

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

HB4583	Recalled	8
HB4583	Third Reading	9
HB4588	Third Reading	10
HB4602	Recalled	11
HB4602	Third Reading	12
HB4605	Third Reading	13
HB4628	Third Reading	14
HB4675	Recalled	15
HB4675	Third Reading	16
HB4683	Recalled	17
HB4683	Third Reading	18
HB4736	Third Reading	19
HB4754	Recalled	20
HB4754	Third Reading	20
HB4869	Third Reading	21
HB5076	Recalled	24
HB5076	Third Reading	25
HB5101	Third Reading	29
HB5101	Vote Intention	44
HB5120	Third Reading	30
HB5120	Vote Intention	33
HB5148	Third Reading	32
HB5159	Third Reading	33
HB5192	Third Reading	40
HB5196	Third Reading	41
HB5238	Third Reading	43
HB5251	Third Reading	44
HB5288	Recalled	45
HB5288	Third Reading	47
HB5653	Recalled	6
HB5653	Third Reading	7
SR0732	Resolution Offered	5
SR0733	Resolution Offered	5
SR0734	Resolution Offered	5
SR0735	Resolution Offered	5
SR0736	Resolution Offered	5
HJR0119	Resolution Offered	5
Senate to Order-Senator DeLeo		1
Journal-Postponed		1

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Message from the House	5
Senate Stands at Ease/Reconvenes	71
Committee Reports	71
Adjournment	74

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, the regular Session of the 95th General Assembly will please come to order. Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal of Friday, May 23rd, 2008, pending arrival of the printed transcripts.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Senator Haine, for what purpose you seeking recognition, sir?

SENATOR HAINE:

Mr. President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR HAINE:

I have two points. Mr. President, I just want to say that after nineteen Special Sessions, with you in the President's Chair, every Session is special. That's my first point. Thank you. My second point, Mr. President, I wish to introduce my Page for a Day, Daniel Draper. A young man who -- who is from Alton, Illinois, and his family, Jim Lynch and Melissa Draper, who are behind the President's -- in the President's Gallery right behind the Chair. And I would ask the Senate to give them a warm Illinois Senate welcome.

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests please rise and be recognized? And a warm Senate welcome. Welcome to Springfield. Senator Althoff, are

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

you seeking recognition, ma'am?

SENATOR ALTHOFF:

Yes, I am, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

...your point.

SENATOR ALTHOFF:

Did you have a nice weekend? Holiday weekend, sir?

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, but I missed Springfield tremendously.

SENATOR ALTHOFF:

As -- as did I. Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, ma'am.

SENATOR ALTHOFF:

Thank you. Ladies and Gentlemen of the Senate, I, too, have a very important guest with me today. His name is Todd Meyer, from Huntley, Illinois. He attends Heineman School. His grandfather was the State's Attorney from Cole {sic} (Coles) County. So politics runs in his blood as well. And he's here to watch us work today. Can we give him a nice welcome to Springfield, please?

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome to Springfield. Welcome to the Illinois State Senate. Senator Bivins, for what purpose you seek recognition, sir?

SENATOR BIVINS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

SENATOR BIVINS:

I'd like to introduce to the Senate a young lady, Natalee Anderson, who is here job shadowing today. And Natalee was also -- I had the privilege of coaching her in volleyball and she was part of a State championship team, the Faith Christian Falcons. And I'd like to give her a warm welcome. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome to the Illinois State Senate. Welcome to Springfield. Senator Radogno, are you seeking recognition, ma'am?

SENATOR RADOGNO:

I am. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR RADOGNO:

Thank you. To the Members of the Senate, the cookies on your desk are evidence of a momentous occasion yesterday - the Senate -- the birthday of our colleague Senator Dan Rutherford. At first I thought he was hiding it by having in on a holiday, but apparently he's not. So, could we all join in wishing him a happy birthday?

PRESIDING OFFICER: (SENATOR DeLEO)

Would our esteemed colleague please rise and be recognized? Very happy birthday to you, Senator. Thank you for allowing the General Assembly to be off on your birthday. Thank you very, very much. Senator Forby, are you seeking recognition, sir?

SENATOR FORBY:

Yes, I am. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

State your point, sir.

SENATOR FORBY:

Today I have a very beautiful young gal. She's going to be the Page for me today. Her grandma works for me in my office, Debbie {sic} (Bobbie). And today, she is going to be the Page today. Will you give her a warm welcome?

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome. Welcome to Springfield. Welcome. The big tippers are on this side. The big tippers... Senator Noland, for what purpose do you rise, sir?

SENATOR NOLAND:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR NOLAND:

Thank you. It is my honor and privilege to introduce to the Senate, and I'm asking you for a warm -- for a warm Senate welcome for Alexa and Kayla Agoranos. Their parents, Sophia and Pete, are in the gallery just -- just behind the President's chair. Alexa just -- just won first place in a second grade art contest in School District 300. And Kayla just won second place statewide in a balance beam competition in gymnastics. They are both stellar -- gymnasts, excuse me. Alexa wants to be a scientist and Kayla wants to be an artist when she grows up. Please welcome them to the Senate. Thank you very much.

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome. Would our guests in the galleries please rise? And our two special Pages, congratulations and welcome to Springfield. Mr. Secretary, Resolutions, please.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

ACTING SECRETARY KAISER:

Senate Resolution 732, offered by Senator Silverstein and all Members.

Senate Resolution 733, offered by Senator Link and all Members.

Senate Resolutions 734 and 735, offered by Senator Haine and all Members.

And Senate Resolution 736, offered by Senator Sullivan. They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions Consent Calendar. Mr. Secretary, Messages, please.

ACTING SECRETARY KAISER:

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

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

House Joint Resolution 119.

Offered by Senator Holmes and adopted by the House, May 22nd, 2008. Mark Mahoney, Clerk of the House.

It is a substantive resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

WTTW and -- seeking leave of the Body to videotape the proceedings. Seeing no objection, so ordered. WAND Television, here in Springfield {sic}, also seeking leave of the Body to videotape the proceedings. Seeing no objection, leave is granted. Okay, Ladies and Gentlemen, if I could have your attention, please. We're going to House Bills 3rd Reading.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Final passage. I'd ask you to turn to page 17 of your printed Calendar. With leave of the Body, we will be going to House Bills 3rd Reading. We're going to the top of page 17. Senator Bivins, on 5653, sir. Senator Bivins, on 5653. I believe the Senator is seeking leave of the Body to return House Bill 5653 to the Order of 2nd Reading for the purposes of an amendment. Is that correct, sir? Hearing no objection, leave is granted. Now, on the Order of 2nd Reading is House Bill 5653. Mr. Secretary, has there been any amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

Yes, Mr. President. Floor Amendment No. 1, offered by Senator Bivins.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bivins, to explain your amendment, sir.

SENATOR BIVINS:

Thank you, Mr. President. The amendment removes the terminology "non-probational" {sic} (non-probationable), as was agreed upon in the Judiciary Committee. And the -- then it'll just increase the penalty from a Class 2 to a Class 1 felony.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Senator Bivins moves the adoption of Floor Amendment No. 1 to House Bill 5653. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, has there been any further Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 5653. Senator Bivins, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 5653.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bivins, to the bill, sir.

SENATOR BIVINS:

Thank you, Mr. President. This bill will increase the penalty for disarming a peace officer or a correctional employee from -- and move it from a Class 2 felony to a Class 1 felony. And I'd appreciate an Aye vote. And I know of no opposition.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5653 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 5653, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, could I have a -- could I have a moment, please? Senator Bivins. Senator Bivins. Senator, on behalf of the entire General Assembly, we would like to extend our extreme condolences on your recent loss in your family.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

We're very, very sorry, sir. Okay, Ladies and Gentlemen, leave of the Body, we will go back to House Bills 3rd Reading. We will go to the middle of page -- the top of page 13. Ladies and Gentlemen, House Bills 3rd Reading. On the top of page 13 is House Bill 4583. Senator Link. Senator Link, are you seeking leave of the Body to -- to return this back to the Order of 2nd Reading for purpose of an amendment? Is that correct, sir? Actually, the purposes of amendments. Okay, Senator Link seeks leave of the Body to return House Bill 4583 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 4583. Mr. Secretary, has there been any amendments approved for consideration?

ACTING SECRETARY KAISER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Link, to explain the amendment, sir.

SENATOR LINK:

Thank -- thank you, Mr. President. This is a worked -- work agreement amendment with non-for-profits and the Department of Labor. I know of no -- of opposition to the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Seeing none, Senator Link moves the adoption of Floor Amendment No. 1 to House Bill 4583. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Has there been any further Floor amendments approved for consideration, Mr. Secretary?

ACTING SECRETARY KAISER:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

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

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link, on Amendment No. 2, sir.

SENATOR LINK:

Yes. Mr. President, 2 just changes some other things with Department of Labor and becomes the bill. Explain it on final reading.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion on the -- to the amendment? Is there any discussion? Seeing none, Senator Link moves the adoption of Floor Amendment No. 2 to -- to House Bill 4583. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it. The amendment is adopted. Mr. Secretary, has there been any further Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 4583. Senator Link, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4583.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link, to the bill, sir.

SENATOR LINK:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you, Mr. President. This bill, as amended, defines "day camp" as a seasonal recreation program in operation no more than sixteen weeks throughout a calendar year, accommodating for profit or under charitable aspects {sic} (auspices), and serving five or more children under -- under eighteen years of age, not including overnight programs. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4583 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 53 Ayes, 0 voting Nay, 0 voting Present. House Bill 4583, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading is House Bill 4588. Senator Sullivan, do you wish to proceed? Indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4588.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan, to the bill, sir.

SENATOR SULLIVAN:

Thank you, Mr. President. House Bill 4588 allows the municipal officers electoral boards, township officials electoral boards and education officers electoral boards to meet

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

where the city council, township board, school board or community college board would hold their regular meetings. I request an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4588 pass. 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 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 4588, having received the required constitutional majority, is declared passed. Senator Haine. Senator Haine, on House Bill 4602, sir. Senator Haine, on 4602. Senator Haine seeks leave of the Body to return House Bill 4602 to -- back to the Order of 2nd Reading for the purpose of an amendment. Is that correct, sir? Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 4602. Mr. Secretary, has there been any amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 2, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine, to Amendment No. 2, sir.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 4602, as introduced, requires coverage -- insurance coverage for a federally approved shingles vaccine. But we added a -- an -- an amendment here which amends the State Mandate {sic} (Mandates) Act to require implementation without

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

State reimbursement, which obviously we can't afford to do. It's a small sum, but -- there's no opposition to this.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion on the amendment? Seeing none, Senator Haine moves the adoption of Floor Amendment No. 2 to House Bill 4602. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it. The amendment is adopted. Mr. Secretary, has there been any Floor amendments -- further Floor amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the -- Order of 3rd Reading, Senator Haine, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4602.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine, to the bill, sir.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This adds shingles vaccine. Shingles is a growing problem, particularly among those over sixty years of age, which includes, of course, me and others. This reduces the cost -- if it's spread over many different insureds through groups, the cost is manageable by these groups. There was no opposition to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

this bill. This was suggested to my Representative by a doctor in Alton and it seems to be a -- a very good idea.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 4602 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 4602, having received the required constitutional majority, is declared passed. House Bill 4605. Senator Sullivan. Senator Sullivan, you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4605.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan, to the bill, sir.

SENATOR SULLIVAN:

Thank you, Mr. President and Members of the Senate. House Bill 4605 defines "cool weather grasses". It outlines labeling requirements for its packaging and it extends the "sell by" date. These are -- these changes are required for it to comply with federal recommendations.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

4605 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 Ayes, 0 voting No, 0 voting Present. House Bill 4605, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading is House Bill 4622. Senator Meeks. Senator James Meeks. Senator James Meeks, on 4622, sir. Out of the record. Senator Raoul, on 4628. House Bill 4628. Do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4628.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Raoul, to the bill, sir.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 4628 is a collaborative bill that's supported by Cook County State's Attorney's Office, City of Chicago, and the National Rifle Association. House Bill 4628 requires that when an adult sells a handgun or firearm to a minor who does not possess a FOID Card, the adult selling the gun will be fined and imprisoned at a -- maximum sentences equal to that that the minor could be culpable for.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4628 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 4628, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading is House Bill 4675. Senator Althoff. Do you wish to proceed? The lady's seeking leave of the Body to return House Bill 4675 back to the Order of 2nd Reading for the purpose of an amendment. Is that correct? That's correct. Mr. Secretary, now on the Order of 2nd Reading is House Bill 4675. Has there been any amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

Yes, Mr. President. Floor Amendment No. 1, offered by Senator Althoff.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Althoff, to the amendment, ma'am.

SENATOR ALTHOFF:

Thank you, Mr. President. The amendment is a technical amendment that addressed concern raised during committee about the language in the bill dealing with the Consumer Price Index. We made the language exactly the same as it appears in all other statutes.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion on the amendment? Seeing none, all those in favor -- all those... All those in favor of Floor Amendment No. 1 will say Aye. All those opposed

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

will say Nay. And the Ayes have it. The amendment is adopted. Mr. Secretary, has there been any other Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

...you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 4675. Do you wish to proceed? The sponsor indicates she wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 4675.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator, to the bill, ma'am.

SENATOR ALTHOFF:

Thank you, Mr. President. House Bill 4675 increases the fees that fire protection districts may charge - this is permissive - on persons, businesses and any other entities that are not residents in the districts for services that they provide. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4675 pass. 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 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 4675,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading is House Bill 4683. Senator Noland, do you wish to proceed? Senator Noland, first, I think -- Senator Noland is seeking leave of the Body to return House Bill 4683 back to 2nd Reading for the purpose of an amendment. Is that correct, sir? Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 4683. Mr. Secretary, has there been any amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Noland, to the amendment, sir.

SENATOR NOLAND:

Thank you, Mr. President. The bill itself creates the Fire and Life Safety Device Act. The amendment makes it so that this Act does not apply to sworn law enforcement in the furtherance of a legitimate criminal investigation. And I'll present the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Senator Noland seeks -- moves the adoption of Floor Amendment No. 1 to House Bill 4683. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, has there been any further Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 4683. Senator Noland, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4683.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Noland, to the bill, sir.

SENATOR NOLAND:

Thank you, once again, Mr. President. House Bill 4683 creates the Fire and Life Safety Act {sic}. It prohibits that a device that appears to be a smoke detector not -- that it appears also to be a sprinkler head, carbon monoxide alarm or a heat detector, but does not function -- one. It -- it prohibits those such devices. As I stated before, this Act does not apply to sworn law enforcement in the furtherance of legitimate -- criminal investigation. I know of no opposition. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4683 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 4683, having received the required constitutional majority, is

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

declared passed. Senator Kirk Dillard, on House Bill 4736, sir. Do you wish to proceed? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4736.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Dillard, to the bill, sir.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. About a year ago, we created in Illinois the DUI memorial marker along roadsides to permit a qualified relative to, after a crash, put up a standardized marker saying "Don't drink and drive." This, at the request of a number of families, moves the date of when you can purchase one of these when the crash occurred back by a decade. So, we'll go back to 1990 rather than just 2002 or 2003. So really all it does is it changes the effective date of when these roadside markers can be created by IDOT. And I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, shall House Bill 4736 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 4736, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading, we will go to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

the top of page 14. On the top of page 14 is Senator Garrett. Senator Garrett, I believe you're seeking leave of the Body to return House Bill 4754 back to the Order of 2nd Reading for the purposes of an amendment. Is that correct, ma'am? Seeing no objection, leave is granted. Mr. Secretary, has there been any amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

Yes, Mr. President. Floor Amendment No. 2, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Garrett, to explain Amendment No. 2, ma'am.

SENATOR GARRETT:

Yes, Mr. Speaker -- I mean, Mr. President. Really what this amendment does is it's a -- a technical amendment to make sure that the person going through the grade crossing is the driver of the car and not the owner of the car.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no -- Senator Garrett moves the adoption of Floor Amendment No. 2 to House Bill 4754. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Has there been any further Floor amendments approved for consideration, Mr. Secretary?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading is House Bill 4754. Senator Garrett, do you wish to proceed, ma'am? She indicates she does. Mr. Secretary, read the lady's bill.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

ACTING SECRETARY KAISER:

House Bill 4754.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Garrett, to the bill, ma'am.

SENATOR GARRETT:

Yes. Thank you again, Mr. President. House Bill 4754 imposes penalties on those who obstruct traffic and pedestrians, as well as those who obstruct trains and other railroad equipment. The bill increases the penalty by requiring license suspensions, in addition to the fine or community service, and allows the Secretary of State to restrict driving privileges and to require attendance for driving programs.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4754 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 4754, having received the required constitutional majority, is declared passed. House Bills 3rd Reading. House Bill 4869. Senator Dillard, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 4869.

(Secretary reads title of bill)

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR DILLARD:

Thank you, Mr. President. This bill amends the Good Samaritan Act and adds a new Section on how physicians provide free medical care on a pro bono basis to patients. And I want to thank Senator Cullerton, the Co-Chairman of the Judiciary Committee. He was nice enough to get the parties together, the Trial Lawyers and the Medical Society and other interested groups, on this bill and to forge a compromise, and we had a hearing on this a summer ago in DuPage County. But this expands slightly the ability of physicians to give specialized medical care to the indigent. It's a great program. I know that there's a program in Lake County and it really -- there's a large one in my home county of DuPage. It's a great thing. I -- there is no opposition to the bill. Trial Lawyers and Medical Society, everybody, has signed off on it. I'd be happy to answer any questions and appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Is there any -- Senator Cullerton. Senator John Cullerton, are you seeking recognition on this matter?

SENATOR CULLERTON:

I can't see you, Senator. Where are you? Oh, hi. How you doing?

PRESIDING OFFICER: (SENATOR DeLEO)

Hi, Senator. Please stand up.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

SENATOR CULLERTON:

Yes, how you doing? How you doing? I -- I wanted to speak in favor of this bill. This is a bill that we had hearings out in DuPage County on last year. We worked with the Trial Lawyers. It was very revealing. These county health -- these doctors out in the collar counties are providing services for poor people. They're doing a great job. And the Trial Lawyers did a very good job in working through the issues with the -- the sponsor. I think it's an excellent bill to support. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR DILLARD:

Just very briefly again. And for any of you who don't come from Lake County or DuPage, I certainly encourage you to talk to your local medical society and encourage them that now that we'll have this law on the books, to have physicians provide free specialized medical care in their own offices with limited immunity. It's a great bill. Free access to medical care of the best physicians in Illinois. And again, I thank Senator Cullerton, the Trial Lawyers, and my own medical society and the State Medical Society for working this through. This is the way it's supposed to work. Volunteer, good medical care given by physicians to our poorest residents. And, please, a Yes vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Seeing no further discussion, Ladies and Gentlemen, the question is, shall House Bill 4869 pass. 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

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 4869, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading. On House Bill 4879, Senator Martinez. Senator Iris Martinez. Out of the record. Senator Harmon, on House Bill 4890, sir. Out of the record. Senator Harmon, on 5038, sir. Out of the record. Senator Raoul, on 5069. 5069. Out of the record, sir. Senator John Cullerton, on 5076, sir. I believe Senator Cullerton is seeking leave of the Body to return House Bill 5076 back to the Order of 2nd Reading for the purpose of amendment. Is that correct, sir? Seeing no objection, leave is granted. Mr. Secretary, has there been any -- now on the Order of 2nd Reading is House Bill 5076. Has there been any amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to the amendment, sir.

SENATOR CULLERTON:

I don't wish to adopt that amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Did -- so you -- Senator Cullerton moves to table Amendment No. -- withdraw it. So, the sponsor has indicated Floor Amendment No. 1 has been withdrawn. Mr. Secretary, has there been any further Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 5076. Senator Cullerton, do you wish to proceed? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 5076.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to the bill, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is an initiative of the American Society for Prevention of Cruelty to Animals and the Illinois Humane Society. It's patterned after what eighteen states have adopted since -- in the aftermath of Hurricane Katrina. The -- it provides good Samaritan provisions to protect individuals who rescue animals during a disaster or an emergency. And of course, it excludes willful or wanton conduct. And the Trial Lawyers have been notified of the bill. They have no objection to it. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion on this? Leader Watson, are you seeking recognition on this bill, sir?

SENATOR WATSON:

Yes. Thank you. I believe this is the double-decking of horses legislation. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

SENATOR CULLERTON:

No.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

Well, I guess my question would be, I see where the Farm Bureau, the Illinois Pork Producers wanted -- the amendment. You did not adopt it. How do they feel now about the bill as it is?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

No. Senator, this is a clean bill. It's identical to -- as it -- the way it passed out of the House 110 to nothing. There was an amendment that was offered that had to do with double-deckers. That was withdrawn. There -- because there was no agreement on the double-decker language. So, this is just a straight bill dealing with the humane care for animals.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Further discussion? Senator John Sullivan, are you seeking recognition on this bill, sir?

SENATOR SULLIVAN:

Yes, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question while he shakes his head no.

SENATOR SULLIVAN:

Just as a follow-up to the previous speaker, Senator Cullerton. This is the bill that was before the Ag Committee -

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

is that correct? - originally.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan.

SENATOR SULLIVAN:

And so you're saying that the bill now does not -- and I apologize for not having time to look the bill over, but the bill does not now deal with the transport of horses. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

That's correct. It has nothing to do with the transport of horses.

PRESIDING OFFICER: (SENATOR DeLEO)

Further question. Senator Sullivan.

SENATOR SULLIVAN:

Just real quickly, would you explain just briefly again -- and I apologize again for -- I wasn't -- I was distracted, but would you explain again for the Members exactly what the bill does?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Sure. This is patterned after -- it's like a Good Samaritan Act for people who rescue animals during disasters.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

It came about in the aftermath of Hurricane Katrina, because there were a number of animals that were injured and abandoned. Eighteen states have passed it. Has the support of the -- or, the neutrality, if you will, of the Trial Lawyers, and exempts conduct, of course, that's willful and wanton. But otherwise it gives people immunity if they are -- are trying to treat animals during a disaster. Has nothing to do with the double-decker horse trailers.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs, are you seeking recognition on this bill, sir? Okay, seeing no further discussion, Senator Cullerton, to close, sir.

SENATOR CULLERTON:

No. There -- yeah. There -- I'm getting questions from the side here. There's no opposition to this bill from anywhere. So I'd appreciate it if you'd vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, the question is, shall House Bill 5076 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 5076, having received the required constitutional majority, is declared passed. Senator Sandoval, are you seeking recognition, sir? For what purpose do you rise?

SENATOR SANDOVAL:

Yes, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Please state your point, sir.

SENATOR SANDOVAL:

Thank you, Mr. President. Today I have the great honor and I'd like my colleagues of the Illinois Senate to welcome some -- some of my friends from the State of Guanajuato. The State of Guanajuato is home of former President Vicente Fox. These businessmen are here -- or, these public officials are here visiting the State of Illinois, looking to develop the business relationships that we already have with the State of Illinois. I'd like a warm welcome for Manuel Flores -- Manuel Fernandez and Rafael Almada from the Secretary of Commerce and Economic Development in the State of Guanajuato. Please give them a warm welcome.

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome -- welcome to the Illinois State Senate. Welcome to Springfield, Illinois. Okay, Ladies and Gentlemen, continuing on House Bills 3rd Reading near the bottom of page 14. Senator Demuzio. Senator Demuzio. 5077. Out of the record. Senator Demuzio, on 5088. Out of the record. Senator Murphy, on 5101. Do you wish to have your bill considered? He indicates he does. Mr. Secretary, please read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 5101.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Murphy, on the bill, sir.

SENATOR MURPHY:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you, Mr. President. House Bill 5101 amends the Rights of Crime Victims and Witnesses Act to require notice to the victim of a sex offense of the release of the sex offender from prison, work release, or international transfer. It also amends the Sexually Violent Persons Commitment Act to increase the advance notice to a victim of the release or change in status of a person committed as a sexually violent person from seven to sixty days. I'm aware of no opposition. It passed the House 110 to nothing. Appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5101 pass. 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 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 5101, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading on the top of page 15 in your Calendar comes House Bill 5120. Senator Link, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 5120.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LINK:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you, Mr. President. This amends the Downstate Teachers Article of the Illinois Pension Code. It removes the language that renders individuals over the age of eighteen who are adjudged to be disabled persons under specified provisions of the Probate Act of 1975. I know of no opposition. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BRADY:

Thank you, Mr. President. I stand to support the gentleman's bill. There's negligible cost to the system.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any further discussion? Any further discussion? Senator Link, to close.

SENATOR LINK:

Just ask for a affirmative vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, shall House Bill 5120 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5120, having received the required constitutional majority, is declared passed. House Bills 3rd Reading. House Bill 5121. Senator Righter. Senator Dale Righter, do you wish to proceed, sir? Senator Righter? Out of the record. Senator Lightford, on House Bill 5141, ma'am. Out of the record. Senator Collins,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

on 5148, ma'am. Do you wish to proceed? She indicates she wishes to proceed. Mr. Secretary, please read the lady's bill.

ACTING SECRETARY KAISER:

House Bill 5148.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Collins, to the bill, ma'am.

SENATOR COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 5148 basically permits a court to grant an extension of a plenary order of protection to remain in effect until the order of protection is vacated or modified. This is a proposal -- initiative of the Illinois Coalition Against Domestic Violence. I would appreciate any support, or ask {sic} any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and -- Senator Garrett, to this issue? Seeing no discussion on House Bill 5148, the question is, shall House Bill 5148 pass. 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 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 5148, having received the required constitutional majority, is declared passed. Senator Garrett, for what purpose you seek recognition, ma'am?

SENATOR GARRETT:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you very much, Mr. President. If you could let the record reflect that I did not vote on House Bill 5120. Let the record reflect that I would have voted Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Record will so reflect. Senator Haine, on House Bill 5159, sir. Do you wish to proceed? He indicates he wishes to proceed. Mr. Secretary, please read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 5159.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine, to the bill, sir.

SENATOR HAINE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, the bill, as currently amended on the Floor, does two -- two things. As you know -- as the Senate knows, some years ago the General Assembly specifically authorized guidelines and policies to be adopted by the railroad police. Railroad police departments are an old and venerable part of our railroad system. Personally, anecdotally, as State's Attorney, I worked well with the -- with the railroad police in my county, which had extensive miles of -- of track. However, the Illinois General Assembly authorized these police departments only if they adopted policies and guidelines for initiating employee investigations. And they -- and these policies were to be clearly set forth, including an internal policy that includes procedures to ensure objective oversight. This bill does two things to this authorization. It -- it allows and authorizes and mandates the Illinois Law

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Enforcement Training Standards Board to make these policies of the railroads available for public inspection and shall review the policies and guidelines and approve them if they comply with the Act. Secondly, it authorizes a complainant - someone who's adversely affected or aggrieved by a decision of a rail carrier's internal investigation - to take the matter up and have the State Police review the depth, completeness, and objectivity of the rail carrier's investigation. The State Police may uphold the investigation or not in their sole discretion. If they find that there has been grounds for the grievance to be filed or the complaint, they shall turn the matter over to the ICC and the ICC may conduct further evidentiary hearings, make findings, and -- and -- and -- and other things. So I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BOMKE:

Thank you, Mr. President. To the bill, and a question to the sponsor. As I recall...

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BOMKE:

As I recall, the Railroad Association adamantly opposes this legislation. They believe there are federal guidelines in place that would protect the -- the employees, and any grievance that could be filed, could be filed with the federal government. Can you explain why the -- Railroad Association is opposed to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

the legislation, Senator Haine?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine.

SENATOR HAINE:

I -- I don't know if I can adequately explain their opposition, Senator. I appreciate the -- the question. One grounds for their opposition is that it's unnecessary. They take care of these matters in the ordinary course of events. However, the United Transportation Union strongly disagrees with that and they desire to have a -- a system where a third party may look at the State Police investigation. And so that's the nub of one disagreement. Again, anecdotally, when I was State's Attorney, when local departments had a question of the internal of the conduct of one of its officers, we would encourage and the local chiefs would usually go out and get the State Police to come in and review it as an objective third party. And that's kind of what is in this -- this bill. The second reason that the railroads have articulated to me is that they believe it is a -- a federally preempted area. And I must say, I -- I don't practice law before the United States tribunals in the District of Columbia. But I was given, by a railroad union lawyer who practices federally, copies of the -- of the Federal Railroad Administration rules and regs in which it defines a railroad police officer as a peace officer who -- who is commissioned in his or her state and is employed by the railroad to enforce state laws for the protection of railroad property, personnel, passengers. And it goes on to define them as commissioned - meaning that a state official has certified or otherwise designated a railroad employee as qualified under the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

licensing requirements. So, it seems to me, if Illinois has the right and the authority and even the duty to commission these officers, then this -- this proposed bill should be within the guidelines of that authority. But, again, I'm -- I caution you, I -- I'm -- I don't practice in the D.C. circuit.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President and Members of the Senate. I normally stand, of course, with Senator Haine on most all of his legislation. Today, however, I'm going to stand in disagreement for the following reasons. The -- the federal law governing railroad employee grievances has been well established for more than seventy-five years. And no state in the country has passed any law remotely similar to House Bill 5159 because collective bargaining agreements and federal law control. Railroad police operating {sic} under guidelines established by federal law and the Inspector General for the United States Department of Transportation. These guidelines have been incorporated into our law. Railroad employees are mandated by collective bargaining agreements and the Railway Labor Act to pursue their grievances through an internal administrative appeal process. House Bill 5159 attempts to change that by giving the State Police and the ICC the authority to affirm, modify, or overturn a railroad's decision following an internal investigation. In fact, the ICC is given the authority to hold an evidentiary hearing on the matter. So, to the extent House Bill 5159 creates a new appeals process outside that established by the Federal Railway Labor Act and collective bargaining agreements,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

House Bill 5159 will then conflict with and be preempted by the federal Labor Act. And for those reasons, I would respectfully ask for a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Syverson, are you seeking recognition on this matter, sir?

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR SYVERSON:

And this has been very complicated. I know, listening in committee, we heard two different views that were pretty adamant about the law. The couple of examples that were given, that they used for the reason for this, would those be more labor issues as opposed to law enforcement issues and would that -- would those examples even be covered under this, or would those be something that would be better left for labor as opposed to through this legislation?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine.

SENATOR HAINE:

Senator, that's a good question. And I don't know. I -- I do -- I do know that it -- it appears to me to be reasonable, irrespective of the incidents, to have a review of a private police department, which is commissioned and sanctioned by the State, to have the ability to review some of their activities. It doesn't seem to be unreasonable to me not to leave it up to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

collective bargaining, but to have a mechanism to decertify an officer, perhaps, or to have an investigation of the railroad's use of the officers by the ICC. And the only entity to do that is the State Police. Again, this is in their sole discretion. If they don't find the complaint meritorious, they dump it. But, again, I -- I mean, I don't know -- but I -- just apart from those incidents, I don't know what's wrong with the -- a mechanism of the State Police reviewing some of these complaints from the railroad police. I mean, the railroads have had -- railroad police have been around as long as -- there was a TV show, I think, about railroad police, wasn't there? The train chugging in the distance and coming at you. "Matt Clark, Railroad Detective", Senator Maloney tells me. So, that's of a child of the fifties. I'm getting a lot of comments by younger Senators over here. They don't remember this. But -- but... Thank you, Mr. President. The railroad police, my point is, have had a long venerable history with the railroads, but they're railroad police and they -- again, they worked well with my office when I was State's attorney. But there isn't -- the -- the -- the -- the federal regulations, which I've cited to you, authorize the State to commission them and to train them, which we -- we do. They're trained and certified by the -- our -- our standards and training board. So, I don't know what is out of sync, with what the bill is doing, with that statutory scheme or the regulatory scheme.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

Thank you. Actually, it's "Petticoat Junction", is where I

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

get most of my rail information from. But, again, most of your younger Members probably don't remember that -- that either. Just -- just briefly, no other state has this currently in place now. Is that -- question number one. Number two is, do the State's attorneys already have the ability to review these -- these cases now without it going to law enforcement? And then the last point I'll make and I'll sit down is, it still has to go back to the House for approval. Is there a way we can get some expert on the -- the labor issues to help determine whether or not this is, in fact, something that falls under the federal privy or the State, so -- because it's -- it's hard to really determine what's right when we're hearing from both sides that -- that they have legal standing. I don't know if there's an expert we can talk to that can give us an idea on this, or we just have to let them, unfortunately, fight it out in court later on. But thank you for your time in helping explain this.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine, to close. Seeing no further discussion, Senator Haine, to close, sir.

SENATOR HAINE:

Thank you, Mr. President, for your graciousness. And I would ask for an Aye vote, because it -- it is a reasonable exercise of the State regulatory power over quasi-public police. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, shall House Bill 5159 pass. 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.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Secretary, take the record. On that question, there are 35 Ayes, 17 Nays, 0 voting Present. House Bill 5159, having received the required constitutional majority, is declared passed. Senator Collins, on House Bill 5192, ma'am. Do you wish to proceed? She indicates she wishes to proceed. Mr. Secretary, read the lady's bill.

ACTING SECRETARY KAISER:

House Bill 5192.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Collins, to the bill, ma'am.

SENATOR COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 5192 seeks to improve State health care programs with respect to mammography and breast cancer treatment. Additionally, House Bill 5192 makes provisions for breast cancer patients' access to pain relief and reduces financial barriers to mammography. This legislative initiative was a recommendation of the Metropolitan Chicago Breast Cancer Task Force. I would appreciate your support.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5192 pass. 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 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 5192, having received the required constitutional majority, is

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

declared passed. House Bill 5196. Senator James Clayborne. Do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 5196.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne, to the bill, sir.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. House Bill 5196 provides for a stipend of sixty-five hundred dollars to only the county elected auditors. There are about seventeen of them. And the purpose is based upon the fact that they do have to provide audits of State funds, as well as to provide financial statements to the Comptroller, based upon State funds that they've received. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RUTHERFORD:

Thank you, Mr. President. May I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RUTHERFORD:

Senator Clayborne...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine. Senator Haine.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

SENATOR RUTHERFORD:

Senator Clayborne, didn't we have a bill like this already?
I thought we already passed this.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne.

SENATOR CLAYBORNE:

Not that I know of, Senator Rutherford.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rutherford.

SENATOR RUTHERFORD:

Do we provide this stipend for any other auditors?
Appointed ones?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne.

SENATOR CLAYBORNE:

No. This is only for elected auditors.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR CLAYBORNE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, shall House
Bill 5196 pass. All those in favor, vote Aye. All those
opposed will vote Nay. The voting is open. Have all voted who
wish? Have all voted who wish? Have all voted who wish? Mr.
Secretary, take the record. On that question, there are 42
Ayes, 0 voting Nay, 0 voting Present. House -- excuse me.
Correction. There's 42 Ayes, 0 -- 7 voting Nay, 0 voting

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Present. House Bill 5196 having received the required constitutional majority, is declared passed. House Bill 5204. With leave of the Body, we'll return to that later. House Bill 5238. Senator Martinez. How are you today? Do you wish to proceed, ma'am? She indicates she wishes to proceed. Mr. Secretary, please read the lady's bill.

ACTING SECRETARY KAISER:

House Bill 5238.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Martinez, to the bill, ma'am.

SENATOR MARTINEZ:

Thank you, Mr. President. It's always a pleasure to see you, too. House Bill 5238 amends the Housing Authority {sic} (Authorities) Act to provide for housing authorities located in municipalities with a population in the excess of one million, like Chicago, to be able to participate as a partner or member of a business arrangement with a for-profit or non-for-profit developer. Again, this bill is a good housing bill. It brings more incentive as far as being a part of the affordable housing that's going out there. This bill is supported by Chicago Housing Authority, City of Chicago and the Illinois Housing Action. There is no opposition to this bill and I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5238 pass. All those in favor, vote Aye. All those opposed will vote Nay. The

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

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 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 5238, having received the required constitutional majority, is declared passed. Senator Steans, for what purpose are you seeking recognition, ma'am?

SENATOR STEANS:

Yes. Just wanted to be noted as a Yes vote on House Bill 5101. I had intended to vote Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Record will so reflect your intentions, ma'am. Okay, Ladies and Gentlemen, continuing on House Bills 3rd Reading, we will go to page 16 of your printed Calendar. On the top of page 16 of the printed Calendar, Senator Delgado on House Bill 5251, sir. Do you wish to proceed? The gentleman indicates he wishes to proceed. Mr. Secretary, read the gentleman's bill.

ACTING SECRETARY KAISER:

House Bill 5251.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Delgado, to the bill, sir.

SENATOR DELGADO:

Thank you, Mr. President, Members of the Senate. House Bill 5251 expands the health benefits for workers with disabilities program to include persons with a -- medically improved disability, subject to federal approval. And we have no opposition to this legislation and I would ask for your Aye vote.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Seeing no discussion, Ladies and Gentlemen, the question is, shall House Bill 5251 pass. 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 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 5251, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading, House Bill 5288. Senator John Cullerton. Senator John Cullerton seeks leave of the Body to return House Bill 5288 back to the Order of 2nd Reading for the purposes of an amendment. Is that correct, sir? Hearing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 5288. Mr. Secretary, has there been any amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

Yes, Mr. President. Floor Amendment No. 3, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to the amendment, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Actually, Mr. President, Floor Amendment No. 2 was inaccurately drafted and I need to table No. 2, I believe, and then adopt No. 3 and 5.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator, just give us one moment, please. We just need to... Okay, Senator Cullerton, Floor Amendment No. 2 was adopted in

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

committee. So, Senator -- so it was a committee amendment. So, Senator Cullerton moves that Floor -- Committee Amendment No. 2 be tabled. That motion, of course, is always in order. Those in favor will say Aye. Those opposed will say Nay. The Ayes have it, and Committee Amendment No. 2 is tabled, sir. Now we will proceed to committee -- Floor Amendment No. 3. Senator Cullerton, on Floor Amendment No. 3, sir.

SENATOR CULLERTON:

Thank you, Mr. President. This amendment removes Champaign and Vermilion counties from the provisions of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. All those in favor of Floor Amendment No. 3 will say Aye. All those opposed will say Nay. The Ayes have it. Floor Amendment No. 3 is adopted. Mr. Secretary, has there been any further Floor amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

Yes, Mr. President. Floor Amendment No. 5, offered by Senators Syverson and Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson, to Floor Amendment No. 5 to House Bill 5288, sir.

SENATOR SYVERSON:

I think Senator Cullerton can explain the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson defers to Senator Cullerton to explain Floor Amendment No. 5.

SENATOR CULLERTON:

Yes. Yes. Thank you, Mr. President. Senator Syverson did

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

draft this amendment. Was not able to be in the committee when it was adopted, so I'd like to adopt it. But I would indicate on 3rd Reading, of course, that this was his amendment. This retains the bill and adds some protections for statewide red light camera at certain intersections. And we can explain that on 3rd Reading after the amendment's adopted. So, at this time, I would move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, the gentleman has asked for the adoption of Floor Amendment No. 5. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it. Floor Amendment No. 5 is adopted. Mr. Secretary, has there been any further Floor amendments approved for consideration, sir?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading comes House Bill 5288. Senator Cullerton, you wish to proceed? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

House Bill 5288.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to the bill.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill amends the Act that we passed a few years ago for

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

automated traffic law enforcement systems. And basically, these are red light cameras at -- at certain intersections. And what this bill represents is kind of a trade-off. I worked with Senator Syverson on -- on an amendment. The bill, as it passed the House, adds some counties to the program. Because when we passed this, we did not pass it statewide; we limited it to certain counties. So, this bill adds some counties. It adds the counties of DeKalb, LaSalle, McLean, Peoria, Sangamon and Winnebago. At the same time, we are providing protections at two levels. We have protections for motorists from being wrongfully given a ticket. That's the basic theme of these amendments. And these are important protections for motorists. The first one is that we would require that a yellow light be no shorter than three seconds. We're -- there's a concern that some municipalities would doctor the yellow lights so that people wouldn't even have time to stop at a red light. So that's in the law. That would be a requirement and that would apply statewide. The second one is very significant. And this amendment would say that the stop bar -- there's a -- there's a stop bar that is at any -- every intersection and this bill makes it clear that no person shall receive a ticket unless the entire vehicle crosses the stop bar marked on the pavement when the light turns -- turns red. Now, for the new counties, we go even further. For the new counties, we say that there has to be a high accident rate before a light can go in there. That would be a six-month period that that study would be conducted. And there has to also be a use of strobe lights to see if that cuts down on the -- the -- the accident rate as well. And also, all roads converging at the intersection are controlled by traffic

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

signals mounted on mast arms. So, those are the amendments that were put in. It's a -- I think it's a fair trade-off. We provide protections for motorists, but at the same time, we have a -- a system that's worked to cut down on the fatalities for people getting killed at red lights throughout the State. It's a little complicated. Be happy to answer any questions, and I appreciate the support and the help of Senator Syverson in drafting the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RISINGER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

...bill, sir.

SENATOR RISINGER:

You know, I've been very reluctant to support red light cameras. My county sheriff's department, the city, the mayor in Peoria has all been in favor of this, and because of that, we have worked very hard with the Senator and I commend the Senator on the -- on the things that he has put in the bill for protection. We don't want anything in there that tricks individuals into being fined. We want to make sure that we catch the people that are running the intersection, are truly people running the intersection and not just barely crossing the -- the stop bar. All of those things have been incorporated. We wanted to make sure that the communities continue to upgrade the intersection as new stuff comes on, and I think that -- that protection's in there also. So, with that, while I'm reluctant

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

on -- on red light cameras, I am going to support this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR KOEHLER:

Yes, likewise, just to reiterate a little bit of what Senator Risinger said. I commend the sponsor for this. It puts the -- the impetus really where it needs to be and that is that we're looking at doing something that protects public safety and not generating revenue for counties or municipalities. So I, too, rise to support this -- this bill. It's -- it's been a good work in progress, so thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. To the bill: I want to commend the sponsor for accepting Senator Syverson's amendment. It does make it more palatable, but let remind -- let me remind the Body that if a police officer catches you running a red light, it's a seventy-five-dollar fine. If the red light camera catches you, it -- it could be up to a hundred-dollar fine. And I really believe this is just a moneymaker for municipalities and there is some strong evidence that would indicate that these red light cameras actually increase accidents. So, I still have a problem with the bill. I appreciate Senator Cullerton accepting Senator Syverson's amendment. It does make it more palatable, but I

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

will still be voting No.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Rutherford, are you seeking recognition on this bill, sir?

SENATOR RUTHERFORD:

I am, Mr. President. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RUTHERFORD:

Thank you. Senator Cullerton, how was it determined which counties would be in and which counties would be out?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, when we first passed the bill, we took metropolitan counties, 'cause there was opposition in rural counties. Senator -- Representative Jefferson initiated this bill. This is a House bill and he passed the bill over here adding certain counties. I assume it was at the request, certainly, of Rockford and Peoria, are the two that I know of. And so that's -- he -- he passed that bill over here. I took out two counties at the request of the legislators here, and as a result, we have what we have. I would point out, Senator, that in the counties that are authorized to have this, they still have to pass an ordinance that -- that puts it into effect.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, you seeking recognition on this bill, sir?

SENATOR HENDON:

Thank you, Mr. President. Well, if I could have

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

everybody's attention, I want you to at least know what you're voting for, and then if you want to vote for it, that's your decision. I love the sponsor. Great guy. Sponsor has a terrible bill. This is an un-American bill. Let me repeat that: This is an un-American bill. If you are a Republican, you certainly should be against this bill. It's anti-American. It's anti-American. It's against our rights as American citizens to live free. It's against the Constitution of the United States. Now, as a resident of a county that has it, let me tell you how it works in the real world. I got a ticket in the mail saying I was someplace that I never was at. Now, it wasn't that my wife was -- driving my car, 'cause she is my ex-wife; she don't drive my car no more. It wasn't one of my teenaged kids, 'cause they're off to school. But I get this in the mail and they say - in the mail now - not a human being, not a person, but a -- some camera say I ran some light somewhere. I was not there. Guess what happened, you all? I won my appeal in the mail. But I never appealed. Isn't that mysterious? I get a phony ticket in the mail. Then I win a phony appeal in the mail. What happened, somebody saw, "oh, my God, that's Rickey Hendon's license plate." So they sent me a letter saying, "Ooh, guess what? You won. You won your appeal." I'm like, "Okay." They do it all the time. There was a recent story in a paper that doesn't like me very much, but I'll give 'em their props anyway. The recent story in the Chicago Sun-Times, I believe, but maybe it was the Tribune. They had some officers who were supposed to be writing tickets. They were off goofing off. So guess what they did? They just took some plates they already had and assigned some tickets to those

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

people. It is wrong. It is wrong. They took some license plates that they already had from some previous encounter, and it's very easy to do with these cameras, 'cause once they got a picture of your plate, they can assign it anyplace and anytime. Now, does the amendment make it a little better? Sure, Senator Syverson tried to make it a little better. But do you actually trust the government? I don't. I certainly don't trust the City of Chicago, because I got one in the mail saying I was somewhere where I never was. And then I won in the mail on an appeal that I'd never put in for. This is a bad bill. Now, the -- the people who are carrying this bill came to me about this bill because they know I hate the cameras. And I hate the cameras because we do not live in communist China, we don't live in Russia, we don't live in Iraq or Iran. We live in America. This is the United States of America. Land of the free. Home of the brave. This is Big Brother. These cameras are going to be everywhere if my good friend and colleague, Senator Cullerton, is -- is successful. And it's not for public safety, because when the people came to me about the bill, all they talked about was how much money they could fleece out of the pockets of the citizens of Illinois. How much money they can steal and take from the people of the State of Illinois. It's all about the money. At a time when our people are suffering with high gas prices and can't pay their mortgage, now they're going to start getting tickets in the mail from all over the State. Plus, moving violations should -- should follow the driver and not the vehicle. Now you're going to be afraid to let anybody drive your car, because you can end up with tickets in the mail. I urge you, don't go down this Big Brother road;

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

don't go down this road where the government can spy on us, every little thing you do, every little turn you make, every place you go. In my neighborhood, cameras are everywhere. And the Mayor said this will stop the crime. Well, guess what? We have more shootings and more killings in Chicago right now and there are cameras everywhere. And the only case that the Mayor was able to talk about where the cameras was effective was one guy smoking a joint in his car. They haven't stopped any of the killing, any of the shooting. Somebody's making a whole lot of money and that's what this is all about. The State, for those of you who don't like the Governor, and I love the Governor, but the State going to get half the money. Some of you who don't like Rod should just vote against it just for that, because the State gets half the money. This is an effort not by my esteemed colleague Senator Cullerton, because somebody brought it to him, 'cause they brought it to me. I told 'em absolutely no way. I live in the United States of America where we are supposed to live free. So think about this vote, because if you vote for this, you're voting to live under Big Brother. You're voting to live in a spy society, and I think that's wrong. I urge a large No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Maloney, to...

SENATOR MALONEY:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR MALONEY:

Senator, since this bill has come from the other House, I

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

want to make sure that the -- the penalties and the violations are the same as the old bill. So, to -- to correct -- or to reiterate, this is not a moving violation. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

That's correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Maloney.

SENATOR MALONEY:

If there is a second violation, the same automobile, is the fine increased and is the...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I don't know, but I know it wasn't changed by this bill. So, whatever the law is now, it's the same; it's just adding some counties with these other protections that I spoke of.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

I'm in total agreement with Senator Hendon though we come from different parts of the State and maybe we attack the problem differently. But the fact is, Senator, if -- if -- if you keep driving to a stoplight and people keep driving through the stoplight, that seems like a -- a matter of bad engineering. We shouldn't be ticketing people for poorly designed roads. And I want to tell you, I live in the shadow of these cameras in

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Iowa and they are doing everything they can - the people who wanted these - to get 'em out of Iowa now. Because once these cameras are in the streets, they will be in your home. Don't kid yourself. Be very careful about cameras. I -- I appreciate the fact that the Senator's trying to work out a compromise, but I don't know if there is a compromise. I would just call on all my friends, on the other side of the aisle too, who are worried about their rights, to worry about this right. Because the fact is, if -- if we don't fight for our rights at these points, then when -- when it comes time for the big rights, they'll just take 'em right away from us. So, don't give away what you already own.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cronin, you seeking recognition, sir?

SENATOR CRONIN:

Thank you, Mr. President. To the bill: I rise in opposition to the bill and I've thought long and hard about these issues and this issue in particular. A lot of us who are pro law enforcement have to think long and hard about this. Lot of us who are not fearful of being watched, because we don't believe that we're doing anything wrong and have the confidence to pass the scrutiny of cameras, look at this bill and say, "Hey, you know, I can do it." But I -- I invite you to give a - a thought from this perspective, if I may, please. You know, in some years to come, when there are cameras everywhere, at every intersection, and every shopping mall, and on every neighborhood corner, out in front of every school, we'll be at a point where there will be many in our society who'll look at that -- that moment in time and say, "How the heck did we ever

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

get to this?" And there will be issues and there'll be problems and there'll be litigation, there'll be cases that go up to the Supreme Court, and the whole notion of Big Brother will be right there for all of us. It might be ten years, twenty years; it'll be there, though. And -- and people will say, "How did we ever get to that point?" And it's -- it's -- it's through efforts like this. Ladies and Gentlemen, the appeal of a camera on the corner is -- is -- it's going to -- it's going to get to that -- that -- that startling, offensive degree by the process of -- of -- of what we have before us today. It's going to be one little step at a time. It's going to be compromise. It's going to be right on the edge. It's going to -- it's going to pull at you. You're going to think, "Gee, this has got merit. I don't know, maybe we'll give it a try." And over the course of time, you will be giving more and more of your freedom away. Make no mistake about it. Senator Cullerton, he's a reasonable guy. I don't know. He's a man that always sort of looked at law enforcement and he -- he -- he looked very skeptically at wiretap legislation. He's a guy that looked at -- at -- at -- at legislation that gave the police power. He was very careful about it. And so this is sort of inconsistent with the John Cullerton that I know. I know there are vendors out there aggressively trying to sell these things to municipalities and local governments. Some of these people we know. Good people. Nice people. Well intentioned. But you know what? It's a business and there's a profit motive. So, for a lot of reasons, I would argue that we should err on the side of -- of wisdom and caution and deliberateness and vote No.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Thank you, Senator. There's four people seeking recognition. Leader Watson, would you like to speak now?

SENATOR WATSON:

Yes, I would. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Leader Watson.

SENATOR WATSON:

Thank you very much, Mr. President. I'm -- I'm curious. A question of the sponsor, if I might.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR WATSON:

Who was the Chairman of Rules Committee when this bill was -- got out?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, when the amendment was let out? Or when the bill was let out? I think there was a change in the -- in the Rules Committee Chairman. I think the bill probably came out under Senator Halvorson and the amendment came out under Senator Hendon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

Thank -- thank you. Those that have some concern about this being nothing more than a revenue bill should look at, at least on this side, the -- the analysis we have says the City of Chicago has collected seventy million - seventy million - in

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

finer utilizing this. I want to ask another -- another question of the sponsor. If I'm -- pull up to a stoplight and make a right turn what happens?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

A red light? So, if -- Senator, if you're talking about a red light and you pull up to that stoplight, you're supposed to -- you're supposed to stop, and assuming it doesn't say no right turn on red, you can then turn right. If you don't stop, you can get a ticket in the counties and the cities that have this program right now. What Senator Syverson has done with his amendment is to provide protections for those motorists, like yourself, so that they wouldn't get a ticket unless they went -- after the light turned red, they went completely through the stop bar - not just caught in the middle, not just pulling forward a little bit to see whether someone's coming. So, I just want to emphasize that the amendment that we adopted, that I developed by working with Members from your side of the aisle, was to protect people who are currently covered by a law that doesn't have those protections.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

I think I heard you say that if you make a legal right turn on red, you could very well be in violation under this Act. Well, don't you normally roll? Excuse me.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Cullerton.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

SENATOR CULLERTON:

No. I didn't say if you make a legal right turn, you can be subject to a -- a ticket. No.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

Well, all right. I mean, we all know what goes on. I mean, my theory has always been, the guy in front of me -- you go, I go. That's kind of been my theory on a yellow light or whatever. Now, there's -- that happens on a regular basis. People roll to a stop sign. If it's a stoplight, they make a legal right turn. If they don't come to a complete stop, click. Camera goes off. I -- I just think that this is -- this is stepping over the line. I -- I truly believe that. And let me ask you another question, Senator. What happens in a rental vehicle? In a rental..

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, existing law, the camera takes a picture of the license plate. It's akin to a parking ticket in that it's not a moving violation and you -- if you ran the red light in a -- in a rental vehicle, they do take a picture -- picture of the license plate and they trace it back to the car rental company - this is existing law - and then they eventually give the ticket to the guy who was driving the car, from what I understand. That's not being changed by this -- this bill at all. You understand, this is already the law. We're not creating this for the first time. This is actually modifying a law that's

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

been in existence for a few years by providing some protections for the drivers that you're accused of -- potentially being wrongly accused.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

This is a significant modification of the law. Significant. If I -- and -- and we've all had this happen and I'm getting calls now in my office from people who -- who supposedly have gone through tollbooths now at the -- at -- where there's a toll road. People are calling and say they actually send 'em a copy of a -- of a picture of their license plate. Now, we all know there's -- I don't know how many different license plates, but there's -- there's over -- well over a hundred and fifty to two hundred different license plates. So, we end up getting calls now from people who are saying, "I wasn't even up there. My car actually..." The guy I'm dealing with right now, his car was in -- being serviced and he's being told -- so he had to get the -- he had to get the car dealer to write a letter to the Toll Authority to say that his vehicle was actually compounded during the time that he was supposedly arrested or seen going through a tollbooth. This is ridiculous. We've all got the letters in regard to the -- they're all constituents that have gotten letters in regard to the -- to -- to a parking ticket in Chicago when they can't write down -- you can't read the license number and somebody gets a letter. We -- we've all had that. This is just more of the same. And I just think this is a terrible, terrible idea. I concur with those who think this is going too far. Civil

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

libertarians ought to be just really concerned about this and I would urge this side, at least, to vote No.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Senator Bivins.

SENATOR BIVINS:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR BIVINS:

Thank you. Personally I am - you may be surprised - I am opposed to this bill. I'm not in favor of arrest by mail. It does pose a lot of problems, as Senator Hendon pointed out. I received many of those complaints in my office over the years from people who received tickets through the mail, parking or otherwise, that were never in the location they -- they were alleged to be in. And I think there -- it's problematic. I also think that pressuring law enforcement to raise revenue by arrest can cloud judgment. And it's no different than a chief of police or a sheriff insisting that their officers - or State Police - that their officers write X number of tickets to raise revenue. And I am deeply disturbed when I hear Members of the General Assembly state that they hope this bill passes because their district or county or city needs the revenue. I think this is a wrong path to go down. Raising revenue by law enforcement is -- is not what we did -- what we do in law enforcement. It is a by-product. Revenue -- raising revenue is a by-product. And I would encourage a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Luechtefeld, are you seeking

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

recognition on this bill, sir?

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LUECHTEFELD:

Senator, I really didn't intend to speak on the bill, but a question has -- has arisen. You said that if you -- if you get this kind of a ticket with a camera, it is not a moving violation. Is that right?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, that's -- that's what I understand.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

If you -- if you did exactly the same thing and a -- and a -- the local police saw you and gave you a ticket, that would be a -- a moving violation. Am I right? So the...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR LUECHTEFELD:

The same thing -- all right. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Further discussion? Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. To the bill: I -- I've heard a lot of discussion in this Chamber with regard to the potential

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

misuse of this legislation. Just pointing out two important facts. Number one, we're going to give this potential tool to our local electeds so that they can make a decision on how to use it. And from a revenue perspective, let me remind you that this Chamber also passes a lot of legislation that are unfunded mandates to our municipalities. What this actually can do is allow them to utilize their police force more effectively. They can put police where police need to be and have the cameras utilized at intersections that are typically ones for safety purposes or even at important railroad crossings. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine. State's Attorney Haine, for what purpose do you rise, sir?

SENATOR HAINE:

To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR HAINE:

It's difficult to determine the reason for the depth of opposition. I understand the anecdotal evidence, and I've had it in the past, of -- of parking tickets that have come from the City of Chicago, given to citizens in my county that were not in Chicago. They were there -- last time they were there was training at the Naval Base in World War II. However, those tickets were given by parking division officers who were looking at the plate. And they were writing down the number and authorizing the ticket. It wasn't a camera saying my car was in Chicago on such and such a date when I told my wife I was going

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

to the Rotary convention somewhere else. These were eyeballed tickets by some human being. To argue rhetorically that this is an erosion of freedom causes one to wonder about the stoplight itself. The stoplight itself is a great impediment to freedom of the road. It forces us to stop and wait for the other lane of traffic to proceed for an orderly flow of traffic. There isn't anything, Ladies and Gentlemen, more corrosive to the law than willful, unpunished disobedience of the law. Police officers cannot be everywhere. Some police officers do not have twenty-twenty vision. It becomes a dispute between the officer as an eyewitness and someone else. A camera under this bill, and Senator Syverson's wise restrictions, is a way for an objective law enforcement source to determine who among us does not respect the -- the stoplight. In the -- in the final -- and it -- and it will deter those who are willful and wantonly speeding through these intersections. The final reason to vote for the bill, Ladies and Gentlemen, is that this bill will save lives. And I've read the insurance studies. In every area where they've done these cameras and they've been properly monitored - again, I understand Senator Hendon's concern and the others' concern about abuse - but in areas where they have these things competently run and operated, there has been a drop in fatalities and serious injuries from T-bone collisions at major intersections with stoplights. Because some people just frankly refuse to obey the law and respect the need to stop at a red light, the camera will assure that these people will receive a fine and be punished if they repeatedly do -- do so. Hopingly - - it is hoped that they learn and that they will refrain from doing so and others will refrain and the rate of fatal accidents

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

and serious injuries from T-bone collisions will drop. There are two methods currently, the National Safety Council, to do something about T-bone deaths and injuries. One is the roundabout design of major highways, which is growing in certain areas. The other is the TV -- or, the -- the camera monitoring. This is a reasonable bill. It is a traffic safety bill. It will result and it has resulted in a diminution in the loss of life and injury from these terrible accidents. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Thank you, Senator. Senator Syverson and Senator Martinez and Senator Cullerton, to close. Senator Syverson, sir.

SENATOR SYVERSON:

Thank you, Mr. President. First, I have to say this is a conflict of interest since my daughter is at college -- going to college in Chicago, so this could cost me. But to the bill: First of all, we had -- I had a lot of concerns about this legislation. I have not supported the red light issue in the past. And I certainly have concerns even with this bill, as amended. I think we should always be concerned when the motive is first and foremost raising money and the second motive is safety - there should be a concern. I think what Senator Watson raised, the concern about the rolling right turn stop and how that could be abused by a community trying to make money, is a concern. And clearly some of those issues need to be addressed. But it should be pointed out, as Senator Cullerton did, this is already the law and what we tried to do with this is tighten up where some of the abuses have taken place. There has been numerous studies done, reports done where communities have

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

shortened the yellow lights up as a way to generate more revenue. We've added to this legislation mandatory length of times on yellow lights that should help address part of the problem. We've also put in the legislation to stop people from having any part of their car across the cross bar before being ticketed. So, again, I think the point is that the law is already out there, and if we oppose that law, we should be supporting this amendment, because at least it's going to restrict some of the abuses that have taken place. So, I appreciate the sponsor's help on this. Again, it's not all that I would have certainly wanted, but it certainly -- I believe it makes a bad situation at least a little bit better. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Illinois Channel is seeking leave for -- permission to -- requests permission to videotape the proceedings. Seeing no -- no objection, leave is granted. Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. I, too, am at a crossroads here as far as how to vote on this. On one side, I have one of the worst intersection on Belmont and Kedzie, I think, in the whole city. I mean, this is where there's a lot of viaduct, so there's a lot of blind spots. And let me just say that I have seen personally a reduction of -- of accidents in that area because of the cameras that are there. But on the other side, you know, I -- I feel like, you know, there is just something wrong with some of these cameras and how they're taking pictures. About a couple of weeks ago, I was actually turning on the arrow right there at that intersection,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

turning left on the arrow, and it was my -- it was -- it was my right of way to turn. But right as I'm turning, this young man on a bicycle just, right away, crosses in front of the car, between the car who was in front of me and the -- and the car in front of me and myself. He crossed right in front. I actually had to stop, 'cause if I would have gone, I would have hit this gentleman. But guess who got their plates -- a real pretty picture taken of. And I know I probably will have something in the mail soon with my -- with my plates as far as turning. And I -- I think that there is a lot of flaws still with what's going on with these cameras in the area. But I do have to say that because of the cameras in that particular location, we have seen - and I'm saying one of the most deadliest - I mean, there wasn't one day that I would not go through that intersection on my way home that I wouldn't see an accident. Accident after accident, and now I see less accidents. So, it has kind of put a kind of a -- a caution on everyone traveling that area. And it has caught people who have gone through those lights there, right now, and are being prosecuted. But at the same time, I also have the -- you know, not so much me, but the fact that we do have people that do go to the intersection there and -- and you see that camera going off at all times. I mean, so I know something is wrong. So I'm still kind of, you know, in the middle of where I should vote here. But I -- I've got to say that I know it has done some good, but at the same time, I don't think it is -- I don't think that we -- we are where we should be at with a bill like this. So, I -- I don't know how I'm going to vote, but, you know, I just wanted to share that with the Members of the Senate. Thank you.

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I must say, I think I have learned something today from the debate. I'm very -- I never knew that my esteemed colleague from the west side was afraid of cameras and had something against cameras. I never knew that. 'Cause I was watching Channel 11 all this last year, he was up there. There were cameras. While he was debating this bill, he was up on the camera up there. And I thought he looked pretty good on the camera. And the -- the cameras, you know, sometimes they're your friend and I guess sometimes they're your enemy. So, I just never -- never knew that he was against those cameras. But I think it would be helpful to maybe go back to actually learning what's in the bill, 'cause the debate seems to have been on a bill that passed about three years ago and it's currently the law. So that's -- this is a different bill. Here's what happened, folks: This is a House bill. Some State Representative, who I never met - I think he's a Democrat from Rockford - passed this bill over adding some counties to this program, which we've had in the metropolitan areas for a number of years. My colleagues on the Republican side of the aisle, who have concerns about the way this is working statewide, came to me and said, "Would you be willing to talk about putting some protections in the bill that would protect motorists from being wrongfully accused?" Now, just so you know, where my motivation came in sponsoring the bill initially was in highway safety. Not money for Chicago. Highway safety. I passed the first

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

seatbelt law, the first child passenger safety law, and that's been the bills I've been passing. So I looked at the statistics from the Department of Transportation and I found that in Chicago, the year before they had cameras, fifty-four people were killed running red lights; the year after, eighteen people were killed. That's all I needed to know that this thing works. Okay? Now, the concern is, though, City trying to make money, trying to change the rules. It turns out, this is on -- not only a picture of the car, but it's a videotape of the car. There's eleven seconds where you can make sure that that's the car and that car really ran the red light. But still we needed more protections. So, Senator Risinger and Syverson and I sat down and we said, "What do we want to do to protect people?" Well, let's make sure that they don't get -- somebody getting a ticket, like Senator Martinez, caught in the middle. They've got to have a red light, a stop bar, and then, only then, when they go past that stop bar do they get a ticket. That's a protection so someone doesn't get a ticket by mistake. What about the yellow lights? If they make those yellow lights so it's really a short period of time, you wouldn't have enough time to stop; you'll get a ticket. So we put in this bill - in this bill - that protection. And then they said, well, what about these new counties. Let's do something dramatic for them too. Let's have 'em do studies in Peoria for six months to make sure they're only putting 'em in areas where there -- they have very serious problems. That's put in this bill. We have a thing -- a requirement that there be strobe lights for, I think, two or three months before they can put it there. This is a bill that's designed to protect these abuses that everybody here

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

is talking about. We already passed the bill that allows these cameras to be there. That dispute has been resolved and they're up and they're running. I just want to let you know my motivation is highway safety. We're going to save more lives by passing this bill. And my goal would be, someday, for the cities to make no money. No money, 'cause people will stop running red lights. And we'll just have fewer fatalities. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Ladies and Gentlemen, the question is, shall House Bill 5288 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 26 Ayes, 24 Nays, 1 voting Present. House Bill 5288, having failed to receive the constitutional majority, has failed. Okay, Ladies and Gentlemen, for the purposes of an announcement. We will have -- ask all members of the Rules Committee to immediately come to the President's Anteroom. All members of the Rules Committee will come to the President's Anteroom for immediate Rules Committee meeting. Ask the Members just to stand at ease for one moment. The Senate will stand at ease for a moment.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

Mr. Secretary, Committee Reports, please.

ACTING SECRETARY KAISER:

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Senator Hendon, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Appropriations I Committee - Committee Amendment No. 1 to House Bill 4215, Committee Amendment No. 1 to House Bill 5151, Committee Amendment No. 1 to House Bill 5215, Committee Amendment No. 1 to House Bill 5350 and Committee Amendment No. 1 to House Bill 5701; refer to the Education Committee - Committee Amendment No. 1 and 2 to House Bill 4727; refer to the Executive Committee - Committee Amendment No. 1 and 2 to House Bill 2651 and Committee Amendment No. 1 to House Bill 4758; refer to the Financial Institutions Committee - Committee Amendment No. 1 to House Bill 4461; refer to the Higher Education Committee - Committee Amendment No. 2 to House Bill 5059; refer to the Human Services Committee - Committee Amendment No. 1 to House Bill 4212 and Committee Amendment No. 1 to House Bill 4449; refer to the Judiciary-Criminal Law Committee - Committee Amendment No. 2 to House Bill 2748, Committee Amendment No. 1 to House Bill 2769 and Committee Amendment No. 2 to House Bill 4668; refer to the Licensed Activities Committee - Committee Amendment No. 2 and Committee Amendment No. 3 to House Bill 4249 and Committee Amendment No. 1 to House Bill 4778; refer to the Local Government Committee - Committee Amendment No. 1 to House Bill 4545; refer to the Revenue Committee - Committee Amendment No. 1 to House Bill 4179; refer to the State Government and Veterans Affairs Committee - Committee Amendment No. 2 to Senate Joint Resolution No. 101.

Signed by Senator Rickey Hendon, Chairman.

Refer to the Agriculture and Conservation Committee - Floor Amendment No. 2 to House Bill 1768; refer to the Education

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

Committee - Floor Amendment No. 2 to House Bill 1141; refer to the Judiciary Committee-Civil Law - Floor Amendment No. 6 to Senate Bill 1029 and a Motion to Concur with House Amendment 1 to Senate Bill 546 and a Motion to Concur with House Amendment No. 1 to Senate Bill 2435; refer to the Judiciary-Criminal Law Committee - Floor Amendment No. 3 to House Bill 4879; refer to the Local Government Committee - Floor Amendment No. 2 to Senate Bill 836; refer to the Revenue Committee - Floor Amendment No. 1 to House Bill 5069 and Floor Amendment No. 2 to Senate Bill 788, Floor Amendment No. 2 to Senate Bill 790; refer to the State Government and Veterans Affairs Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 782 and the Motion to Concur with House Amendment No. 1 to Senate Bill 2431.

Signed by Senator Rickey Hendon, Chairman.

PRESIDING OFFICER: (SENATOR DeLEO)

The esteemed gentleman from Cook County, Senator Schoenberg, for what purpose you seek recognition, sir?

SENATOR SCHOENBERG:

Thank you, Mr. President. Purpose of the announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR SCHOENBERG:

Thank you, Mr. President. The Senate Appropriations II Committee will meet immediately in Room 212 upon our dismissal here.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Ladies and Gentlemen, Appropriation II will meet immediately upon adjournment in Room 212. Appropriations II. Okay, Ladies and Gentlemen, before we go to -- our

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

162nd Legislative Day

5/27/2008

respective ways this evening, please check your postings for tomorrow. There are committees that have been posted previously and there's been two or three committees added to the postings for tomorrow. So, once again, please check your postings on all committee meetings tomorrow morning. Having said that, Ladies and Gentlemen, there will be no further business to come before the Senate, the Senate will stand adjourned until the hour of 12:30 p.m. on Wednesday, May 28, the year 2008. The Senate stands adjourned.