYNSKI:

Thank you, Mr. President. My understanding was that it -- it was a Floor amendment. It was adopted in committee yesterday and became the bill and I would actually be more than happy to address this on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

The Floor amendment was adopted yesterday. Senator Burzynski, on your -- on the bill, as amended. Senator Burzynski.

SENATOR BURZYNSKI:

Okay. Thank you -- thank you, Mr. President. I'm sorry about the confusion. First of all, basically what this says is it amends the Good Samaritan Act. Provides that any person who's currently certified in first aid by the American Red Cross or

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American Heart Association and who in good faith provides first aid without fee to any person shall not be liable to a person to whom such aid is provided. And then we added yesterday in committee a paragraph that was provided to us by the Illinois Trial Lawyers, basically that said this shall not apply to any healthcare facilities defined in statute.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Shadid.

SENATOR SHADID:

Would the -- would the Senator respond to a question or a comment?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Shadid.

SENATOR SHADID:

Senator Burzynski, I am pleased, pleased to vote for your bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski, to close. Well, the question is, shall Senate Bill 2303 pass. 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 wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2303, having received the required constitutional majority, is declared passed. Senate Bill 2310. Senator Cullerton. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2310.

(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. This bill deals with the subject -- take it out of the record.

PRESIDING OFFICER: (SENATOR HENDON)

Out of the record. Senate Bill 2325. Senator Jacobs. Senator Jacobs seeks leave of the Body to return Senate Bill 2325 to the Order of 2nd Reading for the purposes of an amendment. Seeing no objection, leave is granted. On the Order of 2nd

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Reading is Senate Bill 2325. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Rutherford.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford, to explain Floor Amendment No. 1.

SENATOR RUTHERFORD:

Thank you, Mr. President. Working with Senator Jacobs, this amendment would put in specific procedures in which the Department would promulgate rules to define what an emergency would be, and I appreciate Senator Jacobs adding this amendment to it.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford moves the adoption of Amendment No. 1 to Senate Bill 2325. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2325. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2325.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Mr. President, Ladies and Gentlemen of the Senate, I want to thank you for helping me to make this a stronger bill. I ask for your favorable consideration and thank you very much.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Rutherford.

SENATOR RUTHERFORD:

For the strength of Senator Jacobs' bill, I stand in strong support of this piece of legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall

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Senate Bill 2325 pass. 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 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2325, having received the required constitutional majority, is declared passed. Senate Bill 2326. Senator Garrett. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2326.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. Chairman -- Mr. President. Senate Bill 2336 {sic}, as amended, makes changes in the Abuse Prevention Review Team Act to address the establishment of residential health care facility residential sex {sic} (resident sexual) and death review teams, reviews of nursing home resident sexual assaults and deaths, and the access of review teams to information, and the Executive Council created under the Act. The bill is a result of negotiations between the Department of Public Health and other interested parties. There is no opposition to the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2326 pass. 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 wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2326, having received the required constitutional majority, is declared passed. Senate Bill 2328. Senator Martinez. Senator Martinez seeks leave of the Body to return Senate Bill 2328 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2328. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. It simply clarifies the underlying bill. Specifically, expands the class of persons eligible for Medicaid to include individuals who satisfy income standards, have a pending application for asylum with the federal Department of Homeland Security and are represented by a lawyer in relationship to the application or are receiving services through a federally funded torture treatment center or can prove they are seeking treatment for trauma due to torture in their native countries. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Any -- any discussion on the amendment? Senator Luechtefeld. Seeing none, Senator Martinez moves the adoption of Amendment No. 1 to Senate Bill 2328. All those in favor will say Aye. Opposed will say 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2328. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2328.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. Each year there are about -- approximately three hundred applicants for asylum in Illinois who are represented by counsel. There's approximately two hundred and ten additional individuals seeking treatment for torture in Illinois each year - totaling approximately five hundred and ten individuals who are potentially eligible for Medicaid coverage under this bill. Right now -- and then some of the questions that were asked in committee is, how many victims do we have right now that are sitting in the -- that are waiting for -- for

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asylum? And there's two hundred and ten -- two hundred and ten individuals right now that we are looking to help with some of the treatment for -- for their torture in their country. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Righter.

SENATOR RIGHTER:

Thank you. Thank you, Mr. President. Senator, I think it's important for everyone here in the Chamber who was not in committee over the last couple days to hear the testimony on this, probably since this does call for an additional Medicaid outlay which will not be matched by the federal government; that you kind of go through exactly who these people are that you believe the State should begin to provide some measure of support - who they are, why are they here, is there a timeline on when these benefits will cut off. Can you walk through some of that with the Chamber, please?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you. There are estimated about two hundred and ten -- ten people right now that are under the age of -- they're -- basically they're not an older -- an older age. They are -- some of the dollars that are spent more heavily are on people that are -- that are blind or disabled. These are younger people that are waiting right now to -- for the application to go through. Right now, they -- they've come to -- they're being treated in some of these facilities and we're trying to help these people just deal with the torture that they experienced in their country and our - our job here is to really basically help them through this.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, and -- and we're -- we're using the word torture and I -- I want to -- that's a big

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word. And I want to make sure that we're clear that we're -- we're not just talking about individuals who are actually physically or mentally tortured and then came to our country as a result of that; we're talking about people who may be here on student visas or, you know, otherwise here in the country who then seek asylum here and don't want to go back to their country of origin. I mean, first of all, is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

We are -- we are talking approximately about individuals that are right now going through these treatment centers that are here, that have been here, and are waiting for -- basically it's about a two-year process and they're waiting for the application to go through.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Senator, but we're not just talking about people who are here right now. I mean, this bill doesn't have a sunset on it, it's my understanding. So this will be an ongoing expenditure. Assuming we have people who fit the definition of the statute, this will be an ongoing expenditure, and let's talk about that. I think we should -- you should try to explain the discrepancy between the fiscal impact that the proponents of the bill are giving us, which is about a million dollars a year - again, that's unmatchable - as opposed to the Department's fiscal estimate, which is six and a half million dollars a year. Can you tell us why you think the Department's wrong?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

I think the Department -- according to the Heartland Alliance for Human Needs, they have estimated that based on what they -- the clientele that they are servicing right now. We're servicing a clientele that's young, that doesn't have disabilities, and that's why they feel that it's under a billion dollars. So I think -- I think the most important thing here is -- is getting these people working, they are working, they're



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just waiting for the -- the application to -- to go through, and it's only a two-year process and this is an ongoing thing, you're right. But basically, two hundred and ten is what we're -- we're dealing with right now and we're not dealing with a -- a -- a clientele that is older, disabled. So I -- I -- I think that that's something that -- it's a good thing that we're doing. It's the humane thing to do here in the State of Illinois.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Roskam.

SENATOR ROSKAM:

Senator Martinez, is there any limitation to what the -- what would be covered under this bill? In other words, could it include any kind of medical service or any kind of provision under Medicaid or is it only torture related or is this -- are we -- are we limiting this to counseling? Could you give us a -- an idea of the scope of this?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

It's torture related mental. That's what we're dealing with here.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

So it's -- it's not medical per se; it -- it is -- it's strictly counseling. Is there -- what is -- what is the procedure whereby -- I guess, how do we know that -- that these people are -- are actually eligible? I mean, if they simply have a -- a pending application, what if the application's rejected? What if the federal government says, you know what, we looked at this and we think -- we think that this person isn't actually on the level; in fact, we think that this person is simply trying to avoid leaving this country and is overstaying his welcome? And if the federal government then rejects that person, and I assume they've got the resources and so forth to go through that, then -

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- then what do we do? And why -- how are we -- why are we helping that type of person, as opposed to someone who really needs it? In other words, the question is, what's the vetting process, Senator, to make sure these are legitimate since they're pending?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Lot of -- lot of the victims -- they're waiting for the -- the application is basically monitored by the federal government and they're the ones to decide. If the application does not go through, then they start process for the -- Immigration to come and deport them back to their countries, if they feel. So it's really closely monitored by the federal government also, 'cause they're waiting on their application to go through.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam, for the last time, sir.

SENATOR ROSKAM:

Well, I don't -- I don't think you answered my question, Senator, because under your bill, if an application is pending with the federal government, then they are eligible. So the mere -- the mere application process, that's a de minimis standard. That's absolutely nothing. That is simply saying, "I apply, and here, federal government, I -- I want you to look at my application." Now, Senator, what happens if the federal government says this is a fraud, this is fake, this is nonsense, this is someone that is trying to avoid deportation and they are insincere and they are using the system and they throw it away like this? What happens? Are we on the hook? Are we -- are we putting these people in a higher place than other people in terms of -- 'cause let's face it, Senator, Medicaid is under tremendous pressure and -- and you're putting more pressure on. And my question is not about those people who are meritorious, I agree with that. My question is about people that are not meritorious. Can you -- can you direct me to a place in your bill that assures me that fraudulent people don't benefit under this system?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

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Senator Roskam, it's not in the bill, but according to the decisions that are made at that point for the application, when a -- a grant has been approved for an application for asylum, the individual becomes eligible for federal-funded health coverage for eight months. When a decision is made that denies the application, deportation is the next step, unless the applicant files an appeal for thirty days.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Would -- would the -- I'm sorry.

PRESIDING OFFICER: (SENATOR HENDON)

One moment, Senator Haine. Senator Roskam, to the bill.

SENATOR ROSKAM:

Thank you, Mr. President, for your indulgence. You know, I just urge caution. I know that there's a great tendency on last days to move bills and sort of make declarations of, well, this is what I want and this is what I mean, but that's not what the bill says. And I -- I have a great deal of respect for Senator Martinez and what she's trying to accomplish, but the simple fact is that she wasn't able to answer the question of what happens if a fraudulent person pursues this in the interim. Do I think it's a rampant problem? No, I don't think it's a rampant problem. But do I think we can do better in tightening this up so that there's not that type of potential abuse? I do think we can do better and I do think that -- that this is something that can be abused by people who want to illegally stay in this country and would -- would get themselves into a situation where they would try and seek a legal advantage.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Would the sponsor yield for a short question?

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Haine.

SENATOR HAINE:

My -- my question is this, I guess in -- in form of a statement. Would this limited bill - this bill is apparently limited in scope to those seeking asylum - would this bill apply,

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for example, to a young woman seeking asylum to avoid being deported to China to undergo a forced abortion because of their one-child policy? Could that not be within the parameters of this bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

SENATOR MARTINEZ:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

The question -- Senator Martinez, to close.

SENATOR MARTINEZ:

Thank you. I ask for favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2328 pass. 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 -- I mean, there are 38 voting Aye, 12 voting Nay, 2 voting Present. Senate Bill 2328, having received the required constitutional majority, is declared passed. Senate -- Senator Martinez, for what purpose do you seek recognition?

SENATOR MARTINEZ:

Sometimes I get so excited about my bills that I even forgot to vote on my own bill, and I want to be voted Yes on this bill.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. That was a long birthday party last night, huh? Senator Luechtefeld, for what -- purpose do you seek recognition, sir?

SENATOR LUECHTEFELD:

Thank you, Mr. President. I was off the -- I was off the Floor for Senate Bill 2180 and did not get to vote on that. Would like to be recorded as an Aye vote for 2180.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Senator Roskam, for what purpose do you seek recognition, sir?

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

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SENATOR ROSKAM:

Mr. President, I'd like to welcome my Page for the day, April Jenkins, from Wheaton, Illinois.

PRESIDING OFFICER: (SENATOR HENDON)

Would our guest please rise and be welcomed to the Senate? Welcome, April. Senate Bill 2330. Senator Jacobs. Senator Jacobs seeks leave of the Body to return Senate Bill 2330 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2330. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 5, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Floor -- Floor Amendment 5 deletes everything under the bill and makes a couple allowances, including ensure priority given to blind; allows bake sales, other commercial {sic} fundraising activities and clarifies contract status; and exempts the State Fairground, DNR subcontracts, like the World Shooting/Recreation Center in Sparta, and other -- other such things.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Jacobs moves the adoption of Amendment No. 5 to Senate Bill 2330. 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?

ACTING SECRETARY KAISER:

Floor Amendment No. 6, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Senator Jacobs clarifies the contract status when the contract expires or there's a breach of contract in Amendment 6.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Jacobs seeks adoption of Amendment No. 6 to Senate Bill 2330. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the

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

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2330. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Mr. President, excuse me. This is a very important bill to me. This is the Blind Vendors Act. I think the blind people in this State have gotten a little bit of a raw deal over the last couple months. The Randolph-Sheppard Act of 1936 gave blind the right to -- to special rights. They consider the blind the most handicapped of all folks, and this will allow blind vendors to continue to do what they've done in Illinois for forty years. So I'm asking for a favorable Aye vote. I don't know of any opposition. The only clarification I would like to make is I've made an agreement with the Governor that we will take away the sales tax exemption. We had put that in originally to allow State employees not to pay that, but the Governor needs the money so I'm willing to make that change in the House.

PRESIDING OFFICER: (SENATOR HENDON)

Discussion? Senator -- Senator Burzynski, I'm sorry.

SENATOR BURZYNSKI:

Thank you, Mr. President. Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

State your inquiry, sir.

SENATOR BURZYNSKI:

Of the President's Chair, excuse me. Can you tell me how many votes this bill will take?

PRESIDING OFFICER: (SENATOR HENDON)

This will require a simple majority. Senator Burzynski.

SENATOR BURZYNSKI:

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This bill does not preempt home rule?

PRESIDING OFFICER: (SENATOR HENDON)

This bill will require a simple majority. Senator Righter. Senator Righter, do...

SENATOR RIGHTER:

Yes. Thank -- thank you, Mr. President. First, inquiry of the Chair, please.

PRESIDING OFFICER: (SENATOR HENDON)

State your inquiry, sir.

SENATOR RIGHTER:

The bill -- the bill itself -- if I could point to the bill itself, if you'd like to look at it - page 18 of the bill, Section 85, "A home rule unit may not impose or collect any occupation or use tax with respect to sales made at a blind vendor's vending facility." This is a denial of home rule powers, Mr. President. Can you explain to me how it's not -- how it doesn't require a supermajority if the bill plainly says that it preempts home rule.

PRESIDING OFFICER: (SENATOR HENDON)

Well, Senator, as you know, I'm in the Chair. I don't have the bill in front of me, but this bill will require a simple majority. Senator Roskam. Senator Righter.

SENATOR RIGHTER:

Would you like a copy of the bill, Mr. President?

PRESIDING OFFICER: (SENATOR HENDON)

No, I wouldn't. Senator Roskam. Senator Roskam, do you want recognition, sir? Senator Roskam.

SENATOR ROSKAM:

Well, I do think we've got to cover the -- I mean, is -- is this just a declaration from on high, Mr. President, and you're not willing to -- to look at the bill and Senator Righter's comment? I mean, he was -- I think we can just stand for a second and the Parliamentarian can look at it and give us a ruling. But it does seem to speak directly to home rule and we are all bound by Rules of the Senate, notwithstanding Rule 32-27.

PRESIDING OFFICER: (SENATOR HENDON)

Senate Bill 2330 does not constrain a home rule unit's authority to exercise concurrently with the State any of the functions of a home rule unit, including certain taxing

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authority, which we presume is the subject matter of the bill. Pursuant to Article VII, Section 6(h) of the Illinois -- Illinois Constitution, it will therefore require thirty or more votes for Senate passage, as I said in the beginning. Senator Millner.

SENATOR MILLNER:

Thank you. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

Thank you. Thank you, Mr. President, and will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will, sir. Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. Just for clarification, in committee there were a number of issues that we talked about and one was on page 5, line 16, which referred to local governments. Does this -- does this actually impact local governments or was that deleted?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Good question, Senator, and thank you. In fact, it states clearly it does not include property owned, controlled by units of local government or school districts. And I think in -- that's part of what makes the home rule sort of a red herring, because it does not affect local government; it affects State government.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

Another question, we have a number of people in this building and other State offices that have, for example, a -- a service that many of our own employees pay for. Would this prevent them from doing that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

No, sir. The competition only seeks to stop other vendors.



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If you want to do a bake sale, if you want to have your coffee in your office, there'll be nothing in this bill to prohibit that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

...refers to page 5, line 16, if you look at that, is that -- in the bill -- just for legislative intent, we're not talking about taking away people's coffee machines here, et cetera. Correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Absolutely not.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner, to the bill, sir.

SENATOR MILLNER:

There were some -- there was some confusion, you know, in committee and some of the language that is written created a little concern for us. I thank the sponsor for trying to clarify that right now, but there is a bit of confusion with that -- that language. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, this will be your second round, I do believe, on this bill, but I'm going to allow it. Will the -- he indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Jacobs, page 10 of your bill talks about what happens in an instance where there is a private vendor on State property, and the clause that I'm looking at is line -- begins at line 21, says after January 1st, 2006, all vending machine income from vending machines on State property shall accrue to either the -- the operator of the vending facility if it's a blind vendor, or if it's not, all of the income goes into the Blind Vendors Trust Fund. The way this reads all of the money from -- not just -- not the commission, all of the money from it goes

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into the Blind Vendors Trust Fund. Is that your intent?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Senator, that language is simply mirroring the Randolph-Sheppard Act that was wrote by the federal government in 1936, and I would point out that the use for that money is to train other blind vendors and also to enable programs to support new equipment and to modernize the vending facilities. And at the end of the day, we can make a choice in this Body: Are we going to put the blind people on welfare or are we going to give them a chance to earn a living and do the right thing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, I would -- the Chair would appreciate if you could bring it to a conclusion. Senator Righter.

SENATOR RIGHTER:

Well, I've asked one question so far, Mr. President. Thank you. Senator Jacobs, I mean, I'm sure that we could take money from private entities through all kinds of mechanisms and spend 'em on good things. I mean, the point is, I'm not sure it's appropriate for us to confiscate all of the income like what you're suggesting in the bill. The Amendment 5 that you put on the bill requires that the bill become -- after January 1st of 2006, no State facility may have anything other than a blind vendor operating vending machines, but the bill doesn't become effective until February 15th, 2006. So what -- and -- and it prohibits a State facility from building a new facility or doing any kind of reconstruction that won't allow for vending machine placements. What happens if there's a renovation between the time of January 1st, 2006, and February 15th, 2007 -- or, I'm sorry, 15th, 2006? What happens if there's remodeling done then? Do they have to tear it down? Do the taxpayers have to pay for a new renovation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

I would point out, since 1962, when my grandfather passed the original Blind Vendors Act, that we had blind vendors in Illinois commissaries. Only recently have we pushed the blind

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people out in order to give it to private business. Now, the Governor would very much like to have the blind vendors pushed out so that he could sell the naming rights and to move down that road. And, you know, I would just point out to you that this is an important bill. It's a blind vendor bill. This is not the -- the people that can see bill. This is a blind vendor bill and if they want to have a -- a bill for their commissary, I invite them to come and do it.

PRESIDING OFFICER: (SENATOR HENDON)

The Chair would like to remind Members, I had a discussion with Senator Roskam, my esteemed colleague, in the Rules Committee after Rules was over, informing him that as the Presiding Officer, I would set the pace for the order of business of the day. It is my responsibility to do so. I think I've been quite kind, so please go along with me as best you can. I would appreciate it. Senator Righter.

SENATOR RIGHTER:

Thank -- thank you, Mr. President, but I hope that you'll also recognize that in answer to a question about what's in a bill, Senator Jacobs talked about his father and he talked about your Governor wanting to chase blind people out of the facilities, which really missed the mark on what I was asking about, so I'll try again. Senator Jacobs, the bill says that after January 1st, 2006, State facilities can't do anything remodeling that wouldn't allow for appropriate vending facility space. Okay. But the bill doesn't become effective until January 1st, 2007. What happens to remodeling that's done in the intervening twelve months? Do we have to pay for new remodeling if that happens?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Sir, my understanding is that if that was done in that period, that a private vendor could build it. When the contract ran out, then the blind vendors would have an opportunity to meet or exceed their -- their -- their plan, and I think that's clear. And, also, too, I think the other thing we have to do in this Body is we have to use our common sense. And the fact is, is that if this is a gray area, let's fix it in the House, but I

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don't want this to get -- caught up in partisan politics, because the blind people of this -- this area need help and it's time to give it to 'em. And we shouldn't shirk from our responsibility by helping the most unfortunate of all people.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Roskam.

SENATOR ROSKAM:

Okay, Senator, there are teacher's watching, so let's be good. Follow me carefully on a couple of questions and we'll be in and out of here. Okay? But you got to track with me. On page 11, lines 21 to 23, you're creating a situation where the Committee on Blind Vendors can expend funds without any oversight of DHS or any other State entity. Why do you want to do that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Because at -- because at the end of the day, the blind vendors are private business as well, and they may be getting a preference, but I don't know of any other business, a private business, that -- that my friends on the Republican side of the aisle would like to regulate. And if you know one, I'd love to hear an answer.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Okay. Bad answer, but a direct answer and I appreciate it. Page 13, lines 14 to 16, you're also exempting the Committee and this is a State committee now, not just a private business entity, but a State committee from any State ethics or sunshine or procurement laws. Why do you want to do that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Could you give me a direct line please, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Roskam.

SENATOR ROSKAM:

Page 13, lines 14 to 16.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, sir. I believe the reason is because it's a private business, it's not a State business.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam. To -- to the bill, sir. Thank you, sir.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: I appreciate Senator Jacobs' attempt to answer the questions directly and he did and I think -- I think they're just wrong. I think it's bad and there's no way to sugarcoat that. What we're doing is -- is making a -- a kind of a decent program that may need some changes really complicated and a lot worse. There's -- there's nothing in this bill that -- that -- let's face it, this -- this is not just a private entity. Private entities don't come in with the protection of State law like this entity is seeking. Private entities don't have access to a designated amount of funds, notwithstanding any other circumstance, as is this entity. So just to say, "Well, this is a private group", it's really not a private group. Fifty-nine State Senators wouldn't be sitting around talking about a private group. This is a State entity and I think that we can do better. I think we should have this -- this entity under normal procurement rules and under normal sunshine rules like every other State entity operates under. And I just urge a great deal of caution on this bill.

PRESIDING OFFICER: (SENATOR HENDON)

The Chair certainly appreciates you, Senator Roskam, for working with me on the pace. Senator Jacobs, to close.

SENATOR JACOBS:

Thank you, sir, and I -- I do appreciate your pointed questions. The best answer I can give you - this is not a State committee, this is a federal committee and I don't know if there's any federal committees that are applied to State sunshine laws. In the -- in the closing, you know, this is for the blind people and I got to tell you, these folks can't drive, they can't

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do deliveries, the one thing they can do is service vending machines in the State of Illinois. And my Republican friends on the other side of the aisle, I ask you to join with me, because the alternative is, Mr. Congressman, is to put the people who are blind on welfare and I think that's a bad idea. And this has been going on in Illinois since 1962 when my grandfather passed the bill and only recently has this become an issue. I ask for your favorable consideration in a nonpartisan manner.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2330 pass. 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 45 voting Aye, 2 -- 45 voting Aye, 2 voting No, and 5 voting Present. Senate Bill 2330, having received the required constitutional majority, is declared passed. The Chair will -- like to just point out to the Body that we spent about thirty minutes on that bill that got 45 Yes votes. Senate Bill -- Senator Jacobs, for what purpose do you seek recognition, sir.

SENATOR JACOBS:

The -- the Senator in his excitement and the heat of the debate forgot to vote for his own bill. I vote Yes.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Senate Bill 2339. Senator del Valle. Mr. Secretary -- Senator del Valle seeks leave of the Body to return Senate Bill 2339 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2339. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 3, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Floor Amendment No. 3 retains the underlying provisions of the bill and then also addresses concerns regarding the willful standard of proof. And this was an amendment that's a product of negotiations between the Department of Labor and -- and the business groups, as well as

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the advocacy groups.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator del Valle moves the adoption of Amendment No. 3 to Senate Bill 2339. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2339. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2339.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. As I stated earlier, this bill is a product of negotiations between business groups, advocacy groups and the Illinois Department of Labor. It's a bill that amends the Minimum Wage Law and basically it provides for the right of workers to collect two-percent damages against their employers in private lawsuits. It's something that they were able to do prior to a -- a court decision in February. And so what this bill does is that it clarifies that they certainly have the right to continue to take that action. It also provides the Department of Labor additional tools with which to make sure that employers who are violating the Minimum Wage Law are acted upon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Pankau.

SENATOR PANKAU:

Thank you, Mr. President. With the amendment that was just put on, this is now an agreed bill between business and labor. And in this Chamber alone, for no other reason, if you have an agreed bill between business and labor, we should all vote Yes. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

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The question is, shall Senate Bill 2339 pass. 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 wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 2339, having received the required constitutional majority, is declared passed. Senate Bill 2349. Senator Collins. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2349.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2349 creates the Mortgage Rescue Fraud Prevention {sic} Act, and what this Act does, it targets the two most common types of mortgage rescue schemes - distressed property consultants and distressed property purchasers. This legislation -- the genesis of this legislation, it was initiated by the Attorney General, but it is also the result of hearings we had last summer in reference to a five-part series that the Chicago Tribune ran on mortgage fraud. As we learned during the hearings, home foreclosures are on the rise in the State, not only in Cook County, but across this State as well. And what has -- there's a new industry that's developed called the mortgage rescue industry that has come in existence for the most part that takes advantage of our seniors and those most vulnerable facing foreclosure. And how it works basically is that the distressed property consultant would offer phantom help to those who might be facing foreclosure, asking for a fee between a thousand or -- twenty-five hundred to work with the individual's creditors to help them get over the foreclosure to save their property. What happens is they usually abandon -- once they have the fee, the monies, they abandon the distressed property owner and the homeowner ends up losing their property, and when -- where the property could have been possibly saved if they had had professional intervention.



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PRESIDING OFFICER: (SENATOR HENDON)

Is...

SENATOR COLLINS:

The other is distressed property purchasers who come and tell the homeowner or convince the homeowner to pass over -- to sign over their deed and the ownership of their home and then what happens is that they usually strip the homeowner of its equity. And I see that I'm getting a timeout. I would just ask for your support.

PRESIDING OFFICER: (SENATOR HENDON)

Discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. I participated with Senator Collins in some of the hearings this summer and the testimony was -- was fascinating, and I stand in strong support of her piece of legislation and encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2349 pass. 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 wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 2349, having received the required constitutional majority, is declared passed. We're about to pick up the pace, Ladies and Gentlemen. Senate Bill 2368. Senator Raoul. Senator Raoul seeks leave of the Body to return Senate Bill 2368 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2368. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Floor Amendment 1 to 2368 deletes everything and becomes the bill. I'll explain it in detail on 3rd.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion on the amendment? Seeing none, Senator Raoul

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moves the adoption of Amendment No. 1 to Senate Bill 2368. 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?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2368. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2368.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2368 amends the racial profiling traffic stop study and it also creates a Racial Profiling Prevention and Data Oversight Board. This bill comes as a result of work over the past several months of the Governor's appointed Racial Profiling Task Force, which -- which I've had the pleasure of chairing along with Senator del Valle, Representative Acevedo and Representative Davis. We've had representatives from community groups and law enforcement agencies at the table negotiating around -- amending the traffic stop study and also creating an oversight board to -- to add value to evaluating the data from the study. If -- many of you may recall, when the statistics from the first-year study came out last year, there were all sorts of perspectives that came out stigmatizing certain police departments and jumping to conclusions as to what the numbers meant. We thought it was of value to have an oversight board to look at the data and -- and -- and to -- to explain what some of the numbers would mean.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2368 pass. 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

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the record. On that question, there are 54 voting Aye, none voting Nay, none voting Present. Senate Bill 2368, having received the required constitutional majority, is declared passed. Senate Bill 2369. Senator Raoul. Senator Raoul seeks leave of the Body to return Senate Bill 2369 to the Order of 2nd Reading for the purposes of amendments. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2369. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Floor Amendment No. 1 deletes everything after the enacting clause and then becomes the bill. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Raoul moves the adoption of Amendment No. 1 to Senate Bill 2369. All those in favor will say Aye. Opposed, say Nay. The amendment is adopted. 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2369. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Senate -- Senate Bill 2369, as amended, creates the definition for car-sharing organizations. The bill, as originally introduced, would have created exemptions for car-sharing organizations from certain taxes. There's been discussions and -- and negotiations ongoing with Enterprise Rent-

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a-Car. So as a result of the -- the -- the negotiations, we've decided to just move the bill as just a definition of car-sharing organizations and further the negotiations and amend the bill in the House.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. Discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. I would respectfully ask the sponsor of this legislation to take it out of the record at least temporarily. Our understanding, at least this side of the aisle, paying very close attention in Revenue Committee, I think it was just yesterday morning, was that this was going to be held to be talked about. It goes way beyond a definition. What we're doing is advantaging one specific company that is outside of Illinois at the expense of a company that has hundreds of employees, thousands of cars, and it was the clear understanding yesterday that we were going to hold this and continue to work on it, not advance it on 3rd Reading and over to the House where who knows what it's going to look like by the time. I would respectfully ask the sponsor to pull it out of the record so that we can at least get this clarified.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul, are you going to pull it out of the record?

SENATOR RAOUL:

No, I'm not, and...

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you. Thank you, Mr. President, Ladies and Gentlemen of the Senate. In the Revenue Committee yesterday, we had an extensive discussion of an amendment that is not attached to the bill and I believe that's what Senator Lauzen is referring to. The bill with the amendment today is simply a definition. The tax advantages were in the amendment that did not come out of Rules. That would have to be adopted in the House. Without that amendment, the bill does no harm and does not do much good, but it -- if we advance it to the House, we can continue those conversations, working with both sides. But just to clarify for Senator Lauzen, the amendment we talked about in committee

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yesterday is not attached to the bill before the Senate today.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul. Well, Senator Lauzen, did you -- are you done? I hope. No? Senator Lauzen.

SENATOR LAUZEN:

If it's -- if it's the case, then to the bill.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, sir.

SENATOR LAUZEN:

I would suggest then that if -- first of all, the -- there's the capability of the sponsor to extend a deadline of -- for a bill that's now on 3rd Reading. So there are many other ways of approaching this. It may be a good idea. It wasn't to that point yesterday in the agreement. We have a very serious problem, that we have an Illinois corporation or an Illinois -- a company doing business in Illinois that does a similar in competition, they will be put in the position that they're paying their taxes to bring in a competitor. This has not received the amount of attention. At first the testimony in Revenue Committee was that there was no objection. Then at least one company found that there was an objection. You have many other ways of approaching this without steamrolling it through here. I would just then recommend a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul, to close.

SENATOR RAOUL:

I -- I -- I -- in -- in response, I -- I'd like to be -- clarify exactly what I did say in committee. I explained, as -- as Senator Harmon explained, I explained Floor Amendment 2. Floor Amendment 2 is not being proceeded on. There is no tax provision whatsoever, and this is solely a definition. I specifically said in committee that this would move to the House and come back. And there's no tax provision at all. It's just a definition. It does no good except to keep negotiations going. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2369 pass. 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

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voted who wish? Take the record. On that question, there are 30 voting Aye, 18 voting Nay, 1 voting Present. Senate Bill 2369, having received the required constitutional majority, is declared passed. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. We'd request a verification of that roll call, please.

PRESIDING OFFICER: (SENATOR HENDON)

Certainly. Senator Righter requests verification. Will all Members please be in their seats? Mr. Secretary, will you read the affirmative votes.

ACTING SECRETARY KAISER:

Following Members voted in the affirmative: Senators Clayborne, Collins, Crotty, DeLeo, del Valle, Forby, Garrett, Geo-Karis, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Raoul, Ronen, Sandoval, Schoenberg, Silverstein, Sullivan, Trotter, Viverito, Wilhelmi and Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

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

SENATOR RIGHTER:

Senator Ronen.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen. Senator -- is Senator Ronen -- there is Senator Ronen in all her splendor.

SENATOR RIGHTER:

I think that's it, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

On a verified roll call, there are 30 voting Aye, 18 voting Nay, and 1 voting Present. Senate Bill 2369, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you seek recognition? Senator Roskam, for what purpose do you seek recognition, sir?

SENATOR ROSKAM:

Thank you, Mr. President. Rise on a point of order.

PRESIDING OFFICER: (SENATOR HENDON)

State your point, sir.

SENATOR ROSKAM:

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Mr. President, just to make a request that maybe the Secretary of the Senate could bring in some kind of a covering over the Republican side, because I think there's a glare and you're not able to see some of the lights that are flashing. Maybe Senator DeLeo's little penlight has been distracting you, 'cause Senator Righter's light was on during that last debate, and I know it's not your intention to run roughshod only -- over any elected Member of the Senate. In fact, you were recognized twice in debate yesterday on a bill that -- what you considered to be of great importance to you. And I know it was not your intention, Mr. President, to not recognize Senator Righter, but can I just make -- make an inquiry as to your intentions in terms of the lighting mechanism here in the Senate?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam. I can see quite well. In fact, Senator Righter and I discussed this personally. He is a grown man. He can fend for himself. Senate Bill 2374. Senator Millner. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2374.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President and Members of the Senate. Senate Bill 2374 provides that a statement of a witness is not excluded at the trial of any defendant by the hearsay rule or as a violation of any right to confront witnesses if the witness was murdered by the defendant to prevent the witness from testifying or participating in any criminal investigation or prosecution against the defendant. And this law was put in place for a number of reasons. One of which, there was a young sixteen-year-old girl that was repeatedly raped by her stepfather. The girl gave a detailed statement to the police, DNA validated it, she gave the same statement to neighbors and friends and the stepfather murdered her so she wouldn't testify. This also happens when gangbangers murder those people that are going to testify against them. And, basically, it simply codifies

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existing State law and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Cullerton.

SENATOR CULLERTON:

Senator, in the -- in the committee did -- is this the bill we talked about that there was some testimony that there might be some constitutional challenges raised and that there was an alternative proposed to you that perhaps the bill could be rearranged and that there would be a severability clause in -- in the provision? Is this the -- the one that you -- we talked about?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

Yes. Yes. That is correct. However, there are people on -- on both sides of that issue. Some say the severability clause would be necessary. Others say it would not be necessary, and it depends upon, you know, who we talk to at a particular point in time.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

So, I'm sorry, did -- did you -- are you indicating that there's a possibility that this might be amended in the -- in the House in order to accommodate that request?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

The -- the possibility is it would be amended in the House to accommodate that request. However, we -- we're finding people on both sides of that issue, and hopefully with more discussion on that side, we'll get an answer.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2374 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have



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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 2374, having received the required constitutional majority, is declared passed. Senate Bill 2376. Senator Sandoval. Senator Sandoval seeks leave of the Body to return Senate Bill 2376 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2376. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. The amendment allows for language to be included to make the bill subject to appropriation.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yes. I would like to address that, Senate Bill 2374, I was not recorded. I hit my button and I was not recorded as an Aye.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Seeing no discussion, Senator Sandoval moves adoption of Amendment No. 1 to Senate Bill 2376. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2376. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2376.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President. Before I proceed with my bill, I'd like to -- a matter -- a point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point, sir.

SENATOR SANDOVAL:

Thank you, Mr. President. Today I'm receiving the Cicero Chamber of Commerce of the great municipality of the Town of Cicero. Joining us here today from the Cicero Chamber of Commerce is Mary Esther Rodriguez from the -- the Executive Director, the President, Michelle Bednarz, Curt Nerenberg from The Royal Group and United Gasket Corporation of ISO -- of Casket {sic} Group -- Casket Corp. I'd like the members to rise and be greeted by the Illinois Senate.

PRESIDING OFFICER: (SENATOR HENDON)

Will our guests please rise from Cicero? The great Town of Cicero. Welcome to the Illinois Senate. Now, Senator Sandoval, on your bill, sir.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. The Senate Bill 2376 requires that the Illinois Community College Board establish and administer a program we -- I like to call We Want to Learn English Initiative. It is a program and the -- the goal is to help residents of the State of Illinois learn English. The program is to be distributed -- and administered within community-based, non-for-profit, and immigrant social service organizations, faith-based organizations, and on-site -- on-site job training programs. This bill is an initiative of the Coalition of Immigrant and Refugee Rights. It is a companion bill to the New Americans Initiative. Last year we -- we promoted a program to allow Illinois residents to become full Americans. The next step is for them to learn English. I ask a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I've got a couple of questions for the sponsor, but I'd like to point out to the Members that it

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did pass out of committee yesterday with the -- or the amendment did unanimously, because it made a -- in my opinion, a questionable bill better, obviously, but we do have some concerns. And, Senator, I just wanted to address a couple of those very quickly. First of all, in the bill it says that the Community College Board is required -- or, the State Board of Higher Ed is required to include in its appropriations twenty-five million dollars for this program. However, the amendment yesterday then stated it's subject to appropriation. Don't those two comments or statements conflict with each other?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Burzynski, thank you for the question. The twenty-five million dollars is just a marker and it provides direction to the Illinois Board of Higher Education -- to the Illinois Community College Board. It is the -- the Illinois Community College Board is a quasi-independent agency, which is not necessarily an agency under the Governor. They are proposing a budget which serves as direction for the Illinois Community College Board.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Am I not correct that it does state that they must include in their appropriation that amount?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Burzynski, that is in the request, but it doesn't mean that we need to or -- or are required to appropriate that amount.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. You're absolutely correct. However, it is included right here in the bill. The State Board shall include as a separate line item, in its budget proposal twenty-five million dollars in funding for the We Want to Learn Initiative

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program. While I commend, you know, on -- you on -- on what you're trying to do, I just want to point out as well that right now we're already spending sixty-six million dollars a year in bilingual education K through twelve. We're also looking at adult education programs in the community college line item that total thirty-four million dollars' request this year. The Governor has budgeted thirty-five million dollars, which includes all different types of things: ESL, helping obtain citizenship, improving literacy programs, GED programs. We're almost doubling that line item with this one thing. It's a brand-new program. It's more spending in a year where we don't have money. I would encourage a No vote. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam, I'm about to recognize Senator Righter. Wanted to make sure you knew that. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, for that recognition. I wonder if I might ask the sponsor a couple questions, please.

PRESIDING OFFICER: (SENATOR HENDON)

Take your time and do so, sir. Senator Righter.

SENATOR RIGHTER:

Thank you. Thank -- thank -- thank you very much, Senator. Senator Sandoval, you and I talked yesterday in committee and before when the bill was originally presented, about the concerns that some of us have that this raises a serious violation of separation of powers issue. I'm not familiar with any other instance where the General Assembly has instructed an entity like the Community College Board, the Board of Higher Education, the Illinois State Board of Education, what they had to put in their proposal to the Governor's Office. Can you tell me -- and I -- I -- I appreciate you're going to tell me that you don't think it's a violation. Can you tell me of other specific instances where the General Assembly has passed a statute instructing such an entity what to put in their budget request?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you. Thank you, Senator Righter. Well, there is an example where we do include the foundation level in statute. But

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I want to also remind the Senator I had looked into this question that we had in committee, and just want to remind us all that the -- these -- these are all quasi-independent entities, the Illinois Community College Board, and they develop their own budget proposals and this is just to give them guidance where we would like the program to go. Again, at the end of the day, it is all subject to an appropriation by the Illinois General Assembly.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Well, Senator, with all due respect, the word "must", I mean, likening that to guidance is like when I encourage my -- one of my children to eat their green beans by telling them they're not getting up from the table until they've eaten their green beans. You're telling them that they have to put this in the budget. I think this is without precedent and I'm not sure that's a road we should go down. I have one other question, if I might. Senator, we talked about this yesterday as well, about how the money will be distributed. I understand that there's a formula currently in law for the Community College Board about the way they distribute monies that are already spent on this purpose. Your bill changes the law and requires half of that money to be sent out to certain entities, such as community-based, not-for-profit organizations, immigrant social service organizations. Tell me how the Community College Board is going to work this system, how they're going to decide which of these entities get that -- this twenty-five million.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Senator Righter. Just want to remind the Body that this discussion is for moot, because whether we lay at a marker or whether we propose a budget, I've included language based on the committee recommendations and the trump language is this bill is subject to appropriation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, to the bill.

SENATOR RIGHTER:

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Thank -- thank you, Mr. President. Ladies and Gentlemen of the Chamber, I appreciate what I know is the Senator's good intention, but the best way for us to increase funding in this area or any other area is to build a consensus among the General Assembly which has the power -- who has the power to appropriate the funds and not send a bill through that likely is not going to be paid attention to by the agency we're -- we're directing them to do something. I would urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval, to close.

SENATOR SANDOVAL:

Thank you, Mr. President. Just want to remind the Members of the Body that currently the Illinois Community College Board serves about eighty thousand adults in English transition. Want to remind that the growth of the immigrant residents of Illinois, in Elgin and Waukegan and Rockford and in the western suburbs, has -- and in Illinois have grown to over 1.1 million residents who speak less than English very well. So eighty thousand versus 1.1 million residents in Illinois that we need to assist to learn English is an effort of this bill and is the effort of this Body. I ask a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2376 pass. 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 38 voting Aye, 16 voting Nay, none voting Present. Senate Bill 2376, having received the required constitutional majority, is declared passed. Senate Bill 2394. Senator Cullerton. Senate Bill 2395. Senator Wilhelmi. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2395.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Illinois Senate. This bill amends the Illinois

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Dental Practice Act in four ways. First, it requires a census to determine where dental services are being provided in the State and where they're not being provided. Second, it creates a -- a temporary dentistry license or dental hygiene license for applicants who apply from outside of the State due to a natural disaster, like Katrina. Third, it allows a surviving spouse of a dentist who passes away to contract with a dentist to keep the practice going for up to one year or until the practice is sold, whichever occurs first. And lastly, it requires dental labs to tell the dentist where the products that go into the appliances are purchased from and where they're made to assure safety in dental appliances. I'd be happy to answer any questions and I ask for a Yes vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Jones.

SENATOR J. JONES:

Senator Wilhelmi, in -- in committee you promised to hold this bill for an amendment. Can -- can you elaborate on the process of the amendment or what your intentions are?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wilhelmi.

SENATOR WILHELMI:

Senator Jones, I -- I did say that we were going to be working on this, that the Department of Professional Regulation and the Dental Society would work on this bill and they have. There's one remaining issue that they're going to work out in the House. But, Senator, I was very clear in committee that I would not hold this bill, that I would move it, and then we're going to have it go to the House for further work in one regard and that is the surviving spouse rights. And I'm confident that that'll get worked out and I will help to make sure that any -- the amendment happens in the House and that that concern is addressed.

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Jones.

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SENATOR J. JONES:

Briefly, could you explain to our Members over here that don't sit on the committee exactly what the issue is?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Wilhelmi.

SENATOR WILHELMI:

Sure. The -- the issue with allowing a surviving spouse to carry on a dental practice, the issue is that she or he may be engaged in dental practice when he or she isn't a dentist. What this bill says, though, is that that spouse can contract with a dentist to keep the practice going until that surviving spouse has a buyer for the practice. And -- and the goal is to allow a dentist who's built up a good practice, who unfortunately passes away or becomes incapacitated, that that dentist doesn't lose the value of that practice. And, in fact, the family and the spouse doesn't lose the value of that practice.

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Jones.

SENATOR J. JONES:

Thank you, Senator Wilhelmi. I -- I stand in support of the bill. I -- I think your -- your intentions are great and I -- and hopefully we can work that out over in the House. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2395 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2395, having received the required constitutional majority, is declared passed. Senate Bill 2405. Senator Cullerton. Senator Cullerton seeks leave of the Body to return Senate Bill 2405 to the Order of 2nd Reading for the purposes of amendment. Seeing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2405. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.



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SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This amendment was recommended by the Transportation Committee to amend the bill dealing with automated traffic law enforcement systems and be happy to explain it, after we adopt it, in -- on 3rd Reading on the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Any question -- any discussion on the amendment? Seeing none, Senator Cullerton moves the adoption of Amendment No. 2 to Senate Bill 2405. All those in favor will say Aye. Opposed, say Nay. And the Ayes have it. 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2405. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2405.

(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. This bill deals with automated traffic law enforcement systems and what it does is to allow for a municipality or a county in -- within certain counties to enact ordinances. So it's permissive in that regard. If they don't wish to do it, they're not obligated to, with regard to automated traffic law enforcement systems. The -- the counties that we've put in the bill are those most populated: Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair and Will, and the municipalities within those jurisdictions. Other counties in the State would not have the authority -- the municipalities in the other counties would not have the authority to do so. What the bill does is -- also at the request of the committee, is to -- we've changed the normal fine that you can get when you run a red light from two hundred and fifty dollars down to a hundred dollars, because the request of the members of

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the committee was to limit the amount of money that the municipality could make, while at the same time providing a fine high enough that we would discourage the behavior of running the red light. We also, at the request of the committee, amended the bill so that they would get the -- the person would get the citation thirty days after the Secretary of State's Office notifies the municipality of the identity of the owner of the vehicle. We also have some other protections within the bill in order to make sure that a person who's not in violation doesn't get the ticket, and that would be to indicate if the vehicle is stolen, you could mail in information to identify that; if there's an emergency vehicle or a funeral procession that you're in, it -- it specifically says you should -- cannot get a ticket for that. In fact, the municipality, by ordinance, could put in their ordinance any other evidence that they wish to -- to provide a defense for a person who got the ticket.

PRESIDING OFFICER: (SENATOR HENDON)

Thank...

SENATOR CULLERTON:

There has to be a sign posted indicating that there -- this is an automated traffic law enforcement system and there's a -- a provision here that says that the compensation paid for the system must be based on the value of the equipment and not based on the number of tickets generated by the system..

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. There's a lot of lights so you'll have opportunity, I'm certain. Senator Bomke.

SENATOR BOMKE:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, let me say I have a great deal of respect for the sponsors. We have a philosophical difference on this particular issue and I do appreciate him reducing the scope of area to which it would affect if it becomes law. But if, in fact, these cameras at red lights actually reduced accidents, I think there might be some validity in having this in law, but there have been studies done that indicate quite the contrary and that, in fact, that accidents increase at these intersection. And I refer to a Popular Mechanics magazine article, dated March 2006, and it says: Big Brother Is Ticketing You. Local

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government loves them. More revenue! Drivers hate them. More tickets! Are traffic cameras really the best way to improve safety? And it says in the article: A study of red-light cameras in Washington, D.C., by Washington Post found that despite producing more than 500,000 tickets, and generating over \$32 million dollars in revenue, red-light cameras didn't reduce injuries or collision. And, in fact, the number of accidents increased at the camera-equipped intersections. Likewise, red-light cameras in Portland, Oregon, produced a 140 percent increase in red -- rear-end collisions at monitored intersections, and a study by the Virginia Transportation Research Council found that although red-light cameras decreased collisions resulting from people running traffic lights, they significantly increased accidents overall. I mean, my point is, if we're not reducing accidents at these intersections, but actually increasing them, what is the point? And I think it's pretty obvious. It's to generate revenue -- it's to generate revenue for these municipalities and, in fact, in a Chicago Sun-Time {sic} article, it indicates that these red lights have increased revenues to Chicago by over twenty-two million dollars and I was just given an article here that indicated that Daley promises to even -- to -- to increase cameras to help 'em raise a hundred and four million dollar shortfall for the 2006 budget. In addition to increasing revenue, if you get five of these tickets, you lose your license. I really think that, Senator Cullerton, this is just another tax on motorists. And I -- and I want to make a point. Senator Dale Risinger mentioned that he had a constituent that had received a ticket while in Chicago - and this has happened to all of us - was at the intersection getting ready to make a turn, the light turned yellow, and then turned red, and had to turn and got a ticket for proceeding on. This, in fact, increases accidents. We've all had the -- the occasion when we've come upon an intersection and the light has turned yellow, and I guarantee you, if you're going to get a ticket, the first thing that comes to mind - and we've all done this, should we stop or go on - and what occurs is the motorist slams on the brake, causing a chain reaction and that's why there's a -- a result of increased accidents. And I would encourage a No vote on this legislation.

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PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, madam.

SENATOR LIGHTFORD:

Thank you, Mr. President. I rise in support of this legislation. I do see this as a measure of public safety and also as a measure -- we have many communities who do not have an adequate number of police officers on staff, and so what happens is when you have those officers assigned to traffic safety, they're being taken away from a lot of other areas where their need is much greater. And I know that in my district, the Village of Bellwood is a community that is in dire need of this legislation. It's something that they wholeheartedly support. In fact, the mayor and the trustees, the clerk, they've been down here -- on three occasions already this year to express their concern in this legislation. It would be a great benefit to that community. We all know that when someone's watching, we do slow down, we do pay more attention to the traffic signs. All of the concerns that I shared have been addressed in that the camera only takes pictures of the license plate - if that is correct. And I do support the concept, and so I rise to say that I believe this is a good public safety measure, that it eases the burdens on a lot of our communities who have a -- a low number of police officers, and I urge a Aye support.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I rise in support of this bill. I want to commend the sponsor for all the changes that he made in order to address the concerns raised by the committee. But I think there's just a philosophical difference between people that think this is appropriate and those that don't. But I want to stress that it's permissive. We're not requiring anybody to do anything. We heard about some different statistics. The sponsor had statistics clearly showing that it saves lives. Senator Bomke had some other statistics. But all we're doing here is

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letting the local people evaluate those statistics in light of what they have going on in their own communities. The other issue that was raise are a lot of anecdotal potential problems that actually may or may not end up being problems. But, once again, this just allows local units of government to evaluate and -- and sort of assign a -- a cost benefit to the potential to save lives or the potential possible inconveniences some people may experience. So I think it's definitely worth allowing localities to make this decision on their own, and it only applies to the highly populated areas of this State. So I would urge a Yes vote on this.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Shadid.

SENATOR SHADID:

I have -- I have a couple of concerns, but before I state those concerns, I want to make everyone aware and let it be well known that my intent has always been to try to reduce accidents and try to keep people from running red lights, and I think this is the wrong way to be doing it. There's other ways to do it that are not going to take money out of people's pockets who weren't -- weren't even driving the car when it went through this intersection. And I want to ask the sponsor why he is opposed to putting the camera so that it takes a picture of the driver so we could have fairness when we issue the ticket. We can find out who actually was driving if there's a problem.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. It's true that the -- the -- the way it works, the way it's contemplated to work, is that you'd only be taking a picture of the license plate and verifying that the car has gone through the red light and the ticket goes to the registered owner - very similar to -- identical to the way we treat parking tickets. As a result, it's not a moving violation, and the purpose of that is clearly to not be an invasion of people's privacy to take so many

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pictures of them driving their vehicle in -- in normal traffic and to limit the severity of the offense so that it's not a moving violation, while at the same time providing a fine so as to discourage people from running the red lights.

PRESIDING OFFICER: (SENATOR HENDON)

Senate -- Senator Shadid.

SENATOR SHADID:

Well, first, I don't agree that you're issuing a ticket to the car. The car can't do it without somebody driving it. So I would think that the owner of the car, who loans his car to a neighbor who's got car trouble, should not be sent a ticket and then he has to send literature and all this to try to prove he wasn't driving it. That's just my statement there. But Senator Harmon had a bill - Senate Bill 2865 - which helped to reduce accidents at railroad crossings. The cameras that are going to be installed there will take a picture of the driver and the car. So if there's any question of who was driving, it could be easily taken care of and the right person will get the ticket without going through all this. I am opposed to this. The way to reduce accidents - if you're looking to reduce accidents at intersections - is to have the red light on in all directions for at least two to three seconds so that nothing's moving, so if someone blows the light, he's not going to hit anything. So I'm -- I'm in -- opposed to this, because of the intent. The intent is to raise revenue and that's not the intent -- my intent.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. To the bill: I -- I rise in strong support of this bill and hopefully I can be -- be able to help clarify some of the issues that people have been bringing up. The first reason we want to do this is it does save lives and there's accident data that's there. Will it increase accidents, or not? It's not the type of accidents, it's the severity of the accident. The type of accident this produces are the side collisions where there are the fatals. For example, I have information here from the Illinois Department of Transportation. In 2003, in the State of Illinois, there were a hundred and fifty-one accidents. In 2004, there were a hundred

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and nine. Well, if you look at the City of Chicago, in 2003, there were fifty-four fatalities - not accidents, fatalities; in 2004, there were eighteen fatalities. So all of -- basically all of those accidents, all of those fatalities reductions were in the City of Chicago. Why? Because of that particular bill that -- that prevents it. Now here's what happens. Some people talk about someone stopped and made a right-hand turn. I find that a little hard to believe, because what happens with the photograph, it shows your vehicle before you hit the white line in the intersection, then it takes a photograph of your vehicle, the light is red. It has the speed of your vehicle. Now if someone is doing thirty miles an hour making a right-hand turn, they didn't make a complete stop. Then it takes another picture of your vehicle as you completed through the intersection and the plate. So now you have a picture before the white line, after the white line, the speed of the vehicle. It's clear, it's fair, and because you don't know who the driver is, it's not a moving violation, but the people who get those tickets - and I personally know people who have - immediately write -- pay -- pay the fine because they know they violated the law. It's very clear. It saves lives. That's what this about, and I rise in strong support. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you very much. I was not going to get up and speak to the bill -- against the bill until the previous speaker brought up a couple comments that were indeed discussed in committee, in regard to IDOT's figures that they -- that they presented. And the -- those numbers I'm -- I'm certainly pleased that the State of Illinois is able to show a reduction in fatalities. That is great. But as the bill's own sponsor said in committee, that could have been achieved by a number of things, changes in a dangerous -- redesigning a dangerous intersection, the fact that seatbelts are being enforced more in the State of Illinois is -- is a -- is -- is probably what has done that. There's no proof, whatsoever, that these cameras have -- have made any difference in the fatalities, and as Senator Bomke mentioned early in this discussion, it may indeed even increase accidents at an

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intersection. As Senator Shadid indicated, Senator Harmon passed a bill out of this Chamber recently that identifies the license plate and the driver. We also passed, I believe last year, a bill that when you're in a construction zone, they identify the license plate and the driver. It can be done. It should be done. I've asked this bill's sponsor to do that. That has not happened as yet. I do want to tell the bill sponsor, he has worked on this bill for as long as I've been here in this Body. You've made some great progress on it. I ask that you continue to make progress on it until we can pass a bill that addresses all the concerns. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. Thank you very much. Just in brief response, I really and truly don't believe that there's an increase in -- in accidents at these intersections. It just doesn't make sense. There's a -- there's been a -- a reduction in fatalities throughout the -- the State, particularly in Chicago. I'd like to believe that it's because of the fact that these red lights are operating there. We did lower the fine in response. We did limit it to the more populous areas. I want to make it real clear: They don't issue a ticket if you're just turning left through a yellow light. It's only -- there's a stop line. There's a stop line and a picture of a red light. It's only if you -- you continue on past the stop line after the light is red. It's a clear, clear running of a red light is what generates a ticket. I believe we've tried to accommodate people as best I can. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2405 pass. 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 33 voting Aye, 22 voting Nay, and 1 voting Present. Senate Bill 2405, having received the required constitutional majority, is declared passed. Senate Bill 2412. Senator Clayborne. Out of the record. Senate Bill 2436. Senator Crotty. Senator Crotty seeks leave of the Body to return Senate Bill 2436 to the Order



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of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2436. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you very much. The Floor Amendment No. 2 to Senate Bill 2436 is a compromise between AARP, Department of Public Health and the Illinois Facilities Planning Board, and all it does is clarify the intent of the original bill.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Crotty moves the adoption of Amendment No. 2 to Senate Bill 2436. 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 2436. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2436.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you very much, Ladies and Gentlemen of the Senate. Senate Bill 2436 requires the Health Facilities Planning Board to conduct annual surveys, instead of inventories, of health care facilities licensed under the Nursing Home Care Act. The survey shall include an identification of specialty services provided and the number of beds available for immediate occupancy. The purpose of the bill is to give the Health Facilities Board the authority to perform a survey of active versus licensed nursing

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home beds and services prior to them taking them off-line and --  
in a -- a bed reduction program.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I simply rise in support of the bill. The bill did pass out of committee unanimously. The sponsor has done a nice job here in putting forth a piece of legislation that will help us get a more accurate count on what kinds of different services are available out there right now towards the long-term goal of helping best accommodate our seniors. I urge its passage. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, the question is, shall Senate Bill 2436 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2436, having received the required constitutional majority, is declared passed. Senate Bill 2446. Senator Forby. Senate Bill 2455. Senator Trotter. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2455.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. 2455 amends the School Code and the Critical Health Problems and Comprehensive Health Education Act. It addresses the Abandoned Newborn Infant Protection Act, which we know that we have passed out of this Chamber for one reason and one reason only and that is to save the lives of infants. What this bill proposes is that we move that language from the -- from the sex education line to the health education line. There is no language in this bill that addresses requiring information concerning responsible parenting and availability of confidential adoption services to

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be taught in these health education courses or any way in conjunction with this Act.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I rise for two purposes. First, to thank Senator Trotter for his accommodation. The amendment took care of the concerns that many on the committee had that would be moving different subject areas, other than just the Abandoned Newborn Infant Act, into the public health instructional section of the School Code and -- and teaching what the committee thought were a lot of younger people who didn't necessarily need to hear about those things at that age, and just restricts it to the Act itself. I appreciate that. I urge its passage.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Trotter, to close. Senator Trotter, to close.

SENATOR TROTTER:

I just ask the Body for a favorable roll call.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2455 pass. 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. Senate Bill 2455, having received the required constitutional majority, is declared passed. Senate Bill 2465. Senator Cullerton. Senator Cullerton seeks leave of the Body to return Senate Bill 2465 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2465. Madam Secretary, are there any amendments -- amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

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

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This was a request of, I think, Senator Syverson in committee to further clarify what "living quarters" was. I had this bill on 3rd Reading before, I took it out of the record, and we put the amendment on, so I'd like to adopt the amendment.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Seeing none, Senator Cullerton moves the adoption of Amendment No. 1 to Senate Bill 2465. 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 2465. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2465.

(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. This is an initiative of the Lung Association, the Coalition Against Tobacco, the Illinois State Medical Society, the Heart Association, the Cancer Society and the Lung Association of Metropolitan Chicago. What it does is it deals with prohibiting smoking in -- in the living quarters, as we defined in the amendment just adopted, of the student dormitories owned and operated by public or private institutions of higher education. This is a -- a top cause of fires in college dorms, as well as cost of clean up and repairs. And it also would -- discourages our young people from taking up smoking. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2465 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 50 voting Aye, 5 voting Nay, and none voting Present. Senate Bill 2465, having received the required constitutional majority, is declared passed. Senate Bill 2469. Senator Crotty. Senator Crotty seeks leave of the Body to return Senate Bill 2469 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2469. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Yes. The amendment now becomes the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Seeing none, Senator Crotty moves the adoption of Amendment No. 3 to Senate Bill 2469. 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 2469. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2469.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you very much. The changes -- what happens with Senate Bill 2469 is it changes the repeal date of the Illinois Optometric Act of 1987 from January 2007 to January 1st, 2017. It creates a one level of licensure for optometrists by removing all references to diagnostic and therapeutic ocular, pharmaceutical agents and therapeutic certifications, deleting

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obsolete Sections of the Act, and making other changes to implement one level of licensure. Optometrists may take the necessary action they are trained for in emergencies. It raises penalties for practicing without a license and other violations of this Act from five thousand to -- ten thousand dollars. Creates the position of optometric coordinator to enforce the Act, instead of an investigator. It requires those with a one-year residency -- fully licensed optometrists and removes the provision allowing them to practice the entire scope of optometry. It also allows the Department to revoke a one-year residency license if the holder has practiced optometry outside the scope of the residency. It also clarifies that it is a violation of the Act to fail to release a record or prescription in ordinance {sic} with the federal law.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. This bill passed out of committee unanimously, and I would recommend an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2469 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2469, having received the required constitutional majority, is declared passed. Senate Bill 2475. Senator Cullerton. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill -- pardon me, Senate Bill 2475.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill is an initiative of the Illinois State Bar Association and the Chicago Bar. It's in response to an Appellate Court case called Haber, which causes some confusion as to what the statute

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of limitation is in divorce cases. The -- the problem with this bill is it -- it limits the -- and kind of forces a lawyer who is having a -- a client that can't pay -- it forces them to sue them during the worst time of a -- of a legal matter, because it -- it -- it forces them into an adversarial relationship with their own clients. As people can imagine, the dissolution of a marriage, it can be a -- a real financial train wreck. Parties are left with assets and income and frequently with no liquidity, and attorneys usually, working with their clients, wait for payment until their assets can be sold. But this case that came down forces -- forces the -- the lawyer to file a lawsuit within a year after the matter's adjudicated. And everyone up until this time thought that there was about a -- exactly a ten-year statute of limitation. So this is in response to that. I haven't heard of any opposition. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you saying that the lawyers cannot charge their clients? I -- I -- I didn't quite get your gist of it. Would you repeat your main statement?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. It has to do with the statute of limitations, the time that a lawyer has to get a -- to file a lawsuit against their own client if they don't pay their legal fees. And what we're trying to do is respond to an Appellate Court case that limited it to one year. The -- the argument is that they need more time, because of a divorce, there's -- the client doesn't have, frequently, enough assets to pay the legal fee and wants more time. So we always thought it was a ten-year statute. This Appellate Court case with language that was some -- somewhat confusing argued that maybe there's only one year and this is

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meant to clarify that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, a lawyer has only one year to file?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Under the rule -- under the ruling of the Appellate Court, they would only have one year and this bill changes it so that it -- it makes it -- it goes back to the ten-year statute of limitations that was already common law.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2475 pass. All 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, none voting Nay, none voting Present. Senate Bill 2475, having received the required constitutional majority, is declared passed. Senate Bill 2489. Senator Shadid. Senator Shadid seeks leave of the Body to return Senate Bill 2489 to 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2489. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Shadid.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. The amendment allows the railroads to put a fence around their property.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Shadid moves the adoption of Amendment No. 3 to Senate Bill 2489. 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:



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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on 3rd Reading -- the Order of 3rd Reading is Senate Bill 2489. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2489.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

Thank -- thank you, Mr. President. Senate Bill -- 2489, as amended, addresses the growing problem of cargo theft in our State. More than twelve million cargo containers enter and leave the Chicago area each year, making Chicago the third-busiest port in the world, and security is a major concern. This bill will allow them to put a fence up around their property to prevent people from stealing property off their -- stealing things off their property. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. This came out of committee with no opposition. Appreciate the hard work of the sponsor. I'm going to encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, the question is, shall Senate Bill 2489 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2489, having received the required constitutional majority, is declared passed. Senate Bill 2510. Senator Raoul. Senate Bill 2510. Senator Raoul. Out of the record. Senate Bill 2514. Senator Ronen. Out of the record. Senate Bill 2515. Senator Ronen. Out of the record. Senate Bill 2519. Senator Demuzio. Senate Bill 2519 is out of the record. We're going to skip from the top of page 7 to roughly to top of page 8. Senate Bill 2558. Senate Bill 2558. Senator

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Silverstein. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2558.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank -- thank you, Mr. President. What this does, it prohibits the State or any other government local agency, or school district from using these radio frequency identification chips, and there's certain exceptions for I-PASS, library cards, sail and rail passes, GPS receivers, and badges issued to law enforcement. I will tell you there's -- there's been a lot of questions on this bill. I'm -- I'm -- I'd like to pass it to the House. I know there'll be some more amendments coming through on the House. So I'll take any questions or -- at this time.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: We've heard some conversation in the Senate Executive Committee about this -- this problem that has been articulated about this type of data chip and my suggestion is that we -- we vote No today on this bill. I think that it's an idea whose time has not quite yet come in terms of us needing a solution. I think that this is calling out for hearings. I think this is the perfect type of thing that we need for a task force. But -- but the sense I get as I look at the bill and have heard the testimony in committee is that this has been put together in an -- in a way that's not really artful. And I think if we took a step back and heard testimony about what the problems are, what the -- what the technologies are, then we can all come together and -- and really have a good consensus bill. So I would urge No or Present votes on this, and -- and let's have some hearings and do this the right way, rather than putting a bunch of amendments in that many times are inconsistent and many times are ambiguous. I urge a No or Present vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, the question is

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shall Senate Bill 2558 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 voting Yea, 19 voting Nay, 7 voting Present. Senate Bill 2558, having failed to receive the required constitutional majority, is declared failed. Senator Silverstein.

SENATOR SILVERSTEIN:

Verification -- no, I'm only kidding. I ask that this be put on...

PRESIDING OFFICER: (SENATOR HENDON)

Postponed Consideration?

SENATOR SILVERSTEIN:

...yeah.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein requests this bill be put on Postponed Consideration. That request is in order. Postponed Consideration. Senate Bill 2568. Senator Cullerton. 2579. Senator Collins. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2579.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Basically, Senate Bill 2579 establishes a new income tax checkoff for energy assistance, and I'm open for any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2579 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2579, having received the required constitutional majority, is declared passed. Senate Bill 2580. Senator Clayborne. Madam Secretary, read the bill.

SECRETARY HAWKER:

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Senate Bill 2580.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne. Senator Clayborne.

SENATOR CLAYBORNE:

There's a Floor -- Floor amendment.

PRESIDING OFFICER: (SENATOR HENDON)

We'll look for the Floor amendment, sir. The Floor amendment has already been adopted, sir. To the bill.

SENATOR CLAYBORNE:

Thank you, Mr. President. Senate Bill 2580, as amended, replaces most of the provisions and requires various State agencies to adopt rules for a process to speed up the agencies' permit and licensing process. Basically, this bill came about as a result of -- of our investment in the coal industry, and there are about twenty-seven projects that we're expecting to need a permitting process. It doesn't change the siting requirements. It just speeds up the process for those who want to pay for the expedition of the projects -- expediting of the projects. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2580 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 2580, having received the required constitutional majority, is declared passed. Senate Bill 2608. Senator Haine. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2608.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

...Senate, all this does is extend the sunset on the Medical Practice Act. We were going to have more, but somehow there --

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an agreement couldn't be reached. So that's all this bill does.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2608 pass. Those in favor, vote Aye. 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 are 55 voting Aye, none voting Nay, none voting Present. Senate Bill 2608, having received the required constitutional majority, is declared passed. Senate Bill 2616. Senator Dillard. Senate Bill 2617. Senator Dillard. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2617.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen. This is a very simple bill. It just -- expands coverage of the Illinois Financial Crime Law to include currency exchanges. Came out of the committee unanimously, and I know of no opposition.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2617 pass. 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. Senate Bill 2617, having received the required constitutional majority, is declared passed. Senate Bill 2639. Senator Garrett. Senate Bill 2650. Senator Harmon. Madam -- Senator Harmon seeks leave of the Body to return Senate Bill 2650 to the Order of 2nd Reading for the purposes of a -- an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2650. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill deals with the State and county Hire-back Funds for the patrolling of construction zones. The amendment simply makes the county hire-back program available statewide, as opposed to only in Cook County. And I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. This came out of committee with no opposition. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon moves the adoption of Amendment No. 2 to Senate Bill 2650. 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 2650. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2650.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Under current law today, the State troopers patrol construction zones on the interstates and State roads. When they write a ticket, there's a surcharge. That money goes into the State Hire-back Fund and the money is used to hire State troopers on overtime to patrol those construction zones. This bill, as amended, would permit the county sheriffs to do the same thing when patrolling non-interstate State roads. I'm aware of

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no opposition and I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2650 pass. 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. Senate Bill 2650, having received the required constitutional majority, is declared passed. Senate Bill 2654. Senator Harmon. Out of the record. Senate Bill 2670. Senator Collins. Out of the record. Senate Bill 2672. Senator Clayborne. Out of the record. Senate Bill 2674. Senator Demuzio. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2674.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 2674 is the State Services Assurance Act. It establishes a process for setting -- adequate staffing levels in all of our State agencies under the Governor's control. I'm sponsoring this bill because I know that State government delivers so many crucial services that are necessary for the health, welfare, safety and quality of life of all of our Illinois residents. Senate Bill 2674 gives the General Assembly a mechanism to monitor staffing levels in all of our Executive branch agencies to assure the delivery of vital State services. This bill is basically roughly around a two-hundred-million-dollar estimated cost for '07, which the administration gives for Senate Bill 2674, but that assumes that every one of the positions this bill seeks to add in our prisons and our mental health and developmental disabled facilities would be filled in '07. Everyone agrees that it is simply not possible to train almost two thousand new, front-line employees for our correctional centers and twelve hundred and eighty new employees at our developmental and mental health centers within the DHS

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system. So let's think about this for a minute. In the real world, the fiscal impact of this bill is far less than what the administration -- estimates. We certainly understand the administration's concern that this bill imposes staffing levels on Corrections and DHS that can't be met. We also are -- are aware that problems do exist within these correctional centers and within our -- and staffing is a problem, and that this is something that should be addressed. For instance, just recently in our hearing at -- when we were talking to Department of Corrections, the question was asked, "Are all of our inmates receiving their mail in a timely manner?" The answer was, "It's taking thirty days." At that point in time, we also know that they are pulling front-line staff off and making them to do other things which leaves our -- our institutions very vulnerable. So we have fewer prison employees overseeing the same or increased number of inmates. We also are aware that this is creating dangerous understaffing situations that are only made worse because -- existing staff are being required to work extra long hours and a lot of overtime. And just so you know, there are six correctional centers within my district and I have received, almost on a daily basis, calls and letters from individuals that are working within that institution. This is just a list and this is just some of the letters that I have received within the last month from individuals stating how bad the situation is. For instance, one of the letters just says: Senator Demuzio, would you please take the time to take a look. We have -- I would appreciate your looking at this info to see how -- how serious our problems are at the Department of Corrections. So I bring to you today this bill and not only just for the institutions that are within the 49th District. I'm asking for staffing. I want to have -- we should take a look at the staffing across the State, because we all know that if we've had the opportunity, and many of you have facilities within your district, either it be Corrections or through the DHS system, we know that as you go through these that there is understaffing. And you're -- and individuals within your district have also identified the shortage.

PRESIDING OFFICER: (SENATOR HENDON)

Thank -- thank you, Senator.



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SENATOR DEMUZIO:

Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

There are a number of lights so you will be able to give further explanation. Trust me. Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. To the bill: I appreciate what the sponsor's trying to do. Know she's put a lot of hard work into this. There's no question that -- that our facilities, many of them are at a dangerous low in the people serving us in the State of Illinois, whether it be in Corrections or mental health facilities. The correctional facilities, we have an inadequate number of guards guarding those that have been incarcerated. There are even occasion when -- those guards are not even in the towers because there aren't enough people to provide the kind of services and -- and the kind of protection we need. I know that it's been a difficult time in trying to engage the Governor, but I also know that when you can move a bill through the process, this will go a long way of getting the Governor involved in this serious issue and engaging the Governor, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Couple of questions of the sponsor if that's permitted.

PRESIDING OFFICER: (SENATOR HENDON)

Go right ahead, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator -- Senator Demuzio, you know, in -- in the past we have dealt with a lot of these kind of issues through the appropriation process in the General Assembly. And under the review of the budget, you take a look and you ask for assurances from the department people. Are you certain that this is better done as a statutory bill rather than relying on your colleagues in the Majority to do this through the appropriation process?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Senator, for your question. Over the last

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several months, I believe that there has been some type of movement or something. Some movement has been made to try to get all the parties involved, particularly DHS, IDOC, Governor's Office, to sit down. Just this past week, we did sit down. We tried to talk, tried to come up with some type of a resolution to the staffing issue, perhaps looking at a ramp-up to make sure that -- you know, we know we can't fill all these positions, so maybe a ramp-up would be something. That did not work out and so we are now thinking that the only way we can address this is legislatively.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I -- I just -- just would point out that these are normally handled through the appropriation process, where you have the opportunity to -- to ask questions of the department and make them demonstrate what they're doing. But if you pass your budgets in the last few hours of three General Assemblies in a row, and you don't ask those questions. But if this bill is because the Members of the Majority share some of the frustrations we do on this side of the aisle and we no longer trust Governor Rod Blagojevich to administer these departments in a reasonable way, I -- I just want to tell you, I -- I think it's unfortunate that we're not doing it through the committee structure. But if this is the solution that we need to keep an eye on this Governor, I commend your work.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. I commend the Senator for the -- bringing this bill forward. I find it interesting that the Department of Corrections, when it came through the Legislative Audit Commission, that Department of Corrections was paying something like twenty million dollars or twenty million plus for efficiencies back to CMS whenever they have a shortage of personnel within the Correction Department. And so, I stand in support of your bill. I think it's a good idea. I think we need to staff these agencies to where they can be effective. There's one thing about being efficient, if you want to fire everybody,

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you're pretty efficient, but you're not effective in delivering services. We need to be more effective, and so I appreciate that. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio. I mean Senator Shadid.

SENATOR SHADID:

Thank you. Senator Demuzio, the Auditor General is going to be doing the audit and is he going to be hiring an independent agency to do the actual audit?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

I -- at this point we're still -- the amendment calls for the Auditor General to -- to do so many audits. I do not know whether he's going to do this independently or do that within house. That's something that I'm sure we'll be finding out as we work through this process.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

Well, in my career, I've had the opportunity to get involved in staffing levels at county jails and it's extremely important, because while we're looking at this -- situation, which I -- I think is a very dangerous situation because they're double bunking prisoners and it's a very dangerous, dangerous thing to do. Because when you double bunk, you're going to need more employees 'cause you're going to have more problems. What I'm suggesting, Senator, is that maybe at some point - we can use this vehicle or this -- what you're doing - is to take a strong look at the present jails that should not be in operation and we take a look at a couple of the new prisons that are empty, that we need to do the staffing levels at the old prisons and what it's costing us and then go to the new ones and -- and do an analysis there to see if -- how much cheaper it's going to be, more efficient and safer for not only the employees, but the prisoners and anyone else in that facility. So I would hope that we could do something like that also. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rutherford.

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SENATOR RUTHERFORD:

Thank you, Mr. President. To the bill: Since 1993, when I came in the General Assembly, each new General Assembly we would conduct tours of the Pontiac and Dwight correctional facilities for the new Members so they would have a firsthand opportunity to see what it's like to visit a major State facility like that, meet the staff, visit with the inmates and actually have a sense about what our responsibility and the effect it has when we make decisions here in Springfield. I stand in support of the Senator's piece of legislation. One of the things that's happening in Corrections today is the administration is talking about the number of head counts that have been reduced in State government. That may well be the case, but as you look at the overtime that is being paid, particularly at our maximum security penitentiaries, the dollars that are being spent in overtime is - - is exorbitant. I believe that it's appropriate to try to move to permanent staffing levels. The stress that's on the staff now with the mandated overtimes is not good. The dollars are being used already, and I stand in support of the Senator's legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. I, too, rise in support of this legislation. You know, as we started looking at and attempting to address the public safety needs of the citizens of Illinois and also look at the staffing levels in the health care delivery system and the children who fall up under the DCFS, I believe it's imperative that we have these very comprehensive audits go forth, so, again, we can have that statistical data, as well as the anecdotal -- data that we get sometimes just from our constituents. This bill is -- is a good bill. I think the Auditor General has proven in just a recent past and then even prior to that, that he can be very objective in his findings. So we certainly do not need to have any outside people do these audits. Let the commission that we have established here in the General Assembly do its work so we can get on and do our work here.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Roskam.

SENATOR ROSKAM:

Senator, what is it that animates your hope that an audit is going to have any more influence on this Governor than past audits have had on this Governor?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Senator. I think that what we need to be -- I think with the Auditor General's input, being on the Audit Commission, being involved with that, and then having the Auditor General involved, I think that's going to give much more credence to our numbers, be able to get that statistical data back to us or get it back to the individuals that -- that -- you know, we're looking at head count -- that's looking at the head count. And I think that that gives us a little bit of -- of -- of an edge, I guess.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Thank you. What is it about the Governor's stewardship over the past three years that -- that prompts you to think that it's not adequately being run and that you have to run a bill like Senate Bill 2674? What are the things that you've observed in the past and who's in jeopardy if this doesn't pass?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

...question, Senator. I've had the opportunity, just in my short tenure, to visit most of the institutions and the health facilities within my district. And also during those particular tours and during that time -- as many of you have said and I know the comment was made, that tours used to be given and you used to be able to go into the facilities and -- and take a look. I think what prompted it was one -- at one of my visits, where a

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lady broke down and cried because she was in the processing center and indicated that her workload was such that she was missing many of her children's events that night, because she had to come in early, she had to stay late and she had to make sure that the paperwork was processed in a timely manner so that the individuals -- the inmates would be able to go to court the next day.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2674 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, 2 voting Nay, none voting Present. Senate Bill 2674, having received the resounding 54 constitutional majority, is declared passed. We spent thirty minutes on it. It got 54 votes. We urge you to please limit redundant discussion. Senate Bill 2676. Senator Silverstein. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2676.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This amends the Illinois Power of Attorney Act, expanding the powers granted in the statutory form of a power of attorney by a -- property to allow a agent to open and close a Totten Trust account.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2676 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2676, having received the required constitutional majority, is declared passed. Senate Bill 2684. Senator del Valle. Senator del Valle seeks leave of the Body to return Senate Bill 2684 to the Order of 2nd Reading in order -- for the purpose of an amendment. Hearing no objection, leave is

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granted. On the Order of 2nd Reading is Senate Bill 2684. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The Floor amendment becomes the bill. It increases the penalty for robbery to a Class 1 felony when the robbery occurs at an ATM machine or the robbery is committed for the purpose of acquiring a person's ATM card and/or account access information.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator del Valle moves the adoption of Amendment No. 1 to Senate Bill 2684. All those in favor will say Aye. Opposed, say Nay. The -- 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)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2684. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2684.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill was developed working in conjunction with the Cook County State's Attorneys and the State's Attorneys Association, and it's for the purpose of trying to get at the growing number of incidents where people are robbed at ATMs or forced to make a withdrawal from their ATM.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2684 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2684, having received the required constitutional majority, is declared passed. WICS-TV requests permission to videotape the proceedings. Leave is granted. Leave is granted. Senate Bill 2691. Senator Link. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is the seven-percent assessment freeze bill that we enacted a few years ago and that we are reenacting the sunset provision on it with a couple new provisions in it. One of the provisions is a tax exemption, onetime tax exemption for -- returning veterans of a five-thousand-dollar Homestead Exemption Act for our returning veterans. This exemption would give veterans an opportunity to get their lives back in order when they return. Also in this, it would give counties an opportunity, who adopt this, that would give senior citizens who have a Homestead Exemption Act, that they would not need to reapply for this exemption every year. I -- this is also continuous to allow counties to opt-in on this; it's not a mandate. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

There any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President. To the bill: This bill continues to extend benefits to those who are in residential homes and, obviously, they can vote. But the statement has been made that commercial and business enterprises don't vote, but I submit that in Cook County, where this has been in effect, they are voting - they're voting with their feet and they're leaving our county. They're leaving our county because of the great reliance on the property tax and they are being put at a disadvantage by this



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bill. When you squeeze a balloon, one side goes out and the other side stays the same or gets smaller. All we're doing in this type of legislation is moving the assessed evaluation over to the side of the commercial, industrial and business side of the equation. And we're hurting our commercial and business side of the equation in Cook County. If this spreads to DuPage County and the rest of the State, we're -- we're just going to be in a real big pickle, because we're going to mess with our system of assessment and it, long term, is not going to work. I think it's more of a reelection bill for some people in the future and doesn't look at long-term tax policy. I would look at -- everybody take a look at this and make sure that this is the way you want to go with tax policy in Illinois. I recommend a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Ronen.

SENATOR RONEN:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Ronen.

SENATOR RONEN:

Senator Link, there was -- we -- we asked for a study to be done of the impact of this seven-percent assessment freeze when we passed this two years ago. Has that study been completed?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Partially. It's been completed by the Department of Revenue and we're getting partial parts of it into us. The completion, which was done by the University of Illinois, is coming into us now.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen.

SENATOR RONEN:

Senator Link, so I -- what I'm understanding, the full study has not been completed and given to this Body yet. The full study is not done, which is being conducted by the Institute of Government and Public Affairs at the University of Illinois. Would you be willing to take this bill out of the record until we

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have a chance to review that study?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

No, I -- no, I would not, because the necessity of getting this bill moved is important. I think the study will be out in ample amount of time when it's over in the House. That will be able to be reviewed at that time, which will show the positive benefits that this bill has attracted for Cook County, which is the only county that has adopted it thus far.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen.

SENATOR RONEN:

Thank you. To the bill: I'm -- when I voted for this bill two years ago, I had many trepidations about what the impact was going to be and I, oh, was assuaged by the fact that this was a three-year bill and there would be a study, and -- because it was unclear exactly who would benefit and who would not. The study has not been completed. I've -- I've reviewed a copy -- a draft copy of the executive summary which talks about the results and these results are troubling and they raise lots of questions. And until such time that somebody can document that the effects that are discussed in the very study we asked for are not indeed happening, I think it's irresponsible of this Body to move forward. Senator Jones talked about the effect on commercial and industrial properties, but when you read the draft executive summary, you see that the impact also is negative to some residential homeowners. When you shift the tax burden, which is what this is - we're not raising any more taxes; we're spending the same amount of taxes and just changing who pays for them - and when you do that, when you reduce the payments of one group, you're going to raise the payments of other groups when government spending remains constant, which it has, and in some cases has even gone up. So, you know, according to this study, and when you look at what the impact has been and they say that some eligible homeowners are paid -- is -- is paid for by an increase in taxes for others. And now when you look at the study, they're saying, who are these taxpayers that are spending more? Let me just share with you what this study says:

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Homeowners who, because they experience increases in property values less than the seven percent, qualify for the five-thousand-dollar floor on the homestead, not the expanded amount. They're -- they're not benefiting and paying more. The most troubling part to me was the fact that some senior citizens who qualify for the more advantageous senior citizens assessment freeze, that is the lowest income seniors, are disadvantaged by this. They still have to pay the higher tax rates and their bills have gone up. We talked last time about renters - the fact that we're not exempting those kinds of buildings so those increases might be put onto renters. I'm very, very concerned by what I'm reading here in this study. I think it's -- it's wrong for us to move forward. This is a significant piece of legislation. We do not have to act today. The responsible thing would be to wait, read the full study and really look at how it's impacted each of our districts, because I think if each Senator looked at the results in relation to their district, they'd have a much different viewpoint of this assessment. So, unless and until we have the full report, I cannot responsibly vote for this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in opposition to this bill and I support, I endorse, I agree with the remarks of the previous speaker. I also would like to ask a question of the sponsor, if I may. In the bill, Senator Link, you have increased the -- the exemption. It eliminates a twenty-thousand-dollar limit and it increases the limit to sixty thousand dollars. Do you have any idea what the impact of that is going to be on the local public schools?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you. That's raising the -- that's raising the ceiling -- increasing the ceiling from twenty to sixty thousand, and with the assessment value of all those homes in those areas, the values are going up to where the low value on that -- the sixty thousand is just catching up to that assessed valuation right

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now. So that probably will have -- very little, if any, effect to the school districts.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Well, Senator Link, with all due respect, that's a good response off the seat of your pants, but, you know, when we're talking about schools that depend on every dime and they're struggling to make ends meet, you're taking forty thousand dollars of EAV on each individual home, that's -- that's a lot of value, and I suspect that number would be rather significant. We don't have the data. We don't have the study. You're doing this because God only knows why. It's good politics, but it's bad policy. It's irresponsible. I urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Several thoughts. I rise in opposition to the legislation. As far as the veterans' benefit, to attach that to this bill is perhaps just a distraction. The veterans' benefit is very important. It can be done and I believe that some sponsor -- Senator has another bill that addresses that. This is the Houlihan bill. Senator Ronen, I think very accurately pointed to the problems that have been enumerated in the study. I think that the question that you have to ask yourself in this legislation is, when is a cap not really a cap? And the answer to that question is, when it just shifts the tax obligation for someone else to pay. The conclusion is that this is not a cap. This is a -- merely a shift to people who are less fortunate to pay it. It was established in committee testimony by Assessor Houlihan himself that taxing districts are going to levy the same amount of tax that they intend to. He mentioned that, his words were, this is a zero-sum game. So once you establish that the same amount of tax is going to be charged, it's just a matter of who's going to pay it. The homeowner who enjoys the largest increase of over seven percent is the fortunate one and gets the benefit. Everybody else has to pay for it. Just to summarize the objections to this bill, not all homeowners receive tax breaks. A hundred and twenty thousand

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limited-income seniors across Cook County are paying five to ten percent higher taxes. Two hundred and ninety thousand, more than half the residential properties in Chicago, paid five and a half percent more. Apartment owners and renters, small and large businesses, commercial properties throughout Cook County are paying five to ten percent more. The tax shift in northern suburban Cook County has almost doubled the shift in Chicago. School districts, as Senator Cronin pointed out, must raise property tax rates to -- to raise the sufficient tax revenue, and businesses, as Senator Jones pointed out, are moving out, expressing their vote. No county beside Cook County has adopted this law. This is really Robin Hood in reverse, taking from the less fortunate and giving a break to the more fortunate. To get an idea of how bad this really is, I don't think I've ever seen such a lineup of opponents from diverse points of view. I would expect the Building Owners and Managers Association of Chicago and the Association of Realtors, the Manufacturers, the Illinois Municipal League, the Restaurant Association, Retail Merchants Association, Chamber of Commerce, NFIB, Taxpayer Federation to be opposed. But also opposed to this bill...

PRESIDING OFFICER: (SENATOR HENDON)

Senator. Senator, if you could. That's a long list, Senator.

SENATOR LAUZEN:

I'm just at the end. The other folks who are opposed to this bill that should bring bipartisan opposition are the Illinois Education Association, the IEA; the Illinois Federation of Teachers, IFT; the Large Unit District and then the Large -- or the Legislative Education Network of DuPage County. This is Robin Hood in reverse. It's a bad idea. It's a tax shift, not a tax cap. Please vote No.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. It's quite interesting to hear these lists of who's opposed, who's for, who's against, what's bad about this bill, what's -- you know, I haven't quite heard what's good about the bill, other than -- let's remember in the first place, this is not a mandate on this -- on the counties or

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any other part of this State. It's an opt-in. There's a hundred and two counties in the State of Illinois. One has opted-in. The other hundred and one have the option to opt-in. We give 'em six months to opt-in. But let's remember when we talk about parts of this, why this bill was written in the first place. Let's use the example of the City of Chicago. In Bronzeville, they were averaging a hundred-and-twenty-three-percent assessment. West Loop, ninety-six percent. Lawndale and -- and Edgewood {sic}, eighty percent. Now is this legislation working? Yes. Lower property taxes. Northern Cook County, where I represent and some other people in this Chamber who spoke on this bill represent - homeowners were facing ninety-seven percent -- increases. Counties outside of -- of Cook County, different townships in those. My own home county, to use an example, has just a few of the townships: Antioch, Marine, Lake Villa townships - all over seven percent. DuPage County - Bloomingdale, York, Downers Grove, all over seven percent. These counties would be possibly affected by it. Is there a shift in this? Yes. No doubt about it, there is a shift. But let me tell you something, you know what the residential burden has been on these taxpayers compared to the commercial taxpayers? In 2003, it was at 55.6 percent. It says 56.4 percent in the tax years. Commercial property shares decreased from 2003, from 26.8 to 26.4. Yes, it decreased, the commercial properties. There's a shift. But you know the only group that hasn't complained or put in an opposition to this bill is the people that we're helping, the residential taxpayers of this State who have been paying the bill for a long time. I would ask for a positive vote for the people of the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2691 pass. 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 31 voting Aye, 25 voting Nay, 2 voting Present. Senate Bill 2691, having received the required constitutional majority, is declared passed. Senate Bill 2695. Senator Geo-Karis. Senator Geo-Karis seeks leave of the Body to return Senate Bill 2695 to the Order of 2nd Reading for the purposes of amendment. Hearing no

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objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2695. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis. Senator Geo-Karis. We need her mike, please.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the -- the amendment makes a technical change requested by the Illinois Campaign for Better Care and the Illinois Long Term Care Council. And I move for its approval.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Geo-Karis moves the adoption of Amendment No. 1 to Senate Bill 2695. All those in favor will say Aye. Opposed will say Nay. The amendment -- 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)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2695. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President. Mr. President, can you hear me?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 2695 amends the Nursing Home Care Act in an emergency transfer or discharge, providing that pending approval from a resident, a nursing home must inform a resident's designated case

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coordination unit of the resident's pending discharge and to provide the resident or his or her representative with the case coordination's unit's telephone number and other contact information. And I move for its passage.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2695 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2695, having received the required constitutional majority, is declared passed. Senate Bill 2716. Senator Sullivan. Senator Sullivan seeks leave of the Body to return Senate Bill 2617 {sic} to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2716. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. The amendment is just a technical amendment. Changes two words, "Inspection Law", with one word, "Regulation".

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Sullivan moves the adoption of Amendment No. 3 to Senate Bill 2716. All those in favor will say Aye. Opposed will 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 2716. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2716.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. Senate Bill 2716 certifies that Illinois' gasohol blending standards will meet the applicable State and federal requirements. By making this clarification, confusion will be avoided in the future and the approved practice of blending ethanol in the State will continue. I know of no opposition to the bill. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Dahl.

SENATOR DAHL:

Mr. President, to the bill: This bill passed...

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, sir.

SENATOR DAHL:

This bill passed out of Ag Committee with a unanimous vote. I encourage a Yes vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2716 pass. Those in favor will vote Aye. 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 are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2716, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you seek recognition, sir?

SENATOR MALONEY:

I was discussing my upcoming bill. I meant to be recorded as a Yes on that previous bill.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Senate Bill 2730. Senator Viverito. Out of the record. Senate Bill 2737. Senator Maloney. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2737.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. There have been many people who have been incarcerated prior to scientific or DNA testing, which is now available. What Senate Bill 2737 does is amends the Code of Criminal Procedure to provide that where DNA testing is requested, that it go to a -- a -- an approved lab, which is an ASCLD, or the American Society of Crime Laboratory Directors, or the International Organization for Standardization of accredited laboratories. This will make sure that the quality testing is done through accreditation, that the wrongly convicted can be freed, and those individuals who are truly guilty remain incarcerated. This provides for uniformity in the process, and I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2737 pass. 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. Senate Bill 2737, having received the required constitutional majority, is declared passed. Senate Bill 2745. Senator Demuzio. Senator Demuzio seeks leave of the Body to return Senate Bill 2745 to the Order of 2nd Reading for the purposes of an amendment. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2745. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Yes. Before I -- I introduce my bill, Mr. President, I'd like to record a Yes vote on 2737.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect. Senator Demuzio, on your

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amendment for 2745.

SENATOR DEMUZIO:

Yes. Thank you. Floor Amendment 1 retains the underlying bill, but as amended, Senate Bill 2745, it changes the title of the Act to the Private Detective, Private Alarm, Private Security and the Fingerprint Vendor and Locksmith Act of 2004. And makes changes reflecting this throughout the various Act.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Demuzio moves the adoption of Amendment No. 1 to Senate Bill 2745. 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 2745. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2745.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio, 2745.

SENATOR DEMUZIO:

Yes. Yes. Thank you, Mr. President. Actually, Senate Bill 2745 defines the fingerprint vendor, fingerprint vendor agency, and fingerprint vendor licensee-in-charge. Requires the licensure of fingerprint vendors who provide data to the State Police. It exempts a federal, State, or political subdivision employee, including public school districts, while the employee is performing official duties, or a person employed exclusively by one employer doing the activities of -- of -- of that employer only. It also outlines the qualifications for licensure as a fingerprint vendor or agency. It details the training required for vendors and employees and it outlines the process for record keeping.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator John Jones.

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SENATOR J. JONES:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will. Senator Jones.

SENATOR J. JONES:

Real briefly, Senator Demuzio. This bill passed out of committee unanimously, but could you let the Body know about how many new staff members might have to be employed by the Department and what that cost might be?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Senator, were we -- I know that the Director indicated that the staff was -- did not want to go ahead. There was going to be training. Is that what you're talking about? That -- the question came up about training. Their staff, Department of Professional Regs, did not want to go ahead. They'll do the training, but then after that, that would be the only thing.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2745 pass. 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 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2745, having received the required constitutional majority, is declared passed. The Chair would like to recognize State Representative Eddie Acevedo in our -- standing with Senator Munoz. Let's recognize the fine Representative. Senate Bill 2770. Senator Pankau. Out of the record. Senate Bill 2777. Senator Althoff. Senate Bill 2795. Senator Shadid. Madam Secretary, read the bill. 2795.

SECRETARY HAWKER:

Senate Bill 2795.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

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Thank -- thank you very much, Mr. President. I hope that all my -- all the Senators got a copy of this handout and I hope you had an opportunity to read it. It's very informative and it's probably -- I know there's more information in it than I could ever give you standing up here and talking to you. So, first of all, I'm going to remind you that this is about the third Session that I've brought a bill before us on consolidation. The other two times, you have been gracious enough to pass the bills and send 'em over to the House. This bill here is quite different. It's had the backing -- the support of the State Board of Education, and this booklet was put together by them, that we passed out, along with my staff. The State Board has been very good and I got to -- excuse me a minute. Excuse me. I want to mention Elliot Regenstein, who has been very, very good, very cooperative, from the State Board and he's done an excellent job for us, for me to help you -- help present this to you. What does the bill allow that can't be done now? This bill gives parents, voters and taxpayers the greatest say in how their school districts are organized. Most importantly, it tackles a problem of a small minority of people ruling over the will and the best interest of other taxpayers and voters. Under current law, if a high school district and several of its elementary districts want to consolidate, it has to be approved by every district feeding into that high school district. If there's one school district that doesn't want to consolidate, none -- none of the others can either. Senate Bill 2795 allows for the formation of what we're calling hybrid districts, which would -- which would serve part of their territory for grade -- grades K through twelve and part for high school only. The bill also allows elementary districts that are served by the same high school district to combine in one elementary district whether or not they're next to each other. And I'll sum this up. Also at the request of rural superintendents, the bill allows a type of reorganization that's good for places with low population density. It allows school -- unit districts to reorganize so that they are -- they are served by one regional high school, but each existing district maintains its grade school, that way they get their elementary schools and don't have to bus their young kids far away. But their high

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schoolers can benefit by having a school with more resources and programs. And I want to remind you that Illinois presently has eight hundred and seventy-five school districts, second only to Texas, and two hundred of those 875 are single school districts.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator.

SENATOR SHADID:

I'll be more than happy to try...

PRESIDING OFFICER: (SENATOR HENDON)

...questions. Senator Cronin.

SENATOR CRONIN:

Thank -- thank you, Mr. President. I rise in support of the bill and I want to commend the sponsor, Senator Shadid; the cosponsor, Senator Risinger; I also want to commend the Governor's Office and Elliot Regenstein. He's done a marvelous job, put a lot of time into this thing. It's an issue that's been sort of around here and has confounded us for years and years. The beauty of this is that it's strictly voluntary and all the school districts that are involved have to agree by way of referendum. The tricky part is the tax rates. It's always tricky when it comes to money, but I think they've come up with a pretty good plan here with the step-down. And I just rise in support and commend those that were involved, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. I also rise in support of the -- of the bill. I commend Senator Shadid. I know he's done a lot of hard work on this for -- and -- and been after it for a long time. I, myself, am a product of a high school that had a hundred students in the whole high school and I -- am from a small community, so I understand how difficult it is to -- to consolidate. So the beauty of this bill is it's a permissive bill. We're not doing any forced consolidation. We're -- we're encouraging it though, and so I -- I rise in support and I urge Aye votes.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2795 pass. Those in

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favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay. Senate Bill 2795, having received the required constitutional majority, is declared passed. Senate Bill 2796. Senator del Valle. Senator del Valle seeks leave of the Body to return Senate Bill 2796 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2796. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This is a bill that comes from the Illinois State Board of Education, and once we adopt the amendments, I'll be glad to just make a brief comment about it.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator del Valle moves the adoption of Amendment No. 2 to Senate Bill 2796. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Are -- are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 3, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle, on Amendment No. 3.

SENATOR DEL VALLE:

Well, again -- again, Mr. President, the amendment had some technical changes and I'll be glad to talk about it after..

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator del Valle moves adoption of Amendment No. 3 to Senate Bill 2796. All those in favor will say Aye. Opposed, say Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2796. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2796.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 2796 makes changes to the system of identifying, evaluating and placing children with disabilities and it makes changes to the impartial due process hearing procedure which is used to address disagreements between parents and officials about any matter relating to a child's special education placement. This is a bill that was negotiated with disability rights groups, as well as other groups, and it is for the purpose of bringing Illinois in line with the federal IDEA Act.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2796 pass. 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 wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2796, having received the required constitutional majority, is declared passed. Senate Bill 2798. Senator Bomke. Senator Bomke -- Bomke seeks leave of the Body to return Senate Bill 2798 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2798. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Bomke.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:



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Thank you -- thank you, Mr. President. The amendment becomes the bill. The amendment changes the County Code to lower the population requirement from two hundred thousand to one hundred and eighty thousand. Regards the population requirement for a twelve-person county health board. This change will allow counties with a hundred and eighty thousand or more population to have twelve members appointed to the county board of health -- board. This is simply -- it's permissive. It's not a mandate.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Bomke moves the adoption of -- I'm sorry. Senator Cullerton, on the amendment. Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Cullerton.

SENATOR CULLERTON:

What counties are -- are added by changing the two hundred thousand down to a hundred and eighty thousand?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:

I'm not -- I'm not certain of all the counties. It does, of course, include Sangamon County. I suspect Peoria, but I'm not certain of that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

And it's permissive so it's up to the county board to enact this. If they don't want to enact it, they don't have to. Right?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:

By -- by resolution.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton, this is on the amendment. Senator Cullerton.

SENATOR CULLERTON:

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Sounds familiar. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke moves the adoption of Amendment No. 2 to Senate Bill 2798. 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 2798. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2798.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. -- thank you, Mr. President. I explained -- the -- the amendment became the bill. I explained it and I would simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2798 pass. 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 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2798, having received the required constitutional majority, is declared passed. Senate Bill 2807. Senator Clayborne. Senator Clayborne seeks leave of the Body to return Senate Bill 2807 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2807. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

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SENATOR CLAYBORNE:

Thank you -- thank you, Mr. Chairman. This just deals with the definition of a utility in terms of limiting their territory to provide gas services.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. I rise in support of the legislation. It impacts the Jo-Carroll Electric Cooperative in my district in northwest Illinois, and it's been agreed to by all the parties and I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne moves the adoption of Amendment No. 2 to Senate Bill 2807. 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 2807. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2807.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. This addresses the sale of Allegiance {sic} (Alliant) Energy -- Energy's Illinois assets to the electric co-op Jo-Carroll Energy and Rock County Electric Co-op. Allegiant {sic} has provided natural gas services in parts of Illinois. The surrounding co-ops have not, but this -- with this -- acquisition they will be allowed to.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, the question is, shall Senate Bill 2807 pass. 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 wish? Take the

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record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2807, having received the required constitutional majority, is declared passed. Senate Bill 2808. Senator Clayborne. Senator Clayborne seeks leave of the Body to return Senate Bill 2808 to the Order of 2nd Reading for the purposes of amendment. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2808. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. This just deals with when there's an accident, that the driver must make a reasonable effort to -- to remove the vehicle from obstructing lanes, and it also gives the peace officer on the highway the ability to have the -- the vehicles towed to prevent them from continuing to obstruct traffic.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Clayborne moves the adoption of Amendment No. 2 to Senate Bill 2808. 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 2808. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2808.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. The bill does several things. One has previously been discussed dealing with a relocater, within ten

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days that the registered owner and lienholders must be notified, and it also deals with making a reasonable effort for the driver to move his or her vehicle off the road. This only involves non-injury accidents, non-personal injury accidents. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. -- thank you, Mr. President. This came out of Transportation with no opposition. I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2808 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2808, having received the required constitutional majority, is declared passed. Senate Bill 2810. Senator Forby. Senator Forby seeks leave of the Body to return Senate Bill 2810 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2810. Madam Secretary, have there been any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Forby.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Forby.

SENATOR FORBY:

Thank you, Mr. President. 2810 is when you have in gun season and -- and deer hunting if you buy tags, if you don't use your tags, you just roll them over. That's all it is.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Forby moves the adoption of Amendment No. 2 to Senate Bill 2810. 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?

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2810. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Forby.

SENATOR FORBY:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? The question is, shall Senate Bill 2810 pass. 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 wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2810, having received the required constitutional majority, is declared passed. Order, please. Order. Senate Bill 2829. Senator Lightford. Madam Secretary, read the good Senator's bill.

SECRETARY HAWKER:

Senate Bill 2829.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you -- thank you, Mr. President. Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2829 changes the School Code to reduce the bureatic {sic} burdens on schools. This is the "less red tape legislation" and its purpose is to ease burdens on teachers and administrators related to school district improvement plans and reporting fiscal and administrative requirements. Well, I'm sure many of you know how many of our school districts are struggling with the national No Child Left Behind, and my colleagues and I on both sides of the aisle in the Education Committee has worked hard to express upon

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the State Board of Education some area we find that they can continue to clean up on. And they've come up with some suggestions where we can continue to decrease some of the burdens that we put on our administrations and allow teachers more time in the classroom. I'd be happy to answer questions. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in support of the bill, and I just want to point out that this is a process that I think is helpful if we sort of address every year and I think that was the testimony in committee. Frankly, this sort of began under George Ryan's administration with a collection of educators across the State that made recommendations. It's the -- the mandate wavier part is good, except for we've separated out the PE waivers which causes some reservation. But, all in all, it's a good bill and I recommend an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2829 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2829, having received the required constitutional majority, is declared passed. Senate Bill 2837. Senator Demuzio. Senate Bill 2845. Senator Schoenberg. Senate Bill 2869. Senator Munoz. Mr. Secretary, read the -- read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2869.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2869 amends the Cannabis Control Act, the Illinois Controlled Substance Act, and the -- Methamphetamine

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Control and Community Protection Act. The amendment provides that when a forfeited conveyance, including an aircraft, vehicle or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. It requires that upon disposal of the conveyance, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. It also allows these proceeds to be used by law enforcement agencies for security cameras that prevent or detect violence. I know of no opposition.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2869 pass. 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 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2869, having received the required constitutional majority, is declared passed. Senate Bill 2871. Senator Harmon. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2871.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2871 amends the Chicago Park District Working Cash Fund Act originally passed in 1935, and it permits the District to abolish its working cash fund. The -- the fund ceased operations essentially in 1995. This legislation would allow the District to more accurately present its financial condition, which would be a benefit, especially in presenting it to the rating agencies. It might result in debt service savings. This gives the Park District the same authority that the other park districts in this State, as well as schools, municipalities and the Metropolitan Water Reclamation District, have. It's an accounting change in response to GASB 34. It does not affect or



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increase any taxing or spending, and it -- the bond authorization under the original legislation expired when those bonds were issued. The district cannot issue any additional bonds without future legislative action here. The last bonds secured by the Working Cash Fund were issued in 1984, and there are no bonds outstanding against the fund. I'm not aware of any opposition and I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you. I just have a question of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will -- he -- he will yield. Senator Radogno.

SENATOR RADOGNO:

Thank you. First of all, how much is in the fund?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Because of the archaic nature of this -- there's seventy-seven million in proceeds of bonds that were accredited to -- to the fund. They are held in the General Fund for three hundred and sixty-four days a year, and because of accounting reasons, transferred in for one day to meet the requirements and then put back in the General Fund. This would simply abolish that archaic procedure and allow them to comply with the new accounting rules.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

SENATOR RADOGNO:

Is there any debt that's associated with this fund that'll be transferred over to the general ledger?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

The legislation provides that if there is any debt, it goes against the General Fund, but I'm told by the Park District that there are no bonds left outstanding against the working cash fund.

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Senator Radogno.

SENATOR RADOGNO:

Is there anything in the bill that prevents them, once they've transferred it, from reestablishing this fund and thereby being able to issue new debt without referendum?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

There -- there is nothing in the bill that would permit the issuance of new debt without coming back here to the General Assembly. Absolutely nothing at all.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

SENATOR RADOGNO:

Where -- since it -- since the law's still on the books that allows the creation of the fund and that this bill doesn't take that away, what would prevent them from reestablishing it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Well -- well, there are two things. The Act would also provide for the dissolution of the fund. And, second, the bond authorization within the Act is very specific. It has been used. It has expired. It is not evergreen. They would have to come back to the General Assembly for additional authority to issue bonds. That original issuance was used up in 1984, the last legislative amendment, and no new bonds can be issued under the -  
- under the Act.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

SENATOR RADOGNO:

I understand that under the fund that we're abolishing. But what would prevent them from reestablishing the fund?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I'm -- I'm not sure I really understand your question. The Act says they may establish one. The Act says that they may abolish it. If they have abolished it, the fund goes away. Even

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if you were to take the tortured reading that says they could reestablish it, there is no bond authority that comes along with that reestablishment. It's inconsistent with the accounting rules. I can't imagine that they would do it, and even if they were to do it, no bond authority would come along with that action.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno.

SENATOR RADOGNO:

You know, we're actually getting a different reading of that interpretation. Would you mind taking this out of the record just so we could chat about it for just a minute and then maybe come back to it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I don't believe we're going to have that authority. As a bond lawyer, I would never permit a client to issue bonds with this authority. It is the most tortured reading I can imagine, and I'd be happy to talk to you about it, but I don't think I -- I'm in a position to take it out of the record at this point. It's -- it's a very labored reading to -- to be concerned about that, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Radogno, to the bill, please, ma'am.

SENATOR RADOGNO:

Well -- well, since you admit that even under a tortured reading, that could in fact happen. I would urge people to vote No. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I -- I -- I did not say it could happen under a tortured reading. I said I can't imagine any bond lawyer issuing an opinion that that authority exists. I'm trying to be polite. I think that the reading is beyond -- beyond the bounds of -- of reasonableness.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

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SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Righter.

SENATOR RIGHTER:

Senator Harmon, I want to try and plow a little of the same ground as Senator Radogno did. I'm just going to try to do it a little different way. I -- and I -- I do not understand these issues nearly as well as you do, but -- so I'm going to try to ask some simple questions first. Does anything in the bill that you are carrying prohibit expressly the reestablishment of the working cash fund?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

The bill that I'm carrying permits the Chicago Park District by -- by resolution of their Board to abolish a fund that currently exists. I don't understand the reading that is suggesting they could reestablish the fund.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

But you would agree, would you not, that if somewhere else they are given the authority to establish a working cash fund and you don't expressly take that away from them, they retain that authority. I understand that you're saying as a matter of common sense or fiscal sense - and, unfortunately, governance doesn't always follow either of those - that that wouldn't be done, but you would agree that they do have the -- retain the authority, unless you take it away from them. Correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I -- I don't actually agree, and -- and I think the normal course of events in this sort of circumstance would be for us to give them the permission to abolish the working cash fund, let them abolish the working cash fund. Once it's abolished, come back and repeal the entire Act. I think that's the general way we would do that down here. We are -- because we are not

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abolishing the fund for them, but giving them the authority to do so, we can't repeal the Act until they've -- until they've actually abolished the working cash fund.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, we -- we...

SENATOR RIGHTER:

Thank you, Mr. President. I -- just on the bonding issue now. Now, you've intimated to us that the bonding -- the seventy-seven million dollars in bonding authority was a onetime deal, that it's not something that coexists with the existence of the working cash fund and, therefore, can't be renewed. Can you tell me -- can you tell for me exactly in the bill where you see that -- or -- I'm sorry, or in the law -- in the Act itself? Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. If you look at the -- the Act itself, you'll see that there are several authorities that total the seventy-seven million. First there was a five million dollar authority, then a seven million dollar authority, then a twenty-five million dollar authority, then a forty million dollar authority. That last forty million dollar authority was granted in 1984. Each time the Park District wanted to issue new bonds secured by the working cash fund, they had to come back to the General Assembly to get express authority. It is not an evergreen authority. If you contrast it with, say, the Illinois Finance Authority Act, which does have evergreen authority, the language is much different. It says they shall not have issued and outstanding bonds in excess of a certain amount. This is a onetime authority. It has been used. It cannot be reused.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2871 pass. 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 42 voting Aye, 11 voting Nay, 1 voting Present. Senate Bill 2871, having received the required constitutional majority, is declared passed. Senate Bill 2872. Senator Harmon. Senator Harmon seeks

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leave of the Body to return Senate Bill 2872 to the Order of 2nd Reading for the purposes of an amendment. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2872. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill permits the City of Chicago and the Chicago Park District to lease certain public properties, parking lots and waste facility authorities, to private concessionaires. Amendment No. 1 is in response to a concern - a good concern - raised in committee by Senator Lauzen, and clarifies that only existing parking facilities would be covered and that they -- the City could not get clever and create new parking facilities.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen, on the amendment. Senator Harmon moves the adoption of Amendment No. 1 to Senate Bill 2872. 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?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon, on Floor Amendment No. 2.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Again, the underlying bill provides for the lease of certain public facilities to private concessionaires. Amendment No. 2 would include in that list certain airport facilities, but not any facilities covered by the O'Hare International Airport Modernization Act. It also provides for compliance with any federal law regarding investment and homeland security.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion on Amendment No. 2? Seeing none, Senator

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Harmon moves adoption of Amendment No. 2 to Senate Bill 2872. All those in favor will vote {sic} Aye. Opposed, say 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2872. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2872.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2872, as amended, would permit significant capital assets owned by the City of Chicago or the Chicago Park District to be conveyed pursuant to a long-term concession agreement or lease without sacrificing the tax-exempt status of the property. This is similar to the legislation authorized in the Chicago Skyway transaction, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. I think that it's important in support of this bill to point out that the status quo on all these properties right now is non-tax. So it's not as if the local taxing units are losing any revenues. This bill passed out of the Senate Revenue Committee unanimously. Support the bill. Was just wondering if the sponsor could describe what's considered for the future on the airport, non-O'Hare Airport provision. What would be anticipated? What type of thing is -- what do you have in mind?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

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Thank you, Mr. President. Well, as Senator Pankau pointed out in committee, it's not about Meigs Airport. It would -- it would be limited to facilities at Midway that could be leased pursuant to a long-term lease facility.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2872 pass. 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 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2872, having received the required constitutional majority, is declared passed. Senate Bill 2878. Senator Sandoval. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2878.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Illinois Senate. You know, just a few months ago I received a notice in the mail from the Illinois Environmental Protection Agency notifying me that my license was going to be suspended. My driving privileges were going to be suspended for failure to comply with the vehicle emission test. Well, they were referring to a vehicle that had been handed over from my mom to my children and it was in my name, and they were proposing that I -- my license be suspended. Well, six months ago I had sold the vehicle to another individual in my community, so I was no longer the owner of that vehicle, yet the Illinois EPA was proposing to suspend my driver's license. And, you know, if I had not received the notice, I would be driving along I-55 coming to Springfield and probably would be stopped by the Illinois State Police and I would be subject to imprisonment and charged with a felony for driving on a suspended license. Only in Illinois - Illinois is the only State in the country which puts people behind bars charged with a felony for -- for a vehicle -- failing to comply with vehicle emissions test. So, what I did was came up with Senate Bill 2878



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to push the Secretary of State and the Illinois EPA to look at alternative methods in regards to suspending people's driver's license for failure to comply with the Illinois emissions test. So the amendment that I have allows the Secretary of State not to withhold -- not to suspend driving privileges and to work with the Illinois EPA to come up with a process so that people are -- driver's licenses are not suspended.

PRESIDING OFFICER: (SENATOR HENDON)

Discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. This came out of Transportation with no opposition. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2878 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 2878, having received the required constitutional majority, is declared passed. Senate Bill 2882. Senator Link. Just a moment, Senator Link. Senator Schoenberg, for what purpose do you seek recognition, sir?

SENATOR SCHOENBERG:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point, Senator.

SENATOR SCHOENBERG:

I'm honored today to be joined, Mr. President, Members of the Senate, by two outstanding young women who are students at Loyola University, Simintha Esson and Lori Peterson. Simintha and Lori are here working on a social justice project for their coursework, and Simintha, in particular, is close to my heart, because she has just completed an internship at my Senate Office in Evanston. Please give them a warm Senate welcome.

PRESIDING OFFICER: (SENATOR HENDON)

Would our very beautiful and intelligent guests from Loyola University rise and be welcomed to the Senate? Welcome, ladies. Senate Bill 2882. Senator Link. Mr. Secretary, read the bill.

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ACTING SECRETARY KAISER:

Senate Bill 2882.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. I think we know what this bill is. We debated it quite a bit the other day and I pulled it out of record. I would just ask that we pass it today.

PRESIDING OFFICER: (SENATOR HENDON)

Discussion? Senator Cronin.

SENATOR CRONIN:

Yes. Thank you, Mr. President. I rise in opposition, and, you know, the bill hasn't changed in the last couple of days, even after we raised a number of legitimate points. Let me remind the Body real quickly, and I'm sure Senator Link has spent his time gathering votes, rather than trying to improve the actual content of the bill. This -- this K through three class size reduction, you know, we already have a program that was sponsored by Senator Garrett a couple of years ago and that's never been funded. We -- you know, it's pretty ironic, Senator Link just moments ago sponsored a bill that takes millions of dollars out of the EAV part of the equation for funding of classrooms and funding of schools; now he's going to impose this with an appropriation of ten million dollars. God only knows where that comes from. Ladies and Gentlemen, I know that the -- probably the -- the work has already been done and the -- the -- the skids have been greased, but let me warn my fellow friends from outside of the Chicago metropolitan region. If you think this money is going to find its way down into your district when there is absolutely no requirement, no guideline, no geographic distribution, no policy, it's completely within the discretion of the Governor - this is money that should be going through the General State Aid Formula; this is money that should be going through mandated categoricals - this is a vote away and against full funding of educational programs in your district if you support this completely discretionary new program. I urge a No vote.

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PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President. Questions of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he'll yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, would you answer that question? Is there any, any indication in the bill or any indication that maybe you've gotten from the Governor or the State Board of where this money will be spent?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

There -- there is not an indication of exactly where it's going to be spent, but it will be a recommendation that it will be spent in areas throughout the whole State. And I just want to clarify to my colleague from the suburbs - as I am from the suburbs; I do not represent the City of Chicago - that I hope it goes into my area too, which is in the suburbs, that I would like to see it in those areas too. So, I -- I would hope that it goes throughout the entire State. And, Senator Luechtefeld, I'd be more than happy to recommend it goes in your area too.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I -- I'm not real sure they're going to listen to you on -- on where it goes, especially if you recommend my -- my district. But, you know, we have -- a lot of these things sound good. You know, we -- we're going to -- we're going to have third and fourth graders {sic} go to school now in kindergarten. We just did another twenty-, twenty-five-million-dollar project. So now another ten million, I think that it's -- this is supposed to cost. I guess I -- I ask -- you know, I -- I think the Governor in his budget had four hundred million set aside for schools. We're -- we're going to get to the point soon, if we took a lot of these programs that you're talking about, first of all, that there's no money left and there would be nothing to put into the State Aid Formula. Is that not a concern of yours, or

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basically, what -- what is your goal here? Just to pass something and throw it out there and hope it -- hope it sticks, or where -- do you recommend, for instance, the other -- the four hundred million? Where does it go? Do you have any idea? Do -- you know, where it's going to go?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Senator Luechtefeld, this is a pilot program. It's -- it's similar to the Tennessee program which has shown that reduced class sizes, and a person of your stature, who was a former educator and a -- and an educator for many years, realizes that programs have to be studied, have to understand what the effects are. That's exactly what this is and we know if we can reduce the class sizes, we can see the effects on it, and if forever we could pass a bond issue in here to get school construction, more money to build more classrooms, I think this program would work to a positive throughout the entire State of Illinois.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, as you point out, I spent some time in -- in schools and that's one of the reasons why this one -- this bothers me. We know exactly what -- we know and we've known for years that if a class is smaller, kids do better. We don't need to study that anymore. We really don't. We know that. I -- I'm just concerned about the overall money spent on education. Probably eighty-five percent of the schools in -- in -- in this State are in deficit financing already, and we've heard a lot of new programs that are coming out that sound good in an election year, but realistically this is, you know, this is something I guess I would say it's - on this side and hopefully on that side - that I think this is going a bit far. We don't need to spend ten million more dollars for a pilot program to -- to tell us something that we already know. Students do better in a smaller class size. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Jones.

SENATOR J. JONES:

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Thank you, Mr. President. To the bill: I -- I was going to ask a couple of questions, but they've already been asked about the -- where the money is going to go and the like. But, you know, as I look at this, this is a -- a ten-million-dollar pilot program. Fifty thousand dollar grants for two hundred grants. We all know that most of it is probably going to go up north. It's sure not going to come to southern Illinois where we would like to see it. We know that smaller class sizes work. What I see here is this is a proposal by the Governor and you're sponsoring it, you're carrying -- carrying the water for him. This is just a one-year pilot program and we're going to run it out there and make people feel good all over the State of Illinois because it's election year. I think this is wrong. It's not the way to do it. The ten million ought to be going to the State Aid Formula and distributed throughout all the school districts.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. I know that, obviously, from the previous speakers, my word doesn't mean anything as far as when I talk to somebody, but I would recommend to the Governor, to the Board of Higher Education and everything that this be spread out through the whole State. But I would ask my colleagues that question this, when this money goes to all parts of the State of Illinois - southern Illinois, northern Illinois, eastern Illinois, whatever parts of the State of Illinois - if they would stand up on this Floor at that time and say that they were wrong. I will be more than happy to stand up and say I was wrong if it just goes to one section of this State of Illinois. I would hope they would do the same. I would ask for the passage of this bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2882 pass. 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 34 voting Aye, 22 voting Nay, 2 voting Present. Senate Bill 2882, having received the required constitutional majority, is declared

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passed. Senate Bill 2884. Senator Link. Senator Link seeks leave of the Body to return Senate Bill 2884 to the Order of 2nd Reading for the purposes of amendment. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2884. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senators Link and Millner.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. We'll add -- talk about the amendment after it's added on to the final bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Seeing none, Senator Link moves the adoption of Amendment No. 1 to Senate Bill 2884. 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?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, on Amendment No. 2.

SENATOR LINK:

The same thing, Mr. President. We'll talk about it when it becomes part of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Seeing none, Senator Link moves the adoption of Amendment No. 2 to Senate Bill 2884. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2884. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2884.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this bill has done -- and with the amendments, we've worked out an agreement with all parties concerned. And, basically, there's no opposition to this bill. This is the mercury switch bill where we take -- auto manufacturers have to -- that are using mercury in their automobile light switches and anti-brake light -- brake lock switches, that they would stop the usage of it. We put in a five-year sunset into this bill. I'll be more than happy to answer any questions on it.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you -- thank you, Mr. President. I rise in support of the bill. I want to commend the Senator for the hard work that he's done to bring this bill to an agreed-bill state. I think the issue of the sunset is what was the -- final touches on it. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2884 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2884, having received the required constitutional majority, is declared passed. Senator Hunter. Senator Hunter seeks leave of the Body to remove -- to return Senate Bill 2921 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2921. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Hunter.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter, on Amendment No. 2.

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SENATOR HUNTER:

Mr. President, I would like to explain it on the regular bill.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Seeing none, Senator Hunter moves the adoption of Amendment No. 2 to Senate Bill 2921. All those in favor will say Aye. Opposed will say 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 HENDON)

3rd Reading. Now on 3rd Reading is -- the Order of 3rd Reading is Senate Bill 2921. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2921.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 2921 has passed unanimously out of State Government Committee. This is an agreed bill among the City of Chicago, IEMA and the Department of Public Health. This bill adds -- aids in the event of a pandemic -- pandemic, influenza, bioterrorism, or other public health emergency, because it enables local health departments to carry out mass vaccinations or distribution of medications. This bill also clarifies that if a declared disaster, the professional licensing and scope of practice laws also may be suspended for persons working under the direction of local health -- public health departments and local emergency services and disasters {sic}. We -- we are just simply, Mr. President, trying to prevent a Katrina from happening here in the State of Illinois, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator. Discussion? Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. To the bill: It passed



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unanimously out of committee. The one issue that we looked at, however, was it does indemnify all local government and -- but we support the bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 2921 pass. 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 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2921, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you seek recognition, sir?

SENATOR MALONEY:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

State your point, sir.

SENATOR MALONEY:

I'd like to introduce in the gallery a group of people who have their roots in Ireland, and they are here visiting the Senate today, the Chicago Celts for Immigration Reform, and Laura Cullen and her group. I'd like the Senate to please welcome them.

PRESIDING OFFICER: (SENATOR HENDON)

Would our guests please rise and be welcomed to the Illinois Senate? Welcome to the Illinois Senate. Senate Bill 2955. Senator Harmon. Out of the record. Senate Bill 2959. Senator Martinez. Out of the record. Senate Bill 2960. Senator Jones. Wendell Jones. Out of the record. Senate Bill 2962. Senator Petka. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2962.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Bill 2962 does several things. First of all, it requires the Secretary of State's Office to cancel the license of any sex

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offender upon the conviction of that sex offender, and immediately after the cancellation is -- then the license that is issued will only be for one year. And then it requires that the sex offender renew his license every single year. That's what the bill does. I'll answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2962 pass. 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 56 voting Aye, none voting Nay, 1 voting Present. Senate Bill 2962, having received the required constitutional majority, is declared passed. Senator John Sullivan, for what purpose do you seek recognition, sir?

SENATOR SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR SULLIVAN:

Thank you, Mr. President. My colleagues in the Senate, thought it'd be a good time, with the Chicago Celt members here, to announce the fourth annual St. Patrick's Day celebration with the Sullivan Caucus. It is going to be Wednesday, March the 15th. It's a new location this year. It's over at Karma, and it's from 5 'til 9 p.m. Bagpipes, refreshments and good times.

PRESIDING OFFICER: (SENATOR HENDON)

Absolutely. Please take notice to that announcement for the Sullivan Caucus which we enjoy every year. Senate Bill 2967. Senator Bomke. Senator Bomke seeks leave of the Body to return Senate Bill 2967 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2967. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Bomke.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:

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Thank you, Mr. President. Senate Amendment 1 just simply satisfies the Department of Public Health. More of a technical change. On page 1, line 24 and 25, it replaces "is" with "has already been determined".

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Bomke moves the adoption of Amendment No. 1 to Senate Bill 2967. All those in favor will say Aye. Opposed, say Nay. The Ayes have it. 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2967. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2967.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. 2927 {sic} provides that a medical expense relating to an arrestee do not include those expenses incurred for medical care or treatment provided to the arrestee because of a self-inflicted injury. This comes as a result of an incident in Menard County. The -- Menard County State's Attorney, Ken -- Ken Baumgarten, brought this issue to me. An individual shot his -- and killed his father. While being apprehended, he attempted suicide, potentially costing the county four hundred thousand dollars. This would eliminate liability to the county and, for Senator Cullerton's benefit, this is not permissive.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2967 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none

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voting Present. Senate Bill 2967, having received the required constitutional majority, is declared passed. Senate Bill 2968. Senator Cronin. Senator Cronin seeks leave of the Body to return Senate Bill 2968 to the Order of 2nd Reading for the purposes of an amendment. Leave is granted. On the Order of 2nd -- Reading is Senate Bill 2968. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. This is an amendment that was drafted with the help and the support of the Trial Lawyers Association, and this outlines the very narrow limited immunity that this bill calls for. I don't know of anybody that's opposed. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, -- I mean, Senator Cronin moves the adoption of Amendment No. 2 to Senate Bill 2968. 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?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2968. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2968.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. This amends the Good Samaritan Act. It provides immunity for first responders -- first responders, emergency medical technician, tactical emergency medical support services. We had extensive testimony

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in committee. Working in conjunction with the Chairman, Senator Cullerton, and the Trial Lawyers, we came up with a very, very narrow definition here, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2968 pass. 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 58 voting Aye, none voting Nay, none voting Present. Senate Bill 2968, having received the required constitutional majority, is declared passed. Senate Bill 2978. Senator Halvorson. Out of the record. Senate Bill 2980. Senator Cullerton. Out of the record. Senate Bill 2981. Senator Halvorson. Senator Halvorson seeks leave of the Body to return Senate Bill 2981 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2981. Mr. Secretary, have there been any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Halvorson.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Floor -- Floor Amendment No. 1 to Senate Bill 2981 becomes the bill, basically creating the Regional Cooperation and Smart Growth in Eastern Will County Act, and I would love to debate this on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Halvorson moves the adoption of Amendment No. 1 to Senate Bill 2981. All those in favor will say Aye. Opposed will say 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 HENDON)

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

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2981. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2981.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. As I said, 2981 creates the Regional Cooperation and Smart Growth in Eastern Will County Act. Eastern Will County, that's where I've lived, that's where I've spent my forty-plus years, my whole life growing up in eastern Will County. And you know if you visit airports across this nation, you can see some pretty harsh consequences. Without regional planning and cooperation, local governments compete against each other for business, land use is completely out of control, and the quality of life in a region suffers. So, when talk began about an airport in this -- my region, people thought they better get together and do something about the quality of life and do something to also prevent the sort of thing that has happened over the years at O'Hare. And here's the irony, we've had lawyers look at the new agreement that governs the Abraham Lincoln National Airport Commission and what they've told us is this, if ALNAC gets the authority to run this airport, do you know that this airport will be run by Elk Grove Village? The town that's sixty-five miles from the airport site. That town knows all too well what happens when you don't have regional planning, but yet, here they are objecting to just the thing that has happened to them. But if you live in my community and you had the chance to do something the right way, I think you would all agree with me, you would want to do that. You would also care about the quality of your life and that's why Beecher, Monee, Peotone and University Park - even University Park - and Will County meant -- met month after month after month with lawyers drafting some sort of development district language, and they all adopted resolutions calling for its passage. That's why they sought the input of the FAA who told them that the development district created by this Act is critical for the long-term success of a South Suburban Airport. But for the

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record, I just want the record to be stated that University Park, who passed a resolution, has now changed their mind. We don't know why, that's up to you to figure out. Yesterday in committee I used the swimming pool analogy. I'm going to come into your backyard - your side yard, your neighbor's yard - I'm going to come into your yard and build a swimming pool, an in-ground swimming pool. I'm going to charge admission to that swimming pool and let whoever wants to use that swimming pool use it, but guess what? You have to deal with the water problems, the noise, the traffic, and you have no say over who comes and swims in that swimming pool. Is that fair? Anybody who votes against this would obviously allow someone to come into their backyard to build a swimming pool, charge admission, but not give you a say in what happens. I really believe that people who claim that this bill will adversely affect the South Suburban Airport either have been misled or don't understand it. In fact, we've made certain, we've made certain that this Act will in no way impair the ability of any governing authority to build and operate an airport. This Act specifically provides that the governing body, whoever it may be, has full and sole authority to do whatever it needs for the airport to succeed. This includes airport terminals, control towers, runways, taxiways, roads, hangers, firefighting facilities, air cargo storage, restaurants, hotels and parking. This development district doesn't have anything to do with that. But during the committee hearing yesterday, we received some inquiries concerning legislative intent, so I just want to clear the air and make sure that people understand what's next. We want to clarify a few points. First of all, this bill does not create a new across-the-board sales tax. The references are to the sales tax paid by the businesses at the current sales tax rate of one half of one percent that would -- they would normally pay. Secondly, the property tax surcharge on a new business will be limited to a rate of .500 and the bond authorization will be limited to fifty million dollars. And I know Senator Lauzen had an -- an issue about are these moral obligation bonds. No, they are not. So let me -- oh, and thirdly, the proposed match that is mentioned in the bill will be changed to say that it will be within available appropriations. It will not be "shall"; it will be "may". So let me just say

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again, as we debate this issue, this bill has nothing to do with governance. Whoever runs the airport, it -- this is about good public policy. It provides for the sort of regional cooperation and planning that will promote the long-term success of the airport, make sure that the district doesn't choke on its own success, and protect the quality of life in the region that we all hope we have. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Dahl.

SENATOR DAHL:

To the bill: First off, I want to commend Senator Halvorson for her hard work and the many, many, many hours that she's put into this -- this issue for her constituents and for Will County. This -- this area where this airport is going to go also covers a lot of my district. A lot of people that live in my district are going to be affected by this airport and -- for job creation and so on. I think that it is extremely important that this airport be controlled by local authorities - Will County and the local communities that are affected by it - and that we don't turn this into a political fight that's going to end up being for the betterment of somebody's political future and not for the betterment of the constituents in the area. I strongly support Senator Halvorson's bill and encourage a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall Senate Bill 2981 pass. 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 48 voting Aye, 4 voting Nay, and 3 voting Present. Senate Bill 2981, having received the required constitutional majority, is declared passed. We're going to pass Senate Bill 2983. That's mine. 2998. Senator Silverstein. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2998.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.



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SENATOR SILVERSTEIN:

Thank you, Mr. President. This re-enacts provisions of the Public Act 88-669 amending the Charitable Games Act. I have no questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2998 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 2998, having received the required constitutional majority, is declared passed. Senate Bill 3016. Senator Dillard. Senator Dillard seeks leave of the Body to return Senate Bill 3016 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 3016. Mr. Secretary, are there any -- amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This just changes the time period of sex offender registration in the bill from every ninety days to every six months or a hundred and eighty days. I'd move its adoption.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Dillard moves adoption of Amendment No. 1 to Senate Bill 3016. All those in favor, say Aye. Opposed, say 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 HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 3016. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

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Senate Bill 3016.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Sex Offender Registration Act and requires all sex offenders to include the following information when registering: the county of conviction, the relationship to the victim, any license plate numbers of any cars registered to that offender, and any distinguishing marks that are on the sex offender's body. And it requires offenders to register every six months, as I stated when we adopted the amendment. The bill also requires the State Police to make their database searchable from a five-mile radius of any person's address or any school. We just did that in DuPage County. It's easily doable and it also requires that schools inform parents of the database during school registration periods and parent-teacher conferences so that parents know that we have this easy database to search. This is just an attempt to make sure we have better sex offender registration and we better notify the citizens of Illinois of its registration availability.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 3016 pass. Those in favor will vote Aye. 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 are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 3016, having received the required constitutional majority, is declared passed. The powerful Majority Leader DeFrancesco Halvorson Bush in the Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty, on 3046. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 3046.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 3046 allows municipalities to use their eminent domain powers to acquire a privately owned public water system. If there are two or more municipalities served by the system, an intergovernmental agreement between all the served municipalities must exist prior to the acquisition of the water company. If there are two or more municipalities in an unincorporated area served by the system, a minimum of seventy percent of the customers must reside in the municipalities that enter into that intergovernmental agreement regarding the acquisition and the operation of the water supply. Provides that service must be provided to all customers at the time of acquisition and that there can be no discrimination in the rates based on where the customer lives. The value of the system shall be determined by pre-existent formulas in the Municipal Code already and it states that the ICC has no approval authority over the acquisition of the system. I would entertain any questions that they might have and then I would like to have some concluding remarks.

PRESIDING OFFICER: (SENATOR HALVORSON)

Well, Senator, it looks like you can -- use your remarks now. There's no discussion. Oops! Senator Dahl. Sorry. Senator Dahl.

SENATOR DAHL:

Thank you, Madam President. I couldn't -- I couldn't let you off that easy. To the bill. I -- I won't ask any questions, just to the bill: I have a concern with this bill. We are taking a viable private business and going to use eminent domain on them to put a business out of -- out of business that is presently serving a need and is also exchanged on the German Stock Exchange without any consideration for what it's going to do to the shareholders or the -- or the workers or anybody else. And then we're going to go down here a little bit later on today and -- and look at Bill 3086 that's going to do just the opposite. I'm -- I'm a little amazed that we in this Body can -- can be so diverse as to be -- to be trying to put one business

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out of -- out of business with eminent domain, and on the other hand, we're going to vote on a bill later on that's going to put more restrictions on it. This bill I'm a No vote and I would encourage others to be -- search your conscience before you vote for this. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR BURZYNSKI:

Thank you. Will -- I was given a fact sheet a couple -- or yesterday, I guess, and talked about it and I was very inclined to vote for the bill. But nowhere on the fact sheet that I can -- I can look at does it indicate that there's eminent domain taking place here, but obviously that's what the bill is all about. Is -- is there the right of eminent domain just for this one situation or will it allow more to exist in the State?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

The eminent domain is not any different than what the law provides right now.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Then you -- then -- but what the bill does, though, is increases the scope of the utilization of eminent domain for this purpose?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

No, it does not. The scope still remains the same as it is in the Municipal Code.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski. Any further discussion? Senator Viverito.

SENATOR VIVERITO:

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Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR VIVERITO:

I have one concern myself in this particular bill. Now, is this a blighted area that you're -- this eminent domain for the - - you want to -- you want to take it over?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

This has nothing to do with a blighted area. This has to do with water.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito.

SENATOR VIVERITO:

...it doesn't want to move, right? He doesn't want you to have it?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Right now we only have two companies that are privately owned water companies. One I -- is up for sale and the other one has -- is not up for sale. So what this bill is asking is that municipalities have an opportunity to purchase this water company.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito.

SENATOR VIVERITO:

If the water company doesn't want to sell, does -- who pays the legal bills on this individual?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Well, I don't -- I don't really know what legal bills you would be talking about. I mean, if there's a sale to whether it be a municipality or a whether it be a -- you know, a foreign conglomerate, I don't know who would be paying attorneys' bills. That's not in the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Viverito.

SENATOR VIVERITO:

...do then is wait until this eminent domain comes with Susan Garrett and then she'll be able to tell me a person that takes care of their property, who -- maybe a road wants to go through or something, they will have to pay their own legal bills, and if the person has the blighted area, the municipality will have to pay. I'll -- I'll talk to her about that bill. I'm sorry. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there further discussion? Senator Shadid.

SENATOR SHADID:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Shadid. Senator Crotty wishes to respond. Senator Crotty.

SENATOR CROTTY:

I don't want to get this bill mixed up with any other bills that are out there. This bill does nothing different with eminent domain than what we already currently have in law. All this bill is doing is allowing an opportunity for our municipalities to be able to purchase a -- a company.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Senator Crotty, does this bill force the water companies to sell?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Crotty.

SENATOR CROTTY:

No, it does not.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid. Any further discussion? Senator Bomke.

SENATOR BOMKE:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR BOMKE:

This -- just for the record, if a -- this does not apply to

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a publicly owned water company. In other words, if a municipality expands under this bill, they cannot - I'm assuming they cannot, I want you to answer - cannot take in the other public -- or public water company? It's only for a private company?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

That is correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke.

SENATOR BOMKE:

Now, back to Senator Shadid's question, I -- I understood that you were forcing this company by taking over their property through eminent domain. Is that not correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

What -- what this has to do with -- we're not going to take over a company. That's not what this bill is about. The bill is to purchase a company. We -- we right now, I think, sewer and water through the -- using the ICC approval, can already -- can already do this. I passed a bill that allowed sewer companies, just this last week or -- last week, also be able to separate themselves. So municipalities can also purchase now sewer companies. I'm asking that municipalities be able to purchase water companies if they are going to be put up for sale. That's all this is.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke.

SENATOR BOMKE:

Okay. Just so I understand, only if they're up for sale. We're not forcing this company. We're not taking this private water company under eminent domain?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

If a company wants to sell the -- their company and it is spotted in different areas, this would allow a municipality to be

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able to purchase the water distribution system or the water system that's in their own municipality. It's a -- if we talk about local control, this to me is one of the best examples of local control, over something as vital as their water system.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke.

SENATOR BOMKE:

Very quickly. So if the private water company doesn't want to sell, this does not allow the municipality to take 'em over?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Not in this bill. No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Dillard. Senator Dillard's light was on. You want to speak? Any other further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR ROSKAM:

Senator, we're all confused and it's late and I won't belabor this and there's a lot of questions, and nobody can quite figure out what's happening and nobody's quite willing to say that. Can you tell us what happens if the private water company, for example, says I don't want to sell the whole -- I don't want to sell piecemeal. In other words, the value of the entire system has an inherent value that's greater than the value of this all chopped up. How does your bill reflect that possible scenario?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

If the system is larger than the municipality, this will force them to break that down.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:



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How are you -- I mean, why -- why do that, Senator? I mean, you know, if somebody, a private company, takes the risk, puts the infrastructure in, maintains it, builds it over a period of time, and then they ultimately say, we -- we've -- we've built a good thing here. I mean, who are we to come in and say, "Yeah, it's really fabulous; we're going to take it from you now." What -- what's with that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Well, sort -- you -- you used the words fabulous and good thing. Let me tell you the genesis of this bill. In -- not only in my area, but in Senator Radogno's area, I think in Peoria, Pekin, Champaign-Urbana, we have had some horrendous things happen to those communities in a system that is so vital to human life, and that's their water system. In my district, we had phone calls and, of course -- if you'd like to come over, I'm just going to show you a water bill. And just like many of our other bills, it'll show the balance from the month before, and this balance for this family, which is residential - this is not a business - and it's from last March 28th -- last February 28th to March 28th, which is twenty-eight days of service in getting water. It shows thirty-two dollars and fifty-eight cents the month before. It shows a minus thirty-two dollars and fifty-eight cents, leaving a balance of zero. If you come right down here, total amount due for the -- the month that I just mentioned - the twenty-eight days - two thousand five hundred and fourteen dollars and sixty-two cents. Now, this isn't just the only person within this region that has gotten that. We have 'em from Orland Hills, unincorporated Orland and Homer Glen in just my area. I held over the summer -- after -- when I first was aware of this, I called the president of the company to say that there must be some -- some sort of problem out in this area - certainly water couldn't be at this cost. He told me that they put in new meters, that there was no problem with it. Then, as we had a -- I had a Local Government Committee meeting at Governors State University and had all the parties come in to give testimony. Then we had a three hour in Orland Township. We had a hearing of this company, and what I'm told is that they had new -- new

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meters put in and now we're getting a true picture of just how much water this resident is using, so there's a thing called back-billing. So the bad the -- the older meters aren't reflecting the true amount, so we're going to back-bill for the water that we think we didn't -- weren't -- weren't able to collect. In another area of the State, Champaign-Urbana, they didn't realize their hydrants weren't working until there was a fire and the fire department went out there to hook up their hoses to the hydrants to find out they weren't working. I think that's poor service.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR CROTTY:

Also there's been five boiling orders in Champaign and those boiling orders came when we had out State finals. Some restaurants weren't notified of the boiling order 'til after the fact. High rates I already mentioned and the Attorney General is filing suit, and what we have here is a -- is a company that's going to go up for sale and municipalities would like to have an opportunity to purchase with all the eminent domain that's already there, and letting a judge take a look at all of the four things that are needed in -- for eminent domain and for the municipality to have the same opportunity than maybe another -- another company can get.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Senator, that's clear and I appreciate that. In your bill is there -- in terms of the eminent domain provisions, is there something that contemplates the value? I mean the -- the value of a -- an entire system clearly exceeds the value of -- of simply multiple pieces of the system. Will this company, even though they're billing inappropriately and you've run into all kinds of hassles with them and so forth, will this company nevertheless be treated fairly in that valuation process? That was my question and could you speak to that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

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The answer simply is, yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- oh. Senator Crotty.

SENATOR CROTTY:

It is -- it is the very same way in which any company would -- would be able to -- like a court system would look at all four of the same evaluating factors for the price of that company.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Crotty, have you mentioned your closing remarks or do you wish to close? Senator Crotty.

SENATOR CROTTY:

I just would hope that everyone -- many of you serve some of the areas - Bolingbrook -- there's more, and more, and more and it seems -- it seems to be where our consumers, our constituents, our municipalities are really stuck between a rock and a hard place in order to make sure that people in our communities are able to get a viable, safe water system. The other thing that I want to let everybody know is I've just recently been contacted. AFL-CIO is neutral; AFSCME is a proponent. So I would ask that if we're truly looking at like control for local government, this is definitely -- and a good consumer bill, this is the bill. And I thank each and every single one of you for your questions. I want to thank the water companies for coming in and working out some of the amendments that were on this bill, and I would ask you, please, for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 3046 pass. Those in favor, 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 Yeas, 17 Nays, 1 voting Present. And Senate Bill 3046, having received the required constitutional majority, is declared passed. Senator Trotter, on 3053. Senator Hendon, on 3056. Senator Garrett, on 3086. Senator Garrett seeks leave of the Body to return Senate Bill -- 3086 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 Senate Bill 3086. Madam {sic} Secretary, are there any amendments approved for consideration?

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ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett, to explain your amendment.

SENATOR GARRETT:

Thank you, Madam President. The amendment just clarifies some of the definitions for -- I'm sorry, private development for the telephone, Illinois Telecommunications Association and the historic landmarks.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Garrett moves the adoption of Amendment No. 2 to Senate Bill 3086. 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. On the Order of 3rd Reading is Senate Bill 3086. Mr. Secretary, read the bill. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

Senate Bill 3086.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Thank you again, Madam President. When the Kelo Supreme Court decision ruling came down, my office received many, many phone calls from people throughout the State of Illinois. People were very concerned about how this may affect them. And really what we were told was there weren't any problems whatsoever, that Illinois law was very strong on eminent domain. But as -- as Chairman of the State Government Committee, we decided to hold hearings, which we did. We held two of them. At those hearings, we invited people from across the State and heard from builders, Realtors, municipal officials, mayors, city managers and everyday citizens, who came forward and said part of the problem with what

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we are facing here in Illinois today is that there wasn't -- there isn't transparency. And quite frankly, I didn't understand exactly what that meant. But fast-forward a couple months later, we learned that there weren't any statutes in the State of Illinois pertaining to eminent domain when it comes to private development. So, as a committee, we worked to establish strong statutes that would clarify what so many people were looking for when it comes to using the power of eminent domain for private development and also putting into place protections for property owners. So I will quickly just go over some of our key provisions in this legislation. It requires that the property area is blighted and this, again, is only for private development, has nothing to do with public purposes. Requires that the condemning authority must have entered into a written agreement to develop property and that the property is essential for development or that the taking is consistent with the regional five-year plan. Condemning authority is responsible for paying reasonable relocation costs as defined in federal law and that the condemning authority must prove that an area is blighted. Local ordinances designating an area as blighted cannot be considered valid. It also proves the ability for a property owner to recoup a portion of attorneys' fees on a sliding scale, and here's how that works. The attorneys' fees based solely on -- are going to be based solely on the net benefit achieved for the property owner. The fees will be thirty-three percent of the net benefit if the net benefit is two hundred and fifty thousand dollars or less. The attorneys' fees will be twenty-five percent of the net benefit if -- I'm sorry, the fees will be twenty-five percent of the net benefit if -- if the benefit is more than two hundred and fifty thousand dollars, but less than a million. And the fees will be twenty percent of the net benefit if the net benefit is a million dollars or more. I think that's -- we can talk about -- it -- it also establishes fair property values up front resulting in speedy trials and preventing delays from property owners who may be holding out for more money. That's really the crux of the legislation. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Cronin.

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SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. I rise in strong support of this bill and I first want to commend the lead sponsor who has been just a -- so tenacious and determined, and at the same time, so reasonable, listening to all the different interest groups. I've been delighted to work with her in this effort. You know, if you believe that the power of local government to condemn private property of one to give to another for purposes of private development is without need of reform, then I guess you'll probably vote against this bill. But I urge you to reconsider your position, because I don't know how you answer the voters when it comes up time for election. This has been a very, very intense effort to strike a balance, to respect the powers of the local government. There's so many avenues that -- that legislators and advocates recommended that we consider. We didn't go down this path of prohibiting development for private purposes or private development. We didn't go down that path. There was no effort to redefine blight. Blight remains a rather easy hurdle for local governments to -- to -- to get over. Really what this bill does is some very, very subtle, yet meaningful changes and it ever so slightly tips the balance -- tips the scale in favor of the property -- the private property owner. And, after all, isn't that what this country and what we, as leaders and guardians of civil liberties, are supposed to be about? There is one very significant part of the bill that I would urge you to consider, and I think it probably is the most significant part. And there'll be others that'll stand up and point to attorneys' fees and they'll talk about this and they'll talk about that, and I would, with all due respect to those critics, I would say there really is only one central part, and that is the part that seeks to remove the current presumption of validity regarding ordinances declaring an area as blighted and switches the burden of proof from the property owner to the condemning authority to prove that the area qualifies as blighted. And let me just - please, if you bear with me for a minute - share with you what my view of that means. Local government, good people, they stand for election, they want to do good, they look at a piece of property and they decide that it

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needs to be developed. They look at a area and it needs to be developed. They go hire a consultant, a condemning -- eminent domain consultant, hire a TIF consultant, with taxpayer money, to tell them how to take the property from private property owners. The first step in the process that is recommended to them is that you have to pass an ordinance and declare it as blighted. Now, there are fourteen different criteria for blighted property. In Illinois, we only need meet five. After that property is declared as blighted, simply a -- a rather rote procedural -- step of the local government, that places a very significant obstacle in front of the private property owner if they ultimately want to fight it in court. It's not fair. Think about it. What's fair? If this -- if the local government believes that it's blighted, shouldn't they be the ones to prove that it's blighted? Why does the private property owner have to disprove that it is not blighted? Why do they have to do that? That's inherently unfair. The deck is stacked against the local property owner. I favor community development. I know it's important. I've seen the wonderful things that have happened in the City of Chicago and suburban communities with rejuvenated neighborhoods and downtowns. But, you know what? Let's face it, it's gone a little too far, and it's our job here to watch over it and to do the right thing and this is a very, very slight, subtle and, yet, meaningful change in favor of private property rights. I strongly urge a Yes vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. I just want to reiterate, there are many lights blinking. Please do not reiterate or say the same things that have been said before you, and keep your remarks succinct. Senator Jacobs. Senator Jacobs.

SENATOR JACOBS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR JACOBS:

I want to describe a real quick situation. If you could give me an answer, I can be with you. My community is working on a hundred-and-forty-million-dollar ethanol plant. Everything's go. The agreements were all done except for one gentleman. The

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gentleman now wants fifty thousand dollars an acre for his land and the land is two thousand dollars an acre. What should the city do to solve that problem?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Well, Senator Jacobs, I'm not an attorney, but it depends. The current process, they would have to go to court and litigate. The difference between what happens now and what would happen if we had this legislation pass is that there would be a clear framework in place and you wouldn't be asking that question. Everybody would know up front what is expected.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...Senator Garrett for handling this bill and working so hard on it and it's a bill that has been very much needed. I have handled eminent domain cases. This...(microphone malfunction)...clarity to the obligations of government and the rights of property owners. And I think it's a crucial check on the power of government and a safeguard against abuse. When government takes a person's property -- private property, essentially to give it to someone else for development, that's wrong. And this bill will see that -- that those things don't happen. I certainly commend the sponsor and the prior speakers in favor of this bill, for what they've said is absolutely right. And I urge favorable passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR VIVERITO:

I would like very much -- and I -- I -- I really commend Senator Jacobson {sic} on that particular question and you really didn't answer it as I understand the bill that you're presenting. From what I understand, is that if that individual doesn't want to sell, that it will -- it will -- all of the attorney fees will



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be picked up by the municipality, because he doesn't want to move, even if it's blighted or whatever.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Well, I -- it's hard to argue a case that I'm not that familiar with and -- and not being a lawyer, but I'll try my hardest to do this. The attorneys' fees that you're talking about would work like this: If the business in Senator Jacobs' district -- if the condemning authority gave the business an appraisal of a million dollars, and the business said, no, we believe it's worth two million dollars, that would force them both to go to court. If the judge or the jury decided that the property was worth 1.5 million dollars, half way in between, as an example, the net benefit would be five hundred thousand dollars; a percentage of that five hundred thousand dollars would be dedicated to attorneys' fees.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito.

SENATOR VIVERITO:

Oh, then, Senator, you mean that you have a cap on the attorney's fees? Now I'm happy to hear that, because, you know, I know a lot of attorneys and I've paid a lot of attorneys through the years. I don't -- but when there's no cap, there's no end to how much they're going charge. So, now that they have a cap on there, I feel better. What's that cap?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Senator Viverito, it's a percentage cap. I read it in my opening remarks, but I will go through it again. If...

PRESIDING OFFICER: (SENATOR HALVORSON)

Just don't go through your entire opening remarks. Just give him the percentage. Senator Garrett.

SENATOR GARRETT:

It would be twenty-five percent.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Viverito.

SENATOR VIVERITO:

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Twenty-five percent of what?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

It's the net benefit. The -- the condemning authority said to the property owner that we will give you a million dollars. The decision was that it would be five hundred thousand dollars more than the original appraisal from the condemning authority. There were two different appraisals coming together. The judge stepped in and said here's what it's worth, and if the condemning authority had low-balled it or come in much lower than what the final decision was, the attorneys' fees will only be paid on a percentage basis of that net benefit, which in this case would be -- speculating, would be five hundred thousand dollars.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito, to wrap it up. Thank you.

SENATOR VIVERITO:

Well, I'm going to certainly commend you on what you're trying to do to preserve the integrity of some little old man or woman that wants to keep their property, even though it may be detrimental to the entire municipality, that you want to be sure that they're going to get enough money out of it. I can understand that sympathy, but I do feel that the bill itself, you should at least work on it in the House and make it where more of the municipalities would feel more comfortable with it, because this may very well prevent a lot of TIFs. This may very well -- present itself with economic development that's going to be devastating to our society. We need to really look at this bill in a more positive way, because it can be extremely detrimental to the development, whether it be down in Moline or the City of Chicago or any municipality. I feel -- and I would hope that most people would vote Present, rather than voting for it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. First of all, I would like to commend the lady from Lake on what I think is a very, very good bill. As a young boy, I remember a song that my mom would hum to me and sing, "Be it ever so humble,

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there's no place like home," maybe you remember the song. Your home is your castle and it was your castle until the United States Supreme Court, in Kelo versus New London, said that your castle can become somebody else's castle by a simple-majority vote on the city council. What in essence they said, is that, Sandra Day O'Connor said in her dissenting opinion, if someone is powerful, if they're connected, they have the opportunity to take your castle and -- and turn it into someone else's home and leave you with a nightmare. I've had an opportunity to deal with local units of government throughout the years in connection with this issue. Unfortunately, some members of local government need a lesson in constitutional history. Just as an example, there are those, and it's been raised in debate here today, who've talked about attorneys' fees and excessive attorneys' fees. Keep in mind that under the Sixth Amendment of the United States Constitution, people have a right to counsel and we, as taxpayers, foot the bill on individuals who are charged with crimes. We may grumble about it, but the fact of the matter is that we provide counsel to those who have been accused of committing very serious crimes. The Fifth Amendment gives us the right to keep our property. Why shouldn't we, under the Constitution, claim the right to an attorney? If we give it to people who are some of the worst people in society, why not to a -- a woman, a widow, who is trying to save her home where she may have not only raised her family, but actually been born in? There are members of local units of government who I have talked to who believe that the phrase "just compensation" is interchangeable with the words "merely compensation" - "merely compensation". If you go back and read the transcripts of what the founders said just compensation should be, it basically means that people should be made whole. That is, they should be placed in the same position after the taking as before, not just compensation to be merely compensation. That is an extraordinary difference in the -- in the meaning and context. What the lady from Lake has done, and very artfully in my opinion, is place a very commonsense approach and proposal on the table that attempts to restore the balance between government and people subjected to government, to make sure that every individual has the right, if they choose, to battle to preserve their castle. They have a

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right to -- to -- if they choose, to ensure that their home will remain theirs. Unfortunately, there are those who will continue to cry about expenses and that this is going to cost communities lots of money. What we're really doing here is bringing back a -- a process as it was meant to be, to ensure that government will not use taxpayer monies of even the property owner itself to grind that -- that property owner into the ground into submission. It gives them a chance to fight fairly and to fight in a court of law. Once again, I -- commend the sponsor of this legislation. I urge my colleagues and all of those who truly cherish the birthright that we have in his nation, the right to life, liberty and our property, to vote a resounding Aye.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Althoff.

SENATOR ALTHOFF:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR ALTHOFF:

Not to take too long, but this actually, this piece of legislation, is -- is a great beginning and I, too, commend the sponsor. We've been working at this together for a very long time. However, it -- it reminds me of a favorite movie, the Three Amigos. There's a section in there where one bandito looks at another bandito and he says, "I do not think that word means what you think that word means." I don't think this legislation does what the average person thinks it does. Number one, will this legislation protect those people who were condemned for O'Hare Airport?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

This legislation actually exempts O'Hare and the Peotone Airport.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Axley. I mean Althoff.

SENATOR ALTHOFF:

Happens all the time. Again, clarification, this legislation allows municipalities and government bodies to use

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eminent domain for public purposes or public uses. Yes?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

I -- I think we have to clarify something. Eminent domain can be used already for public use, which is the airport situation. So this legislation doesn't change anything for the airports, because this legislation only looks at the power of eminent domain when it takes into consideration private development. Period.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Althoff, to wrap it up, please.

SENATOR ALTHOFF:

And I would concur. And my concern is that currently I believe the general public is so supportive of this legislation because they think that they are protected from all types of eminent domain. And grandma, whose home is condemned for a road or for the expansion of a public purpose, is not going to get the same consideration for attorney fees and for relocation as those people who are already identified in a blighted area. I think that possibly this legislation could maybe go further. There's numerous organizations that represent municipalities and government entities and mayors galore that would really like us to continue working on this so that we really do protect personal property rights. And I would urge everyone in this Body to vote a big "P" until we can continue to work on this and make it the great piece of legislation it can be. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

Senator Garrett, does Senate Bill 3086 preempt home rule powers?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

This legislation applies to home rule and non-home rule communities.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

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SENATOR MARTINEZ:

So it does preempt home rule and so we're going to need a supermajority to vote on this?

PRESIDING OFFICER: (SENATOR HALVORSON)

Who are you asking, Senator Martinez, Senator Garrett or myself?

SENATOR MARTINEZ:

The Chair, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

We'll check. One moment. This will take thirty votes because it relates to concurrent legislation -- concurrent jurisdiction. Senator Garrett, to close. Oh! Excuse me, Senator Garrett. Senator Lightford, I'm sorry.

SENATOR LIGHTFORD:

Thank you, Madam President. Senator Garrett, can you just possibly -- question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR LIGHTFORD:

Senator Garrett, can you just share with us why the Illinois Municipal League would be an opponent and the West Central Municipal Conference would be an opponent, because that -- that takes in all of my mayors?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

The opponents to this legislation, unfortunately, happen to be the Illinois Municipal League and -- and generally I would say most municipalities and municipal organizations across the State. We have worked with them. I can't tell you how many countless hours I have spent trying to get agreement from them, but it just isn't going to happen. They are opposed to the bill because they believe - and I think wrongly believe - that it will stifle economic development and add additional cost.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. One additional question. I -- I failed to hear the answer to if this bill preempt home rule.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

This bill applies to communities who are home rule and who are non-home rule.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Garrett, may I please just have yes or no?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes. Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR GARRETT:

You know, there's so many things that we could be saying about this legislation. I think it does go a long way. It does satisfy many of the current concerns that people have across the State about municipalities using the power of eminent domain. When we started working on this bill, what we sought to do was to codify some of the case law that's already being used and already being negotiated by municipalities. But we felt it was absolutely important to make sure that everybody who was involved in any type of an eminent domain case understood up front what the rules of the road are going to be. And so very clearly and simply those rules are spelled out in this legislation. We -- we sought to strike a balance. I believe we have. We have bipartisan support. Support regionally from the northern part of the -- of the State to the southern part of the State. And our proponents include such -- such a diverse coalition as the Illinois Farm Bureau and the AFL-CIO. Not to mention that the Realtors, the Home Builders and the Chicagoland Chamber of Commerce, the National Federation of Independent Business are also supporters of this legislation. So I hope that you will

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join me. I'm not saying this is an absolutely perfect bill, but I'm very proud of it and I want to thank those who joined to make it such a good piece of legislation.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate -- Senate Bill 3086 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 44 Yeas, 2 voting Nay, 10 voting Present. And Senate Bill 3086, having received the constitutional majority, is declared passed. Ladies and Gentlemen, it's our intent we'll be going back to the top of the Order on page 3, then we will be going through to, I believe, 2123. So we would appreciate it, if your bill is coming up, that you're in your seat ready to go. Senator DeLeo, on 392. Senator Crotty. 618. Senator Sullivan. 621. Senator DeLeo. 679. Senator Link. 702. Madam Secretary -- Senator Link seeks leave of the Body to return Senate Bill 702 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 Senate Bill 702. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain your amendment.

SENATOR LINK:

Thank you, Madam President. I'll add the amendment and it becomes the bill. I'll explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link moves the adoption of Amendment No. 2 to Senate Bill 702. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 789 {sic}. Madam Secretary, read the bill.

SECRETARY HAWKER:



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Senate Bill 702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, on Senate Bill 702.

SENATOR LINK:

Thank you, Madam President. Before we start, I want to make one thing very clear: There will be an amendment on this bill in the House that will narrow the scope, because inadvertently when this bill was written, it made it a statewide venture, which was unfortunate, because it was not ever meant to be that way. That this would be a local issue for the Great Lakes, Fort Sheridan and Glenview area. What this is relating to is naval housing, which has now become a public/private venture up there. For years what we've had is naval housing in the Great Lakes area, and then with the closure of the Fort Sheridan and Glenview Naval Base, what they -- what they did is they've transferred the housing to those two areas outside of Great Lakes and they've now made it a public/private venture, an ever-due burden onto the school districts. This is a leasehold agreement that is a first-time adventure to try to help the schools in those areas with the burden that the public impact aid -- aid is not meeting from the federal government and should not be a burden on the taxpayers of the State of Illinois. I will be more than happy to answer any questions on this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Wendell Jones. Senator Wendell Jones, your light is on, do you wish to speak?

SENATOR W. JONES:

Yes. I'm sorry, I thought there were speakers ahead of me. Thank you, Madam Chairman. We debated this extensively yesterday in committee and, frankly, I do not believe this bill is ready to move. I think we should -- I think we should hold it and -- and come back and -- and get these people together for agreement. We ran some calculations yesterday after we were given the final copy of the bill, and the opponents of the bill calculate that the overall fiscal impact of this bill could leave their debt service in a default position. Ultimately, the PPV would likely dissolve and the property would go off the rolls and generate no

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local revenues. In -- in Glenview, for example, if you use this formula that is in Senator Link's bill, it comes up with five hundred sixty-eight thousand five hundred and twenty dollars in budgeted property taxes. The way we calculate it, it comes up to nine hundred forty-eight thousand nine hundred and eighty-two in property taxes. At Fort Sheridan, it comes up to four eighty-six versus eight forty-six; and North Chicago, two million versus 3.6 million. This is a tremendous disparity to have in a bill that is about ready to go out of the Senate. And I think we really need to take a look at it, because there was a lot of opposition in committee, and I do not believe it's ready to go. So with all due respect to the sponsor, who I know is trying to work in good faith and -- and always does, I would suggest we take this out of the record and continue the negotiations with -- with all of the -- all of the individuals that are involved and -- and get a bill that we could all agree to. This will devastate what Glenview is trying to do. So, with all due respect, I would suggest that we take this out of the record.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, we apologize. We're going to have to recall this bill to 2nd for one more amendment. There's one more amendment that needs to be added before we debate the bill on 3rd Reading. So, Senator Link seeks leave of the Body to return Senate Bill 702 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 702. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. With apologies to the Body, Floor Amendment No. 1 was also recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain the other amendment.

SENATOR LINK:

I'll explain it on 3rd Reading. I just hope we didn't waste Senator Wendell Jones' great discussion on that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link moves the adoption of Amendment No. 1 to Senate Bill 702. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any

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further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 702. Senator Link already explained the bill. Senator Wendell Jones already gave his remarks. Is there anybody else that wishes to speak? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just a -- a question. I'm not sure what just happened. I'm not sure if the amendment is what Senator Jones was discussing or if the amendment's what Senator Link put forward, but he said he would discuss that particular amendment on -- on 3rd Reading, so I'd like to hear what that amendment does, number one. Number two, if there's that much confusion on the bill -- my -- looking at the Calendar, it says that 3rd Reading deadline has been extended. Maybe he can come back with an amendment next week and we take care of it here. We know what happens sometimes when things go to the House. So, just a suggestion, but I would like to hear what the amendment does anyway, Senator.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Thank you, Senator Burzynski. The amendment became the bill, and the second amendment was a technical amendment that was missed. One little number was missed and it had to be in there. So the second amendment was a technical amendment, but the first amendment became the bill. The reason that was extended was it was a shell bill that was extended. That's why the deadline was extended on that bill originally. But we used that shell bill to add this bill to it. So this became the bill and the first amendment was the bill, and that's what we are explaining on the Floor now, which is a leasehold agreement bill to help these areas so that the State of Illinois and the taxpayers in those local communities - which this will just affect - those local communities don't have to pay the burden for kids that are coming from all over the country, that are military dependent children, that our federal government is not meeting its responsibility but

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expecting the taxpayers of the State of Illinois to fund the situation, so that local communities have to raise their tax base to pay this situation again. And as someone who represents the City of North Chicago, who was born and raised in the City of North Chicago and where Great Lakes is a -- is part of, has seen what it's devastated with, with the impact aid not coming into the community. Your Leader, Senator Watson, who I talked to about, who is facing it with Scott Air Force Base and other areas that are going to be faced with this stuff. It's a shame that the federal government's not meeting its requirement and pushing this onto the local taxpayers of the State of Illinois.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

...very much, Madam President. First of all, I -- I think that it's a -- Senator Link, you're doing a -- a thoughtful -- you're taking a thoughtful approach to a unique situation in three different areas. You know, and I -- I want to give you the benefit of the doubt, but if you're -- if you're going to use this bill as a whupping horse for -- or a -- a whupping horse for the federal government, I mean, we've just -- we've seen this for about thirty-six hours, and as I'm leaving the committee room yesterday, a person is telling me very contrary to the impression that you're giving today. And perhaps you're not aware of the federal sixty-eight-hundred-dollar-per-student subsidy that's given to -- for each serviceman's, you know, child that goes to those schools. I think that it was specifically the North Chicago. So it's possible that you're not -- aware of that sixty-eight hundred on -- from the federal government on top. But I don't think that's the thrust, so I don't think that you want to take us in the direction of, well, this is, you know, the federal government in opposite partisan hands is big -- big bad guy. The concern on this bill is, if we press it too hard, the development could default and collapse. That's what the testimony was yesterday. When we went to do the calculations last night, what they've budgeted in property taxes in those three locations is over three million dollars of property taxes. This bill would produce an obligation of about 5.5 million dollars. They have a compromise proposal in that is somewhere in

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between. Certainly, we want to provide services, both education and local government, but we want to make sure that we don't do something in statute that then puts a torpedo in the side of this. The sunset that is drafted in here, I'm told by our staff member is flawed, although it's well-intentioned. I thought that was another very smart thing that you and the people working on this put in a sunset in case it's three years. I understand that in the drafting of that, it -- it might not be what you intend it to be. I believe from what you said earlier, and I just ask you to confirm it in your closing comments, that there's going to be amendment over in the House. That would mean that it comes back here, and if that's the case, we get another chance at studying it more closely. I would urge a -- a No vote at this time, but I would -- I wouldn't be surprised if you have enough votes to get it out. We'll look forward to working more on it when it comes back in, but I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wendell Jones, for a second time.

SENATOR W. JONES:

Yes. Thank you, Madam President. My name was used in debate, plus I had a couple of other points I wanted to make, if I could. One of 'em Senator Lauzen was just touching on. To the bill: The sponsor asserts that this bill imposes a sunset over -- I think it's a four-year sunset, but Section 10-365 states that this method must be used for a possible fifty years. We're talking about private construction on military bases over an amortization schedule of some thirty to fifty years, but if the bill sunsets in four, it would be a little difficult to come back to this and -- and fix it. It also creates a new property tax abatement category for these leases. Unlike the other abatement -- authorities, there is no limit. Example, some are limited to ten years and an aggregate tax abatement of ten million. Furthermore, as I mentioned earlier, the calculation is not accurate if -- if we use the -- if we use the income capitalization approach and -- and the calculation that is in the bill. The difference of the two is hundreds of thousands of dollars. So, as I said before, this bill cannot be ready to go to the House. Thank you for letting me speak for the second time.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator Link, can you tell me if you're aware whether there are any agreements that have been put in place, developer agreements, based on an expectation of what those developers would pay in this -- this property tax-like levy? And -- and the reason I'm asking that is if there has been an agreement or agreements that were struck based on an assumption of what they would have to pay, and then we go blowing in there and change that and -- and increase it, then will that disrupt the deal? Will they have a right to pull out? Will they have a right to sue? I mean, do you know anything about that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

First of all, I'm not privileged to inside deals if the federal government had been involved in these discussions, which we reached out to the Congressman in a local area and asked him to be involved in these discussions, which he declined to be involved with us. But I know that there's been an agreement signed between the Naval and -- and the developer. That's all I know that's signed, but they know because the developer has sat in with all of these discussions from day one and knows exactly what we are doing with this particular legislation. And as of approximately minutes ago, has talked to me and said can we continue these discussions, and I said most definitely we can.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank -- thank you, Madam President. Well, I'm not sure which community you're referring to, Senator Link. From -- according to my analysis, though, you're talking about differences in terms of increases of anywhere between four hundred thousand and 1.6 million dollars. And, I guess, if

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there's going to be discussions continue, why pass a bill with hard dollars in it over to the House when the deadline's extended anyway? I mean -- and this is the reason I'm saying this, Senator. We have some experience with moving a bill through that some people had a problem with, realizing we had to change it, coming back and changing it again, and now people are being sued over that. Why would we go down that road again? Why not just let the -- use the time that's in the extension of the deadline and figure out something that everyone can live with - the developers can live with, the federal government can live with - that takes care of your concerns? Why not do that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to close.

SENATOR LINK:

Thank you, Madam President. This is a local situation. This is a unique, local situation that has the first time developed in this area. And I think that, you know, it's something that is forced upon us by the federal government. We didn't request this. We didn't ask for this. We didn't want this. We got it jammed down our throats, in plain words. But I'm going to protect the school districts in my area. And when I was told maybe I don't understand the federal impact aid, well, trust me, I understand the federal impact aid probably better than anybody in this room, because I have to study it every day because my school district in North Chicago has over forty percent of its students getting federal impact aid that it should be getting. And it's sixty-one hundred dollars and thirty -- sixty-one hundred and thirty dollars it's supposed to be getting from the federal government, which doesn't even meet the eight thousand dollars plus that it takes to educate a student in that school district. So the local taxpayers are picking up the differences every year. That's why seven million dollars a year in deficit spending is coming into that school district. With this, we're trying to alleviate some of that burden onto that school district. We're going to be adding that burden into Highland Park, Highwood and Glenview if we don't do something right from the beginning. That's all we're asking is to protect these areas, to protect these school districts and protect the citizens of Illinois from having to pick up the burden that the

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federal government doesn't want to help their Naval and their military dependents from getting the right education, that they expect the citizens of Illinois to help. We are working on this. We will continue to work on this. This is a local issue. I would ask your help. I've helped everybody in this Chamber on both sides of the aisle when it comes to a local issue for them. I'm asking for that help now. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 702 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 33 Yeas, 18 Nays, 2 voting Present. And Senate Bill 702, having received the required constitutional majority, is declared passed. Senator DeLeo, on 789. Senator Link, on 827. Senator Link seeks leave of the Body to return Senate Bill 827 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 Senate Bill 827. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain your amendment.

SENATOR LINK:

I'll -- be more than happy to adopt the amendment and explain it on 3rd Reading, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Link moves the adoption of Amendment No. 1 to Senate Bill 827. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 827. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 827.



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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Thank you, Madam President. This is basically a follow-up to the firefighters' promotion bill that we did. Is -- this is just basically codifying what we passed unanimously out of this Chamber a couple years ago and I would ask for its passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Pankau.

SENATOR PANKAU:

Thank you, Madam Chairman. This did come through our committee with the amendment. Even the Illinois Municipal League is not opposed to this. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 827 pass. Those in favor will vote Aye. Opposed, Nay. The -- 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 Yeas, none voting Nay, none voting Present. And Senate Bill 827, having received the required constitutional majority, is declared passed. Senator Sandoval, on 854. Senator Garrett, on 880. Senator Schoenberg. Top of page 4. Is Senator Garrett... Nope. Top of page 4. Senator Schoenberg. 951. Madam Secretary -- Senator Schoenberg seeks leave of the Body to return Senate Bill 951 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 Senate Bill 951. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, to explain your amendment.

SENATOR SCHOENBERG:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 mirrors federal rules which deal with the ability to withhold -- the ability of the Department of

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Health {sic} (Healthcare) and Family Services to withhold Medicaid payments for -- for suspected fraudulent or -- willful misrepresentation under the Medicaid program. I urge its adoption.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion on the amendment? Senator Schoenberg moves the adoption of Amendment No. 1 to Senate Bill 951. All those in favor will -- say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, to explain Amendment No. 2.

SENATOR SCHOENBERG:

Thank you. Floor Amendment No. 2 is also an initiative of the Inspector General from the Department of Health {sic} and Family Services. It enables the Department to suspend or terminate the eligibility of any individual, firm or -- firm, corporation, or any other entity from participating in the Medicaid program, a following reasonable notice and opportunity for a hearing, if they discover that that person or interest has a non-health-related criminal -- criminal record - either a felony offense pertaining to murder or a Class S felony under -- Class X felony under the Criminal Code.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Schoenberg moves the adoption of Amendment No. 2 to Senate Bill 951. All those in favor will say Aye. Opposed, Nay. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 951. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 951.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President, Ladies and Gentlemen of the -- of the Senate. I've explained what the two amendments do. I would very quickly, for the purposes of legislative intent, like to read the following passage. On the procedure for due process, which is a question that was raised in the committee, want to clarify that the request must come from an appropriate investigatory agency which advises the Office of the Inspector General the finding of reliable evidence of fraud or misrepresentation, requests payment be withheld pending completion of the investigation or results of a preliminary audit conducted by the OIG. An appropriate agency could be the Illinois State Police, the FBI, the Health and Human Services OIG, the U.S. Attorney's Office or the Attorney General's Office. Investigating agencies would be asked then to provide the identity of any and all providers or payees included in the request for withhold and an affirmative statement of an investigation determination of identifiable fraud as to all entities. Finally, prosecuting entities should state that they have reviewed the law enforcement evidence of fraud; they agreed that such a withhold is recommended upon the basis of evidence. The Office of the Inspector General would need a timeline for indictments since there would be reluctance to issue a withhold of this nature where investigations are not near completion and indictments are not certain as to the time of completion. The withhold would have a finite time frame not to exceed two years. Thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator Schoenberg, yesterday there -- remember there was a conversation in committee about that very issue, about cleaning

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up what exactly was intended to be meant by reasonable -- reliable evidence, excuse me. The Illinois State Medical Society was opposed to the amendment. Is that language that you read, did that come from the Medical Society or have they seen it? Can you tell us whether or not they've signed off on that language, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

I indicated in committee that I would, at the request of the Medical Society, provide in legislative intent so as to affect any -- subsequent legislative rule what the very process is for the standing of due process. I've had a conversation with the Medical Society and they understand that a copy of this is on its way to them.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

The list of agencies that you said this information or reliable evidence could come from, was that an exclusive list? Senator Schoenberg you -- you were reading it rather quickly and I wasn't sure whether or not you said that this information could come from these agencies or bodies, as well as others, or it's just those.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Just these.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Given that, Madam President, I rise in support of the bill. I appreciate Senator Schoenberg accommodating our concerns.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 951 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 56 Yeas, none voting Nay,

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none voting Present. And Senate Bill 951, having received the required constitutional majority, is declared passed. Senator Schoenberg, on 999. Senator Trotter, on 1547. Senator Dillard, on 1835. Senator Meeks, on 1839. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1839.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:

Thank you so much, Madam President and Ladies and Gentlemen of the Senate. I'm sure that most of us are familiar with the bill that has become the CARFAX bill. The reason we've introduced this legislation is to make sure that individuals who buy used cars, to make sure that those individuals have access to adequate information. Seven hundred thousand vehicles every year are involved in a police-reported accident on Illinois roads. The Department of Transportation collects electronic police-reported data. This data is stored, it's kept, and we're just simply asking with this legislation to have the ability or the capacity to sell this data so that individuals who are purchasing used cars can have that information. The Attorney General, Lisa Madigan, Secretary of State Jesse White, they all agree that this is good public safety and I ask all of my colleagues to support this legislation, and I ask for a favorable vote. And since Senator Rauschenberger told me that when you ask are there any questions or would I yield that I couldn't say no, the debate now starts.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. The hour is late and I'll be brief, but a car's history should not be a mystery. Most Illinois auto dealers subscribe to CARFAX already, including the President of the Illinois Auto Dealers Association. And as Senator Hendon told us a couple times yesterday, what's good for the goose ought to be good for the gander. If the auto dealers

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subscribe to CARFAX, we ought to have information that's available as well so we can make informed decisions about a major purchase on a car that might get us to and from work or whether a car is safe to put our family in. I don't want to get into the specifics of the bill, as did Senator Meeks, but I think most of the newspapers of this State have editorialized on this. The Tribune had a rather strong one yesterday where they said it's, quote, "shameful", end quote, that this public information is not available like it is in forty-eight other states in this country. And the Springfield State General -- or Journal Register said it's just plain "silly" - that's their quote - "silly" that this information isn't available. Very importantly, I don't understand what the Automobile Dealers Association's objections are to this, because this is optional. If they don't want to subscribe, they don't have to subscribe. So I don't understand what their complaint happens to be. Some people may question whether there could be clerical errors here. Forty-eight other states have this. You should know that Illinois' collection system just won a national award as the best collection system in the United States. If you talk to Secretary Tim Martin, he will tell you there are multiple, multiple, multiple safeguards in their computer system with respect to this data. The State's in a budget crunch. This doesn't cost a dime. In fact, IDOT could make up to a million dollars off of the securing and selling of this information after they take off our personal records. Finally, you know, these are public records collected by public employees using public tax dollars and I just think that for the safety of our families and for our own consumer protection, these public records ought to be available to the public.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Martinez.

SENATOR MARTINEZ:

Thank you, Madam President. And I -- I stand in strong support of this legislation. When you talk about over four million people that are driving cars out there, and very dependent, especially the working class that really need to get to locations, I think it's very important for them to know the information about the cars that they are about to buy. No matter how much you pay for a car or how little you pay for a car, we

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depend on our cars to get everywhere. A year and a half ago I went and bought my daughter a car, and unbeknown to me, I didn't have no information on this car. This car was turned around the same night the car was brought in. Next morning, I went into the dealership, bought the car for my daughter. Little did I know that about a few months after my daughter left to Florida, she was involved in a minor car accident, and it was during that car accident, we were able to determine that that car should have been deemed totaled. That car was involved in a wreck where the frame of the car was cracked. If my daughter would have been involved in a much more serious accident, I wouldn't be -- I wouldn't probably be sitting here, 'cause I'd probably be mourning my daughter's death. So I think it's very important that as consumers that we are, we have the right to know what we are purchasing. And I ask every -- everyone in this Body to please think about this bill, 'cause it can happen to any one of us here or any of our children who we bought vehicles for. I think that we have the right to know what we are buying and the history on that car, and I think that every responsible dealer should be working with that -- with that person who's walking through that door to make sure they're getting the very best that they're buying. So I really urge a strong Yes on this legislation, because I think this is important that we know what we're buying and it can actually save someone's life.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Just to remind everybody, there's at least ten or fifteen lights going, and if your remarks were said prior, please turn your light off. Senator Raoul.

SENATOR RAOUL:

Madam President, I was a little slow. I move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Raoul. I think it's better to count the lights that are not on. We will take that into consideration. Senator Lauzen. He's not even there. Senator Lauzen, do you have some remarks to make?

SENATOR LAUZEN:

Yes, Madam President, thank you very much. Certainly, I agree with Senator Meeks on the thrust of and the objective of

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his legislation. Providing complete and accurate information is certainly good, but providing incomplete and inaccurate information is bad and creates a false sense of security. One of the pieces of information that's been brought forward to the Body today, if I'm -- if I'm not mistaken, is also misleading perhaps, in that auto dealers subscribe to a different service than the service as far as, you know, what condition is the car on. So, yes, they subscribe to a CARFAX service, but not this same service. So if -- if my understanding of that piece of information is correct, then that might be misleading. But let me ask -- let me ask the sponsor a question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LAUZEN:

Why is CARFAX being sued in forty-eight different states? If they're...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR LAUZEN:

...if they're information...

PRESIDING OFFICER: (SENATOR HALVORSON)

Sorry, Senator Lauzen. Senator Meeks.

SENATOR MEEKS:

Of the -- of the -- of the suits, I understand that there's only been three instances in the last five years where the individual's suit actually was correct. And so if they -- they've been sued that many times, but they've won them all.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Let me -- let me ask, while I -- I try to catch up to that answer. So you're saying that all the forty-eight -- suits in all forty-eight states have been settled and resolved and they only lost three of those lawsuits. It -- that does -- that -- that seems -- well, let me ask if that's -- if I understand what you just said correctly.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:



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In the last five years, CARFAX - they've only had three instances where their information that they provided was inaccurate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Were there -- were there settlements? Were there -- are there ongoing class action suits of people who are dissatisfied that they relied on information and were disappointed?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:

I don't have that answer, Senator, but I think that those statistics are like real good.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Senator, this is exactly the problem, I believe, with this. It's -- the legislation is so well-intentioned, but the -- the weakness in the bill is -- and please forgive me, but the -- the answer -- the incomplete or the questionable accuracy of the answer, what the answer to that question means, is very confusing to me. I understand that class action lawsuits have been filed against CARFAX in six different states which allege at least the following: Twenty-seven states give some sort of accident data to CARFAX, not thirty-eight as claimed in the fact sheet. But the -- the -- the basic point is if there are these lawsuits, if they haven't been resolved, if they haven't been won, aren't we providing a false sense of security?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:

All we're doing is providing freedom of information, allowing the citizens of Illinois to access information.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen, can you please get to the point? Wrap it up.

SENATOR LAUZEN:

Yes. Yes. Let me -- let me -- to the bill: It's just, you

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know, the natural concern is that information, complete and accurate information, is a good thing, of course, and we would all vote Yes. The problem is, is that in forty-eight different states, and I -- I won't waste your time by reading off some of the statuses of where those cases are, but there aren't three where there was a problem. The problem with this bill is it creates a false sense of security when people rely on information that is late and inaccurate. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. You know, as much as I talked today in the Chair, I -- I really wouldn't have gotten up if -- if I didn't have something to say. I used to sell cars. In fact, I was pretty good at it. I was -- would you buy a car from this man? Well, I -- I killed the bill. Meeks, I'm sorry if I hurt your bill. No, seriously, I was the top salesman -- I was the top salesman at -- at City Chevrolet for a couple years. I did very well. And guess what? I used to tell all my customers what was wrong with the car. And you know what? They still bought 'em and they would say, "Well, okay, can I get a hundred or a couple hundred off because of that problem?" And I would say, "Yes." Because guess what? We'd already marked it up way up here. I had plenty of room -- plenty of room to play with, and then I found that the customer appreciated it, and they would bring me other - guess what? - other customers. Also if they -- if you tell 'em the truth, then they -- you give 'em an extended warranty or a lower interest rate. That's what the consumer cares about. This is a good bill. It makes sense. Why not give 'em all the information you possibly can. The salespeople out here who are selling the automobiles are intelligent enough to know how to work with the price and work with that client, work with that customer, and sell the vehicles. Believe me, I was pretty good at it. I probably should have stayed there and made a real living instead of coming down here and having to fool with all of you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Watson.

SENATOR WATSON:

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Well, I never sold cars, so I'm not going to ask you if -- if you would buy a car from this gentleman, but -- after that speech. Well, let me just, first of all, the issue here I think is primarily about accuracy. And -- and if you remember last year, some of you were wondering what I was doing, but I asked five people on this side of the aisle, five people on that side of the aisle to copy the VIN number down that was from an actual accident report that the State Police had filed. And -- and we had eight different numbers. The interpretation of what this State Trooper wrote down - eight of you thought -- eight of you thought it was different than what -- what was -- well who knows what it is, but eight of you actually put a different number down. Eight out of ten. Now that's -- the problem with this is -- is -- is truly the -- the accuracy, and if we're going to be a pro-consumer bill, don't you think that the public would want to have some sort of accuracy and dependability on the service? I think that is a huge, huge problem and issue. And that's -- and we proved it out right here on the Senate Floor in the little sample that -- that we did, and I appreciate those Members who -- who did participate. The other issue that no one's mentioned is -- is the liability. I mean Senator Lauzen talked about the lawsuits, but who is liable if the information's wrong? And I don't think this solves any of the problems that Senator Martinez was talking about, because the -- if you don't have the accurate information, then how are you going to know that the automobile was involved in a wreck? Who is liable? Is it is going to be CARFAX? Is it going to be the dealer? Who will be if there's not accurate information? And that's basically what this is all about. My opposition is based totally, totally on a disservice, I think, that a consumer feels that once they get the CARFAX, once they get the information, that it's accurate, and it isn't necessarily so in a high percentage of the number of cases. So, we can't talk about this being pro-consumer when actually the consumer is going to get wrong information potentially, and I think that potential is very high. So I urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke.

SENATOR BOMKE:

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Thank you, Madam President. Question to the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR BOMKE:

One -- one of the concerns, Senator Meeks, that I've heard from dealers is that the information is delayed. In other words, it could be three or four months. But let's say you buy a car today, the information may be good only through November, and the concern is, that consumer takes that car home and maybe in a month they choose to run another CARFAX on it and they found -- find out, in fact, that there was an accident between November and the day they purchased it, March 1st. The dealer's concern, that they'll come back to them and ask them to reimburse them or to take the car back. Has there been any consideration to indemnify the auto dealers against this occurring?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:

I think several amendments were offered and the auto dealers rejected all of them. The auto dealers were not necessarily willing to make sure that we provide any information and so when we asked the auto dealers about the amendment to make sure that they would not bear any responsibility, they rejected, Senator Bomke, that idea.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke.

SENATOR BOMKE:

So -- so you're saying that they did reject the idea to be indemnified? Okay.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:

Yes, is the answer, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Millner.

SENATOR MILLNER:

Thank you, Madam President and Members of the Body. I would like to give a -- a law enforcement perspective on this, and -- and I'd like you, if -- if you all would, just imagine, when do

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most accidents occur? What do you think? Typically they occur in the snow, the ice, the rain. And when a police officer goes to that car, that police officer walks up to that car in the rain and they look into that windshield and they have to write down those seventeen digits of the VIN. How accurate do you think those seventeen digits -- digits are when they write it down in the rain or in the snow? Typically it doesn't tend to be that accurate. In fact, a four could be an H; it could be a nine. It's very, very difficult, so what we're looking here is accuracy. So now the police officer's there and they're doing the best they can, it's raining out or snowing, and they write those numbers down, they come back into the car and they have to decide whether or not that damage to that vehicle is -- how much is it worth. You know, is this -- this Cadillac here or this -- this Bentley, or whatever it may be, and it's a -- a dent on the door, gee, if it's a Bentley that's got to be, I don't know, five thousand dollars damage, whatever it may be. But police officers routinely do not -- they're not body shop people; they are not accurate in listing that information. So now I have two inaccuracies: one, the VIN; two, we have the inaccuracy of the damage to the vehicle. So I talked to representatives from CARFAX about this, 'cause I said, "You know what? If -- if this could be accurate, I'm with you", because this would be a neat thing if it's accurate. So the guy from CARFAX told me, oh, he says it's -- it's changed today. He says police officers have a device, they put it on the windshield and they can literally read the VIN and can accurately read what -- what it is. I said, gee, I haven't been gone from law enforcement that long, I've never heard of such a thing. He says, oh, yeah, it's -- it's common. Well, I called police departments around this State to ask about that device looking at that windshield and reading that VIN. I have not found any. I heard the State Police may have a few. So, again, inaccuracy. So all I'm hearing about this is data that's inaccurate, data that's inaccurate, giving it to our people and giving this false sense of security to be able to do something that sounds well-meaning and well-intended, but it just isn't accurate, and I urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

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SENATOR TROTTER:

Thank you very much, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

The sponsor indicates he doesn't want to, but he has to. Senator Meeks {sic}.

SENATOR TROTTER:

Thank you very much. You know, as a consequence of Hurricane Katrina and Hurricane Rita, there now is -- this phenomena of all these cars, thousands of cars, that were water damaged. And they're now shipping these cars to the various states and selling 'em. And on the fed level, they're -- they're looking at one getting a data system to which we can track these cars, so these cars which have potentially electrical problems somewhere down the line, you know, they've been dressed up and they look still brand new, are -- are now in the market. Does your bill address that -- those -- those cars, too?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks.

SENATOR MEEKS:

Not -- not specifically, Senator. I can say for your sake and the sake of all of my colleagues who continue to talk about inaccurate information, in talking to Tim Martin and in talking to IDOT, all of the information that they sell or share that they would share with CARFAX would be one-hundred-percent accurate, because if they can't verify and double-check the VIN numbers that everybody keeps saying will be written wrong, they won't even collect or sell that data. So whatever the data is IDOT says it will be one-hundred-percent correct once it's passed on.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much for that answer. Unfortunately, I -- I don't know if it's going to be one hundred percent. I don't think there's -- any data collection group is -- is going to be one hundred percent in whatever the numbers are in whatever they're talking about. As you know, we -- and we all know how to manipulate numbers. I think this is a great consumer bill. One, because some information is better than no information. And

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believe it or not, I think our police officers and those who are in the field are much more proficient than have been portrayed here today. Some of 'em may get a wrong number out of those seventeen numbers or a letter wrong, but to say that -- that they don't have the wherewithal, the -- the knowledge, the -- the smarts to put down the correct information, I think is doing them a disservice. This is a good consumer bill and I ask for everyone to vote Aye.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. I rise in support of the bill. I've purchased several used cars from a -- a -- a dealer in my district over the years. In fact, my extended family has purchased probably more than a dozen cars from this dealer. But each time we do purchase a car, even with that long-term relationship, we purchase the car only after we've had it inspected by our mechanic. Why do we do this? We do this to respond to the imbalance of information. A -- a dealer simply knows more about the cars than we do, and our mechanic has caught things. Even though the dealer knows that we're good customers and longstanding customers, he doesn't always disclose everything, and we have to have our mechanic spot those issues and then we resolve them before we buy the car. CARFAX works much the same way. It -- it gives consumers valuable information from our own Department of Transportation. Again, to emphasize what Reverend Meeks just said, the accurate -- the information that IDOT shares with CARFAX is accurate. It's different -- a different question as to whether it is complete versus accurate. The only information they share has been verified against the Secretary of State's records. They can confirm that the VIN number matches the make and model and the license plate. The information is incomplete. Only eighty to ninety percent of the information will be shared with CARFAX, because they will hold back information that they cannot verify. But it's important to understand that we are giving them more and better information. No report provides omniscience. But I've seen the CARFAX form. I think it seems very clear that what they are sharing is the information that's available to them, not all the information in

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the world, just what they could collect from particular sources and this is a -- a customary legal standard. I think consumers have a right to know, but only if we authorize access to that data. Forty-eight other states do just that and our own Department of Transportation does it much better. I urge Aye votes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Meeks, to close.

SENATOR MEEKS:

Thank you so much, Madam Chairman and to all my colleagues. I do think that the vote that we are getting ready to take is a very significant and a very important vote. I think the vote that we're getting ready to take says a lot to our constituents. It says that you have the powerful, heavy car lobby on one side and then you have the eighty-eight-year old woman who doesn't have a powerful lobby to speak for her, who thought that she elected a Senator to speak on her behalf. If I were going to error as it relates to this bill, and all of us have two hundred thousand constituents, I think I would error on the side of my constituents, that my constituent was able to get as much information as is available to them, rather than error on the side of the big car lobby. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 1839 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? Have all voted who wish? Take the record. On that question, there are 28 Yeas, 26 Noes, 1 voting Present. And Senate Bill 1839, -- having not received the constitutional majority, is declared failed. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Madam President, point of personal preference.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR JACOBS:

Privilege, excuse me. Excuse me. I'd like to introduce the Black Hawk College Democrats and Miss Joann London {sic} (Joan Eastlund) and the folks that have -- partially responsible for me



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being here. Thank you very much and I'd like to give a -- a nice Senate welcome.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the galleries please rise? Welcome to Springfield. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR HARMON:

On Senate Bill 951, my switch did not work. I had intended to vote Aye and I would like the record to so reflect.

PRESIDING OFFICER: (SENATOR HALVORSON)

The record will so reflect. We will be going to page 15 on the Order of Postponed Consideration. Senate Bill 2246. Senator Link, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2246.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

As this bill has already been presented and debated on the Floor, debated on -- debate on this bill will be limited to one proponent and one opponent. Senator Link.

SENATOR LINK:

Thank you, Madam President. I think that we've debated this bill very well. I think all I want to talk about is about the fact that this is a pro-business type of bill, that I think there's a total misconception that the employee would be getting a tax break. This is erroneous; that the employer would be getting a tax break and that we will be encouraging employers to hire people. And if you look at the proponents of this bill, you see the Illinois Manufacturers' Association, the Illinois Chamber of Commerce. These are people that I think usually are aligned with our -- my colleagues on the other side, who are very strongly in support of this bill because they understand it as a pro-business type of legislation. But it also is a human rights bill. It's giving people a second chance. It's giving them an opportunity to come back into society and not be re-incarcerated

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again, like I think Senator Meeks eloquently said the other day, that seventy-five percent of the people are re-incarcerated for a second, third and fourth time. And I think that this is what we don't want to see. We want to see these people come back into society, become functional individuals, working and become taxpayers of our society, and not tax burdens in our society. And I would ask for an affirmative vote on this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I know that Senator Link approaches this in -- in good faith and is trying to address a -- a very complicated problem, and it's one that the General Assembly has sort of struggled with from time and again. I think the weakness in this bill, however, is that it is so broad. There's no restraining influence whatsoever on the nature of the offenses. Life is choices and one of the things that -- you know, I -- I think the very hard message, as we go back to our communities, is the people who are struggling to find jobs and struggling to find their place, and so forth, and have played by the rules are, unfortunately, going to be set at a disadvantage vis-a-vis people who haven't played by the rules, notwithstanding that those folks deserve a second chance, many of them. I think if this were a more finely crafted bill, if it had exceptions, if it didn't include some of the various very, very difficult and violent crimes that Senator Brady described the other day, that maybe it would be something that would be worthy of support. But I just urge a real word of caution, in that sexual predators certainly shouldn't be given an advantage in the job marketplace over those people who are good citizens and have played by the rules. I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 2246 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 27 Yeas, 27 Nays, 1 voting Present. And Senate Bill 2246, having not received the required constitutional majority, is declared

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failed. Also on page 15, on the Order of Postponed Consideration, is Senate Bill 2887. Senator Cronin, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 2887.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cronin. As the bill has already...

SENATOR CRONIN:

Thank you, Madam President. After extensive discussions with -- with staff -- who are they pointing at? Why is he pointing?

PRESIDING OFFICER: (SENATOR HALVORSON)

Well, I -- I was just going to remind everybody that there will only be one proponent and one opponent. So if you're the proponent, one opponent after you speak. Senator Cronin.

SENATOR CRONIN:

That won't be necessary. Because everyone's tired and because they want to go home and because I want to work with my good friend Senator Sullivan and we're all committed to, you know, addressing the serious problem of vicious dogs, we're going to wait for a House Bill to come over here and we're going to hold hands together and we're going to come together with the greatest bill that we've ever known. So, I'm going to ask that we take this out of the record.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Cronin. Senator Jones, Senate President, for what purpose do you rise?

SENATOR E. JONES:

Yeah. Thank -- thank you, Madam President. After going through the Calendar, I believe we've concluded our business for this week, so therefore we will be canceling tomorrow's Session. Now -- and we will come back in Tuesday. But there's still paperwork to be done, so we're going to leave it open, be waiting on some Messages from the House. But now that Cronin refused to call his dog bill, I wonder when we're going to take the bite out of that bill. But that concludes our business. We -- we will not be in Session tomorrow. We will return on Tuesday at noon,

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but we're going to keep it open to await the -- some paperwork from the House. There will be -- there will probably be a Rules Committee meeting before we officially adjourn. But as far as other business be taken care of, those who wish to hang around and wait on the paperwork, we do welcome you. If you wish to leave, then you can go ahead.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Communications.

SECRETARY HAWKER:

A Message from the Senate President, dated March 2, 2006.

Dear Madam Secretary - Pursuant to the provisions of Senate Rule 2-10, I hereby establish January 9, 2007, as the 3rd Reading deadline for the following Senate Bills:

1835, 2123, 2310, 2394, 2412, 2415, -- (2515),  
2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529,  
2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540,  
2541, 2542, 2561, 2619, 2654, 2672, 2770, 2777, 2845, 2955, 2959,  
2978, 2983, 3053, and 3056. (Bill within parentheses submitted  
in writing, but inadvertently not read into the record.)

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, do you have any Motions?

SECRETARY HAWKER:

Yes. I have a motion on file pursuant -- I mean, pardon me, pertaining to Senate Bill 2369.

Motion filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR HALVORSON)

Motion will be reflected on the Calendar. 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 2734, 4342, 4396, 4405 and 4521.

Passed the House, March 2, 2006.

PRESIDING OFFICER: (SENATOR HALVORSON)

Introduction of Bills.

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SECRETARY HAWKER:

Senate Bill 3176, offered by Senator Righter.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions.

SECRETARY HAWKER:

Senate Resolution 664, offered by Senator Sandoval and Senator Hendon.

And Senate Resolution 665, offered by Senators Sandoval, del Valle, Martinez and Munoz.

They're both substantive resolutions.

And Senate Resolution 666, offered by Senator Collins.

And Senate Resolution 667, offered by Senators Viverito, Emil Jones and all Members.

Those two last resolutions are death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

If not -- is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The resolutions are adopted. Madam Secretary, on the Order of Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 81.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, on the Order of Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 81, offered by Senator Viverito.

(Secretary begins to read SJR No. 81)

Senate Joint Resolution No. 81, offered by Senator del

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Valle.

(Secretary reads SJR No. 81)

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 81. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator del Valle now moves for the adoption of Senate Joint -- Resolution 81. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Pursuant to Senate Joint Resolution 81, the Senate stands adjourned until the hour of 12 noon on Tuesday, March 7th, 2006. The Senate stands adjourned.

PRESIDENT JONES:

The Senate is now in Perfunctory Session. Messages from the House, Madam Secretary.

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 bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 4523, 4527, 4703, 4715, 4726, -- pardon me, that's 4532, 4727, 4735 and 4657.

All passed the House, March 2, 2006.

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 84.

Offered by Senator Risinger in the Senate.

And it is substantive.

PRESIDENT JONES:

House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 4523, offered by...

PRESIDENT JONES:

Pursuant to Senate Joint Resolution 81, the Senate will stand adjourned until the hour of 12 noon, Tuesday, March 7th.

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The Senate stands adjourned.