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94th GENERAL ASSEMBLY
REGULAR SESSION
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107th Legislative Day

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PRESIDENT JONES:

The regular Session of the 94th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Reverend Leo {sic} (Lee) Fields, Pleasant Grove Baptist Church, Springfield.

THE REVEREND LEE FIELDS:

(Prayer by the Reverend Lee Fields)

PRESIDENT JONES:

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

SENATOR HAINE:

(Pledge of Allegiance, led by Senator Haine)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Tuesday, May 2, 2006.

PRESIDENT JONES:

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT JONES:

Senator Hunter moves to approve the Journal just read by the Secretary. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 744, offered by Senator Dillard and all Members.

Senate Resolution 745, offered by Senator Axley and all Members.

Senate Resolution 746, offered by Senator Lauzen and all Members.

And Senate Resolution 747, offered by Senator Schoenberg and all Members.

They're all death resolutions, Mr. President.

PRESIDENT JONES:

Resolutions Consent Calendar.

SECRETARY HAWKER:

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And Senate Resolution -- 748, offered by Senator Luechtefeld.

It is substantive.

PRESIDENT JONES:

Madam Secretary, Messages.

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

Senate Bill 2339, together with House Amendments 1 and 2.

Passed the House, as amended, May 2, 2006.

We have received a like Message on Senate Bill 2654, with House Amendment 2, which passed the House, also, as amended, May 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 107.

Adopted by the House, April 18, 2006.

PRESIDENT JONES:

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Garrett, Chairperson of the Committee on State Government, reports Senate -- Senate Resolutions 664, 701 and 707 Be Adopted; and a Motion to Concur with House Amendment 1 to Senate Bill 2726 recommended Do Adopt.

Senator Harmon, Chairperson of the Committee on Revenue, reports the Motion to Concur with House Amendments 1 and 3 to Senate Bill 17; House Amendments 1, 2 and 3 to Senate Bill 1682; and House Amendment 2 to Senate Bill 2872 recommended Do Adopt.

Senator Collins, Chairperson of the Committee on Financial Institutions, reports Motion to Concur with House Amendment 1 to Senate Bill 304 recommended Do Adopt.

Senator Lightford, Chairperson of the Committee on Education, reports a Motion to Concur with House Amendment 1 to

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Senate Bill 859, House Amendment 1 to Senate Bill 860, House Amendment 1 to Senate Bill 861, House Amendment 1 to Senate Bill 2202, House Amendment 1 to Senate Bill 2795, and Senate Amendment No. 2 to House Bill 4974 recommended Do Adopt.

Senator Crotty, Chairperson of the Committee on Local Government, reports Motions to Concur with House Amendment 1 to Senate Bill 94, House Amendment 1 to Senate Bill 185, and House Amendments 1 and 2 to Senate Bill 1445 recommended Do Adopt.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, reports Motion to Concur with House Amendment 1 to Senate Bill 1183, House Amendment 1 to Senate Bill 2368, House Amendments 1 and 3 to Senate Bill 2570, House Amendment 1 to Senate Bill 2673, House Amendment 1 to Senate Bill 3016, House Amendment 2 to Senate Bill 3018, and a Motion to Concur {sic} (Recede) with Senate Amendments 1 and 2 to House Bill 4298 recommended Do Adopt.

Senator Martinez, Chairperson of the Committee on Pensions and Investments, reports Motion to Concur with House Amendment 1 to Senate Bill 49 recommended Do Adopt.

Senator Sullivan, Chairperson of the Committee on Agriculture and Conservation, reports the Motion to Concur with House Amendment 1 to Senate Bill 2841 recommended Do Adopt.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, reports the Motion to Concur with House Amendments 1 and 2 to Senate Bill 929, House Amendments 1 and 2 to Senate Bill 1827 recommended Do Adopt.

Senator Ronen, Chairperson of the Committee on Health and Human Services, reports Motion to Concur with House Amendment 2 to Senate Bill 2170, House Amendment 2 to Senate Bill 2199, and House Amendments 1, 2 and 3 to Senate Bill 2328 recommended Do Adopt.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, reports the Motion to Concur with House Amendments 1 and 2 to Senate Bill 279 recommended Do Adopt.

Senator Maloney, Chairperson of the Committee on Higher Education, reports Senate Amendment No. 1 to House Bill 5370 recommended Do Adopt.

PRESIDENT JONES:

Madam Secretary, Messages.

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SECRETARY HAWKER:

Yes. Message from the Senate President, dated May 3, 2006.

Dear Madam Secretary - Pursuant to Senate Rule 3-5(c), I hereby appoint Senator Rickey Hendon to assume his position on the -- Senate Revenue {sic} (Rules) Committee. This appointment is effective immediately.

Sincerely, Emil Jones, Jr., Senate President.

Message from the Senate Republican Leader, dated May 3, 2006.

Dear Secretary Hawker - Pursuant to the provisions of Senate Rule 3-5(b) and (c), I hereby appoint Senator Ed Petka to replace Senator Brad Burzynski as a member -- minority spokesperson of the Senate Rules Committee. This appointment shall take effective immediately.

Sincerely, Frank Watson, Senate Republican Leader.

PRESIDENT JONES:

Senator Bomke, what purpose you rise?

SENATOR BOMKE:

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

PRESIDENT JONES:

Go ahead. State your point.

SENATOR BOMKE:

Thank you. I -- I just simply want to invite everyone to the Forty-fourth Annual Governor's Prayer Breakfast. It will be held next week on May 11th. Mr. President, you probably know better than the rest of us whether we will be here then or not, but in the event that we are or are -- if we're not, I would invite you to the Governor Prayer Breakfast. It will be held at the Crowne Plaza at 7:30 a.m., sharp. That's a week from today, as a matter of fact, I believe. Thank you, Mr. President.

PRESIDENT JONES:

Thank you. Are you suggesting that we be in Session next week? Senator Wendell Jones, what purpose you rise?

SENATOR W. JONES:

A point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR W. JONES:

Yes, I'd like to introduce my wife to the Senate. She's

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visiting down here for the -- hopefully our last week and just want everybody to say hello to Jane Jones.

PRESIDENT JONES:

Senator Maloney, what purpose do you rise?

SENATOR MALONEY:

A point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR MALONEY:

Thank you. I -- I would like the Senate to welcome my Page for the Day, Natalie Koteff, from my district, who is down here with the history fair - an award winner from my area. Please welcome Natalie to the Senate.

PRESIDENT JONES:

Everybody give our Page a nice warm welcome. I believe that Page -- your Page attend Keller Elementary School in Chicago. I know she's down with her parents. I met them last evening. So, if the parents are in the gallery, will the parents kindly rise and be recognized by the Illinois Senate? Senator Geo-Karis, what purpose you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDENT JONES:

State your point.

SENATOR GEO-KARIS:

Mr. President -- Mr. President, you have done a great job for us and I'm -- I'm very appreciative. Now, can you tell us whether we can finish today and tomorrow? The reason I'm asking you is I'm supposed to be somewhere else on the 5th of May. So, I would appreciate it if you would tell us if we might finish tomorrow. I'm ready to vote and get it over with.

PRESIDENT JONES:

As long as you plan on voting positive on behalf of the people of Illinois, I trust that we will be -- get out of here in ample time so that you can keep your appointment. Senator Sullivan, what purpose do you rise?

SENATOR SULLIVAN:

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

PRESIDENT JONES:

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State your point.

SENATOR SULLIVAN:

I have a young lady here with me today, a constituent of mine. She's a Page for -- for a Day. Her name is Allison Ramsey. She's a seventh grader in Augusta, Illinois, at the Southeastern School District and I'd like the Illinois Senate to welcome her to Springfield.

PRESIDENT JONES:

Would our Page rise and get a warm welcome to Illinois Senate? Senator Debbie Halvorson, I know you recently got married last year. Yeah, Debbie, yes, and she has a new baby already. Oh, that's your daughter Stephanie's. You're a grandmother. Congratulations. Will the Members in their offices kindly come to the Senate Floor? We are about ready to go to Concurrences, which will be final action. So if you're in your office, kindly come to the Senate Floor. We will be proceeding to Supplemental Calendar No. 1, which has been distributed to all the Members. It's on your desk. Senator Cronin, what purpose you rise?

SENATOR CRONIN:

Point of inquiry, Mr. President.

PRESIDENT JONES:

Proceed.

SENATOR CRONIN:

Just wanted to ask -- what a fabulous hat. I was just wondering who I can thank for this wonderful sombrero. Who shall I thank?

PRESIDENT JONES:

Very strange things pop up on the desks. I see Senator Geo-Karis looking very wonderful here. I don't know who to thank for these hats, you know. This is -- I guess it shows your strong support for fairness and justice as relate to the immigrants. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, when you speak about immigrants -- when -- when you speak about immigrants, and I hope that the other side softens up their touch... When you speak about immigrants, I am an immigrant myself. So, I can well speak for their rights and all I can say is that I'm just very happy that my father had the --

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the -- the best sense to come to this country. There's nothing better than the USA. God bless the USA. God bless America. God bless you, Mr. Speaker {sic}, 'cause you've done a fabulous job, and God bless everyone here and God bless all of us. And thank you for the sombrero that someone gave me. It fits very nicely. Cinco de Mayo.

PRESIDENT JONES:

Okay. On Supplemental Calendar No. -- No. 1, on the Order of Concurrences. On the Order of Concurrences is Senate -- on the Order of Concurrence is Senate Bill 17, which is Senator Forby, if he will leave the press box. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 17.

Motion filed by Senator Forby.

PRESIDENT JONES:

Senator Forby, kindly explain the motion.

SENATOR FORBY:

Thank you, Senator. This -- this is a bill that I passed out of here several years ago and it went over to the -- last year; it went over to the House. They amend the bill. This is on economic development bill that happens all over the State of Illinois. This -- this is nothing different than the rest of the State of Illinois has got, except -- this bill takes fourteen counties, has twenty-one -- board members and a two-hundred-and-fifty-million-dollar bonding money. But in this bill, it has no moral obligation bonds or no enterprise zone. That is the major issue that came back on this bill, and this bill passed out of the House -- out of the Senate with majority of people voting on it. So, this is the change on this Senate Bill. And River Edge Redevelopment Zone is a river bill that they've tacked on this bill and this bill contains to Senator Clayborne and he's gonna talk on that and if there's any questions on that, he understands that a lot better than I do. So, if -- if there's any questions, I'll be -- try to -- glad to ask {sic} 'em.

PRESIDENT JONES:

Thank you. Thank you. Is there any discussion? Senator Lauzen.

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SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 17 was heard in the Revenue Committee today and unfortunately it is a marriage of two very disparate kinds of pieces of legislation. On the one hand, the River Edge Redevelopment initiative that is reclaiming of -- you know, a pilot program to reclaim some of the rivers in the State of Illinois, the property along the rivers, is a very good thing. It puts into place the enterprise zone rules and focuses our attention to reclaiming this kind of land. So, it's a good thing. Unfortunately, it's then combined with the Southern Illinois Economic Development Authority, which allows appointees, twenty-one appointees to a board, to have three different types of powers, which I think are a concern to all of us in this Chamber. Number one, it gives people who are not elected by the people of Illinois or the region eminent domain, the power to take other people's -- private property. Number two, it gives people the -- these twenty-one individuals who are appointed, not elected, it -- it gives them the opportunity to tax. And then number three, it gives these people the ability to borrow up to two hundred and fifty million dollars on revenue general obligation bonds. And so, I just would want people to be aware of what's contained in these two very disparate provisions of this bill. Thank you, Mr. President.

PRESIDENT JONES:

Any further discussion? Senator Pankau.

SENATOR PANKAU:

Thank you, Mr. President. To the bill: As Senator Lauzen has just pointed out, there's two parts to this bill. One affects East St. Louis and the other affects Aurora. The two different agencies that are being -- being appointed in both areas have similar powers and I'm assuming that that's why they are put forward in the same bill. Neither body is an elected body and yet the one in East St. Louis has the ability to condemn, and tax, and bond. I, for one, don't want non-elected officials to be making that -- to have that sort of power - to tax and to bond and to condemn property. I must stick by my No vote in committee and I urge you to strongly consider voting No. Thank you.

PRESIDENT JONES:

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Any further discussion? Senator Brady.

SENATOR BRADY:

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

PRESIDENT JONES:

Sponsor indicate he will.

SENATOR BRADY:

Senator Forby, the bonds that would be issued for the purpose of this legislation, those would be backed by whom?

PRESIDENT JONES:

Senator Forby.

SENATOR FORBY:

It'd be backed probably by the person that puts his name on the line for the jobs or bond. The State will not be liable for this.

PRESIDENT JONES:

Senator Brady.

SENATOR BRADY:

Will the taxing bodies, or will a taxing body be responsible, or the taxpayers be responsible to repay any of the bonds?

PRESIDENT JONES:

Senator Forby.

SENATOR FORBY:

There's no ability on this bill to -- for a taxation to be taxed.

PRESIDENT JONES:

Senator Brady.

SENATOR BRADY:

So, the -- for the purpose of legislative intent and to clarify the legislation, the only people liable for the project would be the -- someone who might personally sign as an individual or the project itself, but they can never come back on the taxpayers?

PRESIDENT JONES:

Senator Forby.

SENATOR FORBY:

It would be the sole owner. And there is -- prohibitions on taxing where they can go out and tax.

PRESIDENT JONES:

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Senator Brady, to conclude.

SENATOR BRADY:

Thank you, Mr. President. So there would be no tie to property taxes, but the other taxes that are afforded in this, could they be tied to repayment of the bonds?

PRESIDENT JONES:

Senator Forby. Senator Forby.

SENATOR FORBY:

It says here, the Authority shall have no levy to tax.

PRESIDENT JONES:

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, I want to respond and say this is a good bill. I think revenue bill allows the ability to make sure the Authority has a revenue stream to support the bonds, because I know my colleagues on the other side and on this side, too, are concerned about some of the moral obligation bonds that have defaulted and the State has to step in. As far as the River's Edge, this is just a -- a -- a mechanism by which we're going to do a pilot program to target some of our most needy -- neediest communities to try to clear up some of the environmental concerns and try to make that property productive so that the taxpayers can benefit from it. I commend Senator Forby and would recommend your support.

PRESIDENT JONES:

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President and Members of the Body. To the bill: We discussed this at length, as Senator Lauzen and others have indicated, in committee, but I just want the -- the Members to know that in half of this bill, in the Aurora -- Aurora, Illinois, portion of the bill, elected officials have the power - - have the power to tax.

PRESIDENT JONES:

Senator -- Senator, could you hold just one moment? Can you tone your remarks down? It's very difficult to hear the speaker. Senator -- I mean, Senator Jones.

SENATOR W. JONES:

Thank you, Mr. President. The Aurora portion of this bill allows the municipal officials, who are elected like all of us,

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to levy the taxes. The downstate portion - and we support what you're trying to do, we just don't agree with what -- how you're trying to do it - allows appointed officials -- allows appointed unelected officials to tax and, in some cases, to take property. I don't think anybody in this Chamber is in favor of an unelected official, as other colleagues have indicated, to take property and to levy taxes. So it's a half a bill. It's a half a loaf. It has a good sponsor, but it's a bad bill. It's one of those that has a good sponsor and it's only a half a bill. So, if it's only a half a bill, we need to vote it down and -- and bring two bills back and let us vote up or down on those bills. Thank you very much.

PRESIDENT JONES:

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Illinois Senate. I stand in support of Senator Forby's legislation. As Chairman of the Committee on Commerce and Economic Development, it's about time that the Illinois Senate puts its money where its mouth is and try to bring some economic vitality and prosperity to southern Illinois. My good friend from Franklin County has worked arduously to bring jobs and economic development and prosperity to those who are less fortunate. To my colleague on the other side of the aisle who said this is a half a bill or a half a loaf, well, a half a bill or a half a loaf is better than no bill or no loaves at all for southern Illinois. I ask all Members, especially Members on this side of the aisle, in support of economic development and jobs and progress for southern Illinois and for my good friend, Senator Forby.

PRESIDENT JONES:

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. To the bill: Ladies and Gentlemen of the Senate, there was a great deal of confusion in the Revenue Committee today about what's actually in the bill and that confusion, I think, has rippled through to our conversation on the Floor. Several speakers, particularly folks on the Republican side of the aisle, have raised concerns about the power of taxation and the power of eminent domain given to the

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Southern Illinois Economic Development Authority in this Act. I ask you to take another look at the bill, because I do not think your concerns are warranted. I would be happy to be told I'm wrong if you have something else, but let me call your attention to several provisions. On page 17, Section 5-65, "Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment..." I don't believe your concerns that an unelected body will have the power to tax is applicable. I'd be happy to be told otherwise, but my reading of the bill says just that. On eminent domain, there is no reference in this bill to eminent domain or condemnation. It simply grants to the Authority the power to acquire property or an interest in the projects. You can find that on page 9, Section 5-30(a)(8) and in a separate Section on -- limited to acquisitions generally on page 15, Section 5-50. The concerns that you raised would be valid if that is in fact what the bill did. That's not my reading. I do not believe that the Development Authority has the power to tax or any condemnation authority. I'd ask you all to take that under advisement as you consider whether to vote Yes or No on this bill. Thank you, Mr. President.

PRESIDENT JONES:

Senator Mike Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I rise in strong support of Senator Forby's bill. This is -- this is the kind of bill why I came to the Legislature. It gives river towns, communities in distress, the chance to pick themselves up by their bootstrap, and I encourage my friends on the Republican side of the aisle to give an affirmative vote.

PRESIDENT JONES:

Senator Syverson.

SENATOR SYVERSON:

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

PRESIDENT JONES:

Sponsor indicate he'll yield.

SENATOR SYVERSON:

Senator, in regards to Amendment No. 3, I want to reference Section 10-4 regarding the qualifications on this. I understand

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that originally the Governor's proposal for the River Edge Redevelopment initiative was never introduced or did not get passed or funded, but a portion of that was amended onto this legislation which is Amendment No. 3. It's my understanding that with this amendment, it just picks up two pilot programs and it doesn't do what the original intention of the program was going to be when it was fully funded at twenty million. It just covers those two communities. My question is, if this program gets expanded next year and we go to the full twenty million and we're going to deal with this as it was originally introduced as the River Edge Redevelopment Program, the original language talked about home rule communities only qualifying. Now it's my understanding from talking to DEOC {sic} and talking to Department of -- EPA -- talking to EPA Chairman Scott that -- Director Scott, that if this program is expanded next year and they -- and they fund more pilot programs, that is the intent to cover both home rule and non-home rule communities as long as they -- as long as they qualify under the criteria of this program. Is that -- is that correct?

PRESIDENT JONES:

Senator Forby.

SENATOR FORBY:

Yes.

PRESIDENT JONES:

Senator Syverson.

SENATOR SYVERSON:

Thank you. So if this program is continued next year and there's funding for it and they are going to be expanding sites, then those communities that were part of the original five communities that were discussed in the original proposal, all of them would qualify whether they were home rule or non-home rule. That is -- that is the intent that you're talking about now on the Floor.

PRESIDENT JONES:

Senator Forby.

SENATOR FORBY:

Yes, it is five years, and my answer is yes.

PRESIDENT JONES:

Senator Syverson.

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SENATOR SYVERSON:

Thank you. I appreciate that. I just -- again, the concern was clarifying that non-home rule and home rule would both be able to qualify for this program, and that's my understanding from the Director as well. So, thank you, Senator.

PRESIDENT JONES:

Senator Lauzen, for the second time.

SENATOR LAUZEN:

Thank you, Mr. President. A -- a question was asked by our -- my respected colleague, Senator Harmon, about where is the reference to eminent domain, the taxing and bonding power. And he quoted page 15. The answer to his question is that on page 16, lines 21 through 24, it's item (f), it says, "This Authority" that's being created "shall have the power to exercise powers and issue bonds as if it were a municipality so authorized under Divisions..." You know, then several Sections of the statute including 74.1, and then when you go to 74.1, it's item (2), to exercise the use of eminent domain; number (5), issue such obligations or revenue bonds as it shall deem necessary; section 12, to impose a retails {sic} occupation tax and service occupation tax; and number 13, to impose a hotel operators' occupation tax. Ladies and Gentlemen, if this did not have the pilot program for my hometown of Aurora, and recognize the importance of that item, I would certainly be a No vote of giving unelected people the power to tax, to borrow and then to take personal property. It is a very bad second part of that bill when unelected people are given that kind of authority.

PRESIDENT JONES:

Any further discussion? Seeing none, Senator Forby, to close.

SENATOR FORBY:

This a bill is all about work - Southern Illinois Economic Development. This bill is not any difference {sic} than the rest of the bill in the State of Illinois. There's several people on the other side of the aisle has this same bill. This never was brung up and it never was a problem. Why should it be a problem in my district? All I'm trying to do is put people to work. If people has a problem with it, I think that's wrong. I'll ask for a favorable vote.

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PRESIDENT JONES:

This is final action. Final action. The question is, shall Senate concur in House Amendments 1 and 3 to Senate Bill 17. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, 5 Nays, none voting Present. The Senate concurs in House Amendments 1 and 3 to Senate Bill 17. And the bill, having received the required constitutional majority, is declared passed. CBS-2 in the City of Chicago requests permission to record proceedings. Seeing no objection, so ordered -- so granted. And the Chicago Tribune requests permission to photograph the proceedings. Seeing no objection, so ordered. Senate Bill 49, on -- Senator Sandoval, what purpose you rise?

SENATOR SANDOVAL:

Point of announcement, Mr. President.

PRESIDENT JONES:

Proceed.

SENATOR SANDOVAL:

Thank you, Señor Presidente del Senado, Emilio Jones. On behalf of the -- Senator Cronin asked where did these hats come from, and I'm about to tell you, Senator Cronin, and the rest of the Body. The Illinois Legislative Latino Caucus is sponsoring and inviting everyone in the house to our annual Cinco de Mayo celebration today, cosponsored with the Automobile Dealers Association, at 5:30 today at 300 West Edwards. There will be a flyer that will be going around. So that we will have a festive occasion and celebrate appropriately with the Illinois Latino Caucus and Cinco de Mayo. Gracias, Señor Presidente.

PRESIDENT JONES:

Sí. On the Order of Concurrence is Senate Bill 49. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 49.

Motion filed by Senator Schoenberg.

PRESIDENT JONES:

Senator Schoenberg, to explain the motion.

SENATOR SCHOENBERG:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. I want to ask you -- wish to ask you to concur in House Amendment No. 1 to Senate Bill 49. The amendment essentially becomes the bill and addresses a number of unintended consequences which occurred as a result of the pension reform legislation, commonly known as Senate Bill 27. Specifically, it sets procedures for calculating, reviewing and collecting certain employment -- employer contributions based on excess salary. I think we all recall a number of well-documented cases where teachers and administrators took advantage of the previous law and had enormous end-of-career bonuses and salary increases, which would -- which would consequently result in tremendous outlays from the State for those end-of-career salary increases. This provides that when assessing a payment for -- when an employer has to make those contributions, both the State University's Retirement System and the Teachers' Retirement System has to make certain exclusions. This additional flexibility is designed to continue to encourage professional development and -- and enable school districts to meet their respective needs. Finally, it establishes some reporting requirements and a five-year sunset. I'd be happy to answer any questions.

PRESIDENT JONES:

Is there any -- any discussion? Any discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Ladies and Gentlemen, I stand in -- in support of this legislation, although I will take issue with the sponsor. You know, he -- he knows as well as anybody that I informed him many times while negotiations were going on about this about these quote/unquote "unintended consequences". We -- we had several meetings over the summer. This was simply egregious error that was deliberate, frankly, and I think the Democrats need to be responsible for this. This was an issue we told them was a mistake. It's an issue we stood in opposition to, and to now come back after you knew what we said and say this was an unintended consequence, frankly, is disingenuous. I bring this point up because I'm afraid we're going to see several hours of unintended consequences that we're going to hear apologies for

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next year. So I recommend to Members on this side of the aisle that they support this initiative, but I also caution Members on that side of the aisle to be careful, because unintended consequences oftentimes come back to bite you.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill.

PRESIDENT JONES:

Proceed.

SENATOR RIGHTER:

Thank you, Mr. President. At first when I came out onto the Floor today, it was my expectation that I would have a couple questions for the sponsor about this pension bill, but then I recollected my experience in committee with him. The sponsor, I'm sure as you know, Mr. President, has an admirable talent for exercising the filibuster in a Chamber that really doesn't recognize the right to filibuster, so I'll go right to the bill. I asked the sponsor in committee about whether or not this legislation indicated a change of direction in the thinking that prompted Senate Bill 27 in the first place from last year, or whether or not this was designed to correct some errors that had taken place in the passage of that bill. Senator Schoenberg stuck to his unintended consequences language, but I do want to raise another point that I think it's important for all of us to consider, but consider in a different way. For those of us who refused to support Senate Bill 27 last year, who opposed the pension reforms as they've been diplomatically referred to here, this is an easy vote 'cause we thought it was a bad idea in the first place. But for those of you who voted for Senate Bill 27 last year, this is a reversal for you, because you are now pulling out, at least to some extent, the savings that you claimed would occur -- accrue to the pension system through those pension reforms. Now, there's -- there's dispute about how much those savings are. It goes anywhere from a hundred to two hundred million dollars on one end to almost a billion dollars on the other. But those of you who stood before your constituents last year to justify the vote by saying we were -- reformed the pension system, you are now undoing some of those reforms. Thank

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you, Mr. President.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I think that -- I have a question for the sponsor. I -- I agree with Senator Righter on some of the -- the length of some of the responses, but I'm going to give you a chance. I -- certainly there are many on this side of the aisle and back home who believe that Senate Bill 27 was just a disaster to fiscal discipline, especially when it comes to the -- the statutory funding of the pensions back to 1995 - a schedule that we had maintained for nearly ten years. But part of the justification for taking out 2.3 billion dollars of those statutory scheduled payments was pension reforms. And what's included in this was part -- was part of what you're counting on in order to spend the future savings over the next fifty years. Can you explain to us how you're going to be able to maintain the promises and commitments that you had last year while you pass this -- while you pass this bill?

PRESIDENT JONES:

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank -- thank you. Senator -- Senator Lauzen, and to the others who lack your courage in directly addressing a question to me, what I'll say in this regard is as follows: The underlying principle behind the changes that were made last year and this subsequent measure which addresses the -- some of the unintended consequences which occurred is that there are no restrictions on salary increases that can be offered by school districts. The change in the law which occurred, the guiding principle of the reforms last year, which are addressed through this as well and maintained by this legislation as well, is that there's no limit on what districts can do. Many bargaining units sought to exercise a certain amount of "truthiness", as Jon Stewart would say, and suggests that we put a six-percent cap on the amount that people could receive for their increases at the -- in the last four years before their retirement. What we sought to do was redistribute the subsequent -- we -- to redistribute the burden for how to pay for those end of -- end-of-career salary

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increases. As far as the 1995 pension law is concerned, I'll be very brief, because I've addressed this previously. I've sat on both of the Governor's pension reform commissions and we've heard exhaustive testimony to the fact that for the first ten years of the '95 law, while it was laudable and that it set a set schedule on the payments, nonetheless, it had an artificially high ramp after those ten years. For those first ten years, there wasn't enough money going in, even with the set schedule, and then there was a dramatic ramp going upward, and all that while, there was no calculation, no indexing, no tie to economic conditions. So that when the State's economy was doing better, for example, in the end of the 1990s, turn of the century, we should have been receiving hundreds of millions of dollars more if we had indexed in the '95 law to economic conditions. We should have had hundreds of millions of dollars more going into the retirement systems so that the unfunded liability wouldn't be as great. The 1995 law, in short, had some inherent flaws to it, while it did have some laudable features. There's always room for improvement. This was a twenty-five-year problem in the making and this is a corrective measure which I urge you all to support.

PRESIDENT JONES:

Senator Watson.

SENATOR WATSON:

Yes, thank you very much, Mr. President. And I -- I hear a term every now and then that -- on this issue that kind of bothers me a little bit and that's the -- the term "unintended consequences". Well, I was in the room. I was there in the room when these "unintended consequences" were brought up last year. These were "intended" consequences. They knew -- the individuals involved in this knew exactly what they were doing. They knew the implications that this was going to do to the State Employees, Teachers, all the pensions -- pension systems, primarily the Teachers obviously. They knew exactly what this was going to do. So, "unintended consequences" is not a term that can be associated with this piece of legislation. This just gave those of you on the other side of the aisle the rationale to be able to steal 1.2 billion dollars out of the pension -- Downstate Teachers Pension System last year, and you're about to steal another 1.1 billion this year. That was the whole...

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PRESIDENT JONES:

Will -- will the speaker kindly address the bill that's before him and not fabricate things on a political basis? I will -- otherwise -- let me warn all the Members as we go through this process, stick to the subject matter at hand, and if you want to give political speeches, you will not be giving those speeches on the Senate Floor. Stick to the subject matter at hand. Senator Watson.

SENATOR WATSON:

Well, my remarks are exactly to this piece of legislation and why we told you so last year when you crammed this through the legislative process. We told you there was going to be a reaction to those people who were involved in the pension systems, primarily the Downstate Teachers. We told you this was going to happen and now you come back and you react and you say it's "unintended consequences". This was exactly what was intended. This was -- gave you the ability to steal 1.2 billion dollars out of the Downstate Teachers Pension System, what...

PRESIDENT JONES:

Senator -- Senator Watson, again, and as the Minority Leader, out of due respect to you, but to make all those inflammatory statements and I suggest to you, let's not do that. I don't want to have to cut you off. You are on.

SENATOR WATSON:

Thank you. I don't see what the problem is here, because I am exactly talking to the -- what this bill's all about. It's about the fact that you made a huge mistake. We tried to alarm -- we rang the alarm when you did this. Nobody listened because it was all about spending. It was all about stealing 1.2 billion dollars out of the pension systems last year. You're going to steal another 1.1 billion dollars this year. That's what this is all about. Now, you're trying to undo some of the problems that you've created. We'll probably be supporting you in this measure, because we told you this wasn't the right thing to do last year. So, we'll probably be in -- I just want to -- I think it's important, Mr. President, that we bring these kinds of points up when we actually...

PRESIDENT JONES:

Senator Watson, for your own purpose, if you're going to

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have people in the gallery, and I hate to cut you off, but no one is stealing anything in this Chamber, and for you to use those type of words in the Chamber as it relate to debate, you are way off base. And I'll warn you again. Senator Watson, you are on.

SENATOR WATSON:

Yes, thank you. The raid of the pension system - is that a better term - of 1.2 billion dollars last year, totally an irresponsible act, one of the most irresponsible acts that I've seen in the twenty-seven years I've been in this Chamber. Twenty-seven years I've never seen anything like it. 1.2 billion last year and you're -- and they just passed the budget over there that's going to spend another 1.1 billion. I don't know how you answer to that. I don't know how you can tell the people of this State you're going to forfeit the benefits, the potential benefits of retired teachers in this State so you can spend your money now. That's what it is. Either -- you're spending it now and worrying about paying it later. Not a good fiscal policy of this -- State to follow. Thank you.

PRESIDENT JONES:

Senator Schoenberg, to close.

SENATOR SCHOENBERG:

Thank you. If I may address something that the previous speaker had made, personally I take far greater offense at the 1.8-billion-dollar cost overrun that was never accounted for from the early retirement initiative for State employees during the last year of the Ryan administration, which has exacerbated a problem that we all know developed over a twenty-five-year period. In short, Mr. President and Ladies and Gentlemen of the Senate, labor and management supports this. The Teachers' Retirement System supports this. We should allow women who take -- who leave the teaching profession to have a family and then come back, we should allow them to be able to get back on their -- on the same schedule that they had originally started. We should allow school districts that find that because of increased populations that they have to add additional sections of a specialized class, we should let them do this without having to hire additional personnel. We should allow school districts and those who teach there and those who run those systems, we should allow them to be able to continue to respond to our children's

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educational needs in a fiscally responsible manner. Let's clear up these unintended consequences and vote Aye.

PRESIDENT JONES:

This is final action. Final action. The question is, shall the Senate concur in House Amendment 1 to Senate Bill 49. 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 -- on that question, there are 54 voting Aye, no Nays, and 1 voting Present. The -- 58 voting Aye, no Nays, no one voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 49. The bill, having received the required constitutional majority, is declared passed. I believe with a vote like that and -- and all the long political debate, Senator Geo-Karis, I -- perhaps we should go to the timer. On the Order of Concurrences is Senate Bill 94. Senator Garrett. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 94.

Motion filed by Senator Garrett.

PRESIDENT JONES:

Senator Garrett, to explain the motion.

SENATOR GARRETT:

Thank you, Mr. President. What I'd like to do is read into the record the -- sort of -- for the purposes of legislative intent, some of the information that I think would be useful and productive regarding Senate Bill 94. So, if you can indulge me for a few minutes. The corporate authorities of municipalities and counties are primarily lawmakers -- lawmaking bodies that operate through the political process. Their legislative decisions have traditionally been subject to de novo judicial review. While accepting the Supreme Court's analysis regarding the character of the special use permit process, the General Assembly notes that quasi-judicial proceedings are to be reviewed on the record, which in turn requires such proceedings to be conducted in the manner of a mini-trial. Given their essential legislative character, the corporate authorities of municipalities and counties are not well suited to -- conduct mini-trials. In order to promote the efficient and effective

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governance of municipalities and counties, the General Assembly hereby adopts Senate Bill 94. Senate Bill 94 is not intended to question the essential conclusions in Klaeren regarding the legal character of special use permit decisions or due process, but it provides that any special use decision made by a municipality or county -- county shall be treated as legislative decisions subject to de novo judicial review. To provide uniformity in the statutes, Senate Bill 94 also provides that any variance, rezoning, or other amendment to a zoning ordinance shall be treated as legislative decisions subject to de novo judicial review. In conclusion, Senate -- Section (b) of Senate Bill 94 is inserted merely to reflect the existing due process protections that have been an -- an integral part of the zoning process for the past forty years. While it confirms that public bodies are to conduct their proceedings in a fundamentally fair manner consistent with principles of due process, it is not intended to require public hearing at every stage of the zoning process. Thank you for your indulgence.

PRESIDING OFFICER: (SENATOR HENDON)

The -- the Chair would appreciate succinct descriptions and explanations, as well as questions. Are there any questions? Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. I rise in strong support of this legislation. It actually is an initiative of several municipal organizations, and the Local Government Caucus strongly supports its passage. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you. Leader Watson.

SENATOR WATSON:

Yes, thank you very much, Mr. President. I -- I was going to address this to Senator -- President Jones, but I -- since you're in the Chair, I will do that to you. If -- if there is an attempt to muzzle the -- the ability of the Republican Members of the Senate to talk and to express their concerns on legislative matters before us, we will caucus and we will caucus and we will caucus, Mr. President. It doesn't have to be that way. All you have to do is give us the opportunity to have our say and we're -- that's all we're asking. And if you go to the point where you

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try to limit the debate, try to shut us down, then we'll have problems.

PRESIDING OFFICER: (SENATOR HENDON)

It -- it is my intention to allow you to have full discussion, as much as is required and as much as necessary, Leader Watson. Senator Wendell Jones.

SENATOR W. JONES:

Yeah. Thank you, Mr. President, Members of the Senate. I rise also in strong support of this bill. I think we should have passed it last year. It was very important to the municipalities last year to take this back to the way it was, to make this a legislative procedure rather than a judicial procedure. It's a very, very important bill for local government and I would urge that we put 58 Yes votes and 1 No vote on this bill.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 94. 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 58 voting Aye, none voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 to Senate Bill 94. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 185. Senator Silverstein. Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 185.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Mr. President, this amends the District Act to authorize the district -- the Water Reclamation District commissioners to set compensation for officers and members of the board elected in -- in 2006 and thereafter.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 185. All those in favor will vote Aye. Opposed,

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vote -- Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Aye, 4 voting Nay, 1 voting Present. The Senate concurs in House Amendments No. 1 to Senate Bill 185. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 279. Senator Haine. Madam Secretary, read the bill -- read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 279.

Motion filed by Senator Haine.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, House Amendment No. 1 authorizes -- it extends the sunset of the Dental Practice Act. It authorizes a widow or an executor of a dentist's estate, either deceased dentist or a disabled dentist, to practice -- to -- to continue a practice in the event of the dentist's death or incapacitation for up to one year.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill: This bill passed out of committee today - Licensed Activities. It is an agreed bill. Everybody's on board with it and I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 279. 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. The Senate concurs to House Amendments No. 1 and No. 2 to Senate Bill 279. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 304. Senator Sandoval. Madam Secretary, please read the

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motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 304.

Motion filed by Senator Sandoval.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank -- thank you, Mr. President, Members of the Illinois Senate. Senate Bill 304 represents cleanup language from last year's predatory lending bill, House Bill 4050. And it's at the request of those in the title and home consulting industries. The cleanup language -- the cleanup work that we are doing is initiating an inception date of September 1st, 2006. We're also creating civil immunity for the housing counselors. And thirdly, we are providing a compliance certificate that shall be attached with the mortgage instead of two separate filings. I'd ask your favorable consideration this afternoon.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, thank you. I stand in support of Senator Sandoval's bill and encourage a favorable roll call.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 304. 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 58 voting Aye, none voting Nay, none voting Present. The Senate concurs to House Amendments No. 1 to Senate Bill 304. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 859. Senator Maloney. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 859.

Motion filed by Senator Maloney.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. We recently passed the bill out of the Senate, Senate Bill 859, that allows a teacher's or administrative certificate to be suspended or revoked if they failed to disclose the information on their job application regarding past arrests or conviction of sexual offenses. The amendment simply removes a provision that would allow regional superintendent or State superintendent to suspend an individual prior to a hearing. Just as under current law, a hearing would be required before the certificate would be suspended. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 859. 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 58 voting Aye, none voting Nay, none voting Present. The Senate concurs to House Amendments No. 1 to Senate Bill 859. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 860. Senator Demuzio. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 860.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, Mr. President. Senate Bill 860, House Amendment No. 1, this Amendment retains the major provisions of the bill while adding a preamble and making minor changes, many of which are clarifications. Specifically, House Amendment No. 1 -- clarifies that ISBE may approve more than one entity to provide training or principal -- mentors. It also requires ISBE to facilitate rather than conduct a review of the mentoring program. It also requires that regional superintendents be involved in the design process for a master's principal

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designation program. It also specifies the groups to be represented -- represented on the Illinois Administrators' Academy Review Task Force. It also requires that an individual performing a principal evaluation must hold an administrative certificate and it also does some other changes.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 860. All those in favor, vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 to Senate Bill 860. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 861. Senator Harmon. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 861.

Motion filed by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 861, as passed by the Senate, amended the Private Business and Vocational Schools Act to permit a school to submit a certificate of deposit in lieu of a performance bond. The House has amended the bill to add additional protections for the State in the event that a certificate of deposit is presented, along the lines that the State Board of Ed would have a first priority perfected security interest in the certificate of deposit and no other party would have any claim to that. These are good additional protections. I'm not aware of any opposition, and I move that we concur in the House amendment.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in support of this surety

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bond, this well-considered piece of legislation. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 861. 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. The Senate concurs to House Amendments No. 1 to Senate Bill 861. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 929. Senator Forby. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 929.

Motion filed by Senator Forby.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Forby.

SENATOR FORBY:

Thank -- thank you, Mr. President. House Amendment No. 1 and House Amendment No. 2 to Senate Bill 929. House Amendment 1 changed incorporation sums of -- energy federal relation issues -- this year regulation of breathing device -- that all breathing device used in the mine a minimum of one hour oxygen for one person. House Amendment No. 2 requires that mining boards establish a plan for a daily inspection for most breathing device in the mines to ensure the work -- the workers in the mines. This is the two amendments coming back from the House. I'll ask you to concur to this motion.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. To the bill: This bill passed through Energy and Environment, but -- but there was some concerns expressed in committee, and I -- I'd like to talk about those concerns a little bit. One of the concerns was that this bill becomes effective immediately. The mines have ninety days to put in operation some of these things, and at the same time that this is going on, there's some federal regulations that are

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-- and hearings that are going on and there'll be some federal rules coming down. And so we're going to have to deal with the federal rules soon after we pass this legislation. It may require us to do further legislation later on. Whereas the concern that was expressed in committee is that this bill doesn't necessarily have to be effective immediately. It could have waited until the federal regulations are done, and there is some concerns about jobs in the mining industry in the State of Illinois. One of the things that this bill does is it requires some safety shelters to be in mines and there's discussion going on right now whether there should be safety shelters or not, because miners are encouraged to get out and move out of the mining situation when there is a disaster. So there's a lot of discussion going on. We voted to move the bill because we are concerned about safety in mines. But I did want to express those concerns that came up in committee. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill -- I mean, 929. 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, 1 voting Nay, none voting Present. The Senate concurs to House Amendments No. 1 and No. 2 to Senate Bill 929. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 1183. Senator Crotty. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1183.

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you very much. Senate Bill 1183, when it passed out of here, there was some discussion on whether or not we were lessening the child support payments of ten thousand or -- I mean, ten dollars or under. And I had said that in the House I'd

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make sure that that was clarified and House Amendment No. 1 does that. It still retains the original bill. It -- reinstates current law that requires a court to assess a minimum child support payment of ten dollars on noncustodial parent, regardless of the parent's net income, and modifies the provision so that any order must comply with the federal requirements.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 1183. 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. The Senate concurs to House Amendment No. 1 to Senate Bill 1183. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 1445. Senator Link. Senator Link. Madam Secretary, please read the motion on Senate Bill 1445.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1445.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, on Senate Bill 1445, to explain. Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is the elections bill for this year. Basically, what this does is -- this bill, the highlight of it is, is that the early voting and the absentee voting will now be centrally counted instead of counted at the precinct level. There will also be changes in the -- when a person votes an absentee, and their vote -- vote is -- or early voting and their vote is not counted for some reason or not, there will be a provision in there to where they can challenge it. This is -- comes from a court case held in Lake County. They will have a fourteen-day period in which they can contest this result. There also will be -- every county clerk will -- or election authority will be doing a report on all early voting and absentee voting daily to let them know who has voted. That's

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basically the highlights of this. I'll be more than happy to answer any questions pertaining to this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Randy Squires seeks leave to photograph the proceedings. Is leave granted? Leave is granted. Any discussion? Senator Axley.

SENATOR AXLEY:

Thank you, Mr. President. To the bill: I recognize that this bill will help cleanup the fiasco of the last primary election. I voted No in committee and the reason is as follows: I feel that if the local ballots are being taken out of the local election authority's purview, there should be some disclosure to the voter as to ballot integrity, where that ballot is going to be tabulated and when. This does not address that problem. There is no disclosure to the voter and I voted No in committee. I intend on voting No on the Floor. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussions? Senator Althoff.

SENATOR ALTHOFF:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Althoff.

SENATOR ALTHOFF:

Senator Link, you were kind enough in committee to agree to continue to work on this legislation, specifically with regard to House Amendment No. 2 on page 10 dealing with the robo calls and political committees sending out information or addressing issues without a political candidate's permission. We talked about it's still kind of broad, we'd like to tighten it up a little bit. Can I just get you to agree to that here on the Floor?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Yes. Senator Althoff, if you remember last year when we did this bill, I was the person that put this in originally in this bill that there would be some kind of record indicating on who was paying for these types of calls and this record would be kept. Then there was this provision this year to put in there that there would be disclosure of who was paying for this, and I

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think that we could probably even go a little bit further. And I will have that commitment to you that I will work to continue to make this even stronger, because I think that all candidates -- or all people - citizens - should know who's making these types of calls.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff.

SENATOR ALTHOFF:

I would just like to thank you for that and I agree with your position. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. Last year when we had the Help America Vote Act, I voted against it for some of the very reasons that we're talking about today. We're creating problems. Whenever we get involved in a problem that needs no solution, it makes the problem worse. And, you know, now it's the -- it used to be the Help America Vote Act. I think this needs to be the "Help America Count Act", because we -- we voted okay, we just didn't count very well, when you change and have two systems going on at the same time. We basically messed it up because of what went on in Florida. And what went on in Florida was the same system that we'd had in Cook County for fifteen or twenty years. We never had a problem like we had in Cook County this year. I've never seen anything like it. And the more we get involved in it, the worse it's going to get. Vote No.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Roskam.

SENATOR ROSKAM:

Senator, I think universally it was recognized that there was a big failure in Cook County. I wasn't in the hearing today, but I understand that there was bipartisan criticism from the idea -- of the idea of giving more responsibility to people who

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are regarded as having failed in the test of being entrusted with that responsibility of counting properly and the whole administration question. What is it, Senator, that animates your hope that Cook County is going to do this the right way in this consolidation that you're giving to them, as opposed to leaving it in -- in its current form, like Senator Axley said, at -- at the local precinct level?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

First of all, to give you a little bit of history on this thing and a -- there's a hundred and two counties in the State of Illinois. A hundred and one counties always counted at a central location. They counted within the counties, including your county of DuPage. All those ballots were distributed at the -- taken from the precinct level, brought to a central location to be counted at that central location. Modern technology caused us to allow to be counted at the precinct level, but those ballots then are still transported to be reconfigured at the county building, or in your case, the DuPage County Election Authority, or whatever election authority that's in charge. Lake County was that example, the same thing, we always counted 'em at the courthouse. This has been a process that's been going on for years. What we are doing right now is still -- in Cook County and every other county, the people that vote on Election Day in the precincts will still be counted at the precinct level. They will be counted there. But to stop the confusion of various types of machines being used for these people on the early voting, absentee voting and the confusion that occurred - besides the new system that happened in Cook County, was the types of those absentee votings trying to migrate at the precinct level - they will all be counted at the -- the election authority, either the county clerk or the Chicago Board of Elections. They will be counted there. What you will have is a cleaner, clearer count. Then the totals will be migrated with the precinct totals so that they will be able to be told what precinct five in ward nineteen has that evening. So, they still will know, they will have it that evening, you will have a better cleaner count than you had before.

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PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Senator, for that response. Just briefly to the -- to the bill: A word, and that is a hundred and one counties did this well, as Senator Link pointed out. It was pretty much a flawless election and we didn't have the late night hassles and antics that we saw in one particular county. It strikes me as ironic that part of the solution to the problems in Cook County - and this was pointed out in committee by a Cook County Senator on the other side of the aisle - it's ironic that we would be entrusting people with more responsibility when they failed in some ways in the responsibility with which they'd been entrusted previously. So, I'm going to be with Senator Axley on this. I think a No vote is the proper vote until this gets -- gets cleared up all the way around. But I appreciate the Senator's effort and his candor in his answers. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. As I indicated, we had a hundred and one counties that didn't have this difficulty. We had a new system. You had a new system, a new way of counting, a new -- and a lot of new things in Cook County that occurred and unfortunately you had a lot of problems that happened on election day. I think they have corrected these situations. But if you look here, you have the County Clerks Association, you have every election authority as a proponent of this piece of legislation to make this system work a lot better. I think that what we have to do is entrust the people that know. We sit here in this Body and we always say let's look to the experts, let's look to the individuals that know what they're talking about and trust them in what they're doing. Well, we're entrusting the election authorities on what they feel is best. And the election authorities are the people that we worked very closely with on this election bill. They entrusted. They want the central location. We went through a election procedure this last March. It did work. It will work better in the November election with central counting. I ask for an affirmative vote on this to make

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November a lot easier election for all of us. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and No. 2 to Senate Bill 1445. 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 42 voting Aye, 16 voting Nay, and none voting Present. The - - the Senate concurs to House Amendments No. 1 and No. 2 to Senate Bill 1449 {sic} (1445). And the bill, having received the required constitutional majority, is declared passed. The Chair would appreciate succinct explanations and questions. Senate Bill 1682. Senator Harmon. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 1682.

Motion filed by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I'm not sure this one is -- lends itself to a succinct explanation, but I'll do my best. Senate Bill 1682, when it left the Senate, was a relatively modest attempt on my part to reform the way we present ballot questions in -- in referendums - to simplify the language and make it more understandable. About the same time I passed this bill out of the Senate, Representative Tryon in the House was working on a separate initiative to close a loophole that was permitting taxing bodies to exact far greater tax revenues than they told the voters. It was a -- an issue highlighted by the Daily Herald at some length. Also at the same time, Representative Jack Franks was working on a bill to provide for more disclosure on the ballot - commonsense, understandable disclosure of the consequences of a referendum passing. Over the last twelve months, we have worked very hard to bring those three concepts together and negotiate a very good bill. In the end, it does just that. It reforms the way we ask the questions so that it's more understandable to the voters. We closed the loophole that the Daily Herald identified and we -- we limit the ability of

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taxing districts to exact more than they told their voters they would, and we are providing for uniform disclosure on the ballots of supplemental information. I've worked closely with Senator Althoff and I appreciate her help, and with the amendments in -- in the House, I believe we've eliminated all objections to the bill. I would ask you for your Aye votes so we can put this bill to rest.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I'd like to congratulate and thank Senator Harmon and Representative Mike Tryon for their patience and hard work on Senate Bill 1682. It does, as the sponsor says, in -- in major ways simplifies and clarifies referenda questions. So I'd recommend an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. To the bill: I, too, would like to thank the sponsor for his dedication to getting this legislation passed. It was -- also includes initiatives from both of my Representatives in District 32. But what it really does, is it gives taxing districts the opportunity to ask the taxpayer questions that are in compliance with the tax cap legislation. And it does what that tax cap law wants, which is really to empower the taxpayer so that they understand what it is they're voting on and how much it's going to cost them. This is a great piece of legislation. Again, thanks to Senator Harmon for staying with it. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 1682. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. The Senate concurs to House Amendments No. 1, 2 and 3 to Senate Bill 1682. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 1827. Senator Harmon.

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Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1827.

Motion filed by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. When Senate Bill 1827 left the Senate for the first time, we were amending various provisions related to guaranteed energy savings contracts. These are contracts for energy-efficient improvements by public bodies that can be financed then by the savings those energy-efficient installations will generate. The two changes that were of most importance at the time were including park districts and making uniform the window within which those costs could be recovered to twenty years. The House offered amendments that added input from the architects and others relating to building codes, licensed architects and competitive selection. With the House amendments, we have improved the bill and eliminated all opposition that I'm aware of. I'd ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. To the bill: This bill passed through Energy and Environment. One of the concerns, and -- and some of you may have gotten letters from architects concerning, about building codes and building codes being met, and so forth. That has been -- added to the bill, and so I think this bill solves all the concerns that we had, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Haine.

SENATOR HAINE:

Yes, Mr. President, I have three questions for the purposes

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of legislative intent, if I may ask the sponsor. The first question is, in -- in the amendment, there's a number of State laws listed as applying to these projects, including the Prevailing Wage Act, the Procurement Code, the Freedom of Information Act, the Local Government Professional Services Selection Act and others. You are not saying, Senator Harmon, with this bill that these laws do not now apply. You are simply making it clear that they do apply. You're reiterating that. Isn't that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. My second question is, from the committee hearing, it was stated that school districts must also follow similar procurement laws, but they are not referenced in the bill the sponsor has before this Body; therefore, my question is, it is not your intent, Senator Harmon, with this bill to say that energy performance contracts are currently exempt from the Prevailing Wage Act, the construction bidding requirements of the School Code, or the Local Government Professional Services Selection Act. Is that correct, sir?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. My last question is, there's an understanding that there's an agreement to work on a companion bill next year that will address K through 12 schools and it is not the intent of this bill, by a lack of reference to these schools, to exempt them from existing procurement requirements. Is that correct, Senator Harmon?

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Harmon.

SENATOR HARMON:

Yes, that is correct, and thank you, Senator Haine, for asking those very thoughtful questions.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1827. 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. The House concurs in -- House -- the Senate concurs in House Amendments No. 1 and 2 to Senate Bill 1827. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2170. Senator Garrett. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2170.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Garrett, on -- Amendment No. 2 to Senate Bill 2170. Senator Garrett.

SENATOR GARRETT:

Yes, thank you, Mr. President. The amendment basically requires that hospitals supply a physician certification statement when patients are leaving the hospital just to better understand if the patient is required to take a -- an emergency ambulance or a medical vehicle that will not be covered through insurance.

PRESIDING OFFICER: (SENATOR HENDON)

Is there discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I simply rise in support of the bill. This bill did pass out -- or the concurrence motion, excuse me, passed out of Health and Human Services unanimously today. Appreciate the sponsor working hard to make sure we've got a narrowly tailored bill that addresses what, I think, are some legitimate concerns out there. Thank you, Mr. President.

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PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 2 to Senate Bill 2170. 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. The Senate concurs in House Amendments No. 2 to Senate Bill 2170. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2199. Senator Crotty. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2199.

Motion filed..

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

Thank you very much. On -- House Amendment No. 2 basically does two things. It abolishes a nonfunctioning board, which is the Interagency Alcoholism and Other Drug Dependency Board, while at the same time it strengthens the existing board, which is the Illinois Advisory Council on Alcoholism and Other Drug Dependency. Additional representatives of related departments will be appointed to that Council and it will be required to meet quarterly and report on an annual basis to the General Assembly regarding its activities and its recommendations. And then the other part of the amendment clarifies in statute that the Department of Human Services has the authority to license recovery homes and more clearly specifies the categories of residential treatment that are currently licensed in DHS.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly, I rise in support of the bill. This bill also received unanimous support from our side of the aisle in the Health and Human Services Committee and I would urge its passage. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

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Further discussion? Senator Syverson.

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR HENDON)

She indicates she will yield. Senator Syverson.

SENATOR SYVERSON:

Senator, just to clarify on the record from our discussion earlier today, and I -- I do support this, as well. In your -- the one amendment dealing with the -- the licensure and the credentialing of these facilities, is it my understanding that there'll be no change in who was licensed and how they're licensed? This is just clarifying what is the current rule, but no change takes place. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty.

SENATOR CROTTY:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The -- the question is, shall the Senate concur to House Amendment No. 2 to Senate Bill 2199. 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 58 voting Aye, none voting Nay, none voting Present. The Senate concurs to House Amendments No. 2 to Senate Bill 2199. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2202. Senator del Valle. Mr. Secretary, read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2202.

Signed by Senator del Valle.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to concur with House Amendment No. 1. The amendment indicates that the student teaching portion of -- of the practical experience for obtaining an early childhood education certification may be satisfied

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through placement in any grades pre-kindergarten through five years of age. And also, it indicates that paraprofessionals with at least one year of experience in a school or community-based early childhood setting, where enrolled in the early childhood teacher preparation programs, may be paid and receive credit while student teaching. The purpose here is to allow individuals who are working on their degree and working at a childcare site - - early childhood site, as well as individuals who are already teachers but are working on their certification for early childhood and other individuals who are teachers' aides and others who are working towards an early childhood certificate, to be able to do their student teaching at the location where they work.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Yes, thank you, Mr. President. I rise in support of this motion to concur and I commend this sponsor for his explanation. The -- the -- the most important part of this is the definition of the paraprofessional. So, for purposes of legislative intent, please refer to Senator del Valle's remarks that he offered just moments ago. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 2202. 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. The Senate concurs to House Amendment No. 1 to Senate Bill 2202. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2328. Senator Martinez. Mr. Secretary, read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 2328.

Signed by Senator Martinez.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez.

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SENATOR MARTINEZ:

Thank you -- thank you, Mr. -- Mr. President, Members of the Senate. House Amendment No. 1 to Senate Bill 2328 actually simply rewrites the underlying bill and it -- it passed this -- this Chamber where I -- the -- it provides Medicaid subject to availability of funds to a person who meets income eligibility standards. Amendment -- House Amendment No. 2 amends the Public Aid Code to establish the Assets for Independence Program in accordance with specific terms of related federal Assets for Independence. And Amendment No. 3, it amends the Department of Human Services to implement another new initiative related to federal grant programs. It requires DHS to implement and administer the Illinois Step for Attaining Higher Education through Academic Development Fund program to provide educational services and post-secondary educational scholarships for low-income middle and high school students.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I just want to comment on Amendment No. 1. There's language in this -- and I did support the underlying bill when it left this Chamber. It's -- it's a good idea. I think it's a humane thing to do; however, the language in this bill adds the -- the term that it's subject to availability of funds. That's a little different than what we usually have, which is subject to appropriation which means the Legislature is involved in the process of spending those funds. What this means, and -- and the concern is, these are Medicaid dollars. So that means that independent of the Legislature the administration can choose to implement this new program and divert money away from the Medicaid program. And right now, as you all know, we have a severe backlog of Medicaid bills. So, a new program gets implemented while our providers are still standing out there waiting to be paid for their services. And again, we are completely out of the process 'cause the terminology is not subject to appropriation, it's subject to funds -- availability of funds. And so, for that reason, even though I -- I support the underlying bill, I am going to be a No on this.

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PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill: This legislation when it left the Senate, I think received unanimous or -- near unanimous support. And it was a bill that was narrowly tailored to take care of a small group of people who found themselves in an untenable position. It has come back and, Senator Martinez, I'll give you credit, you -- you spoke the truth when you said it's -- the amendments basically rewrite the bill. There is no question that that's what's happened here. House Amendment 1 changes who decides whether or not the program that left this Chamber gets funded. Before, and it's traditionally been, the General Assembly's purview to decide whether or not we put money into a program, regardless of who it's for. The language in House Amendment 1 now allows the administration to do that unilaterally. It may come out of your program, or yours, or one of yours. But that's what the administration has the power to do in House Amendment 1. House Amendment 2 and 3 are entirely new programs that have not been presented to this Chamber before. There are a lot of questions out there about those programs, including who gets to qualify, what income you're making and issues like that. Here in the eleventh hour of Session, I don't believe it's appropriate for us to send over to the House a good piece of legislation that the sponsor worked hard on, only to get back something that unilaterally shifts more power to the administration to make decisions that we should be making as a deliberative Body and creating new programs. For that reason, I reluctantly rise in opposition to the motion for concurrence. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Martinez, to close.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Chamber. Just to actually talk about -- little bit about why these two amendments were added on. One of the things that I think this administration has said over and over, that we need to capture federal dollars and this is exactly what this is doing. This is actually capturing over a million dollars on one -- for Amendment

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No. 2 and also capturing 3.5 million dollars from the federal government over the course of six years which would amount to twenty-one million dollars. And I think anytime we can go ahead and try to capture some resources from the federal government, we got to give it a shot. And these programs that are actually being implemented in this piece legislation will serve the whole entire State. One of the programs that actually will -- will initiate in this -- with this 3.6 million dollars is one of the things that are very important, which is a Teen REACH program. The Teen REACH program is all over the State, down in Morris, Illinois, Decatur, Illinois, East St. Louis, Freeport, Round Lake, Hopkins, Springfield, South Holland and Chicago. So, anytime we can capture some dollars from the federal government and try to make it work so we can expand the services, this is a good piece of legislation, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 2328. 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 35 voting Aye, 21 voting Nay, 1 voting Present. The Senate concurs to House Amendments No. 1, 2 and 3 to Senate Bill 2328. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2368. Senator Raoul. Mr. Secretary, read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2368.

Signed by Senator Raoul.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur with House Amendment 1 to Senate Bill 2368. As -- the underlying bill, as originally passed out, had unanimous -- unanimous support of the Senate; however, there was opposition from the Fraternal Order of Police. We addressed -- House Amendment 1 addresses some of those concerns. It reduces

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the size of the oversight board from twenty-eight members to fifteen. It delays the implementation of the over -- Racial Profiling and Oversight Board and provides that the Board shall, no later than April 1st of each year, report on its activities during the previous year. I...

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2368. 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. The Senate concurs to House Amendment No. 1 to Senate Bill 2368. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2570. Senator Garrett. Mr. Secretary, please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 2570.

Signed by Senator Garrett.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Garrett, on Senate Bill 2570.

SENATOR GARRETT:

Thank you, Mr. President. Really what this concurrence does is for condominium owners -- for condominiums that are being sold and have past assessments that haven't been paid, we are going to require that the new owner pays up to six months. But with that, this bill says that we have to include a statement of unpaid assessments or other charges so the owner understands that and that we must -- the owner must pay the proportionate share of the common expenses for the unit which were due in the absence of any assessment acceleration during the six months immediately prior to the filing of a collection action.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 2570. 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

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record. On that question, there are 49 voting Aye, 7 voting Nay, none voting Present. The House -- the Senate concurs in House Amendments No. 1 and 3 to Senate Bill 2570. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2673. Senator Raoul. Mr. Secretary, read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2673.

Signed by Senator Raoul.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur to House Amendment 1 of Senate Bill 2670 {sic}. It just adds a hospital to who can act under a -- disposition of remains form. I urge your support.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 2673. Those in favor, vote Aye. Opposed will vote Nay. The voting is open. 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. The Senate concurs to House Amendment No. 1 to Senate Bill 2373 {sic}. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2726. Senator Viverito. Mr. Secretary, please read the motion to Senate Bill 2726.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2726.

Signed by Senator Viverito.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Viverito, to explain your motion.

SENATOR VIVERITO:

Thank you, Madam -- I mean, Mr. President. All right. Let's not be funny now. Mr. President, this amends the Line of Duty for Compensation for those that were killed in the line of

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duty and it clarifies it and everyone is on board. We've discussed this before and this will make it quite easier for those individuals that want to designate who they want to get if -- if they were -- died in -- in military. They will know the deceased will get the proper amount of money coming to them.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator John Jones.

SENATOR J. JONES:

Senator Viverito, I had a -- a young soldier that -- that got killed in my district last year actually. His -- his biological father had never had anything to do with him throughout his life, really, from the time he was a baby. He had never paid child support, and then when he passed away, the -- the young man really thought he was leaving everything to his stepfather and his mother and his siblings. I think about forty-eight thousand dollars was due in back child support and I think we missed the ball on that, because we go after everybody every which way for -- for back child support. You'll take your income tax returns and everything else. Do -- do you think that this bill will clarify that, that where a -- a parent that's never been involved with a -- with a young man or woman killed in action will -- will benefit?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Viverito.

SENATOR VIVERITO:

Senator, I'm very happy that you asked that particular question because this is exactly what it's going to do. It's going to clarify those individuals that have been delinquent, those individuals that did abandon their children and left, like in the case that you're talking about. And this will be available and designate the available -- how the certification will work in the future and I believe that'll never occur if we get this passed.

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Jones.

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SENATOR J. JONES:

Thank you, Mr. President. Well, I appreciate that because, you know, the mother and the stepfather really didn't care about the money. It was just the principle of the thing that this father had never had anything to -- to do with the young man for twenty years, really, and then whenever he -- we got killed in action, they -- he benefited for about eighty thousand dollars in -- in -- in money from the State of Illinois. So -- so, I appreciate your effort on this. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

...Senator, and I do feel that the Lieutenant Governor Pat Quinn worked very diligently on this as well, and you know of his involvement with the veterans as well, and I do feel strongly that those individuals participating and our concern for our veterans. And I hope for a Yes vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 2726. 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. The Senate concurs to House Amendment No. 1 to Senate Bill 2726. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2795. Senator Shadid. Mr. Secretary, please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2795.

Signed by Senator Shadid.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

Yeah, thank you, Mr. President. I want to concur with the amendment to Senate Bill 2795. Some of the dual districts would not have been able to operate at a unit district rate if they consolidated. They were worried that under the old version, they

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might have to. So, this -- so what this version does is to restore some EAV requirements, basically saying that if the dual districts really could not be viable if they consolidated, they're just not going to be able to consolidate. This does not take away any options that those districts have now and does not change or eliminate any existing tax limits for school districts. And I would appreciate support.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: I know that this bill, as it left the Senate, in my view was a little bit better, because it would have helped a whole lot of school districts. There is, unfortunately, one school district that I'm aware of that I happen to represent, Community District 94 in West Chicago, that would have benefited under the Senate version as the bill left. I still stand in support of the bill, however, because I recognize the greater good of helping a lot of other folks. I am informed that the Governor's Office is willing to meet with my school district, Senator Shadid, and I hope to facilitate and be a part of that discussion. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, this is final action. The question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 2795. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. The House -- the Senate concurs to House Amendment No. 1 to Senate Bill 2795. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2841. Senator Sullivan. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2841.

Signed by Senator Sullivan.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan.

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SENATOR SULLIVAN:

Thank you, Mr. President. Senate Bill 2841 with House Amendment No. 1 makes some really technical changes to the bill. It passed out of here 55 to nothing. It defines "amenable" as foods containing three percent or more -- or two percent or more cooked, red meat or poultry; prohibits a "meat broker", "poultry broker" or "meat and poultry broker" from processing any processing equipment in a facility; redefines a "processor"; -- prohibits late license applicants from operating their establishments until the fees are paid; and requires Type II establishments to stamp "NOT FOR SALE-NOT INSPECTED" on all products. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 2841. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. The Senate concurs to House Amendment No. 1 to Senate Bill 2841. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 2872. Senator Harmon. Mr. Secretary, read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2872.

Signed by Senator Harmon.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon, to explain amendment on Senate Bill 2872.
Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. When Senate Bill 2872 left the Senate, it provided for the continuation of the tax exempt status of certain public properties in the City of Chicago owned either by the City or the Chicago Park District, in particular several parking garages, three municipal waste recovery facilities and Midway -- Airport. It would provide for the continuation of the tax exempt status of

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those properties in the event that any of them were leased to a private concessionaire pursuant to a long-term concession agreement. The House amended the bill to provide additional protections in the event that such a -- a concession lease were ever executed, and they have added to the bill the Local Government Facility Lease Act, which provides a variety of important protections, in particular with respect to any sort of a concession at Midway. It would limit the expansion of the airport property, would require that ninety percent of the proceeds from the Midway transaction be used for either capital improvements or for pension obligations. It offers significant labor protections for current municipal employees and it also mandates that relevant MBEWBE requirements be applicable to any concessionaire. With -- with those amendments by the House, I am not aware of any significant opposition to the bill, and I would ask for your support of my motion to concur.

PRESIDING OFFICER: (SENATOR HENDON)

Is there discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just for a report for -- from this side for -- from this side of the aisle. In Revenue Committee, this came through with unanimous support. Would the sponsor yield for just a general question?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Lauzen.

SENATOR LAUZEN:

If we maintain the property tax exemption for an asset the size of Midway Airport, what would be the value of privatization of, you know, a structure like that for the local schools? I mean, what would be the implication, as we think forward that, you know, we're actually going to use this. What would be the value of privatization to the local school districts?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

It would be the same value that it is right now today. And my understanding of the nature of such transactions is that they would not proceed in an environment where the property were taxable. So, it's a question of the status quo versus the status

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quo in that scenario. For these sorts of transactions to be successful, and the reason the City sought the tax exempt status to begin having legitimate conversations, is to ensure the -- the -- the -- the -- the nature of the pricing and to create a -- a solid foundation for that sort of a transaction.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Roskam.

SENATOR ROSKAM:

Senator, is there any limitation in the bill? You -- you went through a number of the amendments earlier and I sort of caught part of what you said. Are there any limitations in the bill that would prohibit any of the proceeds from being used, for example, for O'Hare expansion?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

The limitation is with respect to proceeds being used for capital and pension contributions. And I had not thought of that question. I have to take a look at the bill here if you'll indulge me for a moment.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

I guess the -- the direct question would be, could pension obligation -- I mean, if the bill's scope, Senator, is limited to capital and pensions, does it define those to being limited to Midway's obligations or could those be capital and pension obligations related to the expansion of O'Hare?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Again, not trying to muddy the waters, but I want to be clear for everyone that O'Hare Airport is expressly excluded from this bill for the stated purposes of what the bill is doing. The restriction with respect to the use of proceeds is more general

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than that. It provides a limitation to the construction and maintenance of infrastructure within the municipality. I -- I am not aware of any intention or expectation that those proceeds would be used in that fashion.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

So, I understand you cast it in the most -- favorable light, which is your job. If you were to look at it in the least favorable light, there wouldn't be a limitation on capital expenditures anywhere within the municipality of the City of Chicago. So, I mean, it's -- even though you're not aware of a plan to use the proceeds for the purpose of expanding O'Hare, it is conceivable that other infrastructure things that are related to that project could be funded in this way?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

I -- I am not aware of any such intention, nor any such limitation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Question for the sponsor. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR SCHOENBERG:

Senator Harmon, does -- does the amendment provide any provisions or -- legal guidelines for how proceeds are to be distributed in -- in ways unrelated -- directly unrelated to the -- the asset itself? In other words, are changes in the law necessary to distribute the proceeds for spending other than Midway Airport itself?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, were you asking a question? Go ahead.
Senator Harmon.

SENATOR HARMON:

I apologize if I'm misconstruing your question. It is a general limitation to the use of proceeds for infrastructure

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within the municipality or contributions to pension funds created for municipal employees. It is not related to infrastructure improvements within the facility itself that generated those revenues.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

But it is possible to spend proceeds in other areas besides the airport itself?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Yes, I believe that is correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you. As long as it -- so that I understand, as long as it occurs within the jurisdiction that actually has ownership of the asset. That's correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

That is correct and that would be either the City of Chicago or the Chicago Park District, depending upon which facility was being subject to the -- the concession agreement.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg. Okay. Is there any further discussion?
Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Harmon, I wanted to give you a chance perhaps to expand on your answer. Senator Lauzen asked you what the value to a school district is or what the value are to other taxing bodies. If we presume that you can only do privatization by exempting the enterprise or the -- from property taxes, you and I both would acknowledge, I think, that the market can price any transaction, and that if you did have this property subject to property tax, that it would simply discount the price or adjust the price to take that value. So, you -- you were a little quick -- on that answer. Isn't this really a choice we're making that

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we're going to let the City of Chicago, if it likes, sell assets and allow them to be exempted from property taxes as a matter of public policy because we think it's a good idea? It has nothing to do with whether you can make this transaction work or not. Isn't that fair?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

I certainly understand the -- the -- the market is sophisticated enough to set pricing based on whatever underlying tax environment exists. My understanding is this, that -- that the assumption without the -- the legislative action is that the tax exempt status would continue, but that any potential partner in this enterprise would like legislative certainty, which is why we enact this. Second, my understanding is that the City of Chicago in this case would not pursue such a transaction in the event that it were priced, assuming that the property were taxable.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I appreciate that expansion, but, I mean, there -- there's nothing to back those assumptions that you're making. I just think you need to be explicitly clear to the Body. We're deciding to let a large municipality with a lot of resources take an asset that's been paid for by taxpayers, structure it as a tax-exempt enterprise by legislative fiat, because we want to make sure the City gets what it wants and it can maximize its selling price. But it has nothing to do with whether the transaction's marketable. If, in fact, that were true, you would never have any private entity or private party ever buy surplus government property, because you could never operate and make a profit. The truth of the matter is, Midway Airport is -- is a very well utilized, very well run, nicely structured airport. It's a very important market airport. So, it could easily be property taxable. It could help support the schools. It would just mean that the current administration would have less resources and less flexibility. I just think we need to be clear on our choices here and we -- keep in mind, we are setting a

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precedent. Don't be surprised now if you have other municipalities come to you and say, I want to sell my municipal airport, I want to sell what I've got, and I want tax-exempt status. I just think we ought to be cautious and be clear about the road we're going down. Sorry I didn't catch this the first time through, but appreciate your hard work on the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Just to respond very briefly to that. First of all, to -- to counteract the -- the suggestion that that's somehow sinister, the value that would be captured by the City would be captured on behalf of the taxpayers, the same folks who paid to build it. And second, this is not setting precedent, that precedent has already been set with the skyway transaction.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield for question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR CULLERTON:

Senator, I assume that if the City would proceed with -- in selling the Midway Airport, that the police and fire services, which are provided for them now, would continue, right? Because it would still be, obviously, part of the City - privately owned, and the police and fire would still have the same obligation to provide services to the airport?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

That -- that is my understanding and I've heard nothing from the City of Chicago to counter -- contradict that assumption.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR HARMON:

I'd ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HALVORSON)

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This is final action. The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 2872. 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 43 Yeas, 12 voting Nay, none voting Present, and House -- Senate concurs in House Amendment No. 2 to Senate Bill 2872. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 3016. Senator Dillard. Mr. Secretary, please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3016.

Signed by Senator Dillard.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard, to explain your motion.

SENATOR DILLARD:

Thank you, Madam President. This bill, as it originally left this Chamber, put better tabs on the registration of sex offenders and to better notify citizens of Illinois of the sex offender database. It did things like requiring sex offenders to tell local authorities or our authorities what license plates they have on cars and made sure that we had a identifiable base which all of us could search within five miles to see what sex offenders might be around us or -- or our children. The House made a few modifications with the input of the Department of State Police on that five-mile mapping and they also made a couple of other modifications, including a sex offender who lacks a residence, they set up a procedure for that. So, I thank the Department of State Police and the House for tightening this up. It's the State Police that have to administer this, and I move that we concur to accept their changes. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3016. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting

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Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 3016. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 3018. Senator Cullerton. Mr. Secretary, please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 3018.

Signed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton, to explain your motion.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. The bill, as it passed the Senate, created the offense of sexual misconduct with a person with a disability. The House made a couple of changes, really more technical in nature. They clarified that the -- since the intent of the bill was to apply only to the employed caregivers of a person with a disability, we were talking about those who are receiving residential services from the community agency. And the second change was to clarify that it was a person with a -- a mental disability for -- for which this bill would apply. No controversy. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 3018. 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, none voting Present, and the Senate concurs in House Amendment No. 2 to Senate Bill 3018. And the bill, having received the required constitutional majority, is declared passed. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR HARMON:

My -- my intent was to vote Aye on that last bill. I just

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didn't have a chance to flip my switch. I'd like the record to reflect my intent.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. The record shall so reflect. We're now going to Secretary's Desk, Non-Concurrence of House Bills. And it will be House Bill 4298. Senator Jacobs, do you wish to proceed? Please read the motion, Mr. Secretary.

ACTING SECRETARY KAISER:

I move to recede from Senate Amendments 1 and 2 to House Bill 4298.

Signed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

This bill will allow the -- this amendment will allow the Senate to set up a task force to look at different ways that states -- different states handle the issue of sexual abuse. We found that in Iowa they've made up some -- some rules that have put us at a disadvantage, and we want to make sure that the states around us all have a -- a level playing field. This'll be a -- a study group, they'll go through the summer and then report back to the Legislature with its findings.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate recede from Senate Amendment No. 1 and 2 to House Bill 4298. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. And the Senate recedes from the Senate Amendments No. 1 and 2 to House Bill 4298. And the bill, having received the required constitutional majority, is declared passed. Continuing on the Supplemental Calendar No. 1, turn back to the front page. There are three resolutions. Senate Resolution 664. Senate Resolution 701. Senator Maloney. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

Senate Resolution 701, offered by Senator Maloney. There are no committee or Floor amendments reported.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Madam President. Senator -- Senate Resolution 701 came about as a result of a hearing we had last summer relative to the graduation retention rates in higher education in the State of Illinois. It was made clear there was sufficient evidence to question the -- the rates because of lack of information. There is -- majority of the students in this State now attend more than one institution of higher education. The communication between those institution is very often not available. So to deal with issues that help with the most effective college preparation, the -- accurate data related to the graduation and retention rates, this resolution calls for a coordination of that effort among the higher education institutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, it's the opinion of the Chair that this resolution requires the expenditure of State funds, and therefore a roll call vote must be taken. Those in favor of Senate Resolution 701 will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting Present, and the resolution is adopted. Senate Resolution 707. Senator Althoff. Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Resolution 707, offered by Senator Althoff.
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Althoff.

SENATOR ALTHOFF:

Thank you much, Madam President. In 1990, the Illinois General Assembly declared the square dance as the American folk dance of the State of Illinois. And every year the organization has their annual convention in DeKalb, Illinois, and they're specifically requesting that we declare the week of July 23rd through July 29th as the Square and Round Dance week in the State of Illinois. And seeing as how that is our dance -- designated

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dance, I'd like to put forth that resolution.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Althoff moves the adoption of Senate Resolution 707. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Do-si-do. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR SULLIVAN:

I have another guest here today. It's actually the grandfather of this young lady sitting beside me. His name is Bill Brattain from Macomb, Illinois. He's in the gallery above me here, and he's also a member of the Illinois Arts Council. I'd like the Senate to welcome him to Springfield as well.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guest in the gallery please rise? Welcome to Springfield. Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

Thank -- thank you very much. I, too, have a -- a young lady here with me today on the Senate Floor, and her name is Kelly Blackshire, and her grandmother is Margaret. So, I'd like to welcome Kelly to be here.

PRESIDING OFFICER: (SENATOR HALVORSON)

Kelly, welcome to Springfield. Ladies and Gentlemen, with leave of the Body, we will now be taking out the regular Senate Calendar and going to page 13. The Orders of Secretary's Desk, Senate Bills. At the bottom of page 13 is Senate Bill 2330. Senator Jacobs, I understand you have a motion. Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam Chairman. I move to recede and nonconcur with Senate Bill 2330, Amendment 1 and 2.

PRESIDING OFFICER: (SENATOR HALVORSON)

Could you -- Senator Jacobs, could you please clarify that you are moving to nonconcur?

SENATOR JACOBS:

Nonconcur on the House amendments.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs, please explain your motion.

SENATOR JACOBS:

I move to nonconcur with House Amendment No. 1 and No. 2.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President, and I know you asked for a clarification. The board says Concurrence. We've talked about nonconcurrence. I just want to be clear for the Members on this side of the aisle. The -- the -- the Senator is moving to nonconcur with the House Amendment -- was placed on the bill. That's correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter, that is the Order we're on. Is the..

SENATOR RIGHTER:

That is the Order we're on. Okay.

PRESIDING OFFICER: (SENATOR HALVORSON)

...Order. He has chosen to nonconcur on the Order of Concurrences.

SENATOR RIGHTER:

Thank you very much. Appreciate the clarification.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sure. Senator Jacobs, according to our information from the Secretary, we have just one amendment - it's No. 1. Is that the wish -- the one you wish to nonconcur on?

SENATOR JACOBS:

For the record, I move to nonconcur on Amendment 1.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Jacobs. Any additional discussion? Seeing none, Senator Jacobs moves to nonconcur in House Amendment No. 1 to Senate Bill 2330. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. And the Secretary shall so inform the House. To fulfill our responsibilities under Article V, Section 9 of the Constitution, we will now proceed to the Order of Advise and Consent. Senator Hendon.

SENATOR HENDON:

...President, I move that the Senate resolve itself into

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Executive Session for the purpose of acting on the appointments set forth in the Messages of the Governor dated March 16th and April 10th, 2006.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves that the Senate resolve itself into Executive Session for the purpose of acting on the appointments set forth in the Messages from the Governor dated March 16th and April 10th, 2006. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of March 16, 2006, reported the same back with the recommendation that the Senate do advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of March 16th, 2006, I will read the non-salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be members of the State Board of Health for terms commencing March 10th, 2006, and ending November 1st, 2008: Caswell Evans and David McCurdy.

To be a member of the Work Force Investment Board for a term commencing March 10th, 2006, and ending July 1st, 2006: Blanche Shoup.

Madam President, having read the non-salaried appointments from the Governor's Message of March 16th, 2006, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? The question is, does the Senate advise and consent to the appointments just read from the Governor's Message of March 16th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. A majority of the Senators elected

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concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments to which was referred the Governor's Message of April 10, 2006, reported the same back with the recommendation that the Senate do advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of April 10th, 2006, I would read the non-salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be Public Administrator and Public Guardian of Lake County for a term commencing April 10th, 2006, and ending December 3rd, 2009: Keith West.

Madam President, having read the non-salaried appointment for the Governor's -- from the Governor's Message of April 10th, 2006, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the appointment just read from the Governor's Message of April 10th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves that the Senate arise from Executive Session. All those in favor will say Aye. Opposed, Nay. The

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Ayes have it, and the motion carries. The Senate has arisen from Executive Session. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1520, together with House Amendment 1.
Passed the House, as amended, May 3, 2006.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3183, offered by Senator Lauzen.

(Secretary reads title of bill)

Senate Bill 3184, offered by Senator Roskam.

(Secretary reads title of bill)

And Senate Bill 3185, offered by Senators Axley, John O. Jones, Syverson, Luechtefeld and Lauzen.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 749, on be -- offered by Senator Mattie Hunter and all Members.

It is a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. Madam Secretary, do you have any motions on file?

SECRETARY HAWKER:

Yes, Madam President. I have a motion on file regarding Executive Order 06-06, offered by Senator Bomke.

PRESIDING OFFICER: (SENATOR HALVORSON)

That will be put on the Calendar. Senator Burzynski, I was waiting for someone to ask. Nobody asked. For the information for the Body, we are waiting for paperwork from the House. We are at ease at the moment. I suggest you don't go very far. But just for everybody's information, we are waiting for paperwork. As we all know who've been here for very long, that's what we do

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on the last day. Okay. I didn't necessarily mean that. The last days.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 176, together with House Amendments 1 and 2.

Passed the House, as amended, May 3, 2006.

I have like Messages on Senate Bill 230, with House Amendments 1 and 2; Senate Bill 1863, with House Amendment 2; and Senate Bill 1977, with House Amendments 1 and 2.

Passed the House, as amended, May 3, 2006.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the President, dated May 3, 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 House Bill 4342.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Rules Committee will meet immediately in the President's Antechamber. Rules. Rules will meet immediately.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Re-refer from Health and Human Services Committee to Rules

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Committee - Motion to Concur with House Amendment 1 to Senate Bill 630; refer to Executive Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 176, Motion to Concur with House Amendment 1 to Senate Bill 630, Motion to Concur with House Amendments 1 and 2 to Senate Bill 1977, Motion to Concur with House Amendment 1 and 2 to Senate Bill 2339, and Committee Amendment No. 1 to House Bill 1918; refer to Revenue Committee - Motion to Concur with House Amendment 1 and 2 to Senate Bill 230, Motion to Concur with House Amendment 2 to Senate Bill 2654; refer to State Government Committee - Senate Resolution 734, 740, 741, Senate Joint Resolution 91, House Joint Resolution 22, 87, 102, 112, 115, 122, Floor Amendment 4 to House Bill 4342, Motion to Concur with House Amendment 1 to Senate Bill 619, Motion to Concur with House Amendment 2 to Senate Bill 1863; and Be Approved for Consideration - Motion to Concur with House Amendment 1 to Senate Bill 1520.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, Madam President and Ladies and Gentlemen of the Senate, I move to waive all posting requirements so that House Bill 1918 and House Bill 4451; Senate Resolution 734, 740, 741; and Senate Joint Resolutions 91; and House Joint Resolutions 22, 87, 102, 112, 115, 122 can be heard in Senate committee tonight.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne moves to waive all posting requirements so that House Bill 1918 and 4451; Senate Resolution 734, 740, 741; Senate Joint Resolution 91; and -- House Joint Resolutions 22, 87, 102, 112, 115 and 122 can be heard in Senate committee tonight. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Ladies and Gentlemen, purposes of an announcement. There will be three committees that meet at 6 p.m. - Executive, in 212; Revenue, 400; and State Government, in A-1. Again, 6 p.m. committees, three of them: Executive, in 212; Revenue, in 400; and State Government, in A-1 - at 6 p.m. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you. First, a question of the Chair. Are -- are we kind of recessed then until that time? Until after those

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committees?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, give me a few minutes and I'll get right back to you. Senator Burzynski, in answer to your question, what we are going to do is allow you guys to have your caucus, recess for committees and then return to the Senate Floor for Floor action. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Madam President. In response to that then, for all of the Republican Senate Members, I'd like to make sure that they understand we're going to have a caucus immediately in Senator Watson's Office that will run until approximately 6 o'clock when we go to committee. So, I just -- all Senate Republican Members, please come to Senator Watson's Office for a caucus. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will stand in recess to the call of the Chair. Again, after committees, the Senate will reconvene for Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. Will all Members please come to the Senate Floor? Illinois Information Service requests leave to videotape the proceedings. Hearing no objection, leave is granted. WCFN-TV requests permission to broadcast the proceedings at 9 p.m. Hearing no objections, leave is granted. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 14, together with House Amendments 1 and 2.

Passed the House, as amended, May 3, 2006.

We've received like Messages on Senate Bill 611, with House

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Amendment 2; Senate Bills 998, with House Amendments 1, 3 and 4; Senate Bill 1279, with House Amendment 1; Senate Bill 2030, with House Amendments 1 and 3; and Senate Bill 2445, with House Amendment 1.

All passed the House, as amended, May 3, 2006.

PRESIDING OFFICER: (SENATOR HALVORSON)

Committee Reports.

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports House Bill 1918 Do Pass; and the Motions to Concur with House Amendments 1 and 2 to Senate Bill 176, House Amendment 1 to Senate Bill 585, House Amendment 1 to Senate Bill 630, House Amendments 1 and 4 to Senate Bill 1625, House Amendments 1 and 2 to Senate Bill 1977, House Amendment 2 to Senate Bill 2277, House Amendments 1 and 2 to Senate Bill 2339, House Amendment 1 to Senate Bill 2487, House Amendments 1, 2 and 3 to Senate Bill 3086 recommended Do Adopt; and Senate Amendment No. 2 to House Bill 4442 recommended Do Adopt.

Senator Garrett, Chairperson of the Committee on State Government, reports House Bill 4451 Do Pass; Senate Resolutions 734, 740 and 741 Be Adopted; Senate Joint Resolution 91 Be Adopted; House Joint Resolutions 22, 87, 102, 112, 115 and 122 Be Adopted; and the Motions to Concur with House Amendments -- House Amendment 1 to Senate Bill 619, House Amendment 1 {sic} (2) to Senate Bill 1863 recommended Do Adopt; and Senate Amendment No. 4 to House Bill 4342 recommended Do Adopt.

Senator Harmon, Chairperson of the Committee on Revenue, reports Motion to Concur with House Amendments 1 and 2 to Senate Bill 230 and House Amendment 2 to Senate Bill 2654 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HALVORSON)

Messages, Madam Secretary.

SECRETARY HAWKER:

Message from the President, dated May 3, 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 House Bills:

1918 and 4451.

Sincerely, Emil Jones, Jr., Senate President.

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A second Message from the President, dated May 3, 2006.

Dear Madam Secretary - Enclosed please find the Senate Fall Veto Session Schedule for the 94th General Assembly.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR HALVORSON)

WICS-TV wishes to tape the proceedings. Seeing no problem with that, leave is granted. All the Members within the sound of my voice, please come to the Senate Chambers. We are about to go to Floor action. Supplemental Calendar No. 2 has been distributed. It should be on everybody's desks. We will be starting at the top. So we'll be at House Bills 2nd Reading. Senator Clayborne, on House Bill 1918. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1918.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Senator Lightford, on 4451. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 4451.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now, Secretary's Desk, Resolutions. The first one is Senate Resolution 734. Senator Haine. 734. Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Resolution 734, offered by Senator Haine. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

...President and Ladies and Gentlemen of the Senate, this is a resolution which is a -- a statement by the Illinois Senate to the United States District Court for the Central -- District of

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Illinois, Judge Scott. The genesis of the resolution is this: There was a bill in the Illinois House, House Bill 2449, and as it came over from the House, the -- the House Bill reflected a controversy between the railroads that are in business in Illinois and the United Transportation Union representing the railroad employees. And this bill provided for a criminal penalty for an act of a railroad employee, agent, officer, that would deny or impede a -- another employee, a union member, from seeking medical care while on the job. There was an allegation that that was occurring in -- on some lines. The -- it passed the House in that form. It -- it gave the State's attorney of each county the authority to bring the action in his or her county wherein the allegation or the incident allegedly occurred. Some State's attorneys entered slips in favor of the bill. State's Attorney John Schmidt of this fair county, Sangamon, and a -- a good friend of mine introduced a slip in favor of the bill. The railroads came to the Senate. I was sponsor of the -- of the House Bill in the Senate, and the railroads, through their lobbyists, good men and women lobbying for the railroads - nothing critical of them - they conveyed to me, a sponsor, that they desired this to be a civil remedy regulated by the Illinois Commerce Commission. And they would prefer -- with that, they would be neutral on the bill. And I importuned the United Transportation Union to go along with that course of action to avoid a tremendous fight on the Senate Floor. That was done. We amended the bill. The bill passed this Body at 58 to -- zip. It was concurred -- the amendment was concurred by the House. It was signed by the Governor. Last month the railroads, who gave us this option, gave us really the language of the statute, have filed a suit in the Central District of Illinois asking the judge to find that that statute, which was their language, was an illegal preemption of federal authority. And I am basically asking, through this resolution, that Judge Scott, the Honorable Judge, hear what occurred in the -- the Senate, this Chamber. The good faith of our business depends upon a reasonable reliance upon a party's offer of an amendment and an offer of an option. And again, nothing critical of the lobbyists. They're good people. They -- they are told what to do, but the railroad management and the lawyers for the railroad should understand

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that when we come to the Senate of Illinois and we suggest a course of action, we should not expect implicitly that they're going to go out and sue on the very basis of the course of action recommended. And I'm -- I am asking that the judge take note. This honorable judge, this learned court can do what she wills in this matter. I'm not denying the railroads the right to sue in federal court. It would be -- since the Appomattox Courthouse, I don't have that authority anyway. So, I'm just asking that the judge take note that this Body is disturbed at this action by the railroad management. That's it in a nutshell. Thank you, Madam President, Ladies and Gentlemen of the Senate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. 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 Haine, I know that there was some serious discussion about this resolution in committee and there was a -- there was a divided roll call. I want to ask you about some language that you've got in your resolution. Specifically, your resolution uses the term "estop", which you know -- as you know, is a legal term, that estopping someone from making an argument in court means they literally just can't raise the issue at all. I think there's some concern that you're using that term in the resolution in an attempt to literally block the railroads from making an argument in court. Can you clarify your usage of that term, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Madam President. Senator Righter, that is a very good question, and -- and I apologize. I'm a lawyer. Sometimes we tend to over lawyer, frankly. I should have avoided the word estoppel. I should have used a common term that I learned in Alton, Illinois, in the streets of my neighborhoods. It's called "sandbag". But I -- I -- I apologize for that use. I don't wish

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to deny. I just want the judge to take note of how this matter transpired here. And I -- and I don't wish to really have the judge consider the word "estoppel", I really don't. And I -- I - - I appreciate your question, and I -- if I had to do it over I'd have just X'd that word out.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. To the resolution: I stand in support of the resolution. I know that it did not receive a unanimous vote in committee, but I tell you, regardless of what party you represent here in the General Assembly, I think that Senator Haine is making a point that we should all pay attention to. And that is, is that he negotiated in good faith with an industry on an issue and then the industry took what he worked on to court, and saying that the very language that they proposed is something that is not legal. I think that that should concern everyone who sits in this Chamber, regardless of party. I find Senator Haine to be someone of unquestionable integrity. When he says that this is the language they brought to him and that's why he put it in the bill, I have no problems believing that whatsoever. I think this is a good resolution. I would support its passage. Thank you very much, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...Chairman and Ladies and Gentlemen of the Senate, I concur with Senator Haine and Senator Righter, absolutely. I mean, they can't have it both ways. He's done the right thing, and let's give him an Aye vote, unanimously.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Crotty.

SENATOR CROTTY:

I, too, rise in -- in support of this bill. In committee, as the previous -- one of the previous speakers had just mentioned, we had a lot of dialogue on this -- on this resolution. And I think all of us as Senators - and I stated it in committee - we work real hard to try to bring an agreed bill if we can to the -- to the Floor of the House or the Senate. I

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think Senator Haine has done that in a -- in the previous bill that was passed. And in taking consideration of all parties, he took the very parts that was taken out of that bill after being agreed upon with the railroads. The railroads used that in order to take that to court. So, in good faith, you would hope that when you're bringing the parties together and you're incorporating their ideas in your bill, that they're not going to actually take that and use that against you. They would have been better off to still oppose the bill. Instead, they opposed the bill until he put that in the bill, then they were neutral, only to take that to court. So I, too, rise in strong support in allowing all of us, as Senators, to still be able to bargain in good faith with all parties of our bills. Thanks.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Dillard.

SENATOR DILLARD:

Madam President, would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR DILLARD:

Thank you. Senator Haine, what's the difference between this and if a member of the Trial Lawyers Association, who participated in the negotiation of last year's medical malpractice agreement, decided to sue on the constitutionality of that agreed bill we put together last year?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Gosh. If they offered an amendment specifically to the bill and then sued on that, there'd be no difference what -- whatsoever. I -- I mean, none. If they offered a specific course of action, it's a reliance. That's why I kind of over-lawyered estoppel as an equitable theory, appealing to the conscience of the court. But I should stay away from those terms much as I can. But in essence, if, whatever party it is, comes in and offers a course of action and then you rely on it to get neutrality on a bill -- granted no one said we're not going to sue. If someone had said, "by the way, you adopt this and -- don't be surprised if we sue you", I guarantee you we wouldn't

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have adopted it. I'd have taken the House version, which is a criminal penalty, which is guaranteed under the Tenth Amendment to the Constitution. There'd be no question of preemption for the Central District. That's been reserved to the states to make it a criminal offense. This was done because they -- they didn't want a bloodbath. I'm saving the Senate a bloodbath over a bill. They wanted -- the workers wanted a -- remedy and then they suggested this. They suggested it. I said, well that sounds reasonable. And now they're telling the judge this is an unlawful preemption by the Illinois General Assembly, when they are hoisting us on our own petard.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion on this voice vote resolution? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is -- oh. Senator Haine moves the adoption of Resolution 734. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Thank you very much. Senator del Valle, on Senate Resolution 740. Senator Shadid, on 741. Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Resolution 741, offered by Senator Shadid. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Thank you, Madam Chairman. Excuse me.

PRESIDING OFFICER: (SENATOR HALVORSON)

If we could please have it quiet for Senator Shadid so the poor guy...

SENATOR SHADID:

Senate -- Senate -- Senate Resolution 741 recognizes and celebrates the achievements of the Federal Highway Administration, the Illinois Department of Transportation and the highway construction industry in Illinois, including the contractors, designers, engineers, labor, material producers, and equipment companies, for their contributions to the quality of life of the citizens of Illinois. We're honoring them on this 50th Anniversary of this Interstate System. Thank you.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Madam Chairman. I rise in support of the resolution. I started working on the Interstate System in 1962. I think the Interstate System has made this country what it is. It has created the best transportation system in the -- in the world and our country and has allowed us to transport goods and services throughout our nation. Just as a point of -- of information that's probably worthless, but the sixteen-foot clearance that you see on bridges on the Interstate System was set by President Eisenhower to allow the Minuteman missile to pass under the bridges so it could be -- go from coast to coast to protect our country. I think it's a great resolution and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? If not, Senator Shadid moves the adoption of Resolution -- Senate Resolution 741. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Schoenberg, on... Senate Joint Resolution 91. Senator Martinez. Senate -- House Joint Resolution 22. Senator Watson. Madam Secretary, read the resolution.

SECRETARY HAWKER:

House Joint Resolution 22, offered by Senator Watson. There are no committee or Floor amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes, thank you very much, Madam President. This resolution does exactly what the Calendar says, Supplemental Calendar No. 2. It names U.S. 51, the business route that goes through Decatur, "Veterans Parkway" in honor of the fine men and women who have served this country and served the area so well in the -- in the armed forces. Very laudable recognition that they deserve.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Watson moves the adoption of House Joint Resolution 22. All those -- it is

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the opinion of the Chair that this resolution requires the expenditures of State funds, and therefore a roll call vote must be taken. Those in favor of House Joint Resolution 22 will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, and none voting Present. The -- resolution is adopted. Senator Lightford, on House Joint Resolution 87. Madam Secretary, read the resolution.

SECRETARY HAWKER:

House Joint Resolution 87, offered by Senator Lightford. There are no committee or Floor amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Joint Resolution 87 addresses the need for a task force to be created regarding reenrolling students who dropped out of school. I'm sure many of you are aware that we have almost a hundred thousand young people who are high school dropouts between the ages of sixteen to twenty-one. And then there's a second set that we recognize between the ages of sixteen to twenty-four. And there's a breakdown indicating that seventy-four thousand young people are Hispanic, over forty-two thousand are black, over fifty thousand are white, and over six thousand are listed as other. This was according to a study that was done out of a -- a college in Boston. So, the opportunity presents itself where we can set up a task force to take a look at this particular issue and find a way to bring the young people back, to enrolling them in high school so that they can complete their high school diploma, and I believe that this will be a good effect, because it will allow people the opportunity to gain gainful employment, remove them from welfare rolls, perhaps they won't need mental help, and will just be a win-win situation for all of us. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Lightford moves the adoption of House Joint Resolution 87. It is the

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opinion of the Chair that this resolution requires the expenditure of State funds, and therefore a roll call vote must be taken. So those in favor of House Joint Resolution 87 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 55 Yeas, none voting Nay, none voting Present. The resolution is adopted. Senator Hunter, on House Joint Resolution 102. Madam Secretary, read the resolution.

SECRETARY HAWKER:

House Joint Resolution 102, offered by Senator Hunter. There are no committee or Floor amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Madam -- Madam President and Ladies and Gentlemen of the Senate. House Joint Resolution 102 represents an agreement between the -- the Southern Illinois University and the Minority Caucus and the General Assembly regarding annual reporting on minority participation in all fellowship and graduate ship -- graduate assistantship programs. The resolution was an outgrowth of the Department of Justice case that the University settled this year. In that case, the University agreed to open admissions for three small graduate programs that previously were race and/or gender exclusive. During the Department of Justice inquiry, a systemwide analysis of minority participation in all of the graduate fellowships and assistantship -- assistantships indicated that Hispanics and African-Americans were underrepresented in comparison to their demographics in the general population in the State. The reporting requirements in the House Joint Resolution 102 will assist the University in ensuring that all of the -- of our graduate programs are open and available to all interested applicants, regardless of race, gender or national origin. I urge your support of this resolution and I'm open or available for any kind of questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Hunter moves

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the adoption of House Joint Resolution 102. It is the opinion of the Chair that the resolution requires the expenditures of State funds; therefore a roll call vote must be taken. Those in favor of House Joint Resolution 102 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 55 Yeas, none voting Nay, none voting Present. The resolution is adopted. House Joint Resolution 112. Senator Risinger. Madam Secretary, read the resolution.

SECRETARY HAWKER:

House Joint Resolution 112, offered by Senator Risinger. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Risinger.

SENATOR RISINGER:

Madam President, House Joint Resolution 112 urges the Illinois National Guard to either name the National Guard Readiness Facility, which is under construction now in Galesburg, in honor of the late Sergeant First Class Kyle Wehrly or make other -- some other appropriate honorary designation. Sergeant Wehrly was killed in Iraq and this resolution would honor him. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Risinger moves the adoption of House Joint Resolution 112. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Sullivan, on House Joint Resolution 115. Madam Secretary, read the resolution.

SECRETARY HAWKER:

House Joint Resolution 115, offered by Senator Sullivan. There are no committee or Floor amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. House Joint Resolution 115 creates a Joint Task Force on Meat and Poultry Inspection. Task force will review current laws and regulations regarding the licensing and regulation of meat and poultry processors and

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slaughterers and to determine whether changes are warranted in the licensing and regulation of these entities.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Sullivan moves the adoption of -- House Joint Resolution 115. It is the opinion of the Chair that this resolution requires expenditure of State funds; therefore a roll call vote must be taken. So, those in favor of House Joint Resolution 115 will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting Present. The resolution is adopted. Senator Collins, on House Joint Resolution 122. Madam Secretary, read the resolution.

SECRETARY HAWKER:

House Joint Resolution 122, offered by Senator Collins. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Joint Resolution 122, the resolution creates a Joint Task Force on Community Colleges to make recommendations to the General Assembly regarding whether the current community college system is adequate to meet future needs. I -- this replicates House Joint Resolution 24 that passed out previously, and I'd ask for an affirmative vote -- or motion to concur.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Collins moves the adoption of House Joint Resolution 122. It is the opinion of the Chair that the resolution requires the expenditure of State funds; therefore a roll call vote must be taken. Those in favor of House Joint Resolution 122 will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting Present, and the resolution is adopted. Continuing on Secretary's Desk, Concurrence, Senate Bills, we have Senate Bill 176. Senator Schoenberg, do you wish to proceed? Excuse me, Senator Schoenberg. We are going to, with leave of the Body,

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return to Senator Martinez. On Senate Joint Resolution 91. Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Joint Resolution 91, offered by Senator Martinez. There are no committee or Floor amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

Madam President, Members of the Senate, House Joint Resolution 91 creates a Joint Task Force on the College Insurance Program to review the present program and the inclusion of City Colleges into the program.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Martinez moves the adoption of Senate Joint Resolution 91. It is the opinion of the Chair that this resolution requires the expenditure of State funds, and therefore a roll call vote must be taken. Those in favor of Senate Joint Resolution 91 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 55 Yeas, none voting Nay, none voting Present, and the resolution is adopted. Continuing on now to Secretary's Desk, Concurrence, Senate Bills, is Senate Bill 176. Senator Schoenberg. On the Order of Concurrence is Senate Bill 176. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 176. Motion filed by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg. Out of the record. On the next page of Secretary's Desk, we'll be going to Senate Bill 585. Senator Cullerton, do you wish to proceed? I apologize. Top of the page, we missed Senate Bill 230. Senator Harmon, on Senate Bill 230. Out of the record. Senate Bill 585. Senator Cullerton. Madam Secretary, please read the motion.

SECRETARY HAWKER:

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I move to concur with the House in the -- in the adoption of their Amendment No. 1 to Senate Bill 585.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. I move to concur with the House amendment. This bill deals with the Open Meetings Act and it's a bill that defines "meeting" to include presence whether by telephone calls, video or audio conferences, electronic means, or other means of contemporaneous interactive communication. Basically, many people have conducted meetings sometimes using electronic means. We want to make sure it comes under the Open Meetings Act. The -- the House really just made a -- minor modification. When we talked about quorums, we allowed for certain public bodies to meet, in specifically Chicago or Springfield. We've changed -- the House has changed that requirement so to -- so as to allow it to include other offices as long as they're public buildings and -- and they would have their -- interactive video conferences along with public notice. So, it's not controversial. It's a good addition, and I would be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam Chairman. To the bill: I just want to let our Members know on this side that we voted against the original bill; however, Senator Cullerton has done an excellent job and we voted for this bill unanimously in Senate Executive Committee, and I would encourage an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? This is final action and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 585. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, none voting Nay, none voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 585. And the bill, having received the required

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constitutional majority, is declared passed. Senator Clayborne, on Senate Bill 619. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 619.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President and Members of the Senate. House Amendment No. 1 deletes all and becomes the bill. It allows the State to provide financial assistance to new electric generating facilities funded through a U.S. Department of Energy grant before December 31st, 2007, that support the creation of Illinois coal-mining jobs. I would ask for your -- your favorable vote on the motion to concur.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 619. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are -- 57 Yeas, none voting Nay, none voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 619. And the bill, having received the required constitutional majority, is declared passed. Senator DeLeo, on Senate Bill 630. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 630.

Motion filed by Senator DeLeo.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

Thank -- thank you very much, Madam President and Ladies and Gentlemen of the Senate. I move to concur in House Amendment No. 1 to Senate Bill 630. What it does, it increases the civil penalties for anybody that commits a fraud against the State of Illinois. It goes from five dollars up to a thousand dollars

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{sic}. I ask to concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

You know, Senator, your response to my question of why we were doing this bill was so eloquent and passionate, and -- and I still get a little emotional thinking about how -- how beautiful your words were in the Executive Committee, that I want to ask you the question again. Why is it, Senator, that -- that we're changing this bill and -- and I think we should all hush, and be quiet, and listen to -- to Senator DeLeo, and maybe just have a slight pause for a slight moment of silence. We're ready, Senator.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Senator Roskam, and if you're asking me to repeat my answer in the Senate Executive Committee, I'd be glad to. I have no idea why the House changed this bill to this language. I got the language about three hours ago. I don't know why they took out the original provision of this bill. But in fairness to all Members and courtesy to my colleagues in the House, I accept their amendment and I do ask for concurrence, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Righter.

SENATOR RIGHTER:

Will the sponsor yield, please, Madam President?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator DeLeo, at 11 o'clock this morning, a Health and Human Services Committee hearing was held, and in that committee Senate Bill 630 was posted to be heard. And when I asked the Chair what was going to happen with the bill, they said, well,

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Senator DeLeo's not going to call it. What -- what happened -- and this is -- this is -- this is an honest question, what happened between then and now to permit this bill to get out on the Senate Floor? Can you help me with that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

After reading the -- the bill because I didn't know the language was changed in it, I fell in love with it and asked for it to be reposted.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

You know -- well, Madam President, I'll tell you, anyone who is powerful enough to have a bill posted in one committee and then just a short ten hours later have that bill rerouted to yet another committee and have it out here on the Floor, is far too powerful a person for me to cross. So, I'm going to vote and support the bill. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 630. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present, and the Senate concurs in House Amendment No. 1 to Senate Bill 630. And the bill, having received the required constitutional majority, is declared passed. Senator Trotter, on Senate Bill 1520. Out of the record. Senator Schoenberg, on 1625. Out of the record. Senator Hunter, on 1863. Out of the record. Senator Schoenberg, on 1977. Out of the record. Senator Cullerton, on 2277. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2277.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. This bill, as we passed it out of the Senate, dealt with transferring money from the horseracing fund earmarked for museums and aquariums in Chicago to -- to clarify that that would be paid to the museums as determined by the museums and the park. And the second part of the bill dealt with the fact that the off-track betting parlor in Champaign moved to Urbana. And so we had to change the language so that the money would go to Urbana instead of Champaign. That House amendment clarified that Urbana proportion, so as to make it clear that the monies appropriated to Urbana shall be made in lieu of amounts paid to the Champaign Park District. Know of no opposition and ask -- ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Winkel.

SENATOR WINKEL:

Briefly to the bill: I just wanted to thank the sponsor for your cooperation, your help by adding the -- the amendment. I rise in support of this legislation. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Roskam. Is there any further discussion? Seeing none, this is final action and the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 2277. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 57 Yeas, none voting Nay, none voting Present, and the Senate concurs in House Amendment No. 2 to Senate Bill 2277 and, having received the required constitutional majority, is declared passed. Senator del Valle, on 2339. Out of the record. Senator Silverstein, on 2487. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2487.

Motion filed by Senator Silverstein.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Madam President. This will move back the MDS payment for three months. Apparently this is something we have to do because the feds -- the paper we got from the feds was late, so this is -- everyone's on board, all associations. And I'll ask for a favorable Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator, we asked this question in committee, and just for the benefit of the Membership, could you let us know why this -- this delayed period of time is necessary?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Apparently there was some documentation that we did not get from the federal government that's going to affect the cycle. So they're just pushing it back three months. That's all.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Righter. Any further discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2487. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 57 Yeas, none voting Nay, none voting Present, and the Senate concurs in House Amendment No. 1 to Senate Bill 2487. And the bill, having received the required constitutional majority, is declared passed. Senator Harmon, on 2654. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2654.

Motion filed by Senator Harmon.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. The underlying bill, as it left the Senate, provided for the dissolution of the Cook County Suburban Tuberculosis Sanitarium District. As a part of that dissolution, we provided by statute for the abolition of the tax levied by the district. In the language we chose to use on the -- the abolishment of the tax, we included language that noted that Cook County is a home rule unit and already has the power to enact a similar levy for similar purposes. The House has deleted that language. It does not have any impact on the underlying bill and it is important to note that, by statute, we will still be abolishing the tax levy. I'm not aware of any opposition and I'd ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. This came out of the Senate Revenue Committee unanimously, so I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 2654. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present. The Senate concurs in House Amendment No. 2 to Senate Bill 2654. And the bill, having received the required constitutional majority, is declared passed. Senator Garrett, on Senate Bill 3086. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2, and 3 to Senate Bill 3086.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Thank you, Madam President. Senate Bill 3086 with House

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Amendments No. 1, 2 and 3 is a comprehensive reform of the exercise of eminent domain authority in the State of Illinois. It sets forth provisions that spell out when, what, and how a taking entity may take of the private property of another and how the entity must dispose of the property it takes. It changes the "just compensation" award when by providing for relocation costs, attorney's fees and an adjustable valuation date. It places the burden of proving blight on the taking entity. I'd be happy to answer some questions, but for legislative intent, I'm going to have to indulge you again and read some things into the record and then respond to questions. So, let me start out with number one. For the record, Senate Bill 3086, in the form below us today, does not and is not intended to grant any new power to any government entity when it comes to taking property that will be used or controlled by a private party. In these instances, the bill establishes procedural safeguards that apply to any power that the government had prior to the passage of the bill. The bill does not grant a government agency any new power with respect to these procedural safeguards. For example, at subsection 5-5-5(e) of Article 5 in House Amendment 3, the bill describes certain procedures that will apply when a public entity wishes to acquire property and then transfer the property or property interests so that it can be used or controlled by a private party. As I've already stated, these procedures do not expand the government entity's existing authority. It does not, for instance, give the government power to let the property to -- to a private party, or to let the property for a period of time longer than is currently permitted under the law, or to let it for a particular purpose, such as a leaseback financing arrangement. And at subsection 5-5-5(f) {sic} of Article 5 in House Amendment 3, we clearly state that quote, "This Article is a limitation on the exercise of the power of eminent domain, but is not an independent grant of authority to exercise the power of eminent domain," end of quote. So to reiterate: In those instances when a government agency is taking land that will be used or controlled by a private party, the bill does not expand the government agency's authority regarding eminent domain, nor does the bill expand the government agency's authority regarding the associated safeguards and procedural requirements, such as

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real estate leases, transfers and agreements.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR LINK:

Senator Garrett, I understand that you say the bill's procedural safeguards do not grant new powers to government agencies when they take land that will be ultimately used or controlled by a private party. In this regard, I'd like to ask a few questions for clarification. For example, my understanding of the subsection 5-5-5(e) that you used as an illustration in this: if a government agency plans to seize land that will be used or controlled by a private party, then one of the procedural requirements is that the government must have an enforceable encumbrance against the property for a period of forty years, to assure that the private party uses the property for the stated purpose. Is my reading of this Section correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

But because of subsection 5-5 {sic} (5-5-5), section (e) is a procedural safeguard, it does not expand the government's entity to -- authority to let property in the first place or to let it for a period of time that is longer than currently allowed under the law. Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes, that is correct. The bill does not grant the government agency the authority to let property, or to let property for any particular duration, for any particular purpose, or under any particular conditions.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Further discussion? Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR LIGHTFORD:

Thank you. Senator Garrett, I have a question concerning legislative intent. So on a point of clarity concerning the April 15th, 2006, cutoff date for municipalities to have completed the TIF establishment process, was it not the intent of the General Assembly to prevent a municipality from completing a TIF process that was commenced prior to the April 15th cutoff date? Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I rise in support of this bill, Madam Chairman -- Madam President and Ladies and Gentlemen of the Senate. I have worked with eminent domain matters and I can honestly tell you that Senator Garrett really tightened this bill considerably and I think it is a very fair bill. And I -- I urge your -- your support of it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR CROTTY:

Also for legislative intent: Is there any intention for Senate Bill 3086, the eminent domain legislation, to modify the statute in a manner contrary to Senate Bill 3046, the bill which impacts municipalities' ability to acquire a water utility?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Garrett.

SENATOR GARRETT:

No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Further discussion? Senator Althoff.

SENATOR ALTHOFF:

Thank you, Madam President. To the bill: As one of the individuals when this piece of legislation was in this Chamber before, who voted only Present, and requested that the sponsor continue to work on the legislation and make it the bill that it could be, I'd just like to go on record and thank the sponsor for continuing that, working with numerous municipal organizations, as well as the House Democratic, Republican staff and several of the members over there. This is really a fine piece of legislation and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Further discussion? Senator Haine.

SENATOR HAINE:

Will the sponsor yield, Madam President?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR HAINE:

Senator Garrett, this bill is not intended, is it, to change the established laws and procedures relating to the use of eminent domain pursuant to the Illinois Commerce Commission's grant of -- of a certificate and the procedures which are described therewith in section c of the bill?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

That is correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR CROTTY:

Not in...

SENATOR HAINE:

It -- it's not intended to do that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Cronin.

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SENATOR CRONIN:

Yes. Thank you, Madam President. I rise in enthusiastic support and want to commend the lead sponsor, Senator Garrett, for her diligence and determination and pursuing the issue, responding to a public outcry months ago in the aftermath of the New London case, a Supreme Court case. A lot of people said, "Well, it's not necessary, it's -- the Illinois law is just fine the way it is." Well, after, you know, hours and hours of hearings and testimony, groups that came together, witnesses, experts, we realized that Illinois law wasn't perfect and it needed to be amended. We had a version here that was very good. And it went out of this -- this Chamber, went over to the House, and ironically and -- and interestingly and -- and for a lot of good reasons, frankly, the bill was expanded in the House, and creates a -- an Act, it has five different categories of eminent domain, it -- it establishes when attorney fees are -- are applicable and when they're not. It -- it's -- the -- the -- the amendments that were put on in the House made a good bill even better. So, I rise in support and I commend the sponsor and all the people that came together and I also commend the leadership in the House for these amendments. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, Senator Garrett, to close.

SENATOR GARRETT:

Yeah, I -- I would like to say that when we did begin this process it was in response to the Kelo decision, but it was clearly the people that came to our hearings and let us know that they really wanted to have protections and they felt that the State of Illinois could certainly do a much better job. And after careful research and really listening to people all across the State, I think we've put together what I would describe as a model piece of legislation. And while I participated in the process, there were hundreds and hundreds of other people who added invaluable information and incredible amounts of time. I especially want to thank the Illinois Association of Realtors, who stood by us through thick and thin and really helped create this bill and make sure that it is as good as it is today, and also for my chief sponsor, Senator Dan Cronin, and also to

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Senator Emil Jones for his assistance. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action, and the question is, shall the Senate concur in House Amendments 1, 2 and 3 of Senate Bill 3086. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present, and the Senate concurs in House Amendment Nos. 1, 2 and 3 to Senate Bill 3086. And the bill, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes, thank you very much, Madam President. As every day has gone by here in Springfield with -- since April 7th without a budget, it's cost the taxpayers more and more money. And tonight and throughout -- yesterday and today we've witnessed the parade of people leaving the Floor, asking for more and more and more on your side. Four of us are -- over here are thinking about voting for the budget just to save the taxpayers of Illinois millions and millions of dollars that is actually being negotiated, as we speak, in the back rooms here in the halls of this Capitol. So, come on over here and we're willing to talk, and I think the people of Illinois would be better off by it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Madam President. I just wanted to let Leader Watson know, we'll work it out. We don't -- we don't want to put you on front street. We'll work it out. Just -- just be patient.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Well, my name was used in debate, so I guess I can get an opportunity to say something else.

PRESIDING OFFICER: (SENATOR HALVORSON)

I know. I wasn't going to say anything. But...

SENATOR WATSON:

You know, we know you're going to get it worked out. We --

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we know that, but it's just, what is it going to cost the taxpayer of this State? What is the ultimate cost going to be for this totally irresponsible budget we're about to vote on at some point in time, if not tonight, tomorrow?

PRESIDING OFFICER: (SENATOR HALVORSON)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 10 a.m., tomorrow, May 4th, 2006. The Senate stands adjourned.