

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

73rd Legislative Day

1/12/2010

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PRESIDING OFFICER: (SENATOR HARMON)

The regular Session of the 96th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Pastor Daniel Shelton from South Side Christian Church in Springfield, Illinois.

PASTOR DANIEL SHELTON:

(Prayer by Pastor Daniel Shelton)

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Pastor. Please remain standing for the Pledge of Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journals of May 5th, 6th and 7th, 2009.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ROCK:

Senate Journals of Friday, October 30th, 2009, and

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Wednesday, January 6, 2010.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journals just read by the Secretary, pending arrival of the printed transcripts.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, so ordered. WICS-TV seeks leave to videotape the proceedings and the Associated Press seeks leave to take still photos of the proceedings. Is there any objection? Seeing no objection, leave is granted. Madam Secretary, Introduction of Bills.

SECRETARY ROCK:

Senate Bill 2510, offered by Senator Martinez.

(Secretary reads title of bill)

Senate Bill 2511, offered by Senator Silverstein.

(Secretary reads title of bill)

Senate Bill 2512, offered by Senator Silverstein.

(Secretary reads title of bill)

Senate Bill 2513, offered by Senator Silverstein.

(Secretary reads title of bill)

Senate Bill 2514, offered by Senator Silverstein.

(Secretary reads title of bill)

Senate Bill 2515, offered by Senator Silverstein.

(Secretary reads title of bill)

Senate Bill 2516, offered by Senator Silverstein.

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(Secretary reads title of bill)

Senate Bill 2517, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 2518, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 2519, offered by Senator Forby.

(Secretary reads title of bill)

Senate Bill 2520, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 2521, offered by Senator Delgado.

(Secretary reads title of bill)

Senate Bill 2522, offered by Senator Hunter.

(Secretary reads title of bill)

Senate Bill 2523, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 2524, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2525, offered by Senator Martinez.

(Secretary reads title of bill)

Senate Bill 2526, offered by Senator Steans.

(Secretary reads title of bill)

Senate Bill 2527, offered by Senator Kotowski.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 562, offered by Senator Link and all
Members.

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Senate Resolution 563, offered by Senator Link and all Members.

Senate Resolution 564, offered by Senator Link and all Members.

Senate Resolution 565, offered by Senator Martinez and all Members.

Senate Resolution 566, offered by Senator Haine and all Members.

Senate Resolution 567, offered by Senator Haine and all Members.

Senate Resolution 568, offered by Senator Forby and all Members.

Senate Resolution 569, offered by Senator Harmon and all Members.

Senate Resolution 570, offered by Senator Dillard and all Members.

Senate Resolution 571, offered by Senator Dillard and all Members.

Senate Resolution 572, offered by Senator Dillard and all Members.

Senate Resolution 573, offered by Senator John Jones and all Members.

Senate Resolution 574, offered by Senator McCarter and all Members.

Senate Resolution 575, offered by Senator McCarter and all Members.

They are death resolutions.

PRESIDING OFFICER: (SENATOR HARMON)

Resolutions Consent Calendar.

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SECRETARY ROCK:

Senate Resolution 576, offered by Senator Koehler.

Senate Resolution 577, offered by Senator Koehler.

And Senate Joint Resolution 83, offered by Senator Murphy.

They are substantive.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, we're waiting for some paperwork to get caught up with our flow of business. The Senate will stand at ease for a few minutes as we await the paperwork.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Messages.

SECRETARY ROCK:

Message for the Governor by Lindsay Hansen Anderson, Legislative Director.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 96th General Assembly - I have nominated and appointed the following named individual to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body.

Signed, Pat Quinn, Governor. Dated January 11th, 2010.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

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For the purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Maloney, state your announcement.

SENATOR MALONEY:

Thank you. Any Member of the Senate who is a member of the Education Caucus, there will be a meeting this evening at 6 o'clock at the office of the School Board at 2921 Baker Street. 6 o'clock, Education Caucus. Thank you, sir.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Ladies and Gentlemen of the Senate, we appear to have caught up with our paperwork, but we need to stand at ease for a few additional moments to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please come to the President's Anteroom immediately? The Senate will stand at ease.

(SENATE STANDS AT EASE)

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lightford in the Chair.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon in the Chair.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will please come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

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Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - House Bill 1188. Signed by Senator James F. Clayborne, Chairman.

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Floor Amendment 2 to House Bill 1188.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HARMON)

Channel 3 News seeks leave to videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Ladies and Gentlemen of the Senate, if I could have your attention, please. For -- first, an announcement: the Senate Executive Committee will meet today at 2 p.m. in Room 212. I'm going to recognize Senator McCarter for purposes of a moment of silence. If we could have your attention. If the Members could be at their seats. Members could they please be at their seats and staff retire to the back of the Chamber. Senator McCarter, for what purpose do you seek recognition?

SENATOR McCARTER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR McCARTER:

I would like to pay tribute today to a young man from my district who, just days ago, gave his life for our freedom. Senior Airman Brad Randall Smith, born September 11th, 1985, passed away on January 3rd, 2010. Senior Airman Smith was

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attempting to retrieve two of his wounded soldiers in Kandahar, Afghanistan, and while doing so, stepped on a land mine. He leaves behind his wife, Tiffany, and a two-month-old daughter, who he came back this Christmas to see. And I would just ask that we acknowledge today that he gave everything for our freedom and ask that we have a moment of silence.

PRESIDING OFFICER: (SENATOR HARMON)

At the request of Senator McCarter, the Senate will observe a moment of silence for Senior Airman Smith. (Moment of silence observed) Senator Muñoz, for what purpose do you rise?

SENATOR MUÑOZ:

Senate Democrats request a caucus immediately in the President's Office.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. Likewise, we will caucus during the same period of time that you are.

PRESIDING OFFICER: (SENATOR HARMON)

Both the Democrats and Republicans have requested caucuses. That request is in order. The Senate will stand in recess to the call of the Chair. After committee meetings, we will reconvene to receive committee reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

The Senate will come to order. Will all Members under the

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sound of my voice please come to the Senate Floor? Will all administrative assistants please inform your Senator that we are on the Senate Floor? We're about to go to substantial Senate action. Would all Members of the Illinois Senate please come to the Senate Floor? We're about to go to substantial Senate action. Will all administrative assistants please inform your Senator that we are back on the Senate Floor? Thank you, Senator Willie Delgado. I get fifty-six more and we'll be all right. Madam Secretary, Introduction of Bills.

SECRETARY ROCK:

Senate Bill 2528, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 2529, offered by Senator Forby.

(Secretary reads title of bill)

Senate Bill 2530, offered by Senator Forby.

(Secretary reads title of bill)

Senate Bill 2531, offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 2532, offered by Senator Steans.

(Secretary reads title of bill)

Senate Bill 2533, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 2534, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 2535, offered by Senator Trotter.

(Secretary reads title of bill)

Senate Bill 2536, offered by Senator Trotter.

(Secretary reads title of bill)

Senate Bill 2537, offered by Senator Maloney.

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(Secretary reads title of bill)

Senate Bill 2538, offered by Senator Maloney.

(Secretary reads title of bill)

Senate Bill 2539, offered by Senator Millner.

(Secretary reads title of bill)

Senate Bill 2540, offered by Senator Wilhelmi.

(Secretary reads title of bill)

Senate Bill 2541, offered by Senator Wilhelmi.

(Secretary reads title of bill)

Senate Bill 2542, offered by Senator Wilhelmi.

(Secretary reads title of bill)

Senate Bill 2543, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 2544, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 2545, offered by Senator Hunter.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HENDON)

Will all Members under the sound of my voice please come to the Senate Floor? We're going to substantial Senate action. We need you on the Senate Floor. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Hendon, Vice-Chairperson of the Committee on Executive, reports Senate Amendment 2 to House Bill 1188 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Resolutions.

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SECRETARY ROCK:

Senate Resolution 578, offered by Senators Demuzio, Viverito and all Members.

Senate Resolution 579, offered by Senator Demuzio and all Members.

Senate Resolution 580, offered by Senator Demuzio and all Members.

Senate Resolution 581, offered by Senator Demuzio and all Members.

Senate Resolution 582, offered by Senator Frerichs and all Members.

And Senate Resolution 583, offered by Senator Demuzio and all Members.

They are death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Will all Members under the sound of my voice please come to the Senate Floor? Madam Secretary -- Resolutions Consent Calendar. Madam Secretary, Messages.

SECRETARY ROCK:

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

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

Senate Bill 315

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 and House Amendment 2.

We have received a like Message on Senate Bill 616, with

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House Amendment 1.

Passed the House, as amended, January 12th, 2010. Mark Mahoney, Clerk of the House.

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

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

Senate Bill 328

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

House Amendment 1.

We have received like Messages on Senate Bill 1013, with House Amendment 1; Senate Bill 1425, with House Amendments 1 and 2; and Senate Bill 1868, with House Amendment 1.

Passed the House, as amended, January 12th, 2010. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HENDON)

Will all Members under the sound of my voice please come to the Senate Floor? We're about to go to substantial Senate action. We will be voting. We need you here to vote your button for yourself. If you're not on the Floor and someone votes the wrong way for you, there's nothing you can do. There's nothing you can say. Will all Members under the sound of my voice please come to the Senate Floor? This is your last call. Please come to the Senate Floor. We are about to go to the Senate Calendar and -- on 3rd Reading. 3rd Readings are coming up immediately. Will all Members under the sound of my voice please come to the Senate Floor? The Committee on

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Assignments will meet immediately in the President's Anteroom. The Committee of {sic} Assignments. Will all members of the Committee on Assignments please come to the President's Anteroom immediately? We have one technical amendment to kick out and then we're going straight to substantial Senate action. The Senate will stand at ease till after the Committee on Assignments has met.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

The Senate will come to order. Mike Alexander from CBS out of St. Louis seeks leave to videotape. Leave granted? Leave is granted. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment 3 to House Bill 1188.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HENDON)

Will all Senators under the sound of my voice please come to the Senate Floor? We're about to go to 3rd Reading. House Bill 1188. Senator Trotter seeks leave of the Body to return House Bill 1188 to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. Now on the Order of 2nd Reading is House Bill 1188. Madam Secretary, are there any amendments approved for consideration?

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Floor Amendment 2, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter, to explain your amendment.

SENATOR TROTTER:

If I could -- Amendment No. 2 is the bill. If we can adopt No. 2, 'cause there is an Amendment No. 3.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 3, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Mr. Chairman {sic} and Members of the Senate, Amendment No. 3 is a technical amendment that changes several references and a definition. Additionally, it clarifies the time within which a cemetery is required to send a specific report to the Illinois Department of Financial and..

PRESIDING OFFICER: (SENATOR HENDON)

There any discussion? Seeing none, all those in favor, say Aye. Opposed, say Nay. The Ayes have it. And the amendment is adopted. Have -- are there any further amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

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3rd Reading. Now on the Order of 3rd Reading is House Bill 1188. Madam Secretary, read the bill.

SECRETARY ROCK:

House Bill 1188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Okay, Senator, before we go to that, Senator Burzynski. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Purpose of announcement. And thank you for your indulgence. I'd like the record to reflect that Senator Millner will not be here this week due to a family medical situation back home. So, I'd like for the record to reflect that.

PRESIDING OFFICER: (SENATOR HENDON)

The record will so reflect and we wish our good friend and colleague all the best. Senator Trotter, on House Bill 1188. Senator Trotter.

SENATOR TROTTER:

Thank you, Mr. Chairman {sic} and Members of the Senate. House Bill 1188 creates a new Cemetery -- Cemetery Oversight Act that requires cemeteries to be licensed and regulated by the Illinois Department of Financial and Professional Regulations {sic} (Regulation). The new Act moves the regulation of most cemeteries to FPR from the Comptroller's Office. And while the provisions of the bill are similar to Senate Bill 1471, attempts in this bill will bring more uniformity and consistency between the regulations in the various types of cemeteries. It

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addresses licensures, exemptions, creation of special funds, consumer rights bill, whistle-blowing, and so forth. And I will answer questions if there are any.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill, really.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jones, to the bill, sir.

SENATOR J. JONES:

Yeah, in -- in committee just a little bit ago, Senator Trotter, I -- I made the statement to the Director of -- of Professional Regulations {sic} that if this bill passes and the Governor signs it into law that there would probably be several cemeteries throughout the State that would say, "Hey, State of Illinois, you can have 'em. We don't want 'em anymore." I've already had two phone calls that I -- that I returned back, to two funerals homes in my district that own cemeteries, and they actually took over those cemeteries for a reason - because they were run down and the like - and -- and they've made something out of 'em. Do they make money off of 'em? No, they absolutely don't make a dime off of 'em. But they have informed me that the day the Governor signs this, they will bring the keys to those two cemeteries to the Governor and he can have 'em to deal with from here on out. So, I -- I asked you in committee to slow this down, you know, and let's take a little bit of time this spring Session and do this to where all of our cemeteries in the State of Illinois would agree with the legislation. There are parts in here that those cemetery owners would

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support. But this is not the right bill for it. And I understand Burr Oak and I -- I have great sympathy for all of those people that were damaged in -- in some way or another of -- of Burr Oak. But I just want you to know that what I said in committee is going to come true, because there are going to be cemeteries all over this State that says, "State of Illinois can run 'em from here on. We don't want 'em." Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Senator Maloney. Senator Maloney.

SENATOR MALONEY:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Maloney.

SENATOR MALONEY:

Once again, Senator Trotter, the fees that will be established by this Act, they -- they are not set in this legislation and will be set by rule. Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

That is correct, Senator Maloney.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

The new database that the Act requires, is this going to be a database that -- from the time the bill is enacted? They don't have to go back and reestablish for the thousands and thousands of graves that they may have currently there?

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

That is equally as correct.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

That -- that is also the case with the current plats or surveys; they would be satisfactory unless there was some egregious situation, such as occurred at Burr Oak. Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Correct, in part. Egregious, but also -- if there's a sizable expansion of the cemetery as well, and it'd be going forward.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

Thank you. Would it be a fair characterization, because I had this talking to some of the cemeteries in my district, to say that this -- this bill will address the terrible situations that had occurred at -- at Burr Oak without punishing those cemeteries that have been doing what they were supposed to do all along?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

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Yes, sir. It will not punish anyone. There is -- there is no punishment in this bill. We are just trying to get some uniformity and general oversight of all of our cemeteries. At this point in time, we don't even know how many cemeteries there are in the State of Illinois. With this legislation, with them having to report to FPR, we can get that number and certainly have better idea and a better oversight of that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Maloney.

SENATOR MALONEY:

That's all. Thank you, Senator Trotter.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. To the bill, and I compliment the sponsor: I think the legislation takes steps forward in addressing some of the grave concerns we've had, specifically as stated to the Burr Oak's. But from a municipal perspective, the partial exemptions that have been worked out just recently are great - but it's not enough. And I think, again, what I'm seeing in this is a desire to get something done rapidly. We addressed the issue during Veto. We're trying to come back and take care of it. But I really believe that this legislation, we could take some additional time, address those concerns of many of the public-owned entities here and perhaps give them more consideration, particularly now during an economic time where our local municipalities, our townships, et cetera, are also experiencing small -- or, actually, large, grave reductions in their own revenues. And to place an additional economic burden

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on them at this time, without really sitting down and giving them the opportunity to talk about this, I think, is shortsighted. And I would ask the Body just to hold on this legislation and give us a little bit more time to address it. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Jacobs. Senator Mike Jacobs. Senator Jacobs.

SENATOR JACOBS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, my understanding - I'd like -- just like for you to clear this up for me - is that -- that people will be fingerprinted if they're on boards or commissions that oversee the cemeteries. Other people have told me that's not true, that the only people that will be fingerprinted are -- are people who manage the facilities and actually have hands on day to day. Can you clarify that for me, Senator?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Yes. The managers will be fingerprinted. But the workers, the -- the regular everyday employees, that guy who - or woman - who cuts the grass is not subjected to fingerprinting.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

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Senator, I also understand that -- and share some of the concerns that my Republican friends do, is that we are moving a bill very quickly. I would ask, if -- if we move this bill and if we have problems with this bill, would you afford us the opportunity to come back with cleanup legislation to straighten anything out that we may -- may have overlooked? I know that some people are -- are happy with this bill because it started out here and now it's in the middle, and I want to just salute you for doing that, and if you could comment a little bit on if you would give us a trailer bill if something does go wrong.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

You -- you certainly have my word that I would do that. But as with any Member, you're more than -- hopefully you will come forward if you have ideas and submit your own amendment. So it's not just me - that's where the process works. This is a beginning. We've incorporated some things that were on the books. We've put some new things on the books as well. But that doesn't mean that this is -- a finished deal.

PRESIDING OFFICER: (SENATOR HENDON)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, sir. Senator McCarter.

SENATOR McCARTER:

The -- the President of the Illinois Cemetery and Funeral Home Association happens to reside in my district, in Decatur.

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And I've got his statement here. I'm not -- quote, "I'm not sure how many people I would need to lay off. It would lower the standard of care I can offer and obviously raise all of my fees in an already tough economy." You know, I represent a district in Decatur that's fourteen-percent unemployment. And -- and I think it's my duty to protect jobs in my district. This doesn't seem like the way to produce jobs, by imposing more fees/regulations. I know there's a -- I know we are reacting to a bad situation - which, as I understand, is already being dealt with under existing law. So, I -- and -- and I agree that we should deal with that -- that bad situation. That's necessary and that's our duty. Yet, the -- the increase -- the increased fees burden on business at this time, during this economy, I believe is the wrong message to send to the people we're trying to put back to work.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Emil Jones.

SENATOR E. JONES:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, sir. Senator Emil Jones, III.

SENATOR E. JONES:

First, I would like to commend the sponsor, Senator Trotter, for taking on this initiative with this bill. As we all know, Burr Oak, the situation happened in my district. And I've spent a lot of time and effort on working with the interested parties dealing with this legislation. Now, not if, when we do do a trailer bill, I plan to be the lead person on that bill so we can come together and put together a good piece

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of -- a good trailer bill. Right now, as this bill is written, it addresses some of the concerns of the State with our cemeteries, but not all of 'em. So I look forward to working with you, Senator Trotter, in the coming further months so we can put a good trailer bill together that address some of the issues that have been brought to this Body. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? And the Chair certainly appreciates those who have been succinct thus far. Senator Sullivan. John.
SENATOR SULLIVAN:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator Trotter, I want to give you an actual example and if you could help -- I'm trying to understand how -- what kind of an impact this is going to have on -- on the small -- on many of the small cemeteries around the State of Illinois. I have a -- a cemetery. It is privately owned. They have a board of individuals, local individuals, who oversee the cemetery. They do have care funds and they -- they -- of course, so they are registered. What will that cemetery -- they -- and they are over two acres and they have, you know, maybe one, two, three, four burials a year. What would be required, in this bill, for them to do?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Well, you said that they -- they are presently registered

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with FPR. Bottom line, keep on what they are doing. Majority of -- of cemeteries that are out here are in compliance. It's just that there's never been -- or it's just rule of practice of what they've been doing. So this bill would not have any negative -- or a real positive impact on 'em. It's just to -- again, to bring some uniformity to the -- the industry itself.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan.

SENATOR SULLIVAN:

Senator Trotter, after committee today I asked the Director who testified in the committee, and I gave him the same example that I did you, and he -- here is what he told me. He said that the -- I want to get the right title here. The cemetery manager would have to have a background check, would have to do continuing education. There would have to be training of the employees. There would be -- obviously have to comply with the Code of Professional Conduct and Ethics. They would -- this -- this small cemetery would -- they would not get any exemption, either a full or a partial; they would be required to adhere to all of the stipulations in this legislation. Could you comment on that, please?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Yes, Senator, I misspoke. You're absolutely correct, they do. I -- I was thinking more of the -- the previous bill, not this bill itself, and current regulation. In the previous bill, everyone had to be licensed. In this -- this bill, the managers have to be licensed. The consumer -- customer service

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individuals have to be licensed as well, but not the employees, which was different from the other bill. So, I confused that with -- with the other bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter, we appreciate the courtesy you've given in looking at the questioner, but please speak into the mike. Senator Sullivan.

SENATOR SULLIVAN:

Just in closing: Ladies and Gentlemen, it -- it's with great reluctance that I rise in opposition to the bill. We have a situation where they've -- there has been exemptions, and partial and full exemptions, for a number of small cemeteries, but there are also a number of small cemeteries that do not qualify for this -- for these exemptions, either partial or full. And these are cemeteries that are -- operated and maintained by a group of individuals, usually in the rural areas of the State. They've been there for many, many years and they are struggling. They have no tax revenue. They have no income. Rarely sell a plot - one or two, maybe three a year. So, very little funds to deal with. And this -- regulation is going to put, I believe, undue hardships on those -- on those cemeteries. And it is for that reason that I reluctantly rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Haine? Senator Haine, Righter, Lightford, then we're wrapping it up. Senator Haine.

SENATOR HAINE:

I'll -- I'll keep it short, Mr. President, I promise. Will the sponsor yield?

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PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield to the Senator who's keeping it short. Senator Haine.

SENATOR HAINE:

Thank you. Senator Trotter, as I understand it, not to belabor the issue, but the -- the requirements for maintenance and standards, they apply generally to all cemeteries, except -- right? Isn't that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

That's correct, Senator, except those that are fully exempt.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine. Senator Haine. Senator Haine.

SENATOR HAINE:

Okay, to the bill: Again, this is -- this -- this -- this bill may be -- as was indicated in previous statements, maybe we need to tweak this bill at some point in the future. I have small cemeteries too, privately operated. But I have three cemeteries in my district that are operated by private owners that are simply not operated adequately. And the idea that there's a complaint number accessible to a citizen is good. The idea that there are minimum maintenance standards and licensure is good. In Saturday -- in Sunday morning's Alton paper, we had a headline, the manager of one of these cemeteries was manufacturing, allegedly, methamphetamines on the cemetery property. Now, there has to be a way to get rid of that guy, formally, according to law. And if it's in this bill, which it

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apparently is, it's enough for me to vote for the bill. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Leader Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, please.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, Leader.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen of the Senate, first, I want to thank Senator Trotter, as always, for his courteous and honest responses in Executive Committee about this bill. We all know that this bill is driven largely by a single incident - a tragic, an abhorrent incident that happened in this State. Rarely, rarely does legislation of this size moving this quickly ever turn out to be very good when it's driven by one event. There are small cemeteries - and Senator Sullivan talked about 'em and even Senator Haine talked about - small cemeteries throughout this State, who have three, five, seven interments a year, who will fall under the full breadth of this regulation. And to be clear - because there was some discussion in committee about fees and the fact that the fee schedule is not public - we don't know what it is because we're leaving that up to the Department of Professional Regulation. And so when we think about fees, people think, oh, you know, twenty bucks here, fifty bucks here, or whatever. I'm going to read just a partial list of the fees and the licenses that are required for these cemeteries under this bill: the cemetery authority license, the cemetery manager license, the customer service employee license

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- for how many you have, examination fees for all licensees, fingerprinting fees, continuing education fees, and license renewal fees. That's a partial list of what's going to be required under this bill. The Director testified in committee that the cost of this bill is nine million dollars. There are approximately seven hundred cemeteries in Illinois - seven hundred that will carry the brunt of that nine million dollars. You don't need to do your math. I've already done it. That is almost thirteen thousand dollars a year for every cemetery that will be under this regulation. So when we're talking about the small cemeteries, the ones that have half a dozen interments a year and they have a manager and then maybe some part-time help, do you think that they can afford thirteen thousand dollars a year? Because that's the cost of the bill according to the Director. The Director told us how many cemeteries would be under the regulation. They told -- he told us how much money it would be. And it's just as simple as that. But as much as I'm concerned about those private cemeteries, I'm even more concerned for the cemeteries that are all throughout downstate Illinois, and certainly all across my district, and that is the small -- private or the -- I'm sorry, the small religious or municipally owned cemeteries that still are regulated under this bill. And, you know, some would argue, "Well, these requirements aren't that onerous." Well, come to my district. Come to my district and come and let's take a look at some of the cemeteries and let's talk to the people who work there. Because, I'll tell you, most of the people who work in those cemeteries, they make little or nothing. And the reason they work there is because they have a husband, or a wife, or a child

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who's buried there and they feel an ethical or moral obligation to keep that cemetery up. Is that what the Department of Professional Regulation -- are they shopping around for business for people like that? It's insulting to assume that those people can be put possibly in the same category as those who engineered the tragedy at Burr Oak's. And that's what this bill does. I urge a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford, for legislative intent. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. To the bill: I have a couple questions regarding the language in Section 20-5(b)(1). It apparently allows the Department of Financial and Professional Regulations {sic} to order a cemetery authority to obtain a plot {sic} (plat) whenever "the cemetery authority is expanding or altering the cemetery grounds". This language appears to be not clear to me. Is it your intent, Senator Trotter, to require plots {sic} from cemetery authorities after they perform minor alterations? Is it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Senator Lightford, no, that is not my intent or an intent of this legislation. The plat should only be required under subsection (b)(1) if major, material alterations are performed.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

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If a cemetery expands, a plot -- and a plot {sic} is required, is it your intent to require a plat for existing sections or only for the new section?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

If a plat is requested in such a scenario, my intent is to require the cemetery authority to only obtain a plot {sic} for the new section, not the existing section.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Mr. President, to the bill: I know I was rising for legislative intent, but I have to bring up a point. And Senator Righter's saying from one incident that this legislation has to take place. But this is one incident that we all know about. This is one incident that shook up families all over the City of Chicago, all over the State of Illinois, individuals from outside of the State of Illinois who had loved ones at that cemetery. I'm hoping that -- it's difficult for one size to fit all and I know that, but I'm hoping that this will help regulate and save a lot of families a lot of heartache and grief when they arrive at cemeteries and can't find their loved ones. We do know that cemeteries have a set amount of space, and for whatever reason, they're never unoccupied. They can always bring more bodies, more bodies, more bodies. So, something is actually taking place in some of these cemeteries. Don't know. Not accusing downstate versus urban area, any of that. But what I do know is, when you bury a loved one, you want to make sure

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that they're resting in peace. And I'm hoping that this legislation will get us that. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Thank all of you that have spoken and -- and working so hard to make this legislation -- this comprehensive legislation become real at this time. It has been difficult time. It's been difficult for not only the families of -- of individuals who have families who are at Burr Oak, but also those families who now are in doubt. Is it happening in their cemeteries in their neighborhoods? Has it happened in the cemeteries in their district? No one knows, because there does not have -- there has not been an oversight committee of this nature, of this -- of this size, to look into that. This brings some uniformity to the cemetery industry, which is long overdue. And it's also going to be the role model for -- for other states as well, who have, at various times, said, "Hey, you know, we've noticed some things happening in our states." And this legislation will -- will serve as the blueprint for that. Is it perfect? Far from it. But it is something that is long overdue. For those who say that some cemeteries will -- will close up. Well, hopefully that doesn't happen. But there will be dollars in there. Three percent of amount of dollars will be set aside for the cemetery oversight -- from the -- Cemetery Oversight Licensing and Disciplinary Fund. Those dollars will help those cemeteries that have been neglected or abandoned. For those individuals who feel that this is it or we're not being proactive, or we're

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being reactive, no, in -- in a sense, we're being proactive - proactive to all those families who, in the future, are going to have loved ones that are going to be interred at these cemeteries. They will know -- they will have the peace of mind that their loved ones will be laid to rest with dignity and not disturbed by criminals, as they were portrayed in -- in committee. Well, there's criminals everywhere. So, we're being proactive here - not necessarily reactive to what has happened in Burr Oak in Alsip, Illinois. This is legislation that -- and it is, for those who do know, very close to me. When it first happened, my family told me we had at least twenty-seven members of my family at the cemetery. As it turned out, when everyone put their lists together, there's fifty-three Trotters buried at Burr Oak Cemetery. Are -- are they still buried? We really don't know. We know that there has been some things that look different around the graves. Those -- that has been reported, had been reported before. But the thing is, no family should have to wonder has -- is something happening to their loved ones, to their mother, their fathers, daughters, their children. So, this is a beginning - a beginning that probably will never end. But we have to begin somewhere. So, I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall House Bill 1188 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 voting Aye, 24 voting Nay, 1 voting Present. House Bill 1188, having received the required

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constitutional majority, is declared passed. The Committee on Assignments will be meeting tomorrow morning at 9 a.m. There being no further business to come before the Senate, the Senate stands adjourned until 9 a.m., Wednesday, January 13th, 2010. The Senate stands adjourned.