

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

6/6/2007

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PRESIDING OFFICER: (SENATOR DeLEO)

The regular Session of the 95th General Assembly will please come to order. Will the Members please be at their desk? Will all our guests in the galleries please rise? The invocation today will be given by Father John Wentz, of the South Side Christian Church, here in Springfield.

PASTOR JOHN WENTZ:

(Prayer by Pastor John Wentz)

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Reading and Approval of the Journal, please.

SECRETARY SHIPLEY:

Senate Journal of Tuesday, June 5th, 2007.

PRESIDING OFFICER: (SENATOR DeLEO)

Good afternoon, Senator Hunter. Nice to see you today.

SENATOR HUNTER:

Thank you, Mr. President. Good afternoon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you very much. Ladies and Gentlemen, Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Resolutions, please.

SECRETARY SHIPLEY:

Senate Resolution 239, offered by Senator Clayborne and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

...Consent Calendar, please.

SECRETARY SHIPLEY:

And Senate Resolution 240, offered by Senator Forby. It's substantive.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Sullivan, Chairperson of the Committee on Agriculture and Conservation, reports a Motion to Concur with House Amendment No. 1 to Senate Bill 1617 recommend Do Adopt.

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary-Civil Law, reports Senate Amendment No. 8 to House Bill 830 and a Motion to Concur in House Amendments 1 and 2 to Senate Bill 337 recommend Do Adopt.

Senator Silverstein, Chairperson of the Committee on Executive, reports Motions to Concur with -- on -- in House Amendment No. 1 to Senate Bill 158, House Amendment No. 1 to Senate Bill 1327, and House Amendment No. 1 to Senate Bill 1625 recommend Do Adopt.

Senator Demuzio, Chairperson of the Committee on State

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Government and Veterans Affairs, reports Motions to Concur in House Amendments 1 and 2 to Senate Bill 8, House Amendments 1 and 3 to Senate Bill -- 336, and House Amendment No. 1 to Senate Bill 1619 recommend Do Adopt.

Senator Wilhelmi, Chairperson of the -- of the Committee on Judiciary-Criminal Law, reports Motions to Concur in House Amendments 1, 2 and 3 to Senate Bill 607, House Amendments 1 and 2 to Senate Bill 697, House Amendments 1 and 4 to Senate Bill 1094, and House Amendment No. 1 to Senate Bill 1627 recommend Do Adopt.

Senator Munoz, Chairperson of the Committee on Transportation, reports Motions to Concur in House Amendment No. 1 to Senate Bill 314 and House Amendments 1, 3 and 4 to Senate Bill 435 recommend Do Adopt.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, reports Motions to Concur in House Amendment No. 1 to Senate Bill 1481, and House Amendments 1 and 2 to Senate Bill 1621, and House Amendment No. 1 to Senate Bill 1653 recommend Do Adopt.

Senator Crotty, Chairperson of the Committee on Local Government, reports a Motion to Concur in House Amendment No. 1 to Senate Bill 684, House Amendment No. 2 to Senate Bill 1261, House Amendment No. 1 to Senate Bill 1453, and House Amendments 1 and 3 to Senate Bill 1746 recommend Do Adopt.

Senator Garrett, Chairperson of the Committee on Public Health, reports Motions to Concur in House Amendments 1 and 3 to Senate Bill 144 and House Amendment No. 1 to Senate Bill 940 recommend Do Adopt.

Senator Meeks, Chairperson of the Committee on Human

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Services, reports Motions to Concur in House Amendment No. 1 to Senate Bill 574, House Amendment No. 1 to Senate Bill 1579, and House Amendments 1 and 2 to Senate Bill 1664 recommend Do Adopt.

Senator Maloney, Chairperson of the Committee on Higher Education, reports a Motion to Concur in House Amendment No. 1 to Senate Bill 729 recommend Do Adopt.

And Senator Harmon, Chairperson of the Committee on Revenue, reports a Motion to Concur in House Amendments 1 and 2 to Senate Bill 13 recommend Do Adopt.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, for what purpose are you seeking recognition, sir?

SENATOR RIGHTER:

Thank you, Mr. President. For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR RIGHTER:

Thank you. I would simply like the record to reflect that Senators Pankau and Burzynski are not with us today to -- due to attention to family -- I'm sorry, family matters. Senator Dillard is gone on legislative business.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. The record will so indicate.

SENATOR RIGHTER:

Thank you, Mr....

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Madam Secretary, Communications, please.

SECRETARY SHIPLEY:

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I have a letter -- letter dated June 6th, 2007.

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

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Messages, please.

SECRETARY SHIPLEY:

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

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

Senate Bill -- 434, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1 to Senate Bill 434.

Passed the House, as amended, June 5th, 2007. Mark Mahoney, Clerk of the House.

I have a Message from the House by Mr. Mahoney, Clerk.

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

House Bill 654, which -- which amendment is as follows:

Senate Amendment No. 1 to House Bill 654.

Non-concurred in by the House, June 5th, 2007. Mark Mahoney, Clerk of the House.

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

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

House Bill 429.

Passed the House, June 5th, 2007. Mark Mahoney, Clerk of the House.

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 4.

Offered by Senator John O. Jones. Adopted by the House, June 5th, 2007. Mark Mahoney, Clerk of the House.

It is substantive, Mr. President.

And the last 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 333, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1 to Senate Bill 333.

Passed the House, as amended, June 6, 2007.

We have like Messages on Senate Bill 778, with House Amendment No. 1.

Passed the House, as amended, June 6, 2007. Mark Mahoney, Clerk

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of the House.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, House Bills 1st Reading, please.

SECRETARY SHIPLEY:

House Bill 429, offered by Senator Silverstein.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen of the Senate, for the purposes of an announcement: The Rules Committee will meet immediately in the President's Anteroom. I'd ask all members of the Rules Committee please report to the Anteroom immediately. Thank you. Madam Secretary, Committee Reports, please.

SECRETARY SHIPLEY:

Senator Halvorson, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Environment and Energy Committee - a Motion to Concur with House Amendments 1, 4 and 5 to Senate Bill 1366; refer to Executive Committee - Floor Amendment No. 1 to Senate Bill 782 and Floor Amendment No. 1 to House Bill 1100; refer to Human Services Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 234; refer to Judiciary-Civil Law Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 531, a Motion to Concur with House Amendment No. 1 to Senate Bill 996, and Floor Amendment No. 1 to Senate Bill 1035; refer to Judiciary-Criminal Law Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 677, Floor Amendment No. 1 to Senate Bill 866 and Floor Amendment No. 1 to Senate Bill 997; refer to Licensed Activities Committee - a Motion to Concur with

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House Amendment No. 1 to Senate Bill 1424; refer to Local Government Committee - a Motion to Concur with House Amendment 1 to Senate Bill 434, a Motion to Concur with House Amendment No. 1 to Senate Bill 833, and Floor Amendment No. 1 to Senate Bill 837; refer to Revenue Committee - Floor Amendment No. 1 to Senate Bill 798; refer to State Government and Veterans Affairs Committee - a Motion to Concur with House Amendments 1 and 3 to Senate Bill 597, and Floor Amendment No. 2 to Senate Bill 766.

Senator Debbie Halvorson, Chairman. June 6th, 2007.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, the Secretary has just read in the Committee Reports. I'd like to make announcement. I'd like to make an announcement, please. At 2:30 today - 2:30 today - Environmental {sic} and Energy will be in Room 212. At 2:30 today, Human Services will meet in Room 400. That's Room 400, Human Services. At 3 o'clock, Executive will meet in Room 212. The Executive Committee will meet at 3 o'clock, in 212. At -- in Room 400, at 3 o'clock today -- Revenue Committee will meet at 3 o'clock, in Room 400. At 3 o'clock today, in Room 409, State Government and Veterans Affairs will be today, at 3 o'clock. Also today, at the hour of 3:30 - at the hour of 3:30 - the Education Committee will meet in 212. At 3:30 today, Wednesday, Licensed Activities will meet in Room 409. Those will be the Wednesday committee meetings. Tomorrow morning, on Thursday - tomorrow morning - at 10 a.m., Judiciary-Civil Law will be in 212, and Judiciary-Criminal Law at 10:30. So, the two Thursday committees will be 10 o'clock, Judiciary, in 212, followed immediately by Criminal Law Judiciary at 10:30. Thank you. Excuse me. For -- additional committee, tomorrow, Thursday, at

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10 a.m., in Room 409, Local Government will meet in Room 409. That's Thursday at the hour of 10 a.m. Thank you. Senator Martinez, for what purpose you rise, ma'am?

SENATOR MARTINEZ:

For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, ma'am.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Senate. Today is a beautiful day here in the Senate Floor, because I want us all to wish our wonderful Secretary of the Senate Deborah Shipley, a big, big birthday. So, happy birthday.

PRESIDING OFFICER: (SENATOR DeLEO)

Happy birthday, our Secretary of the Senate Deb Shipley. Senator Righter, are you seeking recognition, sir?

SENATOR RIGHTER:

I am, Mr. President. Thank you. Earlier in my announcement concerning Members on the Republican side who are absent, I omitted Senator Lauzen. Senator Lauzen will also not be with us today, Mr. President. He is back in the district on family matters, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. The record will so reflect. Okay. Ladies and Gentlemen, I'd ask you to turn your Calendars to page 33. Page 33 of the Senate Calendar. In the middle of page 33 is House Bills 2nd Reading. House Bill 1750. House Bills... Senator Silverstein, on House Bill 750 -- 1-7-5-0. Madam Secretary, please read the bill.

SECRETARY SHIPLEY:

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House Bill 1750.

(Secretary reads title of bill)

2nd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you.

SECRETARY SHIPLEY:

No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

...you, Madam President. 3rd Reading. Ladies and Gentlemen, I ask you to turn your Calendars back to page 31 of your Calendar. Page 31 of your Calendar is House Bills 3rd Reading. House Bills 3rd Reading is House Bill 830. Senator Cullerton, do you wish to proceed, sir? He indicates -- I -- I -- excuse me. I believe this is a recall. Senator Cullerton, you're seeking leave of the Body to return House Bill 830 to the Order of 2nd Reading for the purpose of an amendment. Is that correct, sir? Hearing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 830. Madam Secretary, has there been any amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 5, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to explain Floor Amendment No. 5, sir.

SENATOR CULLERTON:

Wish to withdraw No. 5.

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman asks to -- to table Floor Amendment No. 5. Hearing no objection. All in favor will say Aye. All opposed will say Nay. Hearing no objection, Floor Amendment No. 5 is now

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tabled. Madam Secretary, are there any further amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 6, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. Senator Cullerton, to explain Floor Amendment No. 6, sir.

SENATOR CULLERTON:

I'm sorry, Mr. President. What I wanted to do is withdraw 5 and 6, and adopt 7 and 8.

PRESIDING OFFICER: (SENATOR DeLEO)

The -- the gentleman has requested to table Floor Amendment No. 6. All in favor will say Aye. All opposed will say Nay. The amendment is tabled. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 7, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Cullerton, to explain Floor Amendment No. 7, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This is a trailer bill to Senate Bill 472 that we have already passed. This has to do with the cost of records -- medical records or records for -- attorneys' records and how much the cost is. You may recall that I -- when we passed 472, I indicated I was going to come -- come with this amendment. The amendment becomes the bill. And -- and it basically changes the -- House {sic} Bill 472 by assessing a fee per page. I move for its adoption.

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PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Senator Hultgren, are -- to the amendment, sir?

SENATOR HULTGREN:

Just real briefly, and we can talk more on the -- on the final vote on this, when we move it to 3rd. But this was something I -- I think that is -- is the right thing to do. My understanding is there's going to be some negotiations, working out what the right amount -- dollar amount is for these copies and things, over the next six months. And I know Senator Cullerton has stated that and it sounds like -- that's a -- a good process. We hope to be involved in that process as well over the summer.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Thank you very much, Senator. Okay, Ladies and Gentlemen, Senator Cullerton moves the adoption of Floor Amendment No. 7 to House Bill 830. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it. The amendment's adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

Yes, Mr. President. Floor Amendment No. 8, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Cullerton, to explain Floor Amendment No. 8, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This Floor Amendment No. 8 makes the fee structure for electronic attorneys'

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records identical to the fee structure for electronic medical records. I move for its adoption.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Seeing no discussion, Senator Cullerton moves the adoption of Floor Amendment No. 8 to House Bill 830. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it. The amendment's adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 830. Senator Cullerton, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

House Bill 830.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to the bill, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. As I indicated, we've already passed Senate Bill 472. It deals with the cost of medical records and attorneys' records. And this bill is necessary in order to change the fee structure so that for electronic records that they be, per page, fifty percent of the cost of paper records. This is a -- a change from 472 which had only one charge for one disk of electronic records, which I

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didn't think was fair. So, even though the Hospital Association had been opposed to 472, they would be, I presume, in favor of this trailer bill, because the trailer bill gives more money back to the people who are providing the medical records. In -- in addition, of course, the Trial Lawyers and the Illinois State Bar Association and the Illinois State Medical Society are in favor of the bill. So, with this, I would be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Any discussion? Senator Hultgren, for what purpose you rise?

SENATOR HULTGREN:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR HULTGREN:

Again, real quickly, this number -- as we look on our summary, this was a -- a controversial bill originally. All that language, my understanding is, has been stripped out. This is just dealing with, specifically, copy fees for medical records, giving people access to their medical records at a reasonable rate, and then also attorneys being able to get copies as well, or attorneys' copies also being regulated on this. Again, there's been agreement and discussion in committee that there -- over the next six months -- this doesn't become implemented, my understanding is, until January 1st. And it's an opportunity for us to work with Hospital Association to, again, make sure that this is the right dollar amount. And I understand that the sponsor's very willing to work on that. I know Members on our

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side of the aisle are also willing to do that. So, with that in mind, I would encourage Members on our side, again, to support it. I do think this makes the other bill a better bill by putting in these more reasonable fees. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Any further discussion? Seeing no further discussion, Ladies and Gentlemen, the question is, shall House Bill 830 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 51 Ayes, 0 voting Nay, 1 voting Present. House Bill 830, having received the required constitutional majority, is declared passed. Senator Hendon, for what purpose you seeking recognition, sir?

SENATOR HENDON:

Mr. President, inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your inquiry, sir.

SENATOR HENDON:

Mr. President, I know we're moving at a very quick pace, but the bill prior to this one, I believe was House Bill 1750. That was the electric rate freeze bill. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, sir. That's correct. It was moved from 2nd Reading to 3rd Reading, sir.

SENATOR HENDON:

So, we moved the electric rate freeze to 3rd Reading? Did we move it -- is it in position now to -- for final passage? Is -- that's why we moved it to 3rd Reading?

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PRESIDING OFFICER: (SENATOR DeLEO)

It's moved to 3rd Reading, sir. It'll have to stay on the Calendar for one day. It'll be -- it will be on the Order of 3rd Reading tomorrow, sir. Senator Hendon.

SENATOR HENDON:

So, there is a possibility that we will be moving the rate freeze bill tomorrow?

PRESIDING OFFICER: (SENATOR DeLEO)

And the seven-percent cap, and the budget, and the supplemental, and the racing bill, and the gaming bill. There's a possibility for everything tomorrow, sir. Ladies and Gentlemen, if I could have your attention, we're going to -- to Supplemental Calendar No. 1. Supplemental Calendar No. 1 has been printed and distributed. It is on the Members' desks. I want to remind the Members, Ladies and Gentlemen, this is final action. So, we will go to the Secretary's Desk, Concurrence, Senate Bills. We will go to Senate Bill 8. Senator Kotowski, do you wish to proceed, sir? The gentleman indicates he wishes to proceed. Madam Secretary, please read the gentleman's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 8.

Signed, Senator Kotowski.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski, to explain your motion, sir.

SENATOR KOTOWSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Amendment No. 2 to Senate Bill 8 retains the bill. As amended by House Amendment No. 2, requires that any contracts

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entered into -- into by the Department of Veterans' Affairs in the Post-Traumatic Stress Disorder Outpatient Counseling Program are to be with individuals and entities -- preapproved by the U.S. Department of Veterans Affairs and must be for the provisions of services preapproved by the U.S. Department of -- of Veterans Affairs. The -- this legislation is a good quality piece of legislation. It addresses a couple of components: number one, makes sure we provide grants to nurses who are going to be working in VA homes and hospitals, as well as provide funds for post-traumatic stress disorder for veterans in the State of Illinois. Feel strongly about this legislation. I have a great deal of support from the Veterans of Foreign War {sic} (Wars). They're strongly in favor of it, as well as my Northwest Suburban Veterans' Advisory Council. They encouraged me to move forward on this legislation and work to get it passed in this State. Be more than happy to answer your questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Senator Peterson, you seeking recognition on this matter, sir?

SENATOR PETERSON:

Thank you, Mr. President. I just would like the Body to be aware that in this concurrence motion, we are reducing the homestead exemption for disabled veterans from fifteen thousand to zero. But in Senate Bill 13, I believe, which got out of committee today, we were generous. We gave them five thousand. So, the veterans lost ten thousand dollars in their homestead exemption in this exchange. And I'll probably support the bill, but I think that our veterans deserve more than just five

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thousand dollars for the disabled veterans standard exemption and it should have stayed at fifteen. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski, to close, sir.

SENATOR KOTOWSKI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Again, I -- I spoke to the Commander of the VFW Posts today and, you know, while this bill does not achieve everything we would like to achieve, they're very strongly in favor and supportive of the initiative and the immediate need of veterans of our State who are suffering from post-traumatic stress disorder, as well as the immediate needs of getting nurses to work in VA homes and hospital. I would ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 and No. 2 to Senate Bill 8. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 52 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 and No. 2 to Senate Bill 8. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 13. Senator Link. Senator Terry Link. Ladies and Gentlemen, with leave of the Body, we will return to Senate Bill 13. On the Order of Concurrence is Senate Bill 144. Senator Susan Garrett, do you wish to proceed, ma'am? She indicates she

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wishes to proceed. Madam Secretary, please read the lady's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 144.

Signed, Senator Susan Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR GARRETT:

Yes. Thank you, Mr. President. House Amendment No. 1 retains the underlying bill and adds a three-year sunset to the introduced bill, which increased the lifetime benefit amount received under CHIPS {sic} (CHIP) from 1.5 million to two million. And I just want to acknowledge Senator Demuzio, who worked very hard on this -- this amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. Is there any discussion? Is there any discussion? Senator Righter, are you seeking recognition on this concurrence, sir?

SENATOR RIGHTER:

I am, Mr. President. First, inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DeLEO)

State your inquiry, sir.

SENATOR RIGHTER:

Mr. President, it is our understanding that both House Amendment 1 and House Amendment 3 are contained on a single motion, is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

That's correct.

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SENATOR RIGHTER:

Mr. President, I would move, then, to divide the question and ask for separate roll calls on each of the amendments, please.

PRESIDING OFFICER: (SENATOR DeLEO)

The -- the -- the request is a division of the question, so we will divide the two amendments. So, the question before us, shall we concur in House Amendment No. 1 to Senate Bill 144. Madam Secretary, I'd -- I'd ask you to take your -- take the correction, and I'd ask you to make the board to read Amendment No. 1 only. Senator Hendon, for what purpose you seek recognition?

SENATOR HENDON:

Well, Mr. President, I thought it was just one motion. I didn't know that he could split the motion. It's -- it's one motion as I understand it. The motion may contain both amendments, but it's one motion. I don't think that that can be split -- that you could split the motion.

PRESIDING OFFICER: (SENATOR DeLEO)

Just -- Senator Hendon, just give me one second, please. And I just want to -- do a verification of our Senate Rules that we adopted. Okay, Ladies and Gentlemen, we're back on Concurrence, Senate Bill 144. Amendment No. 1 to Senate Bill 144. Okay, Ladies and Gentlemen, once again, the question is, shall the Senate concur in Amendment No. 1 to Senate Bill -- Amendment No. 1 to Senate Bill 144. The -- this is final action. All those in favor will vote Aye. All those -- you'd like to speak to the amendment, sir? Senator Righter, to the motion, sir.

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SENATOR RIGHTER:

Thank -- thank -- thank you, Mr. President. With regards to this roll call on House Amendment 1 to Senate Bill 144, I rise in support of this motion. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Ladies and Gentlemen, once again, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 144. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 53 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 144. And the bill, having -- and the motion carries. Now we will see -- proceed on the Order of Concurrence on Amendment No. 2. Senator Garrett, to present House Amendment -- the concurrence on Amendment No. 2, ma'am.

SENATOR GARRETT:

Thank you, again, Mr. President. House Amendment No. 3 adds...

PRESIDING OFFICER: (SENATOR DeLEO)

Excuse me. The correct -- excuse me. I'm sorry. I stated for the record that it was Amendment No. 2. It's actually Amendment No. 3. So, the -- the -- the board is right. The -- the -- it should be Amendment No. 3, ma'am. So, to the amendment.

SENATOR GARRETT:

Let me be clear, House Amendment No. 3 to Senate Bill 144 adds a provision requiring the plan to provide coverage for

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various preventive health screenings, for mammograms, Pap tests, digital rectal exams, prostate-specific tests, -- colon cancer exams and screening, and for contraceptives. The amendment also provides that any expenses or charges for routine physical examination or tests related to these provisions are also covered. And, finally, the amendment deletes a provision excluding any expense or charge for oral contraceptives used for birth control or any temporary birth control measures from coverage under the plan.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Senator Brady, are you seeking recognition for this motion, sir?

SENATOR BRADY:

Thank you, Mr. President. I am. I would first ask the required number of votes for this to pass, and then I'll have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

This requires three-fifths majority. Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. If this should receive the requisite number of votes, I would ask for a verification. And a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman has requested a verification on this roll call. That's in order. And now the lady indicates she'll yield for a question, sir. Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Senator, earlier in committee,

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you indicated that this would require taxpayer dollars for prescriptions such as the morning-after pill. Do you concur with that to continue?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Garrett.

SENATOR GARRETT:

That is correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Ladies and Gentlemen, I speak in opposition to the legislation. This, as Senator Garrett has admitted, will allow taxpayer dollars to be used for prescriptions such as the morning-after pill, a chemical abortion or abortifacient drug. For those of you who are concerned about that, I hope you strongly consider that and vote No.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Hendon. Are -- would you like to speak to this motion, sir?

SENATOR HENDON:

Yes, Mr. President. This is a motion to concur, right?

PRESIDING OFFICER: (SENATOR DeLEO)

Correct.

SENATOR HENDON:

So, this came out of the House a hundred and thirteen to nothing according to my analysis -- I mean, a hundred and fifteen to nothing. So, Leader Cross and Speaker Madigan supported this and I just wanted to make sure the other side of the aisle understood that, you know, since that's a prerequisite to how

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they vote these days. Seem like it'd get fifty-nine.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR GARRETT:

Yeah. I just want to say to the -- Senator Brady's comment that the requirements for any of these treatments/medications are the same. It's not like somebody can circumvent the process. And it's the same kinds of requirements for getting a morning-after pill, as an example. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 144. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 28 voting Aye, 19 voting Nay, 0 voting Present. And the motion fails. Madam Secretary, the -- the Secretary shall inform the House. Continuing on Motions to Concur is Senate Bill 158. On the Order of Concurrence is Senate Bill 158. Senator Garrett, do you wish to proceed? She indicates she wishes to proceed. Madam Secretary, please read the lady's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 158.

Signed, Senator Susan Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. Senator Garrett, to explain your motion, ma'am.

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SENATOR GARRETT:

Yes. Thank you, Mr. President. Basically, what this does is deletes the action of knowingly failing to control access to either the residence or the alcoholic liquor and replaces it with knowingly authorizes consumption of alcoholic liquor by underage invitees. For those of you who are following this legislation.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator Garrett. Is there any discussion? Is there any discussion? Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in Amendment No. 1 to Senate Bill 158. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 51 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 158 -- the Senate will concur in House Amendment No. 1 to Senate Bill 158. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 314. 314. Senator Maloney, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the gentleman's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 314.

Signed, Senator Edward Maloney.

PRESIDING OFFICER: (SENATOR DeLEO)

...you. Senator Maloney, to explain your motion, sir.

SENATOR MALONEY:

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Thank you, Mr. President. If you remember, Senate Bill 314 is initiative of the Healthy Streets Campaign that aims to effect a balanced, transportation environment. The amendment was redrafted -- redrafts the legislation to emphasize the primary emphasis for this is in urban areas. It does not mandate sidewalks or bicycle accommodations on IDOT projects outside of urban areas. And it only requires that they be part of the planning process. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 314. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 52 Ayes, 0 voting Nay, 0 voting Present. Senate Bill 314 -- the Senate concurs in House Amendment No. 1 to Senate Bill 314. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence comes Senate Bill 336. Senator Harmon, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the gentleman's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 336.

Signed, Senator Don Harmon.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. Senator Harmon, to explain your

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motion, sir.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill, Senate Bill 336, permitted the State to enter into long-term contracts for mortgage and bond insurance. House Amendment No. 1, the House limited that authority to contracts awarded only by the Illinois Housing Development Authority. That is not a controversial amendment and meets the intent of the original bill. The second amendment -- or, I'm sorry, Amendment No. 3, added in the House, picked up one, and in fact, the noncontroversial element of Senate Bill 1381. It increases the dollar threshold for the Business Enterprises {sic} (Enterprise) for Minorities, Females, and Persons with Disabilities Act from twenty-seven million to 31.4 million. There were some concerns raised in committee. I have documentation that supports my claim in committee that that change is, in fact, based simply on the Consumer Price Index. Again, the more controversial elements of that bill have not been included here. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Harmon. Is there any discussion? Senator Peterson, for what purpose you seek recognition, sir?

SENATOR PETERSON:

Thank you, Mr. President. To the bill: I would like to commend the sponsor. We did have questions in committee about the threshold amount and he did come up with the formula that showed how the twenty-seven million became 34.4 million for the threshold amount, and has satisfied my question. And I recommend passage of -- or approval of the concurrence motion. Thank you.

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PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Ladies and Gentlemen, seeing no further discussion, the question is, shall the Senate concur in House Amendment No. 1 and No. 3 to Senate Bill 336. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 53 Ayes, 0 voting Nay, 1 {sic} (0) voting Present. The Senate concurs in House Amendment No. 1 and No. 3 to Senate Bill 336. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 337. Senator Harmon, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the gentleman's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 337.

Signed, Senator Don Harmon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Harmon, to explain your motion, sir.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill came to me from a constituent who was seeking guardianship of his adult son who suffered from fetal alcohol syndrome, but was unable to do so. We attempted to remedy that by amending the Probate Act to include fetal alcohol syndrome and fetal alcohol effects within the definition of "developmental disability". The House made a modest change in style and have suggested that we instead redefine "disabled

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person" to include someone who is diagnosed with fetal alcohol syndrome. I believe this was an initiative of the Department in order to not upset a settled definition of "developmental disability" and cause unintended consequences. I'm not aware of any opposition and I'd ask you to join me in my motion to concur.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 and No. 2 to Senate Bill 337. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 50 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 337 -- Senate will concur in House Amendment No. 1 and No. 2 to Senate Bill 337. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 435. Senator Maloney, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the gentleman's motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of their Amendments 1, 3 and 4 to Senate Bill 435.

Signed, Senator Edward Maloney.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Maloney, explain your motion, sir.

SENATOR MALONEY:

Thank you, Mr. President. Amendment 1 is simply deleted by Amendment 3. And if you remember, this bill left this Chamber because many Illinois consumers were being victimized by

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fraudulent tow companies. Relocating tow companies are those that relocate vehicles from private parking lots, are regulated by the ICC, their rates are set, and the guidelines are in place regarding these companies. Non-relocating companies or safety relocators companies that remove a vehicle from a crash site are not regulated. We attempted to set some fees, et cetera, but found out, when this -- when this legislation got to the House, that we were preempted by federal law that prevents that. So what we have done in the amendment is that these companies now will be -- operate under a registration certificate with the ICC; they will get specific authorization from the vehicle operator before towing it; provide written disclosure which includes the business name, address, phone number, and addresses {sic} (address) to which the vehicle is being located -- relocated; and provide an itemized invoice upon demand. If -- ICC finds a violation of this law, they can impose -- impose penalties. And, finally, the -- this in no way compromises the existing contractual agreements between towing companies and municipalities, counties, the Toll Highway Authority, auto clubs, et cetera. And the language on page 8 deals with the rates that can be charged solely with the relocation of vehicles from public/private property -- private property as the State cannot regulate the non-relocation tows. Be happy to answer any questions. Oh, I'm...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Maloney.

SENATOR MALONEY:

Amendment 4 is simply a technical amendment which changes an erroneous reference and corrects that. And I'd also like to

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thank Senator Althoff for her input on this most important issue. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1, No. 3 and No. 4 to Senate Bill 435. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 53 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1, 3 and 4 to Senate Bill 435. The bill, having received the required constitutional majority, is declared passed. Continuing on Concurrences, go to page 2 of your Supplemental Calendar. On the Order of Concurrence is Senate Bill 574. Senator Wilhelmi, you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 574.

Filed by Senator Wilhelmi.

PRESIDING OFFICER: (SENATOR DeLEO)

...you. Senator Wilhelmi, to explain your motion, sir.

SENATOR WILHELMI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment No. 1 to Senate Bill 574 deletes all and becomes the bill. It requires the Department of Human Services to adjust rate methodologies for CILAs using the findings and recommendations of the CILA nursing services reimbursement work

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group established last year by Senate Resolution 514. The rate methodology shall improve the efficient and effective utilization of nursing personnel, increase the levels of nursing services, and improve access and availability of nursing services for residents in CILAs. The rate methodology increase is subject to appropriation. Be happy to ask any -- answer any questions, and I ask for your support on this motion.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 574. All those -- in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 53 voting Aye, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 574. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 607. Senator John Cullerton, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 607.

Filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Cullerton, to the -- to the amendment, sir.

SENATOR CULLERTON:

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Thank you, Mr. President. How you doing?

PRESIDING OFFICER: (SENATOR DeLEO)

How you doing?

SENATOR CULLERTON:

I'm okay. I'm doing 3rd Reading right now, though. Talk to you later. This bill is a concurrence motion for Amendments 1, 2 and 3. The original bill was a DUI rewrite - no substantive changes, just a reorganization of the DUI statute. It did have some provisions dealing with forfeiture and this amendment takes that out, because there wasn't an agreement between the State Police and the State's Attorneys. So the amendment does that, takes it out and leaves just the -- the rewrite, where we basically split the basic offense and sentencing provisions and the administrative sanctions provisions into two interrelated Sections. So that's -- that's a very good thing. But the second thing that this bill does is it has a trailer bill. It is a trailer bill to the DUI bill that we passed this year, which was Senate Bill 300. It was necessary because on page 17 of Senate Bill 300, there's language address -- addressing when a judge shall not issue an interlock driving permit, such as if the defendant kills another person or has a prior reckless homicide; however, that provision was mistakenly drafted, due to the fact that there was a double negative in the subsection, as having the opposite meaning that was intended. So that's what this -- this bill does. It's a trailer and I would point out that that -- that DUI bill that we did pass, Senate Bill 300, is a significant bill, very beneficial. The effective date's delayed, but when they write about the important bills that we passed this year, that will be certainly one of 'em. So be happy to answer any

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questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1, 2 and 3 to Senate Bill 607. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 53 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1, 2 and 3 to Senate Bill 607. And the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 684. Senator Link. Senator Terry Link, on Concurrence. Leave of the Body, we will return to 684. On the Order of Concurrence is Senate Bill 697. Senator Wilhelmi. Senator Wilhelmi, do you wish to proceed? He indicates he wishes to proceed. Mr. Secretary, please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 697.

Filed by Senator Wilhelmi.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Wilhelmi, to explain your motion, sir.

SENATOR WILHELMI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Amendment 1 to Senate Bill 697 retains the bill and creates the Cyber-crimes Location Database, authorizing the Attorney General to compile and use information regarding

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Internet protocol addresses used by registered sex offenders and sexually dangerous persons. It also expands the registration requirements of sex offenders to require the disclosure of Internet protocol addresses owned or accessible by sex offenders. Amendment No. 2 is a technical cleanup of some language. And, lastly, I'd like the Members to know that I will be running a trailer bill, as well, to make sure that this new offense of aggravated child pornography is added to the list of offenses that would trigger certain restrictions on sex offenders. Be happy to answer any questions, and I ask for your support of the motion.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Ladies and Gentlemen, seeing no discussion, this is final action. The question is, shall the Senate concur in House Amendment No. 1 and No. 2 to Senate Bill 697. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 53 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 and No. 2 to Senate Bill 697. And the bill, having received the required constitutional majority, is declared passed. Senator Lightford, good afternoon. How are you, ma'am? Are you seeking recognition?

SENATOR LIGHTFORD:

Good afternoon, Mr. President. Yes, I am. Personal privilege, please.

PRESIDING OFFICER: (SENATOR DeLEO)

State your point, ma'am.

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SENATOR LIGHTFORD:

Ladies and Gentlemen in the Senate, I have a good friend in the gallery right behind me. She's the Executive Director of Proviso Mental Health. She does a great job lobbying on behalf of all of our children with disabilities and our adults. She's joined with her two lovely daughters. Can you please welcome Lisa DeVivo to the Senate, please?

PRESIDING OFFICER: (SENATOR DeLEO)

Would our guests please rise and be recognized? And welcome to the Illinois State Senate. Okay, Ladies and Gentlemen, on the Order of Concurrence is Senate Bill 729. Senator Garrett, do you wish to proceed, ma'am? She indicates she wishes to proceed. Mr. Secretary, please read the lady's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 729.

Filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Garrett, to the motion, ma'am.

SENATOR GARRETT:

Yes. Thank you, again, Mr. President. Basically, what this motion does - this amendment - it does -- it provides immunity for public universities from lawsuits arising from expression made in campus media except for the university's own expression.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Any discussion? Seeing no discussion, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in Amendment No. 1 to Senate Bill 729. All those in favor will vote Aye. All those

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opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 53 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 729. And the bill, having received the required constitutional majority, is declared passed. Senator John Jones, how are you this afternoon, sir?

SENATOR J. JONES:

Well, thank you, Mr. President. I -- I am excellent, really.

PRESIDING OFFICER: (SENATOR DeLEO)

Are you seeking recognition, sir?

SENATOR J. JONES:

Yes. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

State your point, sir.

SENATOR J. JONES:

I -- I noticed on the Concurrence Calendar, and -- and I know you're -- you're up to speed on everything that's going on around here, and in the last few days there's been several write-ups in the paper and the like about the Governor questioning our workload down here in Springfield, especially the House. So, I was just wondering if -- if the twenty-eight bills that we're -- bills that we're doing on Concurrence today meets with the Governor's approval on our workload for today.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jones, as you know, this is the Senate and the Senate dances to its own beat. And what the second floor does and what the House of Representatives does is no concern, because

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the Senate always tries to do the right thing for the people of the State of Illinois. Ladies and Gentlemen, with leave of the Body, I'd ask you to turn your Concurrence Calendar. We're going to jump out of order here for just one second. We'd -- we're going to go on the Order of Concurrence to Senate Bill 1579. Senator Garrett, do you wish to proceed, ma'am? She indicates she wishes to proceed. Mr. Secretary, please read the lady's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1579.

Filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Senator Garrett, to explain your motion, ma'am.

SENATOR GARRETT:

Yes. Thank you, Mr. President. This amendment basically clarifies that, in this particular bill, the Hospital Facilities Planning Board will be a part of the process and their participation means that they would have to issue a permit for a freestanding emergency center.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion? Seeing no discussion, Ladies and Gentlemen, once again, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1579. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that

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question, there are 52 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 1579. And the bill, having received the required constitutional majority, is declared passed. Now we'll return -- once again, we'll go back to the order we just left on the -- following page -- the previous page. Excuse me. On the Order of Concurrence is Senate Bill 940. Senator Kotowski, do you wish to proceed, sir? He indicates he wishes to proceed by buttoning his jacket. Mr. Secretary, please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 940.

Filed by Senator Kotowski.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski, to the motion, sir.

SENATOR KOTOWSKI:

Mr. President, there is a -- a standard that you have set in this Chamber, a standard of decorum and looking good for appearance's sake and I just wanted to live up to that standard. I hope you understand that. Thank you. Mr. President and Ladies and Gentlemen of the Chamber, I would like to speak to House Amendment No. 1 for Senate Bill 940. House Amendment No. 1 simply clarifies the definition of mental illness to create a standard that ensures only those who are dangerous don't get a FOID Card. It makes sure that there is a reasonable relationship between the mental disease and the issuance of a FOID card. The bill also -- and we worked in concert on the House side with the Illinois State Medical Society, 'cause I wanted to ensure that the professionals diagnosing the dangerous psychosis are

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qualified to make such a diagnosis. That -- the reason that we -
- it was amended also, it would be referring to -- practitioners
defined in the Mental Health Code. Now, there were some issues
that were brought up in committee, and I believe I can answer
them right now. The question was, does a facility or -- or a
clinic include individual physicians/practitioners offices? No,
but the legal facility does not include individual practitioners
or their offices, but individual practitioners typically have
privileges at facilities other than their office. If they don't,
and someone needs greater care than they can provide, they refer
to someone at a facility. I'd be more than happy to answer any
questions in reference to these amendments. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Senator
Righter, seeking recognition, sir?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Thank you, Mr. President. Senator Kotowski, you and I
talked about this issue in committee a little bit earlier today.
And I just heard your comments that most, if not all individual
practitioners, have privileges at a hospital or a clinic. But
it's my understanding that psychologists or licensed clinical
therapists or licensed clinical social workers, who would be
doing the kind of work that your bill refers to, oftentimes do
not have those privileges and therefore would not fall under the

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definition of mental health facility that you're referencing. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

I think, according to the Mental Health Code, the -- the definition is attempting to be as broad as it possibly can be in terms of the reporting provision. It was my understanding, in talking to the Illinois State Medical Society, that most providers in the situation that you referred to would have some kind of connection with a -- a mental health facility or a hospital, because, as you mentioned, someone who's a -- an MSW or psychologist, if they had to make a diagnosis that was far more serious, it -- they would need to have that kind of affiliation where they could refer that information to a hospital or mental health facility.

PRESIDING OFFICER: (SENATOR DeLEO)

Continuing on the discussion, Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Well, Senator Kotowski, let's walk through a hypothetical here. A psychologist, who hangs out his or her own shield -- or -- or shingle, so they're not -- they don't have privileges anywhere and they're a sole practitioner - okay - would they fall under the definition, in your view, of mental health facility as described in the Code that you reference in your bill? And if so, what phrase or word pinpoints that person?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

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SENATOR KOTOWSKI:

I'm -- I'm not certain that they would, given the hypothetical that you offered.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Would that be -- your answer be true also for a licensed clinical therapist who is also an individual practitioner who does not have privileges anywhere or a licensed clinical social worker who does not have privileges anywhere?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you for your question, Senator. I -- I think, you know, what you're trying to get at is the -- the thrust of the bill and make sure that the bill is as effective and as impactful as it possibly can be. And what we've attempted to do with this legislation, and attempted in working in partnership with groups like the Illinois State Medical Society, but also with the Attorney General's Office, is try and cover as many categories as we possibly can. And the idea here is to be able to capture the information. The prohibition still exists according to the FOID Act, but the idea is to provide the vehicle in order to capture the information. And I think what you're trying to get at, I think is important, but the legislation is broad as it possibly can be at this juncture. And it provides an opportunity, where we haven't had before, in order to get this information to Department of Mental Health and then the State Police about people who are receiving services through outpatient, people who

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are not going to private hospitals or DMH facilities, but people who are at private hospitals, outpatient facilities, mental health clinics to try and make it as broad as it possibly can be. So, under there -- stand there's scenarios that you're -- you're attempting to look at and I'm glad you're bringing it up, but the challenge here is to try and be able to capture the information, get the information to the State Police, the Department of Mental Health, and make sure that we prevent people who are a threat to themselves and to someone else from buying a firearm.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

...motion, please, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

To the motion, sir.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen of the Senate. I appreciate Senator Kotowski's work on this and it's good work, but it's not complete work. We are going to be kidding ourselves if we think that what the language that we have before us in this motion captures all of the information we need to capture. There are going to be people out there who are emotionally, mentally troubled who are going to see practitioners like who I described in my questioning of Senator Kotowski, and those individuals are not under any requirement to report. And so, I rise in support of the bill because it is a good start. I sincerely hope that this Body, this sponsor will come back next year and make an effort to make sure we're getting all the information and not just most of the information. As we saw in Virginia, Mr.

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President, it only takes one to slip through the grate to create a significant tragedy. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Further discussion? Senator Jacobs, to the motion, sir.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR JACOBS:

Senator, when you create this list of names of people who you think are threats, who keeps this list?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Senator. This legislation is -- is not -- when it becomes law, it's not based on what I think; it's based on what the law says. And this list of prohibited purchases, it's the existing law. It's existing law in the State of Illinois. It's the -- the FOID Act. The FOID Act prohibits certain people from being able to secure a -- a FOID Card so they can purchase a firearm. That's existing law. It just doesn't change existing law. All it does is make sure that it provides information and we capture the information so that we can better enforce the existing law. And I think you would agree that that's an excellent provision of this piece of legislation. And because I -- I know we've had conversations before throughout the year. We want government to be as effective as it possibly can be and this allows our government to be effective in addressing existing law.

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I mean, the -- the important information connected to this bill is we're able to share information about prohibited gun buyers with the national instant check system. And the -- when the information comes up -- and so you know, as a point of clarification, when the information comes up, either in Illinois or if somebody crosses the border to Indiana, the information come up, it doesn't detail why somebody's been prohibited to buy the gun. It just details that they cannot buy a gun because they are now a prohibited gun buyer. So the legislation is an excellent piece of legislation and -- and it essentially reflects the existing law in the State of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

On this list, is this list public information? Can anyone have access to this public information list or is this a secret list?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

No.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

Can a person be denied insurance coverage, medical coverage or any other bad thing because they are on this list?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

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I -- I'm glad you brought that up, Senator. Thank you for asking that question, and the answer is, again, no.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

One final question, Senator. If a person is falsely accused and ends up on this list, how, in your bill, do they get off this list?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you for the question, Senator. This doesn't change any provision in existing law in terms of the enforcement of people who are prohibited from buying a gun. I mean, they -- there's existing law we have in the -- in the FOID Act in the State of Illinois. I mean, if someone's falsely accused and not convicted, I would imagine they would not be prevented from securing a -- a FOID Card in this situation. The word you used is "accused" and, you know, what the FOID -- FOID Card deals with is people who've been adjudicated mentally delinquent, who've had a -- who are a threat to themselves or -- or to someone else, or to someone who's been convicted of a felony. These are all clear provisions within the legislation. They're -- they're very clear and they -- they provide a certain amount of protection for us.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

...I appreciate your attempt to try to clean up this bill, because I -- I think it needs some more work. I am greatly

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concerned that this law violates the HIPAA laws. HIPAA laws are patient/doctor confidentiality. You're asking doctors to report on their patients that they may feel are dangerous, but what happens in those cases when somebody wants to get even with someone, when someone wants to put somebody in a bad way? Don't you have some concerns that -- that a doctor may put you on the list and then you may find yourself in an airport unable to get off the list? I think it's a slippery slope, Senator, when -- when a governmental body begins to create lists. It bothers me. So, if you would pull this out of the record, move towards solving some of those issues, I -- I -- I would be more supportive. But I know that in the aftermath of the terrorism at Tennessee that a lot of people thinks this is going to solve it, but I don't think it's going to. Thank you, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Seeing no further discussion, Senator Kotowski, to close, sir.

SENATOR KOTOWSKI:

I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 940. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 48 Ayes, 4 voting Nay, 1 voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 940. And the bill, having received the required constitutional majority, is declared

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passed. Senator Susan Garrett, are you seeking recognition, ma'am?

SENATOR GARRETT:

Yes, Mr. President. I would like to move to not concur on House Amendment 3 to Senate Bill 144 and ask the House to recede from that amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. You heard the lady's request. That will be printed and on the Calendar for tomorrow's agenda. Thank you, Senator Garrett. Senator John Sullivan, for what purpose do you rise, sir?

SENATOR SULLIVAN:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR SULLIVAN:

Ladies and Gentlemen, I have some very special guests in the Chamber with us today. They are the Schuyler County Red Hat Society ladies, up in the gallery over on the other side. They are some of my constituents. I'd like -- it's a lovely group of ladies. I'd like everybody to welcome 'em to Springfield.

PRESIDING OFFICER: (SENATOR DeLEO)

Our guests please rise. Please rise and be recognized by the Illinois Senate. Welcome to Springfield. Welcome to overtime Springfield. Okay. Ladies and Gentlemen, on the Order of Concurrence is Senate Bill 1094. Senator Koehler, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the gentleman's motion.

ACTING SECRETARY KAISER:

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I move to concur with the House in the adoption of their Amendments numbered 1 and 4 to House -- excuse me, to Senate Bill 1094.

Filed by Senator Koehler.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Koehler, to explain your motion, sir.

SENATOR KOEHLER:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. The original bill was a bill that increased the FOID Card from five years to ten years and increased the fee subsequently one dollar each year, so it was a ten-dollar fee. The amendment basically deletes everything and becomes the bill - I'm talking about Amendment No. 4. And, as amended, SB -- Senate Bill 1094 denies a fire -- Firearms Owner {sic} (Firearm Owners) Identification Card, or a FOID Card, to persons who have been adjudicated by a court as mentally defective. It requires that the circuit clerk to inform the State Police upon adjudication of any individual as a mental defective. Senate Bill 1094 also increases the FOID Card issuance and renewal fee of ten dollars and extends the duration of the FOID Card for ten years. I would ask for your concurrence and your approval on this motion.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Senator Wilhelmi, for what purpose you seek recognition, sir?

SENATOR WILHELMI:

Question of the sponsor, please, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR WILHELMI:

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Thank you. Senator Koehler, the term, quote, "has been adjudicated" a mental -- "as a mental defective", is that term used by federal law?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Koehler.

SENATOR KOEHLER:

Yes. Thank you for the question, Senator. Yes, it is.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Wilhelmi.

SENATOR WILHELMI:

And, Senator, for the purposes of legislative intent, that term is to -- is to mean that the person being found, quote, "mentally defective", end quote, has had due process, a chance to raise a defense, to have counsel present, and to have a fair hearing in front of a judge?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Koehler.

SENATOR KOEHLER:

Yes, Senator. This intent is to ensure that a person who is subject of a written order by a judicial officer that finds, after a hearing of which, such person received actual notice and at which such person had an opportunity to participate with counsel, raise a defense and, in fact, was given due process.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Wilhelmi.

SENATOR WILHELMI:

Senator, does this cover both inpatient and outpatient treatment?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Koehler.

SENATOR KOEHLER:

Yes, Senator. The case of the Virginia Tech shooting, the -
- the individual was adjudicated by a judge, but that order was
never sent to State Police. Now we have a similar gap in our
law, and even if that person was adjudicated and mandated to
outpatient treatment, this would catch that person, whereas
current law would not.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Wilhelmi.

SENATOR WILHELMI:

And finally, Senator, starting on page 1 of the bill, there
is a list of five findings which mean that a person has been,
quote, "adjudicated as a mental defective", end quote. For
purposes of legislative intent, will a determination of any one
of these five findings mean that a person has been, quote,
"adjudicated as a mental defective", end quote?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Koehler.

SENATOR KOEHLER:

Yes, Senator. There are five -- the five factors are meant
to be read independently. A finding that any one of them exists
is sufficient. This is not intended to require a finding that
all five factors are present. To further address this point, I
will be presenting a trailer bill to add language to make it
clear that the five factors are to be read independently of each
other.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, seeing no further discussion,

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this -- this is final action. The question is, shall the Senate concur in House Amendment No. 1 and No. 4 to Senate Bill 1094. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 52 Ayes, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendment No. 1 and No. 4 to Senate Bill 1094. And the bill, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, as earlier -- for purposes of announcement - for purpose of announcement - Environmental {sic} and Energy will meet immediately, at the hour of 2:30, in Room 212. Human Services, in Room 400, at 2:30, which will be meeting immediately. Having said that, there will be no further business to come before the Senate. The Senate stands adjourned until the hour of twelve noon, tomorrow, June 7th, the year 2007. The Senate stands adjourned.