

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

AM0072	Read into Record	2
HB0186	First Reading	140
HB0212	First Reading	3
HB0224	First Reading	140
HB0991	First Reading	3
HB1307	First Reading	3
HB1600	First Reading	3
HB1651	First Reading	3
HB2046	First Reading	3
HB2100	First Reading	140
HB2193	First Reading	3
HB2267	First Reading	3
HB2397	First Reading	3
HB2555	First Reading	3
HB2842	First Reading	3
HB3012	First Reading	3
HB3152	First Reading	140
HB3182	First Reading	4
HB3293	First Reading	140
HB3377	First Reading	4
HB3403	First Reading	4
HB3408	First Reading	140
HB3441	First Reading	4
HB3449	First Reading	140
SB0007	Second Reading	99
SB0540	Second Reading	102
SB0630	Recalled	290
SB0630	Third Reading	291
SB1349	Recalled	246
SB1349	Third Reading	247
SB1543	Recalled	6
SB1543	Third Reading	6
SB1544	Third Reading	8
SB1554	Recalled	9
SB1554	Third Reading	9
SB1555	Third Reading	10
SB1556	Third Reading	11
SB1557	Third Reading	13
SB1560	Third Reading	14
SB1562	Recalled	15
SB1562	Third Reading	16

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SB1566	Third Reading	17
SB1567	Recalled	18
SB1567	Third Reading	19
SB1577	Recalled	21
SB1577	Third Reading	21
SB1578	Third Reading	22
SB1586	Third Reading	23
SB1587	Third Reading	103
SB1589	Third Reading	104
SB1602	Third Reading	24
SB1603	Third Reading	25
SB1607	Third Reading	26
SB1608	Third Reading	26
SB1609	Third Reading	27
SB1610	Recalled	32
SB1610	Third Reading	33
SB1613	Recalled	34
SB1613	Third Reading	34
SB1631	Third Reading	36
SB1637	Third Reading	37
SB1651	Recalled	37
SB1651	Third Reading	39
SB1656	Third Reading	40
SB1672	Third Reading	41
SB1680	Third Reading	42
SB1682	Recalled	46
SB1682	Third Reading	46
SB1686	Third Reading	50
SB1694	Recalled	52
SB1694	Third Reading	52
SB1697	Third Reading	56
SB1701	Recalled	64
SB1701	Third Reading	65
SB1702	Recalled	68
SB1702	Third Reading	69
SB1727	Third Reading	71
SB1728	Recalled	72
SB1728	Third Reading	73
SB1739	Third Reading	74
SB1740	Third Reading	74
SB1741	Third Reading	75
SB1742	Recalled	76

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SB1742	Third Reading	77
SB1746	Third Reading	121
SB1755	Recalled	78
SB1755	Third Reading	78
SB1761	Recalled	80
SB1761	Third Reading	81
SB1762	Third Reading	86
SB1765	Third Reading	89
SB1766	Third Reading	90
SB1773	Third Reading	95
SB1782	Third Reading	96
SB1794	Third Reading	97
SB1795	Third Reading	98
SB1798	Third Reading	105
SB1799	Third Reading	110
SB1802	Recalled	111
SB1802	Third Reading	112
SB1804	Third Reading	117
SB1804	Vote Intention	118
SB1805	Third Reading	118
SB1808	Recalled	119
SB1808	Third Reading	120
SB1809	Recalled	122
SB1809	Third Reading	123
SB1826	Third Reading	130
SB1827	Third Reading	136
SB1831	Third Reading	141
SB1833	Third Reading	143
SB1843	Third Reading	144
SB1849	Third Reading	145
SB1852	Recalled	145
SB1852	Third Reading	146
SB1853	Recalled	148
SB1853	Third Reading	149
SB1856	Third Reading	171
SB1877	Third Reading	172
SB1883	Third Reading	173
SB1900	Third Reading	174
SB1907	Third Reading	176
SB1914	Recalled	177
SB1914	Third Reading	178
SB1923	Recalled	181

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SB1923	Third Reading	182
SB1923	Vote Intention	308
SB1924	Third Reading	183
SB1927	Recalled	184
SB1927	Third Reading	185
SB1945	Recalled	186
SB1945	Third Reading	187
SB1948	Third Reading	188
SB1949	Third Reading	189
SB1952	Third Reading	190
SB1962	Third Reading	191
SB1962	Vote Intention	192
SB1962	Vote Intention	192
SB1968	Third Reading	192
SB1971	Recalled	193
SB1971	Third Reading	194
SB1972	Recalled	195
SB1972	Third Reading	195
SB1992	Third Reading	196
SB1996	Recalled	198
SB1996	Third Reading	199
SB2002	Third Reading	199
SB2004	Third Reading	201
SB2010	Third Reading	201
SB2010	Vote Intention	204
SB2015	Third Reading	202
SB2034	Third Reading	203
SB2037	Recalled	204
SB2037	Third Reading	205
SB2042	Third Reading	206
SB2046	Third Reading	207
SB2064	Third Reading	208
SB2069	Recalled	209
SB2069	Third Reading	209
SB2081	Third Reading	210
SB2082	Third Reading	211
SB2084	Third Reading	212
SB2106	Recalled	213
SB2106	Third Reading	214
SB2123	Third Reading	225
SB2134	Recalled	226
SB2134	Third Reading	227

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SB2138	Third Reading	228
SB2139	Third Reading	229
SB2148	Third Reading	230
SB2149	Recalled	231
SB2149	Third Reading	231
SB2151	Recalled	234
SB2151	Third Reading	235
SB2450	Second Reading	103
SR0097	Adopted	4
SR0121	Adopted	5
SR0175	Resolution Offered	2
HJR0007	Resolution Offered	246
HJR0013	Resolution Offered	246
HJR0028	Resolution Offered	246
SJR0034	Adopted	309
SJR0034	Motion	101
SJR0034	Resolution Offered	2
Senate to Order-Senator Sullivan		1
Prayer-Pastor Shaun Lewis		1
Pledge of Allegiance		1
Journal-Postponed		1
Messages from the House		2
Senate Stands at Ease/Reconvenes		99
Senate Stands at Ease/Reconvenes		100
Committee Reports		100
Senate Stands in Recess/Reconvenes		139
Committee Reports		139
Messages from the House		139
Senate Stands in Recess/Reconvenes		244
Messages from the House		245
Adjournment		310

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

The regular Session of the 97th General Assembly will please come to order. Will the Members please be at their desks? Would our guests in the galleries please rise? The invocation today will be given by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.

PASTOR SHAUN LEWIS:

(Prayer by Pastor Shaun Lewis)

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Wednesday, April 13th, 2011.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Mr. President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending approval {sic} of the printed transcript.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY ROCK:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senate Resolution 175, offered by Senator John Jones.

Senate Joint Resolution 34, offered by Senator Lightford.

They are substantive.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Madam Secretary, Appointment Message.

SECRETARY ROCK:

Appointment Message 72

To the Honorable Members of the Senate, Ninety-Seventh General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

To be a Member of the Capital Development -- Board:

Peter J. O'Brien, Sr.

Expenses

This Appointment Message -- this Appointment Message supersedes Appointment Message 55 of the Ninety-Seventh General Assembly.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Madam Secretary, Messages from the House.

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

House Bill 212.

We have received like Messages on House Bills 224, 1307,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

1353, 1651, 1973, 2046, 2193, 2267, 2397, 2842, 2972, 3012, 3182, 3283, 3292, 3366, 3377, 3441 and 3449. They passed the House, April 13th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Madam Secretary, House Bills 1st Reading.

SECRETARY ROCK:

House Bill 212, offered by Senator Hutchinson.

(Secretary reads title of bill)

House Bill 991, offered by Senator Althoff.

(Secretary reads title of bill)

House Bill 1307, offered by Senator LaHood.

(Secretary reads title of bill)

House Bill 1600, offered by Senator Trotter.

(Secretary reads title of bill)

House Bill 1651, offered by Senator Mulroe.

(Secretary reads title of bill)

House Bill 2046, offered by Senator Rezin.

(Secretary reads title of bill)

House Bill 2193, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 2267, offered by Senator LaHood.

(Secretary reads title of bill)

House Bill 2397, offered by Senator Steans.

(Secretary reads title of bill)

House Bill 2555, offered by Senator Wilhelmi.

(Secretary reads title of bill)

House Bill 2842, offered by Senator Raoul.

(Secretary reads title of bill)

House Bill 3012, offered by Senator Murphy.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

(Secretary reads title of bill)

House Bill 3182, offered by Senator Koehler.

(Secretary reads title of bill)

House Bill 3377, offered by Senator Althoff.

(Secretary reads title of bill)

House Bill 3403, offered by Senator Wilhelmi.

(Secretary reads title of bill)

House Bill 3441, offered by Senator Haine.

(Secretary reads title of bill)

1st Reading of these House bills.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, we're about to do substantive action on House Bills 3rd Reading. So if you are in your office, please come to the Senate Floor. All Members please come to the Senate Floor. But first we're going to go to page 67 of the Calendar, Secretary's Desk, Resolutions. Senate Resolution 97. Senator Hunter. Indicates she'd like to proceed. Madam Secretary, please read the resolution.

SECRETARY ROCK:

Senate Resolution 97, offered by Senator Hunter.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. Senate Resolution 97 basically designates the month of Ramadan, the ninth month of the Islamic lunar calendar, as a Green Month in the State of Illinois. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

none, the question is, shall Joint -- Senate Resolution 97 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 46 voting Aye, 0 voting Nay, 0 voting Present. Senate Resolution 97, having received the required constitutional majority, is declared passed. Turning to the next page, to the top of page 68, is Senate Resolution 121. Senator Holmes. Indicates she'd like to proceed. Madam Secretary, please read the resolution.

SECRETARY ROCK:

Senate Resolution 121, offered by Senator Holmes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes.

SENATOR HOLMES:

Thank you very much, Mr. President. Senate Resolution 121 urges the President and the Secretary of the Navy to name one of the new LCS cruiser ships under construction as the USS Aurora in honor of the City of Aurora and its many contributions to the welfare of the nation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Resolution 121 pass. All those in favor will vote Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen, we're about to go to 3rd Readings. Would all Members please come to the Floor? We're going to start immediately on 3rd Readings. Please come to the Senate Floor, all Members. Will all Senators please come to the Senate Floor? We are going to be going to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

3rd Readings shortly. All Members please come to the Senate Floor. Ladies and Gentlemen, we will turn to page 51 of the printed Calendar, about in the middle of the page, on Senate Bill 1543. Senator Koehler. Senator Dave Koehler. Indicates he'd like to proceed. Senator Koehler seeks leave of the Body to return Senate Bill 1543 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1543. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 3, offered by Senator Koehler.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler, to present your amendment.

SENATOR KOEHLER:

Yes, thank you, Mr. President. The amendment is a technical change requested by IDOT and the IEPA.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1543. Senator Koehler, you wish to proceed? Indicates that he would. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1543.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler.

SENATOR KOEHLER:

Yeah, thank you, Mr. President, Members of the Senate. Senate Bill 1543 amends the Environmental Protection Act to encourage the recycling of asphalt roofing shingles by providing incentives to facilities that deposit asphalt roofing shingles with facilities operating in accordance with the IEPA approved beneficial use applications. What this means, all across our State, and particularly in Peoria, is that we get a asphalt recycling plant in our area, and instead of filling our landfills, we get to use it on our highways. So I know of no opposition and appreciate support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR PANKAU:

Thank you, Mr. President. I urge an Aye vote on this bill. It's amazing to me that we haven't thought about this before. I mean, with the number of roofs that get torn off every year and the shingles that are left over, to actually be able to use them on the roads. This is a really great bill and so I urge an Aye vote from everybody.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Any further discussion? Seeing none, the question is, shall Senate Bill 1543 pass. All those in favor will vote Aye. Opposed, Nay. The -- the voting is open. Have all voted who

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 53 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1543, having received the required constitutional majority, is declared passed. Continuing -- excuse me, continuing on the Calendar is Senate Bill 1544. Senator Haine. Madam Secretary, Senator Haine seeks leave of the Body... Madam Secretary, read the bill, please.

SECRETARY ROCK:

Senate Bill 1544.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this is a bill which regularizes filing fees with the Department of Insurance based upon a flat fee rather than all kinds of different fees for forms and it's supported by a wide variety of small and large carriers.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1544 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1544, having received the required constitutional majority, is declared passed. Senate Bill 1545.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Haine. Out of the record. Senate Bill 1549. Senator Haine. Out of the record. Senate Bill 1554. Senator Haine. Senator Haine seeks leave of the Body to return Senate Bill 1554 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1554. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill which grants immunity for -- under -- for trespass charges to those who are lawfully commissioned to do process serving. There's no -- no opposition to the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Any discussion? Senator Dale Righter, for what purpose do you rise?

SENATOR RIGHTER:

Morning, Mr. President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Good morning, Senator. Indicates that he will.

SENATOR RIGHTER:

Thank you. Senator Haine, can you go through that again? I'm -- I heard the word "immunity" and -- but I'm not clear on what exactly the bill will do.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Thank you, Senator. This is a bill which adds to the definition a process server, a detective or security agent, so they won't be charged with trespass if they're serving process by a court appointment. This is Mr. Lockhart's initiative. He represents these agencies.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Haine, currently, who has that protection as a process server? Is it only public employees right now?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

I don't -- there are -- yes. Basically, it's public employees, like a sheriff's deputy, but there isn't any immunity at this point for a private processor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Any further discussion? Seeing none, the question is, shall Senate Bill 1554 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1554, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1555. Senator Haine. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1555.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill which specifically says that it -- that it is not a violation of the insurance laws of this State to participate in a religious arrangement to provide medical care, a so-called not-for-profit medical sharing trust. This bill is still a work in progress and -- there's consideration of an -- an amendment by the Department of Insurance. But we don't have time to consider it and I want to move it to the House where they can amend it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1555 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Senator Garrett. Madam Secretary, take the record. On that question, there are 52 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1555, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1556. Senator Bill Haine. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1556.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill which makes several changes to the State Employees Group Insurance Act. It defines more clearly that individuals and their survivors meet the minimum vesting requirements. It sets forth the number of years and it -- it -- it ensures that newly acquired dependents are not eligible. For example, if a survivor remarries, his or her new dependents would not be eligible for benefits.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Chris Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

From your description of what this legislation does, it sounds like it's a narrowing of eligibility and therefore a cost savings. Is that the net effect of your bill?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Senator Lauzen, for that question. That's absolutely correct.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, the question is, shall

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senate Bill 1556 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1556, having received the required constitutional majority, is declared passed. Continuing on the Calendar to the Order of Senate Bill -- is Senate Bill 1557. Senator Haine. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1557.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This narrows -- once again, this is another bill which narrows a mandate that we passed a year or so ago for -- for the treatment of autoimmune diseases. It clarifies the definition of what is medically necessary for the purpose of determining coverage. So it is a narrowing of a mandate.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1557 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Present. Senate Bill 1557, having received the required constitutional majority, is declared passed. Senate Bill 1560. Senator Dillard. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1560.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a rather simple bill, but a complex topic, and it deals with the early release of inmates. This sets up a process where the Governor and the Department of Corrections could revoke the Meritorious Good Time program that we read about over the summer. You let these inmates out early, but we need to establish a method to get 'em back if they have broken the rules that allowed for their meritorious good time conduct {sic}. And we just need this safeguard in the law and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1560 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1560, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you rise?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR MALONEY:

Thank you, Mr. President. Inquiry of the Chair. I was just hoping that -- I was glad to see Senator Dillard got up and explained a bill, because I was going to suggest that maybe we ought to have a separate Calendar for Senator Haine with the amount of legislation he has here. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Excellent observation, Senator. Continuing on the Calendar is Senate Bill 1562. Senator Dillard. Senator Dillard seeks leave of the Body to return Senate Bill 1562 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1562. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a technical amendment and I'll explain the bill fully on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Bill 1562. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1562.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is another bill dealing with the early release of inmates. And we, as I explained yesterday on some other legislation, are working closely with the Governor's Office and the Department of Corrections and the House of Representatives. But this one calls for when there is the early release of inmates through the Meritorious Good Time program that Governor Quinn be sent -- or the Governor be sent a report monthly on the release of these inmates so no one can claim that they didn't know what was going on with the release of inmates back out into society. And then once a year - once a year - the Department of Corrections will send us in the General Assembly a report about how many inmates they are releasing early. So, it's a reporting requirement - monthly to the Governor, annually to the General Assembly. I know of no opposition. And, again, this is a topic that's a work in progress. We're working closely with Governor Quinn and his staff, as well as the House. And I would appreciate a favorable roll call, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1562 pass. All those

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 53 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1562, having received the required constitutional majority, is declared passed. Next up on the Calendar is Senate Bill 1566. Senator Clayborne. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1566.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator James Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. Basically, Senate Bill 1566 modifies an existing sales tax exemption for aircraft parts and equipment. It -- it exempts repairs on engine parts. So, engine parts would now qualify for the exemption. This is about a 1.3-billion-dollar industry if you look at small aircraft, and if we're able to service the major aircrafts, it's a five-billion-dollar industry. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just like to report that, in Revenue Committee, this enjoyed unanimous support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any further discussion? Seeing none, the question is, shall Senate Bill 1566 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1566, having received the required constitutional majority, is declared passed. Senate Bill 1567. Senator Clayborne. Senator Clayborne seeks leave of the Body to return Senate Bill 1567 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1567. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. This creates a twelve-member Carbon Capture and Sequestration Legislation Commission. One member shall be appointed by the Speaker, the President, the Minority Leader of the House and Senate and one person from the Illinois Power Agency and six members appointed by the Governor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Clayborne.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne, on Amendment 2.

SENATOR CLAYBORNE:

Thank you. I'll just discuss it on -- on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1567. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. As I stated, this creates a twelve-member Carbon Capture and Sequestration Legislation Commission to review the issue of carbon capture and sequestration.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Clayborne, first, is there any language in the bill that would allow for any kind of reimbursement expenses for the members of the Commission?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne.

SENATOR CLAYBORNE:

No.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Clayborne, is -- who makes the appointments? You said there's twelve members on the Commission. I'm curious who the appointing authorities are and how many members do they appoint?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne.

SENATOR CLAYBORNE:

The Governor has six, the Power Agency has one, the Minority Leader of the Senate has one, the Minority Leader of the House has one, the President of the Senate has one, and the Speaker of the House has one.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 1567 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 52

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

voting Aye, 3 voting Nay, 0 voting Present. Senate Bill 1567, having received the required constitutional majority, is declared passed. Turning to the top of page 52 on the printed Calendar is Senate Bill 1576. Senator Kotowski. Out of the record. Senate Bill 1577. Senator Holmes. Senator Holmes seeks leave of the Body to return Senate Bill 1577 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1577. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Holmes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes, on your amendment.

SENATOR HOLMES:

The amendment deletes all and becomes the bill. I'll be happy to explain it on 3rd.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1577. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1577.

(Secretary reads title of bill)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes.

SENATOR HOLMES:

Thank you so much, Mr. President. It's a recommendation of the Multiple Sclerosis Society and Access Illinois and it amends the Illinois Hospital (Licensing) Act to make revisions in the Section of the Hospital Licensing Act concerning the content of a hospital safe patient handling policy.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1577 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1577, having received the required constitutional majority, is declared passed. Senate Bill 1578. Senator Holmes. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1578.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes.

SENATOR HOLMES:

Thank you so much, Mr. President. Senate Bill 1578 amends the School Code to include educational support personnel in institute or inservice training workshops. Currently, only

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

teachers are required to participate in the workshops. This is an initiative of the IFT.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1578 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1578, having received the -- the required constitutional majority, is declared passed. Senate Bill 1586. Senator Crotty. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1586.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maggie Crotty.

SENATOR CROTTY:

Thank you very much. This is a companion bill to Senate Bill 90. This makes provisions and changes to the Election Code which currently provides that election authorities may appoint driver's facility employees of the Secretary of State's Office as deputy registrar, registering voters. However, over the years that duty -- of these employees has changed from registering voters to just merely accepting registration applications and forwarding them on to the local election authorities. This would codify that practice.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1586 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1586, having received the required constitutional majority, is declared passed. 1587. Senator Muñoz. Senator Muñoz. Out of the record. Senate Bill 1589. Senator Muñoz. Out of the record. Senate Bill 1602. Senator Frerichs. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1602.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mike Frerichs.

SENATOR FRERICHS:

Thank you very much, Mr. President. Senate Bill 1602 is an agreement reached by the Illinois Dental Society and the Department of Financial and Professional Regulation. Creates rules regulating mobile dental van registrations. A mobile dental van is any self-contained or portable dental unit in which dentistry is practiced that can be moved, towed, or transported from one location to another. I'd be happy to answer any questions of the Body.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1602 pass. All those

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. And Senate Bill 1602, having received the required constitutional majority, is declared passed. Senate Bill 1603. Senator Frerichs. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1603.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Frerichs.

SENATOR FRERICHS:

Thank you very much, Mr. President. Senate Bill 1603, as amended, exempts businesses that do not originate mortgage loans in the ordinary course of business from the provisions of the (Residential) Mortgage License Act of 1987. This was brought to me by a constituent who wanted to be able to sell property to a family member - was unable to do that. I think it's a nice exemption. Be happy to answer any questions of the Body.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1603 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1603, having received the required

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

constitutional majority, is declared passed. Senate Bill 1607.
Senator Jacobs. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1607.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senate Bill 1607 prohibits insurance producers from using senior-specific certifications to mislead a purchaser who's buying a product on the telephone. I'd ask for your favorable consideration. I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1607 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1607, having received the required constitutional majority, is declared passed. Senate Bill 1608.
Senator Jacobs. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1608.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Mike Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senate Bill 1608 simply allows utility companies to have better bidding rules, bid documentation standards, and more sunshine and transparency when they're doing their business. I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1608 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted to wish -- who wish? Mike, you want to vote? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1608, having received the required constitutional majority, is declared passed. Senate Bill 1609. Senator Jacobs. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1609.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I'll try to vote this time. Senate Bill 1609 requires the Illinois Power Agency to file a second annual report with the General Assembly and the Illinois Commerce Commission. Know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank -- thank you, Mr. President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator, are you aware of the two Auditor General reports regarding the Illinois Power Agency and how they have not been able to produce even the most fundamental operating statement and balance sheet to keep track of their activity - of how they're spending money? Are you familiar with those studies?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Yes, sir. We're talking about the one-man agency who's in the process of hiring staff.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

No, we are not talking about a one-man agency. They have for three years -- they're coming up this month. The person's been in place for three years with the authority. He has several people, including a chief financial officer that was hired months ago, still has not produced the reports. The General -- Auditor General is practically apoplectic, for good reason, because the person's not doing the most fundamental duty. It's that Illinois Power Agency. The second question for you is, why would you give him more responsibility when he can't

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

do the most fundamental thing that the smallest small business in Illinois cannot {sic} do properly?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

I -- I think, in these times, we're all asking our employees to do more with less, and clearly this is an example of us asking them to do more with even less.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR LAUZEN:

I -- Senator, come on. This is a serious Body. This is a serious Body. I can't believe those answers. He was asked -- Ladies and Gentlemen, the head of the Illinois Power Agency was asked, why have you not submitted your -- your resignation if you are either unable or unwilling to do what you're supposed to do under -- you know, comply with the laws and the regulations? He was asked, why have you not submitted your resignation? And so I would suggest that the last thing that we want to do is to put more responsibility where the current responsibility is not being seen -- is not being seen through.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further -- further discussion? Senator John O. Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR J. JONES:

I -- I just rise in support of the bill, 'cause, quite frankly, this is going to really wind up showing us what the really true cost of wind power is in -- in this State. And -- and I -- I think it's a good move, Senator Jacobs. You know, there are some issues with -- with the Agency, but those are -- are different than what this bill addresses. So I rise in strong support of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further -- further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and -- and Members. I've been around here for quite a while, including as a member of the Senate Republican appropriation staff, and to my recollection -- and I -- I tried to check with the Auditor General's Office -- there has never ever been an audit by the Auditor General -- whether it was Mr. Cronson or Mr. Holland -- there's never been an audit in the State's history in my time around State government where the Auditor General says there is so little information from an agency -- here the Illinois Power Agency -- there's so little information, we can't verify what's in that audit. That says a lot, 'cause this State has had some very, very tawdy {sic} agencies and commissions and departments. And it says a heck of a lot about how awful and how terribly managed this Illinois Power Agency is in Illinois, when the Auditor General says there's so little information and it is so poorly run that he cannot sign off on their audit. And I got to tell

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

you, anytime there's anything dealing with the Illinois Power Agency, this Body better pay attention, 'cause this is a group that obviously can't manage. There is no oversight there. You talk about a place ripe for -- for fraud and for malfeasant use of money, this is it. And it's a pretty bad distinction in the State of Illinois, when you got a College Illinois! program that's going bankrupt and what this State has endured through decades, that this is the one agency where the Auditor General just throws out their arms and says, this is -- this place is so badly run, I can't even sign off on an audit. So I rise -- you know, Senator Jacobs, I'm sorry. You -- you know, the underlying bill is -- is okay with me; I agree with Senator Jones. But this is an agency, Mr. President and Members, when it's before us, this is one bureaucratic nightmare that we need to keep an eye on. And I'm going to vote for the bill, but this one -- I just wanted to give a little point of history here, that no audit in Illinois history in my time around this place as a staffer, as a staffer to a Governor or a State Senator, has ever been held in such low regard by the Auditor General.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, Senator Jacobs, to close.

SENATOR JACOBS:

Thank you. I think, you know, your points are well-taken and the Senator's previous comments are well-taken too. And I would suggest that you speak with the Governor regarding those issues. This bill simply forces them to provide another report. So if the Agency isn't doing its job, this ought to ferret out that it's not doing even more. And I ask for your favorable consideration.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1609 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 42 voting Aye, 12 voting Nay, 0 voting Present. Senate Bill 1609, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1610. Senator -- Senator John Jones. Indicates he'd like to proceed. Senator Jones seeks leave of the Body to return Senate Bill 1610 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1610. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator John Jones.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jones.

SENATOR J. JONES:

Thank -- thank you, Mr. President. Senate Amendment No. 2 to Senate Bill 1610 is -- is an initiative of the State Treasurer's Office, of Senator -- Treasurer Dan Rutherford, and it amends the State Records Act by adding three provisions. And I will be more than happy to discuss those on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1610. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1610.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jones.

SENATOR J. JONES:

Thank you, Mr. President. The underlying bill really was an initiative of -- of Treasurer Dan Rutherford to eliminate the Board that governs the Electronic Records Act due to the fact that they had never done anything over the years that it had been -- been in place. But working with the Treasurer and -- and the Secretary of State, working together, Floor Amendment No. 2 becomes the bill and the State Records Commission may -- may make recommendations to the Secretary of State concerning policies, guidelines, and best practices for addressing electronic records management issues as authorized under Section 37 of the Government Electronic Records Act. And then it changes the Board to a Commission, and then the State Records Commission may be -- may make recommendations to the Secretary of State concerning policies and guidelines.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1610 pass. All those

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1610, having received the required constitutional majority, is declared passed. Senate Bill 1613. Senator Martinez. Senator Martinez seeks leave of the Body to return Senate Bill 1613 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1613. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. This is a clarification of one of the questions that was raised during committee and I'll be happy to discuss it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1613. Madam Secretary, read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

Senate Bill 1613.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. 1630 -- 1613 requires indemnification of trustees of retirement system against all damages -- all damage claims and suits. The requirement would apply only to the non-State pension funds. The State retirement systems and the State Board of Investments would be permitted to indemnify trustees, staff and consultants if they wish. Insurance must be carried with a company that is licensed in Illinois. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I just would like to thank the sponsor for her patient work in making the clarification through the amendment. Thank you so much, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Is there any further discussion? Seeing none, the question is, shall Senate Bill 1613 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Present. Senate Bill 1613, having received the required constitutional majority, is declared passed. Senate Bill 1615. Senator Steans. Out of the record. Senate Bill 1619. Senator Steans. Out of the record. Senate Bill 1622. Senator Steans. Out of the record. Senate Bill 1623. Senator Steans. Out of the record. Senate Bill 1631. Senator Mulroe. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1631.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator John Mulroe.

SENATOR MULROE:

Good morning, Mr. President, Members of the Senate. This is a technical amendment to the Probation and Probation Officers Act. It allows the county treasurer to disburse money from a fund created from probation fees to pay probation officers' salaries from that fund if the amount appropriated to the Supreme Court for the salaries was less than what was appropriated -- appropriated in the year of 2002. I know of no opposition and be happy to answer any questions and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1631 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1631, having received the required constitutional majority, is declared passed. Senate Bill 1637. Senator Althoff. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1637.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Pam Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President, Members of the Body. Senate Bill 1637 amends the Animal Control Act. It enumerates best practices for animal control facilities to use in identifying the owners of impounded dogs and cats and requires that any impounded animal be held for a minimum of seven business days to allow reclamation by an owner, agent or caretaker. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1637 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1637, having received the required constitutional majority, is declared passed. Senate Bill 1640, with leave of the Body, we will return to. Senate Bill 1644, with leave of the Body, we will return to. Senate Bill 1651.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Wilhelmi. Senator Wilhelmi. Madam Secretary, please -- Madam Secretary, Senator Wilhelmi seeks leave of the Body to return Senate Bill 1651 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1651. Madam Secretary, are there any Floor -- any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Wilhelmi.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President, Members of the Senate. The amendments are gut and replace, become the bill. I'll be happy to discuss it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Wilhelmi.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi, on Amendment 2.

SENATOR WILHELMI:

Thank you, Mr. President. Amendment No. 1 is the gut and replace. Amendment No. 2 makes a technical amendment. Again, I'll be happy to discuss both on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Seeing none, all those in favor

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the on the Order of 3rd Reading is Senate Bill 1651. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1651.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator A. J. Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President. Senate Bill 1651, as amended, is a trailer bill that addresses certain issues related to the Common Interest Community Association Act. It was a bill that I had last year that became effective in July of 2010. We needed to do some cleanup of this. Been working on this matter with Leader Cross and other Members. We feel that this is going to essentially streamline compliance and remove certain unduly burdensome provisions. There is no opposition. We're going to continue to work on this in the House. I know there are a couple folks that might have additional changes they'd like to see made. We've done our best to accommodate everyone. And, again, we're going to continue to work on this in the House, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1651 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1651, having received the required constitutional majority, is declared passed. Senate Bill 1652. Senator Harmon. Out of the record. Senate Bill 1656. Senator Frerichs. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1656.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mike Frerichs.

SENATOR FRERICHS:

Thank you very much, Mr. President. Senate Bill 1656 creates the community services impact note. The Act requires that at the request of a Member, a bill affecting people with developmental disabilities or mental illness, except those making appropriations, shall have a statement describing the fiscal impact and the impact of the provision on community services. This is similar to fiscal impact notes we already have on budget bills and I think it's a good idea so that we understand the full consequences of our actions here.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Bivins.

SENATOR BIVINS:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Bivins.

SENATOR BIVINS:

There was a commitment in committee to continue to work on this in the House. Is that still your intent?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Frerichs.

SENATOR FRERICHS:

Yes, that is still my intent.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Any further discussion? Seeing none, the question is, shall Senate Bill -- 1656 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1656, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1666. Senator Jacqui Collins. Madam Secretary, out of the record. Senate Bill 1672. Senator Raoul. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1672.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Raoul.

SENATOR RAOUL:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Thank you, Mr. President. Senate Bill 1672 requires the Board of the Firemen's Annuity and Benefit Fund of Chicago to conduct biennial audits, starting in 2011, to -- to find the annual cost of duty disability to fund -- to the fund and include this report in the annual audit.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1672 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1672, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1680. Senator Schoenberg. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1680 takes the existing hospital assessment program that the hospitals voluntarily participate in in the State, which give us the capacity to leverage about nine hundred million dollars total in new Medicaid money, this simply extends the -- the authorization date out. It's currently the end of

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Fiscal 2013. It does -- it extends it out to Fiscal 2016. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Senator Pankau.

SENATOR PANKAU:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Pankau.

SENATOR PANKAU:

In committee, I believe there was a question as to why we are doing this now, the extension out. And I thought you had a pretty good answer in committee and I -- I think maybe everybody would like to hear it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Pankau, thank you, first of all, for the compliment on assuming that I'm going to be able to replicate that magic here this morning after only one cup of coffee. The principal reason why we need to do this is to provide certainty in the lending community for those who have financial relationships with hospitals and greater certainty for the -- everyone who has an economic relationship with hospitals; that they know that this flow of federal money, which had originally been intended to supplement what -- hospital funding and now is really the cornerstone of how we fund hospitals throughout the State -- in order to make sure we have that level of confidence, certainty,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

predictability, so people can make their investment decisions in capital projects, and also because of the -- also because we've already received approval from the federal government for this assessment. It's been -- literally provided billions of dollars to us over the last several years and it has enjoyed broad bipartisan support. I don't know if I was as elegant now as I was before, but I think I hit the high points.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Pankau.

SENATOR PANKAU:

Well, if you remember, Senator, I did say, pretty good answer. But, anyway, so this -- the lending institutions that you are talking about, these are -- and this predictability that you're talking about, is the uncertainty that they need this predictability for because of the current financial situation of the State? And is it possible that any of this money could be, I don't know, swept by the administration or used in another way? Is that the certainty that they're trying to look for?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

I -- I'm glad you raise that point. You didn't raise it in committee. You know, I oppose the -- as you know, I oppose the administration's desire to take money from this formula in which the hospital community, all these not-for-profit institutions, have voluntarily helped the State leverage to get new federal -- hundreds of millions of dollars in new federal money every year in order to be able to provide high quality care in communities throughout the State. This ensures the financial stability not

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

just as -- because of the uncertainty that the State has provided, but the larger economic uncertainty that everyone in the business -- that everybody in the business world has encountered.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Pankau.

SENATOR PANKAU:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR PANKAU:

I voted No in committee on this because I was uncertain about this predictability and certainty that the sponsor talks about. I will be voting Yes and I urge everybody else to vote Yes, too. These -- this is a very dangerous game that we're playing right now and it only is an image of the whole State that our economy is in in the State of Illinois right now. So if we can help these guys shore up their predictability and expectations a little bit, I'm hoping that we can do that in other areas also as we move through the budget process. And what I've heard from many of our businesses, not just the medical community, but this is what they want. They want stability and predictability from the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Pankau. Further discussion? Seeing none, the question is, shall Senate Bill 1680 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1680, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1682. Senator Link. Senator Link seeks leave of the Body to return Senate Bill 1682 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1682. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link, on your amendment.

SENATOR LINK:

Thank you, Mr. President. It's an agreed-upon amendment, talking about the rules. I'll explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1682. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1682.

(Secretary reads title of bill)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is the Illinois Association of Groundwater Professionals'. This is geothermal heating system regulations. It's the same bill that we passed out of here 59 to nothing, but we've come to an agreement with all parties and it's now an agreed-upon bill. I would ask for your consideration.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Dale Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, if I might.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill. Senator Righter.

SENATOR RIGHTER:

Thank you. Just a brief note of caution for legislators who are wary of new governmental fees. This does impose a fee on some portion of the home building industry with regards to the installation of the thermal heating lines that we see are more and more prevalent every day in today's construction industry. I appreciate the sponsor's work on this, but that is in this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Righter. Further discussion? Senator McCarter. Kyle McCarter.

SENATOR McCARTER:

A question of the sponsor.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator McCarter.

SENATOR McCARTER:

Senator Link, to this issue of the fee, and I'm typically very sensitive to this and I -- and I've fought against and voted against a lot of fees, but can you explain the agreement that was made with those representing the geothermal industry as to the fee - whether they were told about it, whether they showed support for it and they had plenty of time to accept this? Could you comment on that, please?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link.

SENATOR LINK:

Thank you, Senator McCarter, for those -- those are great questions. Actually, timewise, we've probably had three years of time on this. And, yes, they have accepted the fee and the fee is an exorbitant amount of -- called two hundred dollars annually of the fee. That's all that we're talking about. We're not talking about an exorbitant amount. They have agreed to it. This is for regulations. It's the type of thing that we're trying to get through - will be a job creation bill. It will also be -- something that will be a safety factor of the proper people doing the proper work in these areas. And all sides have sat down and after extensive discussion on this, have come up to this agreement and this figure.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator McCarter.

SENATOR McCARTER:

So, Senator Link, you -- it -- it appears to me that those

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

within the industry feel that this would narrow down those who were following those safety guidelines and hold accountable some of those bad actors within the industry. And my last question is, would you see -- say that that response is from a majority of the people in that industry and not just a select few?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link.

SENATOR LINK:

If I didn't know better, Senator McCarter, I'd almost think you were in on those discussions. But, yes, you -- you hit it right on the head. That's exactly what this is about.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator McCarter.

SENATOR McCARTER:

To the bill: Because of the response that we've -- we've just heard, I -- I just encourage an Aye vote on this. This is an industry that is growing. There are new -- new people getting into this industry daily, and I think those that are in it now and have -- have really set the guidelines for safety, they want to be protected and aim to protect the end consumer as well. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further -- further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just to the bill. To the contrary view of my esteemed colleague, I have several very reputable constituents in this business who asked me the question, why is this necessary? You know, why is additional regulation? The argument made by the sponsor is the argument

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that's made for all regulation. I'm going to vote No on this bill because this is the -- I -- I know it's well intentioned, but this is another example of additional regulation that we complain about when we get back home to our districts.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. As I indicated before, this bill passed out of this Chamber 59 to nothing the last time it was presented. It became a better bill now and it became an agreed-upon bill that -- from the industry. I think when they want to agree on a small licensing fee to themselves - or a registration fee, I should say - I think is something. In the previous bill, it had a hundred and seventy-five dollars. This has two hundred dollars. It's agreed-upon bill. I think the industry knows their whereabouts a lot better than we do. I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1682 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 39 voting Aye, 16 voting Nay, 0 voting Present. Senate Bill 1682, having received the required constitutional majority, is declared passed. Mike Majewski with WFLD-TV seeks leave to videotape. Leave is so granted. Senate Bill 1686. Senator Wilhelmi. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1686.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1686, as amended, would allow municipalities to decide whether or not to increase the number of aldermen following a decennial census. This was brought to me by the City of Crest Hill and the City of Lockport. In the statute currently, there are thresholds. If you're between fifteen thousand and twenty thousand, you have to have eight aldermen. If you're between twenty thousand and twenty-five thousand, you're to have ten aldermen. What this would allow is each municipality, by ordinance, to maintain the status quo. So if they go into a new threshold, they would be able to maintain the status quo of the number of aldermen in that city. We have an amendment that was brought to us by the Illinois Municipal League. I think it's a good amendment that allows for cities to maintain the status quo and not see the size of government grow in their particular towns. I'd be happy to answer any questions and I ask for your support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1686 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Present. Senate Bill 1686, having received the required constitutional majority, is declared passed. Continuing on the Calendar, with leave of the Body, we will return to Senate Bill 1688. Senate Bill 1694. Senator Wilhelmi. Madam Secretary, read the bill. Senator Wilhelmi seeks leave of the Body to return Senate Bill 1694 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1694. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Wilhelmi.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi, on your Floor Amendment No. 2.

SENATOR WILHELMI:

Thank you, Mr. President. Floor Amendment No. 2 is a technical amendment. I'll be happy to discuss the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1694. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1694.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President. Senate Bill -- 1694, as amended, provides that a deceased person's health care records may be released to a surviving spouse under the following conditions: when there's no executor, administrator, or agent that's been appointed under a -- a power of attorney for health care; and, two, when the -- the deceased person has not specifically objected to the disclosure of his or her records. This is an initiative of the Illinois State Bar Association. It allows family members to get the -- their loved one's medical records without having to open an estate. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any questions? Any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Wilhelmi, my understanding is, the bill allows a surviving spouse or a designated family member. Whose -- whose -- who designates the family member if there's no surviving spouse?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR WILHELMI:

Senator Righter, it's my understanding that if there's no surviving spouse, then an adult child of the deceased, either parent of the deceased, or an adult sibling of the deceased can make the same written request for those medical records.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

To be clear, Senator. All of them would be eligible to get it then, as opposed to one? That's what -- that's what I want to ask. In other words, if there are three children and there's no surviving spouse and there are three children, do all of them under this have the right to access those medical records?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

SENATOR WILHELMI:

Yes, that is my understanding.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, the question is, shall Senate Bill 1694 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1694, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, let's welcome Comptroller Judy Baar Topinka to the Senate Floor, to the Senate Chambers. Welcome. Senator Ed Maloney, for what purpose do you rise?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR MALONEY:

Thank you, Mr. President. For a purpose of announcement. Take a little break here. I want to comment on yesterday's softball game, which we will call our "road to respectability" after last year's performance. I want to thank, first of all, our sponsor, Kevin Riggs and SNR Denton. To all the participants, the people who came out to cheer us on, thank you much for being there. We even saw -- former Republican Leader Frank Watson came out to the game. We did find some new-found talent among our ranks yesterday that I think gives us -- we can look forward to future victories. We did miss the star power of Don Harmon, Dan Kotowski, Pam Althoff, who had some sort of lame excuse of chairing committees or something. Jeff Schoenberg wasn't there. I mean, you guys got to get your priorities in order and make sure you do what's important to you. Tim Bivins was our well-earned most valuable player, making great plays in the field. Made some great plays in the field, threw somebody out at the plate, got a bunch of hits, and so he had -- he had a great game. Unlike last year, when I won the most valuable player and Senator Matt Murphy said, "Ed, it's kind of like being the valedictorian of summer school." So -- but I want to thank everybody for participating and look forward to next year. We had a great game. We had one bad inning, otherwise we win the game. Thanks, everybody, for coming out.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Thank you, Coach Maloney. Senator Tim Bivins.

SENATOR BIVINS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Please state your point.

SENATOR BIVINS:

I'd just like to say, if Rich Miller is listening, A. J. Wilhelmi was safe at home.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Bivins. Ladies and Gentlemen, continuing on the Calendar is Senate Bill 1697. Senator Millner. Madam Secretary, read the bill.

SECRETARY ROCK:

Senate Bill 1697.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator John Millner.

SENATOR MILLNER:

Thank you, Mr. President. This is a bill that the State's Attorneys requested. It's a fee increase, so everyone knows. It's a two-dollar fee increase to be paid for by the people found guilty in court cases. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1697 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 45 voting Aye, 10 voting Nay, 0 voting Present. Senate Bill 1697, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we'll move to the top of page 54 on your printed

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Calendar. I understand that the sponsor has been changed on Senate Bill 1701 to Senator Silverstein. With leave of the Body, we will come back to Senate Bill 1701. Senator Garrett, for what purpose do you rise? Senator Susan Garrett, for what purpose do you rise?

SENATOR GARRETT:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please -- please state your point.

SENATOR GARRETT:

I'm here to introduce my friend, Amanda Howland, who is here with the Illinois Women in Leadership. I'd just like to say a few things about her. Amanda has always had a passion for public service. She began her career as a school psychologist and a teacher of emotionally disturbed and behavior-disordered students in grades three through six. After earning her master's in educational administration, she became an elementary school administrator and worked to expand educational opportunities for the students in her school. Currently, Amanda's law practice - she got her J.D. - focuses on public service. She practices in the areas of labor law, civil rights and child advocacy. She is a trained guardian and is a court-appointed special advocate. Amanda hopes to use the training and leadership skills she learns through the IWIL program to win election to a government office in 2012. Please give her a warm welcome.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Would our guest please rise? Thank you very much and welcome to the State Senate. Senator Iris Martinez, for what

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

purpose do you rise?

SENATOR MARTINEZ:

For point of -- personal privilege. I'm sorry, I get emotional.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please -- please state your point.

SENATOR MARTINEZ:

Thank you, Mr. President. As you all can see, we have wonderful ladies that are here today from the IWIL program, who is headed by the very best lady of -- of Illinois, Loretta Durbin. I have with me Jessey Neves. Jessey currently works for Cook County Board President Toni Preckwinkle as Director of Public Affairs and Communication {sic} (Communications). She graduated from the University of Chicago with a degree in political science and English language and literature. Before joining Preckwinkle's campaign, she worked for the -- Barack Obama's presidential campaign as the Operations Director for the Illinois Headquarters. She also held position in the Department of Community Relations at the Illinois Department of Human Services. She also worked at National Network for -- to End Domestic Violence in Washington, D.C., and in another office in {sic} Senator Barack Obama's. I would like the Senate to welcome her.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Senator Heather Steans, for what purpose do you rise?

SENATOR STEANS:

Thank you. For a point of personal privilege, Mr. President.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR STEANS:

Great, I also am fortunate enough to have somebody from the Illinois Women in Leadership program with me, Shannon Burns. She's a small business owner in Naperville and has been for over twenty years. She ran for Commissioner of the District 6 DuPage County Forest Preserve. This was her first political effort and the first time a Democrat was on the ballot for this position. She won forty percent of the vote against a twenty-year incumbent and plans to run again for the same position in -- in 2012. She lives in unincorporated West Chicago and her husband, David -- with her husband, David. She's on the Board of Wheaton League of Women Voters and is active in her homeowners' association. It's great to have her here. And thank you, guys, very much for sort of welcoming the women from IWIL to the Senate.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Pleased to have you here today. Senator Kim Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, stand in -- in honor to welcome the Illinois Women in Leadership to the Chamber today. I'm joined with a special young lady, Audrena Spence. She's married. She has children. And in spite of being a mom and a wife, she's also the Executive Director of the Metropolitan Family Services in the Calumet Center. She is licensed -- she's a licensed social

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

worker, so you know her passion. She's on the Board of Commissioners for the City of Chicago Human Rights {sic} (Relations) Department, and she's the current president of the National Association of Black Social Workers, the Chicago Chapter. She's on a number of boards and commissions and she's a member of Alpha Kappa Alpha Sorority. Please welcome Audrena Spence to the Illinois General Assembly.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. We're pleased to have you here today. Senator Maggie Crotty, for what purpose do you rise?

SENATOR CROTTY:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR CROTTY:

I, too, have a young lady here from IWIL. Her name is Regina Henderson {sic} (Hendrickson). She's a graduate of Southern Illinois University. She has her bachelor's in paralegal studies and another bachelor's in political science. Regina's passion for politics was sparked by Senator Paul Simon for whom she was a congressional intern in Washington, D.C., in 1983, and she served on several committees for Congressman Simon. She also is -- currently serves on the Troy City Council and she chairs the Law and Protective Services Committee. As chair, she oversaw the development and the approval of the city's new comprehensive Emergency Operation Plan. Regina also serves as President of the Board of Directors of the -- the U.S. Senator Paul Simon Museum in Troy. She's actively engaged in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

community service in Troy and the surrounding communities. When not working as an event consultant, she is a substitute teacher with the Triad Community Unit No. 2 School District. She creates programming opportunities for the students, such as the Government Appreciation Day, Community Emergency Response Team Training, and also gets them active in the Paul Simon Museum. Would you please welcome her to the Illinois Senate?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guest rise? Please welcome to the Illinois State Senate. Pleased to have you here today. Senator Mattie Hunter, for what purpose do you rise?

SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR HUNTER:

I, too, have a young lady with me from IWIL today and her name is Susan Lee, who was born and raised in Chicago, Illinois. She received her bachelor's degree in elementary education from the University of Illinois at Champaign-Urbana. And upon her graduation, she taught seventh grade at Ames Middle -- Middle School in Humboldt Park and eighth grade science in Saucedo Scholastic Academy in Little Village. While teaching, Susan chaired the eighth grade team, piloted a mentoring program, organized an action for education funding reform, coached the boys' softball and girls' soccer team, and advocated on behalf of her colleagues as a Chicago Teachers Union delegate. After four years, Susan left teaching and interned with Chicago Alliance Against Sexual Exploitation where she decided to pursue

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

a law degree - hey, hey. Currently, Susan is a second-year law student at Chicago-Kent Law School. She serves as secretary for the Asian Pacific American Law Student Association, assistant treasurer for the -- the Black Law Student Association, external vice-president for the Chicago -- for the United Nations Association, and associate editor for Chicago -- Chicago's Kent {sic} (Chicago-Kent's) Journal of International and Comprehensive {sic} (Comparative) Law. She is also a member of the Asian American Bar Association and Korean American Bar Association. And let's welcome Susan to the Senate.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Thank you for being here today. Senator Jacqueline Collins, for what purpose do you rise?

SENATOR J. COLLINS:

Thank you, Mr. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR J. COLLINS:

Thank you. I, too, join my colleagues in welcoming an IWIL participant, Dominique A. Wallace. Miss Wallace has managed the operation for -- for Star Detective and Security Agency for over twenty years. As the fourth generation of an African American owned security agency founded in 1923, she credits the company's continued success on its ethical foundation and being active with security legislation in Springfield, Washington, D.C., and internationally. Dominique holds positions of leadership in the following organizations: Illinois Security Chiefs, National

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Council of Investigators and Security Services, Associated Detective and Security Agencies of Illinois, and is a board member of the William Leonard Public Library of Robbins. Dominique is licensed by the State of Illinois as a private detective, private alarm contractor and a private security contractor. Ms. Wallace leadership role in operations, sales and quality control personifies the traditions of the family and the great legacy of Star Detective and Security Agency, Inc. Dominique and her husband, Charles, reside in a southern suburb of Chicago, Hazel Crest, and are the proud parents of Kenneth Charles, seven, and Almeda Ramah, five. Dominique and her family are actively involved with Jack and Jill of America, SSSC -- SSSC {sic} (SSC), also members of Trinity United Church of Christ. Please welcome Dominique Wallace to the General Assembly.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guests please rise? Welcome to the Illinois State Senate. Pleased to have you here. Senator Toi Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR HUTCHINSON:

I also join with my colleagues to welcome a wonderful woman who's an IWIL participant here to the Chamber today, Ms. Juliana Stratton. Juliana Stratton is the President of JDS Mediation Services, Incorporated, a full-service alternative dispute resolution firm offering mediation, arbitration and training in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

constructive conflict. She currently serves as a Deputy Hearing Commissioner for the City of Chicago Department of Business Affairs and Consumer Protection, and an Administrative Law Judge with the City's Department of Administrative Hearings. She is both an Administrative Hearing Officer and Mediator for the City's Commission on Human Relations, and serves on the Hearings Board for the Illinois Attorney Registration and Disciplinary Commission. Juliana earned her Bachelor of Science degree in Broadcast Journalism from the University of Illinois at Urbana-Champaign and her Juris Doctorate from the DePaul University College of Law. In her spare time, Juliana is a triathlete, marathoner and urban adventure racer, and is actively involved with Jack and Jill of America. She and her husband, Bill, have three daughters, Tyler, Cassidy and Ryan. And along with the rest of these phenomenal women, we would just like to join and give her a big Senate welcome. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guest please rise? Welcome to the Illinois State Senate. We're pleased to have you here today. Ladies and Gentlemen, back to the printed Calendar. We are on Senate Bill 1701. Senator Silverstein. Indicates he'd like to proceed. Madam Secretary, Senator Silverstein seeks leave of the Body to return Senate Bill 1701 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1701. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Millner.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Millner, on -- on Floor Amendment No. 2.

SENATOR MILLNER:

Thank you, Mr. President. What this bill does, it articulates the maximum amount of drugs that Senator Silverstein's bill will allow and I'll let -- Senator Silverstein present the bill, unless there's any questions on the amendment.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Silverstein.

SENATOR SILVERSTEIN:

If we can adopt the amendment and move to 3rd, then I'll...

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1701. He indicates he'd like to proceed. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1701.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Ira Silverstein.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR SILVERSTEIN:

Thank you, President John Sullivan. Thank you very much. This is a bill -- a similar bill I introduced and Senator Millner introduced, and thank you for letting him -- changing sponsorship. This -- addresses a serious problem when individuals die from overdose and friends or family members are afraid of arrest if they call 9-1-1. It sets a certain limit of what they can -- receive immunity for certain drugs and sets the -- the amount that would -- would give them immunity. I'll take any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Kyle McCarter.

SENATOR McCARTER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator McCarter.

SENATOR McCARTER:

Senator, in St. Clair County and as well as Madison County, there has been an increased effort and focus on prosecuting those who have dealt drugs to the victim -- the overdose victims. Is -- is what we're doing here -- will this conflict in any way with those efforts?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Silverstein.

SENATOR SILVERSTEIN:

I -- I don't believe so. It's going to be within the discretion of the State's Attorney's Office to determine whether -- whether the immunity be granted. But this is just about saving lives. That's all it is. But I understand your

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

position. But that will be the discretion of the State's Attorneys. And the -- and the facts that...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

So you don't think it will conflict with the State's Attorney. What about the U.S. Attorney?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senators -- Senator McCarter, will you repeat that question, please?

SENATOR McCARTER:

Would this conflict in any way with the U.S. Attorney's efforts?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Silverstein.

SENATOR SILVERSTEIN:

I don't believe so, because this would be State law. I don't think it would be governed by federal law. They have their own statutes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

To the bill: As -- as long as that's made very clear and the efforts from the U.S. Attorney's -- their current efforts to prosecute those who have dealt drugs to overdose victims, I will be in support of the bill. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, the question is, shall Senate Bill 1701 pass. All those in favor will vote Aye.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1701, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1702. Senator Millner. Senator Millner seeks leave of the Body to return Senate Bill 1702 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1702. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 3, offered by Senator Millner.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Millner, on Amendment 3.

SENATOR MILLNER:

Thank you, Mr. President. What we're doing is adding a couple of words to provide comfort to those who -- actually, we're adding a couple of words to fix the bill, which is willful or wanton misconduct.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Bill 1702. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator John Millner.

SENATOR MILLNER:

Thank you, Mr. President. This bill is essentially the same bill that passed out of the Senate 53 to 0 last year and that was Senate Bill 2987. There was some concern. We forgot to add some words, such as that current amendment that we just passed with the willful and wanton misconduct. Other than that, I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1702 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1702, having received the required constitutional majority, is declared passed. Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR McCARTER:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

I'd like to announce friends of mine from my district. Just to my right here, behind you -- behind you in the gallery, from Kaskaskia College, I've got the President of Kaskaskia College, Dr. Jim Underwood, and his wife, Roxie, and then two of his -- student trustees, directly to my right here, Daniel Finley and Chelsea Miller. Thank you for being with us and we appreciate what you do to educate our -- our folks in -- in my district. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guests in the gallery please rise? Welcome to the Illinois State Senate. Senator Gary Forby, for what purpose do you rise?

SENATOR FORBY:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR FORBY:

I got some people up in the gallery I want to announce today and they're -- they are longtime friends. Her husband worked for me when I was in the contracting business for twenty-three -- twenty-three years. I feel like they're family. She's working at Rend Lake College now. She's here up in the gallery and got some students, Lisa Price, and her students. I wish you'd give her a great big hand.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guests in the gallery please rise? Welcome to the Illinois State Senate. Senator Dan Duffy, for what purpose do you rise?

SENATOR DUFFY:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR DUFFY:

I'd like to introduce my Page for the Day, Ian Trotta. Ian's a sophomore at Barrington High School. He's on the rowing team. He's a member of the student council. He's on the speech team. And he's in the youth ministry at St. Anne's Church. And his mother is also here today in the gallery. Please help me welcome Ian and his mother.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Continuing on the Calendar is Senate Bill 1711. Senator Bill Haine. Senate Bill 1711. Out of the record. Senate Bill 1727. Senator LaHood. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1727.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator LaHood.

SENATOR LaHOOD:

Thank you, Mr. President. This is a bill that establishes a license plate for Air Force veterans. We currently have license plates for Army and Navy veterans and this would establish a -- a plate for Air Force veterans also. I'm pleased to have, as a chief co-sponsor, Senator Crotty on this bill also. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1727 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 voting Aye, 1 voting Nay, 0 voting Present. Senate Bill 1727, having received the required constitutional majority, is declared passed. Continuing -- continuing on the Calendar is Senate Bill 1728. Senator Bivins. Senator Bivins seeks leave of the Body to return Senate Bill 1728 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1728. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Bivins.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Bivins, to present your amendment.

SENATOR BIVINS:

Thank you, Mr. President. The amendment makes a technical change in the bill and I'll explain on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Bill 1728. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1728.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Bivins.

SENATOR BIVINS:

Thank you, Mr. President. First and foremost, I'd like to thank our Comptroller, Judy Baar Topinka, who was just on the Floor, for all her work and staff work on this bill. Senate Bill 1728 amends the State Prompt Payment Act. Provides that interest payments under the Act must be made by -- electronic funds transfer. Provides that the State official or agency may not share the vendor's account information with any other State agency. Simply what this bill does is takes a lot of hard copy checks and turns them into direct deposit which will save the State millions of dollars. And I know of no opponents. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1728 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1728, having received the required constitutional majority, is declared passed. Continuing on the Calendar is Senate Bill 1732. Senator Sandoval. Out of the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

record. Senate Bill 1733. Senator Sandoval. Out of the record. Senate Bill 1735. Senator Jacobs. Senator Mike Jacobs. Senate Bill 1735, out of the record. Senate Bill 1739. Senator Raoul. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1739.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kwame Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1739 adds that a conviction for the offense of intimidation becomes an aggravated intimidation if the person who committed the offense was trying to prevent the victim of the offense from reporting information regarding a forcible felony to a law enforcement agency. The conviction of this offense would be a Class 2 felony.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1739 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1739, having received the required constitutional majority, is declared passed. Senate Bill 1740. Senator Raoul. Madam Secretary, please read the bill.

SECRETARY ROCK:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senate Bill 1740.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate -- Senate Bill 1740 adds that when an individual convicted of a -- of an offense is sentenced, the amount of time that he must serve on parole or mandatory supervised release must be written as part of the sentencing order.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1740 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1740, having received the required constitutional majority, is declared passed. Senate Bill 1741. Senator Luechtefeld. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1741.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you -- thank you, Mr. President and Members of the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senate. Senate Bill 1741 amends the Illinois Income Tax Act. It allows taxpayers -- a taxpayer, who is entitled to a refund after the payment of the fourth installment, to apply the refund to the first installment of the next year. I would be -- answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1741 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. And Senate Bill 1741, having received the required constitutional majority, is declared passed. Senate Bill 1742. Senator Althoff. Senator Althoff seeks leave of the Body to return Senate Bill 1742 to -- to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1742. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Althoff.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff, to present your amendment.

SENATOR ALTHOFF:

Thank you, Mr. President. The amendment simply makes the effective date of this legislation July 1st, 2011, to coincide with next year's school calendar.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Seeing none, all

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1742. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1742.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Pam Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President. Senate Bill 1742 simply directs the City of Chicago Public Schools to have the same reporting requirements for the Early Childhood (Education) Block Grant as all other school districts in the State of Illinois. And I'd like to acknowledge Senator Meeks and thank him for his cosponsorship of this legislation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1742 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1742, having received the required

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

constitutional majority, is declared passed. Senate Bill 1743. Senator Radogno. Out of the record. Senate Bill 1746. Senator Trotter. With leave of the Body, we will return to Senate Bill 1746. Senate Bill 1749. Senator Crotty. Senator Maggie Crotty. Out of the record. Senate Bill 1750. Senator Crotty. Out of the record. Turning to the top of page 55 in the printed Calendar is Senate Bill 1755. Senator Jacobs. Senator Jacobs seeks leave of the Body to return Senate Bill 1755 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1755. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Bivins.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Bivins.

SENATOR BIVINS:

Thank you, Mr. President. This simply adds the County of Lee to the existing bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1755. Indicates he'd like to proceed. Madam Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

Senate Bill 1755.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman {sic}. This adds Jo Daviess, Carroll County, Whiteside, Stephenson and Lee County to our local Economic Development Authority. I know of no opposition. Appreciate your support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1755 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1755, having received the required constitutional majority, is declared passed. Senator Ed Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Mr. President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR MALONEY:

Thank you. I'd like to call everyone's attention to the -- the young people in the gallery up here from the community

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

colleges. Dr. Elaine Johnson has brought down over three hundred students in the community college system. As you know, that we have more community college students in our community colleges than all our universities combined. They are down here advocating for our Career and College Readiness Act which has been a very successful program aimed at reducing the need for remediation in the community college and increasing our graduation and retention rates. They would love the opportunity to speak to many of you. We have them from all over the country. If you have an opportunity, they will be in the hallways, outside in the Rotunda, to -- go out and meet with your students. And I just would like the Senate to give them a warm welcome.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Would all our community college guests please rise? And welcome to the Illinois State Senate. Continuing on the Calendar is Senate Bill 1761. Senator Righter. Senator Righter seeks leave of the Body to return Senate Bill 1761 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1761. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Righter.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter, to explain the amendment.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. The amendment simply lengthens the time within which the Department of Public Health must begin testing for Hurler's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

and Hunter's disease, which is designated in the bill as MPS I and II.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1761. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1761.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. Senate Bill 1761 represents another advance in newborn screening here in the State of Illinois. As you may recall, in 2002, this General Assembly and the Governor took a step forward in that with regards to certain metabolic disorders. And then again in 2007, we moved forward again after the technology developed that allowed us to screen for a number of what are called Lysosomal Storage Disorders. This is another step in that venture that would add diseases known as Hurler's and Hunter's disease, which are MPS I and II, as well as what's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

called SCIDS, which is immunodeficiency syndrome, to that testing panel, all from the same drop of blood that is taken from infants when they're born. Now, this is not a finished product, Mr. President. We are still talking to the Department of Public Health about the timeline within which they would need to begin this testing. Obviously, we're going to be sensitive to the other demands that are on the Department with regards to budgetary matters and simply the ability for them to acquire the needed equipment and go forward with the testing. I think we are very close to where we can accommodate the Department, but I'm asking this Chamber to vote in favor of this, move it over to the House, where I think we can wrap this up very quickly. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Tom Johnson.

SENATOR T. JOHNSON:

Yes, sponsor yield for a couple questions?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Johnson.

SENATOR T. JOHNSON:

Senator Righter, I applaud this effort. I guess my only question is, what additional cost will this add to Department of Public Health? And, secondly, will this also then become another mandate on the insurance coverages and what will that cost?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, I'll take those in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

order. All newborn screening in this State is paid for by a newborn screening fee, so there's no impact to the Department of Public Health's budget. There's no impact to the State's General Revenue Fund. A newborn screening fee is a fee that's charged whenever a baby is born to pay for this testing. So there will be, probably over the next year or eighteen months, an increase proposed by the Department of Public Health, through its rulemaking authority that will have to be approved by JCAR, to increase that fee by -- I think the Department's estimate right now is close to around fifteen dollars. Right now, that fee stands at -- I think it's sixty-five dollars or something like that. So that -- that fee will go up. This bill does not amend the Insurance Code. So there are no insurance mandates in this legislation whatsoever. That won't change at all. Some policies -- most policies -- I think almost all policies cover it. A handful do not. But that won't -- that's not in this legislation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Johnson.

SENATOR T. JOHNSON:

Ultimately, though, we will see an increase probably out of General Revenue Fund to cover all the Medicaid recipients of these tests. Correct? I mean, obviously, aside from just the insurance premiums, this will also be an added cost to our Medicaid program as we add this.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Only if we up the reimbursement, Senator, because right now

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

hospitals receive what's called a bundled rate for reimbursement of babies. And unless we decide to give them more money, they won't get any more money. Now I'm glad you raised, if I might, the issue of Medicaid, because it's important to remember that children who are born with these three diseases that are the subject of this bill, oftentimes if they're not detected early - and today they're not in Illinois - they wind up in one of the State's three children's waivers programs within Medicaid and their -- oftentimes their monthly -- their monthly medical costs, which we pay for, is between twenty and thirty thousand dollars. Now if we can screen these children early and get them treatment early, we can avoid the lion's share of those costs. So, in -- in -- in the end, this will absolutely be a cost savings to our Medicaid program 'cause we can treat these kids earlier if we catch 'em.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Johnson.

SENATOR T. JOHNSON:

Is there a higher risk pool or is this something that can come on and hit -- I'm -- I'm not that familiar with these diseases, but that every single new birth in this State needs to be checked for this? Or is there a risk pool or what..

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

I can't -- I can't, off the top of my head, Senator, I apologize, tell you the exact numbers of -- I think what you're asking is how many children per thousand are affected by this? But I can tell you that, and -- and we had this testimony before

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

the Department of Public Health, one of the parents who testified there, I believe, has -- had two children who're affected by these diseases, and she testified that had she known that the first child was afflicted with this disease - and therefore, she, the mother, is a carrier - she thinks she and her husband probably would have made the decision not to have the second child. And, of course, now neither of those children were screened early enough and will wind up in one of these waiver programs and -- and we'll pay for their -- their health care.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Johnson.

SENATOR T. JOHNSON:

To the bill: Obviously, I support this and all of us will. But I do want to raise what I recall back years ago when I was in the House, that one by one we add on additional mandates - and this is a mandate and somebody's going to pay for the mandate - and one by one we add these mandates on and, of course, nobody can vote No. And over a long period of time and -- and not that long, we have just burgeoned the expenses of our medical care and costs under the Medicaid program, as well as our insurance premiums. And this is just another one of those examples. I wish that our doctors and the hospitals and everyone would -- if you were going to take a blood test - I don't know how this test is done - you know, I wish there were some way that we don't add on additional costs every time we have to take another test, but that's beyond my expertise. But I think it is something that we need to be aware of as we continue to mandate additional coverages, that somebody's going

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

to pay for this and right now we have a Medicaid system that is -- is broke. So, with that caveat and with my great courage, I'm going to vote an Aye. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, Senator Righter, do you wish to close?

SENATOR RIGHTER:

Just very briefly, Mr. President, and I want to thank Senator Johnson for his comments and I agree. The test is done -- these new tests will be done with the same drop of blood that is already taken from the infant. If this bill fails, you're still taking that drop of blood from that infant and you're still subjecting it to the tests that are already in State law. I do want to be clear, though, there are no insurance mandates or added coverages in this. This is about utilizing technology that's been developed over the last four or five years to screen the same drop of blood that will detect these diseases earlier in a child's lifetime and save us money in the Medicaid program over the long haul. With that, Mr. President, I'll urge an Aye vote. Thank you very much.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1761 pass. All those in -- in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1761, having received the required constitutional majority, is declared passed. Senate Bill 1762. Senator Dillard. Madam Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

Senate Bill 1762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Members. Last summer on a Sunday morning, I picked up the Chicago Tribune and was sitting around with my wife and daughters and I read what was one of many, many, many exposés that Megan Twohey, one of their great reporters, has done in the past year or so on dangerous doctors, doctors who are sex offenders. And I read of two cases that were in my district that were unbelievable and it made my blood boil as the father of two daughters, my wife there. And the Tribune has reported that in the past decade and a half, sixteen men who are licensed to practice medicine in Illinois have been convicted of sex offenses. And are you ready for this? All of 'em still have their medical licenses today. In fact, two of 'em are still practicing medicine in the State of Illinois, but any one of those other fourteen sex offender doctors could apply for the reinstatement of their life -- or, of their license. You know, we don't let a convicted sex offender drive a school bus in Illinois, but that convicted sex offender could be your child's pediatrician. To me, it is unbelievable, and I commend the Tribune for their series. And we've spent a lot of time and I want to thank Patrick Barry of our staff, but also the State Medical Society that has spent a lot of time, along with the Department and Lyn Schollett and Polly Poskin from the Illinois

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Coalition Against Sexual Assault, to give us a -- a real meaningful bill. But the bottom line, Mr. President and Members, is the law needs to be clear that anybody who is a convicted sex offender will never practice medicine again in the State of Illinois. Doctors are probably the last remaining profession where people really, really trust their doctors. And we have to make it clear that if you are a sex offender, you're not going to practice medicine. And I do think it's also important to note that not only are we doing this requirement for doctors, but all who are licensed health care workers in Illinois. So nurses and others who are sex offenders will not be treating our elderly parents or -- or our children or our wives or daughters. And this is long overdue and I would urge a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Iris Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. To the bill: This bill came before my committee. I've go to say that this is a great bill. I added myself as a cosponsor 'cause I think the protection of children and making sure that we hold those people accountable, especially those pedophiles that are out there, those that commit crimes against children. This is a great bill and I'm -- and I will hope that our -- that there'll be a -- all the green lights will be on on this bill. Thank you very much.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, the question is, shall Senate Bill 1762 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1762, having received the required constitutional majority, is declared passed. Senate Bill 1765. Senator Brady. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1765.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. This piece of legislation simply calls for a study to show us where our energy's going to come from in the future so we can plan. It came through committee successfully and ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Senator Mike Jacobs.

SENATOR JACOBS:

I stand in support of the Senator's bill, but I did want to notify Senator Lauzen that this bill happens to ask the Illinois Power Agency to do a study.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 1765 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Secretary, take the record. On that question, there are 58 voting Aye, 1 voting Nay, 0 voting Present. Senate Bill 1765, having received the required constitutional majority, is declared passed. Senate Bill 1766. Senator Wilhelmi. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you -- thank you, Mr. President, Members of the Senate. Senate Bill 1766 amends the Code of Civil Procedure as it relates to landlord-tenant law. Specifically, the bill provides that a written lease, if the landlord uses a written lease, it shall include a provision that notifies the tenant of current law, namely that the lessor shall have the right to void -- void the lease and evict the tenant if the tenant or occupant uses or permits the use of the leased premises for the commission of a felony or a Class A misdemeanor. That is current law. What we're saying in this bill is, if you use a written lease, you have to put it in the lease so the tenant is on notice; however, if you, for whatever reason, failed to do so, it would not diminish your rights as a landlord. And, finally, it allows for landlords to employ corporation counsel from various municipalities to do the eviction on their behalf. Right now, the State's Attorneys can do that when the property is in unincorporated areas. This will bring parity and allow

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

corporation counsel to do what State's Attorneys can do now. But it must be by mutual consent of both the -- the -- the landlord and the corporation counsel. There is some opposition and I'll tell you why. Paul Arena and I have been engaged in discussions. He would like to go further than what this bill does. He would like to expedite the procedures and processes for evicting tenants who engage in criminal activity. That's not what this bill does, but I've been working with Representative DeLuca and with Paul Arena. I'll continue to work with them over in the House and we'll do what we can to accommodate Mr. Arena. And, lastly, we want to make it clear that this only applies to residential property, not to commercial property. If there's a need to amend it in the House to make that more clear, we'll do that. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Wilhelmi, I've been contacted by a few - and you mentioned Mr. Arena - by rental property owners. Is that who you're referring to insofar as the -- the industry that's expressed those concerns to you? I'm assuming it is, 'cause you're talking about eviction.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR WILHELMI:

Yes. That's correct and we've also heard from Sargent Shriver and some other folks that want to make sure we do this in a fair and balanced manner.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Wilhelmi, in the conversations I've had with a few of the rental property owners back home, this is one of the concerns that's been expressed to me. It's already clear in law that if someone commits a Class A misdemeanor or a more serious offense, that's a -- that's a reason to terminate the lease and begin the eviction proceedings. When they -- so, you're restating current law already. The concern is, by inserting this language, that it will lead some to believe that it is the burden of the rental property owner to prove that that crime occurred in the eviction proceeding. In other words, you've placed -- it's almost like it reads as if you've played -- placed in a -- and I can understand -- appreciate somebody not taking that seriously, but that you've placed an additional burden on them as far as proof in order to move forward with the eviction proceeding. I want to ask if you've heard that concern and how you would address it?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Wilhelmi.

SENATOR WILHELMI:

Senator Righter, I've heard this concern as well. Let me be clear - and I think you know this - that if you're a landlord

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

and there is no written lease, there's a verbal lease, or there's a written lease and it doesn't state what this bill says it must state, current law does allow the landlord to evict for that activity, for that behavior. That has to be proven in court now. Under current law, it has to be proven. So to -- to be concerned that this will somehow add an additional burden on a landlord in an eviction action, I just don't see that. This would only say, and this only does say, if you use a written lease -- I don't think this is restating current law. It's saying if you use a written lease, the written lease shall state what is current law. So we're not restating it in the statute, we're requiring landlords to put that language in a written lease. So I don't believe that this would add an additional burden on a landlord in a lawsuit for forcible entry and detainer. Think it makes it real clear to both parties that this kind of activity and conduct is prohibited and can be the basis for an eviction. I think this is a pro-landlord bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Okay, Senator Wilhelmi, I -- I appreciate that and so I just want to be clear, in case we get into a situation like this in court, that it's -- as the sponsor, it's clearly your intent that the only additional burden that you're placing on the landowner here is to insert this language into the lease contract and your -- it is not your intention to require them to do anything other than that insofar as prove anything up in any other setting or any other hearing. Is that correct?

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Wilhelmi.

SENATOR WILHELMI:

Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

To the bill, if I might, Mr. President. With that, I -- I rise in support of this bill. I do hope, Senator, that you are able to make some progress in the House on the eviction issue, because since we're now laying out specifically in the lease contract a specific reason why there can be an eviction - I appreciate it's current law, but now you've kind of taken it to another level - I think there's an argument to be made that there -- there should be, maybe, a different timeline, a little bit of an expedited timeline for landlords to evict someone if they're engaged in criminal conduct on someone else's property. That should be - for lack of a more articulate -- articulate term - that should be kind of a no-brainer for us. And -- and I hope that your bill, when it comes back here, has some changes to -- to make that allowance for the landlords. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Righter. Further discussion? Seeing none, Senator Wilhelmi, to close.

SENATOR WILHELMI:

Thank you, Mr. President, and to my colleague, Senator Righter, I am going to certainly engage in those discussions. But I think we have to be clear - my bill is one approach that clarifies current law and puts tenants on notice that if they

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

engage in criminal activity, they can be evicted. The due process rights after such activity or behavior takes place, that's a separate issue. It's related, but a separate issue. And I'll do my best, but I cannot commit today that this bill will come back from the House with those amendments. I will commit to work with -- with Anthony DeLuca, with Paul Arena, on maybe another vehicle to accomplish that goal. But I want to make sure the Body's clear on that. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1766 pass. All those in favor will vote Aye. All those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 52 voting Aye, 4 voting Nay, 0 voting Present. Senate Bill 1766, having received the required constitutional majority, is declared passed. Senate Bill 1773. Senator Maloney. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1773.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. Senate Bill 1773 would require the Board of Higher Education, beginning in Fiscal Year 213 {sic} (2013), to incorporate performance-based funding in its annual budget. Now this is -- we arrived at this -- it's a -- while it's an easy bill to explain, this is a long time coming.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

It's the first step toward a recommendation that came consistently through our participation -- Illinois' participation in the Public Agenda, our participation in Senate Joint Resolution 88, and our participation in the Complete College America. Performance-based funding is consistent with our Budgeting for Results and could be a game changer for the students -- higher education students of this State. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1773 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1773, having received the required constitutional majority, is hereby declared passed. Continuing on the Calendar is Senate Bill 1781. Senator Sandoval. Out of the record. Senate Bill 1782. Senator Muñoz. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1782.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1782 was suggested by the Liquor Control

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Commission as a means to clarify that light craft distillers, brewers, are allowed to only sell their manufactured beer at retail. This legislation is supported by the Associated Beer Distributors of Illinois and I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1782 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1782, having received the required constitutional majority, is declared passed. Senate Bill 1794. Senator Lightford. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1794.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1794 is a bill that amends the School Code. Yearly, there's a -- obsolete legislation that the Department sets forth to make some corrections in our School Code. This legislation establishes five changes that needs to be addressed in our statutory language. One area is that it updates the way ISBE will advise the regional offices of education. It makes some other areas obsolete. It proposes repealing some sections

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that are not needed. It also acknowledges some of the commissions that we create were never implemented and that it also has an area to eliminate some other commissions. I'd be happy to -- to go into detail and answer questions, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1794 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1794, having received the required constitutional majority, is declared passed. Senate Bill 1794. Senator Lightford. Madam Secretary, please read the bill. Senate Bill 1795. Senate Bill 1795. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1795.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Again, this is another initiative of the State Board of Education. There was one amendment that corrected some opposition that the -- that some interest groups expressed concern. It was regards to the IEPs and timelines of their

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

eligibility. What the bill now does with that change is it allows some of -- language that was not clear or -- to be explained in detail. It did remove some obsolete language. There are some citations that were corrected. It eliminates some subparagraph that establishes task forces that are no longer necessary. It creates language to assist in new task force that will deal with the studying of school wellness policies. And there's other initiatives that just make language changes. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1795 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1795, having received the required constitutional majority, is declared passed. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. The Senate will stand at ease. (at ease) The Senate will come to order. With leave of the Body, we will turn to page 2 of the printed Calendar. At the top of page 2, on the Order of Senate Bills 2nd Reading, is Senate Bill 7. Senator Lightford. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 7.

(Secretary reads title of bill)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to resume their meeting. The Senate will stand at ease. (at ease) The Senate will come to order. Mr. Secretary, Committee Reports.

ACTING SECRETARY KAISER:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Appropriations I Committee - Floor Amendment No. 1 to Senate Bill 2357 and Floor Amendment No. 1 to Senate Bill 2378; refer to the Education Committee - Floor Amendment No. 1 to Senate Bill 630 and Senate Joint Resolution 34.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, I have a committee announcement, if you'll pay attention for just a minute here - a committee announcement. The Senate Education Committee will meet today at 12:30 p.m. to take up Floor amendments released by the Assignments Committee today. The Senate Education Committee will meet today at 12:30 p.m. Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR REZIN:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

I have two very special guests here today. I have Alex Boyd. He is a sophomore from Eastern University. His major is political science. He's from Kankakee, Illinois. His father is Jamie Boyd, the State's Attorney -- the State's Attorney of Kankakee. He will, this summer, be working as an intern in Washington, D.C., for Congressman Kinzinger. And at the bottom, he put in quotes, "we appreciate all of your work and request continued funding of MAP grant and ask for support for performance-based funding". So he is a politician at heart. We also have James Thomas {sic} (Thompson), who is a sophomore at Eastern as well. He is a communications study specialist. He's from Ladd, Illinois. His father is John Thompson, who is the Bureau County Sheriff. He strongly considers the facts presented regarding performance-based funding and he currently, this summer, will be working in -- in an animal shelter. I'd like to offer a warm Springfield welcome to my guests today.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Great to have you here today. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you -- thank you, Mr. President. I -- I move to waive all notice and posting requirements so that Senate Joint Resolution 34 may be heard today at 12:30 in the Senate Education Committee.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford moves to waive all notice and posting requirements so that Senate Joint Resolution 34 can be heard today at 12:30 p.m. in the Senate Education Committee. All those in favor will say Aye. Opposed, Nay. The Ayes have it,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

and all notice and posting requirements have been waived.
Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

Thank you, again, Mr. President. Once again, I have -- I'm privileged to announce, up in the gallery, we have students from Eastern Illinois University and we also have students from Kankakee Community College. We'd like to, again, extend a warm Springfield welcome. And thank you for coming today.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

For point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR MARTINEZ:

I want -- I want to welcome a wonderful person in my life, somebody who I have been close to all my life, and she's here visiting and I want the Senate to welcome her. She is my favorite cousin. I know that all the cousins are going to say, I thought I was your favorite. She's my favorite cousin and I want to welcome her, Myrion -- Myrion Vazquez. There she is. Please welcome her.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Ladies and Gentlemen, with leave of the Body, we will turn to page 2 of the printed Calendar, Senate Bills 2nd Reading and Senate Bills -- 540. Senator Kotowski, on Senate Bill 540. Mr. Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

ACTING SECRETARY KAISER:

Senate Bill 540.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Turning to the next page, page 3 of the Calendar, Senate Bills 2nd Reading, is Senate Bill 2450. Senator Steans. Do you wish to proceed? Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 2450.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. With leave of the Body, we will turn -- return to Senate Bills 3rd Reading, and on page 52 of the printed Calendar is Senate Bill 1587. Senator Muñoz. Do you wish to proceed? Indicates that he would. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1587.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1587 provides that all persons who have been honorably discharged from the U.S. armed forces and who have been awarded the Afghan or Iraqi campaign medal are deemed to have met the collegiate education requirements for appointment to the State Police. And this bill is effective immediately. I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1587 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1587, having received the required constitutional majority, is declared passed. Senate Bill 1589. Senator Muñoz. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1589.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President. Senate Bill 1589 which -- would require mandatory prison sentence for a felon who is convicted

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

on unlawful use of a weapon. The bill proposes a reasonable responsible step toward reducing gun violence in our State. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1589 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 57 voting Aye, 1 voting Nay, 0 voting Present. Senate Bill 1589, having received the required constitutional majority, is declared passed. With leave of the Body, we will turn to page 55 of the Calendar, which is where we left off earlier, to Senate Bill 1798. Senator Maloney. Indicates he'd like to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1798.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1798 creates a four-year pilot program at Eastern Illinois University that expands their institutional waiver, tuition waiver, from three percent to ten percent. The purpose of this is to increase the access and affordability for students. Eastern Illinois' unique geographic situation is --

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

is -- this will aim at stemming the out make -- migration of Illinois students to other states, particularly the State of Indiana. And the -- the aim is to assist low- and middle-income families with family income in the area of thirty-three to sixty thousand dollars. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, if I might.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR RIGHTER:

Thank you. I simply rise in support of Senate Bill 1798. I want to thank Senator Maloney for his work on this. This was brought to us by the administration at Eastern Illinois University. Again, part of the reason, as Senator Maloney described, the challenge for Eastern with regards to its unique geographical area in -- in the State in which it's located is an attempt to keep Illinois students who want to be educated in Illinois there by allowing Eastern to work within its own budget to offer targeted tuition waivers, particularly for low- and moderate-to-low-income families. So with that, I urge its passage and thank Senator Maloney again for his work. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further -- further discussion? Senator Pankau.

SENATOR PANKAU:

Thank you, Mr. President. Will the sponsor yield for a question?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Pankau.

SENATOR PANKAU:

Senator, why is it that we can't do this now? I mean, why can't the University do it within their own moneys and everything? Why can't we do this now?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

Thank you, Senator. My understanding is that there currently is a limit on institutional waivers for universities. Eastern is asking that they be allowed to be an exception to that -- to that maximum amount of tuition waivers.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Pankau.

SENATOR PANKAU:

So all of our universities have an institutional waiver cap or ceiling, or a limit, or whatever you want to call it?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

That's correct, Senator. Currently, it's capped at three percent. Eastern Illinois is asking that be raised to ten percent. And -- and this is the only university that is asking for this at this time.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Pankau.

SENATOR PANKAU:

Okay, you anticipated my next question. Do you think the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

others will be coming soon, asking for this also?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

No -- no other university has indicated an interest in this at this time.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Tom Johnson.

SENATOR T. JOHNSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Johnson.

SENATOR T. JOHNSON:

Senator, what -- what does this cost - the -- the waivers? And, secondly, where does this money come from?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

First of all, the money is institutional money. They will not require any raise in budget. It will cost them about 1.1 million dollars; however, they will get a net revenue of 2.3 million dollars with -- if -- in anticipation of the students that they retain as a result...(microphone cutoff)...offering this institutional waiver. The -- the maximum grant is going to be twenty-five hundred dollars. It's specifically developed to provide additional financial aid, again, for those students whose family's income range from thirty-three thousand dollars to sixty-six thousand dollars. The student must meet academic standards and there is a sunset date in this.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Johnson.

SENATOR T. JOHNSON:

So, if I understand you, the university feels they will actually increase their revenues by doing this.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Maloney.

SENATOR MALONEY:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Johnson.

SENATOR T. JOHNSON:

Seems like a good bill to me if they can increase their revenues. I would think all of the universities would want to do that. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, the question is, shall Senate Bill 1798 pass. All those in favor will vote Aye. Those opposed, 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 58 voting Aye, 1 voting Nay, 0 voting Present. Senate Bill 1798, having received the required constitutional majority, is declared passed. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Well, I'm happy to be here next to Senator Maloney with that round of applause, first of all. On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Please -- please state your point.

SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, I wish to introduce to you the parents and the -- some of the faculty and the students of the seventh and eighth grade class of St. Mary's School in Edwardsville. They're on the Republican side in the -- in the -- in the gallery - one of the top schools in our county and, of course, one of the top schools in the venerable county seat of Edwardsville, Illinois. Ladies and Gentlemen, St. Mary's School.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Would our guests from St. Mary's please rise? And welcome to the Illinois Senate. Continuing on the Calendar is Senate Bill 1799. Senator Steans. Senator Heather Steans. Out of the record. Senate Bill -- with leave of the Body, we will return to -- continue, actually, on Senate Bill 1799. Senator Steans wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1799.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Thank you very much, Mr. President, Members of the committee {sic}. This is a very comprehensive bill that's looking at redoing a lot of teacher certification and licensing processes. There's going to need to be a new amendment put on in the House. Everyone's okay with us moving it out of this

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Chamber and over to the House to continue work on it. We are looking at it being an agreed bill once it finally gets completed.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1799 pass. All those in favor will vote Aye. Opposed, Nay. And 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 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1799, having received the required constitutional majority, is declared passed. Senate Bill 1802. Senator Koehler. Senator Koehler seeks leave of the Body to return Senate Bill 1802 to -- to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1802. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler, on Amendment No. 2.

SENATOR KOEHLER:

Thank you, Mr. President, Members of the Senate. This is a gut and replacement and I'll speak to it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1802. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1802.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler.

SENATOR KOEHLER:

Yes, thank you, Mr. President and Members of the Senate. This basically does the same thing that the original bill intended to do. It requires a competitive procurement process and a qualified expert to conduct the -- a competitive procurement process for municipalities, small communities, to be able to buy power. It creates the aggregation requirements. It imposes minimum requirements on the qualified expert. Clarifies the type of eligible consumers who may participate in aggregation. Allows aggregation customers to opt out once every three years for free. Allows the ICC to adopt emergency rules for -- to implement aggregation and limits a municipality in a county from disclosing customer information. This is a -- a bill that's going to be continued to work on in the House, but it -- it really allows our communities to move ahead with chances to buy power at a cheaper rate for their -- for their residents. Appreciate an Aye vote and happy to answer any questions.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator, I may be a little misled by just the title on the board there - you know, Power Agency - and I just wanted to confirm our analysis, a note in our analysis that says that this would not need help from the Illinois Power Agency. So this is totally separate from, again, putting an obligation on, you know, again, an agency that's doing an incredibly poor job. So -- but this is different from and does not involve the Illinois Power Agency. Is that right?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler.

SENATOR KOEHLER:

Yes, thank you for your question. Yes, you're essentially right. I'll just read you a small part here. It says, "The Director of the Illinois Power Agency shall provide governmental aggregators and other interested parties with the name of experts". So, the municipalities can go to them if they want a list of experts, but that's the only involvement.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. You know, I think perhaps only in Springfield can something that I thought that it was a -- a no,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

but your answer really is yes. This is another -- optional that the -- these different groups or this group can go to the Illinois Power Agency. So, once again, we're -- we're putting additional requests from some people in the State of Illinois on the -- on the fella running the Illinois Power Agency. I mean, isn't the answer that was a no really was a yes? I mean, if you read that again.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator -- Senator Koehler.

SENATOR KOEHLER:

Well, what -- what you're -- what you're asking is what the involvement of -- of the Illinois Power Agency is, and I guess I'm trying to stress that it's minimal. They have a list of experts. What's required here is that for municipalities or counties to aggregate, they need to have an expert that is in charge of -- of helping them to write the specs and to actually purchase the power. And what I'm -- I'm telling you is just that if they want to find where a list is available, they can go to the Illinois Power Agency and get a list of experts. So, that to me is a pretty minimal involvement, but I wanted to be truthful in answering your question.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

And I -- I -- I fully appreciate how difficult it is to put together legislation, but of all the places that I would not go for help, if I really needed help, is to an agency that cannot do the most fundamental function properly and has -- is in full defiance of what it is that they're required to do. So is there

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

an alternative that can be put into this bill when it goes over to the House that uses some other resource than someone who has demonstrated incompetence?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler.

SENATOR KOEHLER:

Your -- your opposition to the Illinois Power Agency has been noted. I will -- you've been consistent on that. It's not really the point of this bill, but I'm happy to pass that message on to the House as they take this up.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator John O. Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR J. JONES:

You know, I -- I know the previous speaker has -- has concerns with the Agency and I -- I think we all do. Everybody in this Chamber has concerns with 'em, but that's another issue that we need to address and -- and I would hope that we would address that before we adjourned here at the end of May, because we do have a problem. You know, it's not just that Agency, but we have some other agency directors that -- that don't do a very good job and we need to scrutinize those and -- and try to correct those problems. But on this bill right here, I want to commend Senator Koehler because he's -- he's really worked tirelessly on this. He -- he's got a pretty good bill right here right now and we -- we may tweak it a little bit more over

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

in the House, but I would encourage everybody to vote Aye.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Senator, if you're here in the General Assembly and you actually are here twenty years, couldn't you write a letter to someone and say, "I have a problem with an agency"? Is that something you could do as a sitting Member of -- of the Illinois General Assembly? Do you have that power?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler.

SENATOR KOEHLER:

I'm not sure I want to get into this - the middle of this. But, yes, I would have that power.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, Senator Koehler -- Senator Lauzen, for a second time? Senator Lauzen.

SENATOR LAUZEN:

I do apologize for rising a second time, but let me answer the former speaker's question. A letter has gone from the Audit Commission, signed by me and signed by Frank Mautino, the other Co-Chairman of the Audit Commission. So when you have a concern, well, maybe we're not doing the job to address it - we challenged him in person a couple of times. The Auditor General could not be more clear. And, yes, we have sent the letter, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler, do you wish to close? Senator Koehler.

SENATOR KOEHLER:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Yes, we'll try to make this short and sweet. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1802 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Will all -- all the -- 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 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1802, having received the -- the required constitutional majority, is declared passed. Continuing on your printed Calendar, at the bottom of the page is Senate Bill 1804. Senator Althoff. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1804.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President. Senate Bill 1804 amends the Property Tax Code to prohibit the inclusion of deed restrictions or restrictive covenants that deny an owner the ability to object to the creation of a special service area or the levy of a tax of a special service area. It was an issue that occurred in my district. They brought it to me and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

none, the question is, shall Senate Bill 1804 pass. All those in favor will vote Aye. Opposed, Nay. And 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 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1804, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Mr. President. I'd just like to be recorded as a Yes vote on the previous bill. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The record will so record your intent. Senate Bill 1805. Senator Althoff. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1805.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Thank you, again, Mr. President. Senate Bill 1805 amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of the Illinois. It requires the Department of Public Health to publish a yearly report regarding certain Multidrug-Resistant Organisms - commonly referred to as MRDOs {sic} - infections based on a surveillance system substantially similar to the CDC's National Health Care Safety Network surveillance system. This legislation actually was

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

created by the Department of Public Health and they believe that this legislation will make Illinois' reporting system much more specific for health care associated infections and will enable the Department to report those infections by hospital.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1805 pass. All those in favor will vote Aye. Opposed, Nay. And 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 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1805, having received the required constitutional majority, is declared passed. Senate Bill 1808. Senator Noland. Mr. Secretary, Senator Noland seeks leave of the Body to return Senate Bill 1808 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1808. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland, on your amendment.

SENATOR NOLAND:

Thank you, Mr. President. The amendment is merely some cleanup language to one of our criminal statutes. Happy to explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Seeing none, all those in favor will say Aye. Opposed, Nay. And the Ayes have

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1808. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1808.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President. Pleasure to be here to see you today. Senate Bill 1808 clarifies that the -- the crime of tampering with public records expressly includes the knowing falsification of that public record. That's it. Happy to take any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1808 pass. All those in favor will vote Aye. Opposed, Nay. And 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 59 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1808, having received the required constitutional majority, is declared passed. Senator Koehler, for what purpose do you rise?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR KOEHLER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR KOEHLER:

Joining me here with Senator LaHood and myself is a good friend from Peoria. We happen to be lucky enough to split Peoria, but our Mayor, Jim Ardis. So, if you, please, would welcome him to the Senate.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mayor Ardis, please rise. Welcome to the Illinois State Senate. Great to have you here today. Senator Brady, for what purpose do you rise?

SENATOR BRADY:

Thank you, Mr. President. I stand to -- a point of introduction.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR BRADY:

Thank you, Mr. President. I'd like to introduce Sandra Figueroa. She is a junior at Illinois State University, an intern in my legislative office. If the Chamber would please recognize her.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Great to have you here. Ladies and Gentlemen, with leave of the Body, we will turn to page 54, go back to page 54, and that would be Senate Bill 1746. Senator Trotter. Senator Trotter seeks leave of the Body to return -- excuse me, no amendments on this, so Senate

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Bill 1746. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1746.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. What 1746 does is it repeals the Registered Titles (Torrens) Act, taking the date in which - the repeal date - which was -- originally the bill was July 1st, 2037, back to 2014. What it does is it releases roughly about eight million dollars, which will go to the Lead Prevention Fund, where -- there is no opposition to it. We have talked to the Recorder of Deeds, who is the administrator of the Fund. He said there would be no problem with it. This is a -- a major issue of the Cook County Department of Public Health and I just seek a Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1746 pass. All those in favor will vote Aye. And opposed, Nay. And 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 58 voting Aye, 0 voting Nay, 1 voting Present. Senate Bill 1746, having received the required constitutional majority, is hereby declared passed. Going back to our -- to where we left off on page 56 is Senate Bill... Senate Bill 1809. Senator Noland. Indicates he'd like to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

proceed. Senator Noland seeks leave of the Body to return Senate Bill 1809 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1809. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY KAISER:

Floor Amendment No. 1, offered by Senator Noland.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland, on your amendment.

SENATOR NOLAND:

Thank you, Mr. President. This is simply further cleanup language for our criminal statutes. Happy to explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

ACTING SECRETARY KAISER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1809. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1809.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR NOLAND:

Thank you, once again, Mr. President. Senate Amendment No. 1 and consequently the -- the bill amends the offense of criminal transmission of HIV and changes the mental state required for the commission of the crime from "knowing" to "specific intent". The amendment also grants the court the power, that is as opposed to the prosecutor, to order the production of the medical records of a person accused of the offense of criminal transmission of HIV if there is a reasonable suspicion that the individual committed the crime. Happy to take any questions. There's no known opposition. My understanding is that the AIDS Foundation of Chicago and the ACLU are both neutral on the bill. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Noland, you've made -- this bill proposes to make substantive changes in what must be proven up by a prosecuting attorney in order to prove the crime of criminal transmission of HIV. What...(microphone cutoff)...changes? In other words, why -- why do you feel like the changes need to be made at all?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR NOLAND:

Thank you, Senator. This is to enable the prosecutors a little bit more clarity as to what the elements of the crime are, that is we're moving from a knowing standard to a specific intent to transmit HIV. It allows the courts a little bit more discretion as far as the viewing of the -- the records and allows the alleged perpetrator -- or the alleged -- or the defendant a little bit more protection with respect to protection of his identity and -- and facts actually not in evidence.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Well, Senator Noland, I want to focus in on just the -- the crime itself - in other words, the factors that must be proven in a court of law. Because as the law stands now, it requires that -- it's -- my understanding is, is that the prosecuting attorney prove that the individual knowingly -- obviously aware they had -- they were -- they were afflicted with HIV and knowingly exchanged bodily fluids with someone else. The bill that you've got on the board now introduces the concept of someone as long as they're wearing a condom, even if they're aware that they have HIV, suddenly provides them immunity. What is the wisdom in doing that?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland.

SENATOR NOLAND:

Well, the wisdom, in part, is the reliance on barrier technique. That's not something that we would want to dissuade

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

individuals from. And just so that the -- the rest of the Senate is aware, I'm going to read the elements of the crime so that we're clear on what -- what has to be proven by the prosecutor. Prosecutor will have to prove that, when this individual that you described, knowingly that they're infected with HIV, engages in intimate contact with another; transfers, donates, or provides his or her blood, tissue, semen, organs, or potentially infectious body fluids for transmission, transplantation, insemination, or other administration to another; or dispenses, delivers, exchanges, sells, or in any other way transfers to another any nonsterile intravenous or intramuscular drug paraphernalia. So what we're trying to do is make it so that individuals who may be perhaps visiting a club, who are -- is somewhat intimate, but not to this extent, that they are not subject to the prosecution. But those who otherwise fall under the categories that I just specified do. That's the wisdom of -- of the language.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Well, I mean, we should debate the wisdom of the language. Here's my point, is that the law as it stands now doesn't provide protection for someone, or immunity, if they're wearing a condom. This law -- if -- if -- this bill, if it becomes law, will do just that, because it -- one of the elements of the offense refers to having sexual activity with another person without using a condom. So if the defendant gets on the stand and produces evidence that they used a condom in the course of sexual activity, regardless of how old that condom may have

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

been, and whether or not it -- anyone could have deemed it to be reliable, they can't be proven guilty in a court of law. Is that what you want to do?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland.

SENATOR NOLAND:

Senator, what you've just described is the bringing of proofs and the making of a record. That's what prosecution is for. It will be for the trier of fact to decide what the mind and the intent of the -- the accused was.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

Of course, it's up to the trier of fact to determine the intent of the -- of -- of the accused. I understand that, Senator Noland. That's not what I'm talking about. What I'm saying is, by the language in this bill, once the person uses the condom, regardless of anything else, they cannot be convicted of this crime. They can't be, because this provides them with blanket immunity. It doesn't say a condom in which someone could reasonably rely upon. It says a condom. That's it. And we all know -- how many times have we heard that condoms aren't a hundred percent protection. And yet you're providing that loophole in this new -- in this new language here. So the question, Senator Noland, is, is does this assume that condoms are one hundred percent reliable?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Noland.

SENATOR NOLAND:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator, I'm not going to debate the science of barrier technique with you or the efficacy of condoms. However, this is a bill that was actually brought to me by the State's Attorney and we labored long with the ACLU and the AIDS Foundation to reach an agreement. This is something that folks I think you would actually be friendly towards, as a former prosecutor, agreed to. So I am asking your support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Righter.

SENATOR RIGHTER:

To the bill, please, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR RIGHTER:

You know, Ladies and Gentlemen of the Senate, it really doesn't matter who's friendly to State's Attorneys or who's friendly to the ACLU. And with all due respect to the Senator, he has decided to debate the issue of barrier science, because he's got it in his bill. So that's the issue here. If you vote for this, this is what you're saying, that if an individual knows they have HIV and they intend to give it to their sexual partner, as long as they put a condom on - one that they've had for ten years, carrying it around in their wallet; one that's got a hole in it - as long as they've got one on, they're immune. They won't be prosecuted. There are a lot of heinous crimes on the statute books, but there aren't very many that are so heinous as this one - someone who has an illness like this and knowingly gives it to another individual. This bill may be well-intended - and I've got friends in the State's Attorney's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Offices across this State, so do all of we - but this language has got to be tightened up, because the way it's drafted now, once that person puts that condom on, they are free from being prosecuted. I would urge a No vote, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Tom Johnson.

SENATOR T. JOHNSON:

To the bill: I want to thank our previous speaker here, Senator Righter, for his exposé of this. I voted for this in Judiciary and, quite honestly, I did not catch the points that Senator Righter have -- just raised. And for the very good reasons that Senator Righter has now put on the record, I will be voting No on this legislation and hopefully -- it needs to be tightened up and maybe next year. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Seeing none, Senator Noland, to close.

SENATOR NOLAND:

Thank you, Mr. President. I'm sure that we're all eager to kind of change the subject here, but I would just simply say that the likelihood of somebody carrying around a condom that's ten years old is rather remote and obtuse, an extreme example of a scenario that might be carried out here. We are talking about greater access to records for prosecutors through the courts. It's going to make it actually easier to prosecute these cases and make sure that only the proper cases are actually, in fact, prosecuted. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1809 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

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 18 voting No -- 18 voting Aye, 33 voting Nay, 0 voting Present. Senate Bill 1809, having not received the constitutional majority, is declared failed. With leave of the Body, we will return to Senate Bill 1821. Senate Bill 1824. Senator Murphy. Senator Matt Murphy. Out of the record. Senate Bill 1826. Senator Schoenberg. Mr. Secretary, please read the bill.

ACTING SECRETARY KAISER:

Senate Bill 1826.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm sure we're all relieved to move on to another order of business, discuss something a little more innocuous. 1820 -- Senate Bill 1826 is an initiative of the Comptroller's and it creates a voluntary supplemental retirement plan for Illinois teachers. It would allow, but not necessarily mandate, school districts and community colleges to make this plan available in a menu of options to teachers and staff who voluntarily chose to participate in the plan. We've seen how -- examples how in Iowa and Arizona that competitively bid, supplemental plans have been very beneficial to those teachers. And I want to stress that this also places less of an administrative burden on school districts and that it also enhances competition. There's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

nothing from precluding anyone from opting in or opting out, whether it's an individual, a district, or a particular business that wants to offer this type of product. I'd be happy to answer any questions. And, Mr. President, I have some legislative intent, at the appropriate time, I'd like to read into the record.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Bomke.

SENATOR BOMKE:

Thank -- thank you, Mr. President. To the bill: My -- my comments are not intended to impugn the -- the sponsor, Senator Schoenberg, because he did not make a commitment in committee, but when this bill came before the Financial Institutions Committee, it was final action to get bills out of committee. Many of us were opposed to this bill when it was in committee, but upon an understanding and agreement we thought we had with the Comptroller's Office, the bill would be held on 2nd Reading. They would -- would negotiate -- would negotiate with the opponents on the bill and hope to come back with an agreed bill. Many of us have done this. I suspect all of us have done this in this Chamber, where we allow a bill out that we don't particularly like, hoping -- as a courtesy, hoping that an agreement can be reached. Apparently, agreement could not be reached and the Comptroller's Office decided to move the bill. I spoke to a representative of the Comptroller's Office about a week ago, expressed my dissatisfaction and indicated, at the least, he ought to bring it back to committee on a technical amendment so that we can vote it up or down. So, I would ask the -- the Body, out of respect for the process, to either vote

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Present or No, regardless of your opinion on the bill. But out of respect for the process, I would encourage a No or Present vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Further discussion? Seeing none, Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. For purposes of establishing legislative intent, let me just say that the supplemental employee deferral plan, created by the State Comptroller, as authorized by this legislation, is a supplemental retirement savings program that would be made available to school districts, community colleges, in addition to retirement investment options already offered to their employees. Moreover, the bill would not give the Comptroller the authority to require school districts or community colleges to limit other retirement investment options offered by the school district or community colleges as a condition of participating in the supplemental employee deferral plan. Rather, it is intended to permit a school district or community college that participates in the supplemental employee deferral plan to offer their employees additional retirement investment options as determined by the school district or community college that were not selected by the Comptroller for this supplemental employee deferral plan. And then, just in closing, I wish to add that I think that there was some misunderstanding. I could see right away that there was some gray area emerging out of the hearing room. I think that this bill will indeed have subsequent revisions. There have been two separate - on

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

two separate occasions - meetings between the Comptroller's Office and some of those interests that were -- had initially expressed some reservations. I anticipate that'll continue and I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Actually, there was one more speaker, Senator Schoenberg. Senator Haine.

SENATOR HAINE:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Haine.

SENATOR HAINE:

Yes, Senator Schoenberg, I note from the analysis that the Independent Insurance Agents, the Insurance and Financial Advisors Association, a number of others, believe that -- that this bill - and just say if it's incorrect or not; I'm -- I -- you indicated this bill's subject to further revision - but they believe that with this authority, the Comptroller will be entering the private marketplace to compete with private agencies that are currently performing this. So we have a State officer, clothed with the power of the State, entering the private marketplace. That's their view apparently.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you for raising that point, Senator. In response to that, I would say that this plan will in no way compete with private sector companies or private money, that all the contributions to the Comptroller's plan would be public dollars

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that a public employee voluntarily elects to defer to supplement his or her public sector retirement. And, moreover, that - I -- I think this probably strikes more to the heart of your question - that all private sector financial services companies would have an opportunity to submit competitive bid for the administration of the plan. And the -- the Comptroller will indeed engage one or more private companies in -- in a competitive bidding process that's guided by the Procurement Code to administer plan -- the plan.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Senator. So, as I understand this then, the Comptroller will determine who will deal with school -- school board X on the provision of these financial services, rather than through the process of accreditation, rather than the current practice of the State licensing the agency and then that agency dealing directly with that school board. Am I wrong on that?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

No, I -- I think you're pretty much on point. I want to add to that, however, that those investment advisors, brokers, insurance agents, that chose not to participate in the Comptroller's plan can -- may indeed continue to offer competing plans and products outside of the plan that they're offering and any others that they prefer to offer in the future. So, I -- I -- I think that this enhances competition rather than constricts

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

competition and I think we're going to be talking that through a little more in the House when -- when we send this bill over.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

To -- to the bill: And I -- I appreciate Senator Schoenberg's answers and his work on this bill. We didn't -- it's -- I wasn't a part of the committee discussion, of course, and I'm reading this for the first time. But -- to me - again, I stand to be corrected - this is an effort to -- to have competition among those approved and accredited by the Comptroller. So it necessarily limits the marketplace. If she's okay with them, then they enter the marketplace that she has set up. And we -- we have a licensure law and a Department of Insurance - two departments which regulate all of these independent agents and -- and they decide who enters the greater marketplace with school board X to deal with this. So I -- I just am reluctant to vote to give the Comptroller the power, without careful scrutiny, to reduce a marketplace without any justification for it. I'd like to see this thing fleshed out over time.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I just wanted to stand in opposition to the bill. With all due respect to Senator Schoenberg, there was not a misunderstanding - for many of the reasons and concerns Senator Haine mentioned on this piece of legislation. Senator Bomke is absolutely right. We

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

accommodated the sponsor and the Comptroller to move the bill out of committee so they could work on it, with a clear understanding that it would be agreed to and not moved without coming back to committee. This is a very serious infringement on the private sector. I think we need to take that seriously, as well as the commitment, and I'd ask people to vote No.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Schoenberg, do you wish to close? Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think if we look at -- I appreciate all the comments that were made. I -- as I indicated earlier, I expect that we will have further discussion on this very issue. And if we look at the models of what has occurred in Iowa and Arizona, in Iowa you've had hundreds -- more than six hundred advisors currently participating in that plan, so it's hardly restrictive. And I would urge my colleagues to support Comptroller Topinka's plan and vote Aye.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall Senate Bill 1826 pass. All those in favor will vote Aye. Opposed, Nay. And 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 19 voting Aye, 30 voting Nay, 5 voting Present. Senate Bill 1826, having not received the required constitutional majority, is declared failed. Continuing on the Calendar, on page 56 is Senate Bill 1827. Senator Kotowski. Mr. Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

ACTING SECRETARY KAISER:

Senate Bill 1827.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is legislation that I brought to the Floor before and I think we had some unresolved questions connected to it, which I'm going to address today. This -- it allows -- it amends the Public (Aid) Code to alleviate the Department of Healthcare and Family Services from the duty and authority to collect interest accrued on any child support obligations. What's important about this legislation is that in the fiscal year -- previous fiscal year, the Department spent 2.1 million on calculating and attempting to collect interest on child support and only collected 1.9 million in interest. Now the Department intends to use the two hundred thousand in savings from the -- from the forgoing of the collection of interest on child support for the enforcement of regular child support obligations. Department believes the reallocation of resources could result in an additional twenty million in child support collections each year. The fact is, the way they've currently been doing it has not been cost -- cost-efficient or effective. This is one of the shining stars within the State of Illinois in terms of going through performance-based budgeting and funding and they've come up with this initiative. They looked at -- the allocation of resources was just not simply effective. There's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

a better way allocate resources to produce a more effective result. More than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. To the bill: Just wanted to thank the sponsor for his patient work on this in resolving the issues of my confusion the first time it was brought on the Floor. And it is a top-notch agency and so I -- I appreciate your -- your following up on those details. I intend to vote Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there further discussion? Seeing none, the question is, shall Senate Bill 1827 pass. All those in favor will vote Aye. Opposed, Nay. And 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 58 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 1827, having received the required constitutional majority, is hereby declared passed. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

For purposes of an introduction, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your introduction.

SENATOR HARMON:

Thank you, Mr. President. I have some very special guests with me on the Floor. They've been here for a while, but I've refrained from introducing them 'cause I was worried they were not going to get thirty votes with the mood the Chamber is in here. I have with me from River Forest the McAllister family.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Jimmy and Katie are students at St. Luke School. Jimmy's in the eighth grade and heading for Fenwick High School next year, the -- the school that produced our fine Governor. And Katie's in the sixth grade. They're joined here by their mom, Sherry. I'd ask you to join me in giving them a warm Senate welcome.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guests please rise? Welcome to the Illinois State Senate. Ladies and Gentlemen, the Senate will stand in recess to the call of the Chair. After committee meetings, the Senate 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 HARMON)

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

SECRETARY ROCK:

Senator Meeks, Chairperson of the Committee on Education, reports Senate Joint Resolution 34 Be Adopted and Senate Amendment 1 to Senate Bill 630 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Messages from the House.

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

House Bill 1368.

We have received a like Message on House Bill 2955. They passed the House, April 13th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, House Bills 1st Reading.

SECRETARY ROCK:

House Bill 186, offered by Senator Radogno.

(Secretary reads title of bill)

House Bill 224, offered by Senator Steans.

(Secretary reads title of bill)

House Bill 2100, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 3152, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 3293, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 3408, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 3449, offered by Senator Bivins.

(Secretary reads title of bill)

1st Reading of these House bills.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, we're going to turn back to the Order of Senate Bills 3rd Reading. If all Members of the Senate within the sound of my voice could please be at their desks, we -- this will be final action. We are going to pick up on our Calendar on the Order of Senate Bills 3rd Reading where we left off. I'd ask all Members of the Senate to be at

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

their desks. WICS -- WICS Television seeks leave to videotape the proceeding. Is there any objection? Seeing no objection, leave is granted. Ladies and Gentlemen of the Senate, on the top of page 56 of your printed Calendar, on the Order of Senate Bills 3rd Reading, Senate Bill 1831. Senator Raoul. Do you wish to proceed? Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1831.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1831 amends the Chicago Teachers Pension Article by updating the way the pension credit is awarded. Currently, there is a five-day/ten-day rule in which a teacher who works five out of ten days receives a two-week pension credit. If a teacher works less than five days, they receive no credit. Senate Bill 1831 will move the calculation to a one-day/one-day rule to ensure that a day's pay equals a day's credit. It also defines one year of service credit to be one hundred and seventy days of paid employment. Both of these rules are already used in the down -- Downstate Teachers Pension Article.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator Tom Johnson, for what purpose do you seek recognition?

SENATOR T. JOHNSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates he will yield. Senator Johnson.

SENATOR T. JOHNSON:

Senator, I -- I -- I -- I think I'm right with you on this thing and it sounds fair to me, but the only question I have is, if it goes to the day per day, do they have to work the full day or just check in for an hour?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

The -- the bill provides that the -- when computing days, the -- the contributor shall receive one day of service credit for each day for which they are paid salary representing a partial or full day of employment rendered to the employer or the Board - for each day that they are paid salary.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Johnson.

SENATOR T. JOHNSON:

I guess I then understand that if I'm there for an hour and that -- that kind of constitutes it. Kind of like us, if we come in here for a half an hour and one vote, we qualify for our full day pay. And so -- we're just extending our benefits to the teachers?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

I'm -- I'm sure you wouldn't just work one hour, but this is kind -- just -- just -- just like us.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 1831 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Aye, none voting No, none voting Present. And Senate Bill 1831, having received the required constitutional majority, is declared passed. Senate Bill 1832. Senator Raoul. Madam -- out of the record. Senate Bill 1833. Senator Murphy. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1833.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Murphy.

SENATOR MURPHY:

Senate Bill 1833 amends various Acts to make amendments to provisions of State law to substitute the terms in State law as follows: "Mental retardation" is replaced by "intellectual disability". "Mentally retarded" is replaced by "intellectually disabled". "Crippled" is replaced by "physically disabled". "Crippling" is replaced by "physical disability" or "physically disabling". This is patterned after legislation in about twenty-four other states. This was done at the federal level just last year. We are trying to modernize the vernacular in the language. This was brought to me by a constituent. Appreciate an Aye vote. Happy to answer any questions.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1833 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, none voting No, none voting Present. Senate Bill 1833, having received the required constitutional majority, is declared passed. Senate Bill 1843. Senator Martinez. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1843.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Martinez.

SENATOR MARTINEZ:

Thank -- thank you, Mr. -- Mr. President and -- and Members of the Senate. I'm trying to get myself organized here. It amends the Medical Practice Act to permit any licensed physician, including a licensed chiropractic physician, under the Act to administer atmospheric oxygen.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1843 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. Senate Bill 1843, having received the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

required constitutional majority, is declared passed. Senate Bill 1847. Senator Link. Senate Bill 1849. Senator Link. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1849.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This require -- this bill is the result -- or, changes the depositing of the Horse Racing Fund into the Horse Racing -- or, changes the Illinois Horse Racing Act to be deposited into the Horse Racing Fund. And currently this revenue is -- are deposited in the General Revenue Fund. The bill will result in an increase of four hundred and seventy-five thousand dollars in the Horse Racing Fund, which will be used to fund Illinois Racing Board. I know of no objection. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 1849 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 2 voting No, none voting Present. And Senate Bill 1849, having received the required constitutional majority, is declared passed. Senate Bill 1852. Senator Luechtefeld. Senator Luechtefeld seeks leave of the Body to recall Senate

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Bill 1852 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1852. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Luechtefeld, on the amendment.

SENATOR LUECHTEFELD:

Thank you, Mr. President. I will explain the amendment when we take up the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Luechtefeld moves for the adoption of Floor Amendment No. 1. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1852. Senator Luechtefeld. Madam Secretary...

SENATOR LUECHTEFELD:

Thank you, Mr. -- thank you, Mr. President...

PRESIDING OFFICER: (SENATOR HARMON)

...please read the bill. Senator. Senator. Please read the bill, Madam Secretary.

SECRETARY ROCK:

Senate Bill 1852.

(Secretary reads title of bill)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Luechtefeld, we're ready for you now.

SENATOR LUECHTEFELD:

Senate Bill 1852 deals with farmers' markets. There is a feeling among many of the farmers' markets throughout the State that there needs to be -- needed to be some guidelines that you could go from one to the other and still be under some sort of -- some sort of control that would be consistent. This bill attempts to do that with a task force that will set up those regulations. I would answer any questions that you have and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Koehler, for what purpose do you seek recognition?

SENATOR KOEHLER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR KOEHLER:

Yes, I rise in support of this. I think this is a good bill and I actually have a companion bill - that I consider a companion bill - Senate Bill 840, which talks about the food cottage industry, and this works very much in conjunction with that. We've got an emerging industry here of folks that want to be involved in farmers' markets. I participate in 'em with my business and I just commend the Senator for bringing this forward. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any further discussion? Seeing none, the question is, shall Senate Bill 1852 pass. All those in favor, vote Aye. Opposed, Nay. I'm sorry. All in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. Senate Bill 1852, having received the required constitutional majority, is declared passed. Senator Luechtefeld, are you seeking recognition? Continuing on the Order of Senate Bills 3rd Reading is Senate Bill 1853. Senator Emil Jones. Senator Jones seeks leave of the Body to return Senate Bill 1853 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1853. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 4, offered by Senator Emil Jones.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones, to present the amendment.

SENATOR E. JONES:

Thank you, Mr. President. I'll be happy to explain that amendment on -- on 3rd Reading. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones moves for the adoption of Floor Amendment No. 4. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1853. Senator Jones, do you wish to proceed? Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1853 is a trailer bill. And this bill is - - is going to correct the issues that we did last year when we passed the Cemetery Oversight Act. As you know, last year when we passed that bill, I stood up in front of this Chamber and made a commitment that not if but when we come to this situation again, where this legislation would need to be addressed, I would take full leadership on it. But when the Senate considered that legislation a year ago, many of us believed that significant -- additional work was needed. Reflecting those concerns over the Oversight Act, just thirty votes were placed on the Cemetery Oversight Act. Later when it became clear that the new law would surely prompt many cemetery abandonments, JCAR unanimously prohibited the rules. During the Floor debate on the original Oversight, I -- I indicated my intention to bring trailer legislation to make the new law workable. This is Senate Bill 1853. I'd be happy to answer any questions. Thank you.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator Trotter, for what purpose do you seek recognition?

SENATOR TROTTER:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that he will yield. Senator Trotter.

SENATOR TROTTER:

Thank you very much. Before -- I do have several questions, but I would like just to make just a comment. I mean, little over a year and a half ago, I mean, each and every one of us were witnesses to one of the most horrific crimes done to not only the living, which are the survivors of individuals that were in the cemeteries, but also to the interners {sic}, those who were interred at any funeral home. Anybody's worst movie that you've seen and thought about, be you scared of ghosts or just uncomfortable with dead, this had to upset you. And as a consequence of what happened at Burr Oak in Alsip, Illinois, many of us said, never again. But as we know, there's no such thing as never again. We also wanted to believe, because we wanted to go into denial and -- and say to ourselves, well, this probably never happened before. But the truth is that was not an anomaly. And it wasn't an anomaly and it could happen again, because the fact is we do not have protections to ensure that that doesn't happen as often as it probably does. We've all heard of body snatchers. We all know about desecration of graves, and we've done it under the sake of science. We've done it for a lot of reasons. But the Cemetery Oversight bill certainly put in some -- some necessary

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

protections. Today, we're here to look at an issue with something that is being called a trailer bill when, in fact, it undos -- or, it undoes everything that we attempted to do last year. So, to the bill and questions to the sponsor: What percentage of the industry will be regulated by your bill?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Four percent, Senator.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

So only four percent of the cemeteries will be affected or would be -- have any kind of -- we will have any kind of control over out of the multiple cemeteries, the hundreds of cemeteries, that are in this State. Why is it the State's Attorney's Office is not in favor of your bill?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Well, late yesterday, me and the State's Attorney has made an agreement to remove their name from the legislation. And so, right now, they're not opposed to the legislation.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Can you share with us what that agreement is?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR E. JONES:

Well, the State's Attorney's Office did not want to be the enforcers, nor did the Attorney General's Office, which we made arrangements to have their -- have them pulled off the legislation as well. And the agreement was that we would probably leave it with the Department.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

And -- and you're absolutely correct. They did not want to be the enforcer, neither did the Attorney General. They didn't want to be the enforcer for the simple fact there are other priorities, which is why we created last year's bill, which we, in fact, had the Department of Professional Regulations {sic} (Regulation) heading up that enforcement group. So, no -- no question about it. They did not want to be the enforcers of that. Okay. The Cook County Sheriff, what is his position on the bill?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

He playing to the cheers of the crowd. He's in opposition.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

I guess I didn't understand the -- the cheers of the crowd. There's nothing about what happened in Burr Oak to cheer about. So what do you mean the cheers of the crowd?

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Jones.

SENATOR E. JONES:

He's taking what happened at Burr Oak and, I think, trying to use it as a media blitz.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Okay. One of the provisions that was in the bill that we thought would ensure that there at least be some regulation was the creation of a central database. Is that in your legislation and how does it operate?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter. Senator Jones.

SENATOR E. JONES:

It was removed from my legislation. Cemeteries currently already do a database. So having it done repeatedly, I think, is a little bit overbearing for cemeteries.

PRESIDING OFFICER: (SENATOR HARMON)

Senator -- Senator Trotter.

SENATOR TROTTER:

The information that I have is that they voluntarily do it on their own. There is nothing that defines that they must do it and the reason why they should do it and -- and they actually -- what I understand is that most of the cemeteries look at this database as a good idea, because it sort of alleviates them from trying to keep records from -- on their own. By going on the Internet, they can record and pinpoint exactly and whom is buried where and when. So eliminating that brings what protections to those families who would like to have information

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

of the -- their family member's plot?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Well, like I stated before, Senator, all cemeteries have a database that they mark where our loved ones are buried. It's not required in the bill, but all cemeteries have a database of where loved ones are buried. It's the regulations.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

But we can't prove that, because the fact is if there is not a central database, if there's no depository where that information is, we don't know until someone asks. And since you said that there is no -- the State's Attorney and the Attorney General do not want to be the enforcers or the oversight protectors of these family members and their loved ones, then there's nothing. So, essentially, what your bill is doing is decimating those protections that we deemed necessary so something such as what happened last year at Burr Oak ever happens again. And -- and -- and, further, this legislation that you have - and what the other bill did have, and that was input from other people besides just cemetery owners - who was at the meeting that put your bill together?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

A wide variety of everyone - small cemeteries, large cemeteries, the Cemetery Association, myself, and other

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

colleagues.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

So what you're saying is, we had the fox setting up the rules of how to watch the henhouse. I mean, what -- what else was there? The cemetery owners, the cemetery -- small cemetery, big cemeteries and the Cemetery Association, and so it -- the thing is, is we had a bill that was negotiated by all those people who would be impacted by what's going on. Also what was set up in the original language was, one, a continual task force that would look at these issues, that would possibly correct some of the overzealous things we might have done because of the -- the passion that we had because of what had happened at that time. Senator, I don't take away from that you want to make a bad situation better, but you're doing it with not a good bill. I think there is some things that we can do to tighten up, to clean up the original oversight committee -- the Cemetery Oversight legislation, but this isn't it. This isn't it. We cannot create something in a vacuum and expect it to work. We cannot create something whereas ninety-six percent of those individuals, those cemeteries, is exempt. What did we do? Our bill, the original bill, said there's fifty-one laws that's already on the books. The original bill codified those laws. They are not codified in your bill. We have protections. We have good legislation. Let's continue to work with that board from people who -- from all sides of the table, from ministers, from loved ones, from people in association, with attorneys, with the State's Attorney's Office, and clean up something

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that's already good and make it better. This is not it.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR JACOBS:

Mr. President, I call the previous question.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. There are five Senators -- six Senators seeking recognition. Senator Righter, for what purpose do you seek recognition?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield.

SENATOR RIGHTER:

Thank you, Mr. President. First, Senator Jones, I want to what I think add to what we'll hear later, are thanks and congratulations for not only just keeping your commitment, but - - but making, as we say, a good old college try, in taking something that did overreach and paring it back to something closer to what would hit the target. First question, Senator Jones, is, it's my understanding that the law as it stands today, the Cemetery Oversight Act, applies to all cemeteries in Illinois, just to varying degrees, whereas if this became law, the Cemetery Oversight would only apply to about a hundred and thirty-three cemeteries or three percent of the cemeteries in Illinois. Is that accurate?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR E. JONES:

Yes, that's accurate, but there's also a Consumer Bill of Rights in this bill that applies to all cemeteries.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you. You anticipated my next question, Senator. You've, by this amendment -- by this trailer bill, excuse me, you've divided the regulatory framework out, if you will, into two separate statutes - the Cemetery Oversight Act, which we just -- just briefly mentioned, and then this Consumer Bill of Rights, which will apply to one hundred percent of the cemeteries in Illinois. Correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Now, Senator, I'm going to approach this, and I think you know, from a -- a different angle than -- than Senator Trotter did. What happened at Burr Oak's was a tragedy. We heard before, in committee, that that was a criminal act and those individuals are being prosecuted for what they did. My concern extends to the cemeteries in Illinois who do it right, who are run by good, decent, honest individuals, many of whom are volunteers, and obviously don't do it for the money, don't do it for the recognition. They do it because they feel like the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

families should be cared for or because their church has asked them to do that. Now, I want to center in a little bit on the Consumer Bill of Rights and ask you some -- a series of questions about what you intend through this language. In Section 10 of the Consumer Bill of Rights, it says that the "record of decedent's grave location shall be open to public inspection consistent with State and federal law." Now let me ask you, under that scenario, if an individual comes to the small Lutheran church in the corner of rural Edgar County in my district and wants to know where someone is buried, is the church required to tell that individual where that person is buried?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Yes, that's correct, Senator.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

What if, Senator Jones, the person who's asking for that location is someone who is, let's say, unfriendly to the family or was unfriendly to the deceased, that the caretaker there who knows the person who wants that information and knows the family and knew the deceased is concerned that this individual may want to enter into an act of vandalism or some kind of desecration of the gravesite? Are they still required to give 'em that information?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR E. JONES:

Well, technically, the person -- they are supposed to disclose it, but they are free to walk around the cemetery on their own if they like.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Now -- well, Senator, now I want to be clear on this, because remember what you're putting in law here, what you have proposed to put in law here, or leave in law, is going to be read by someone back home - by the seventy-eight-year-old voluntary caretaker of the small Lutheran cemetery in the corner of Edgar County - and they've got to be able to understand what it is you're telling them they have to do. So when you -- use words like, well, technically, they may have to do this or technically not, that's not going to work back home. Are you requiring by this language that they disclose the gravesite location, even if they know that that person's up to no good? I mean, they -- they're not -- they're not being unfair to that individual; they just know it's a bad thing for the family. They still have to tell 'em that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Yes, Senator. But, again, the person has the right to walk around the cemetery, if they would like.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Well, let's go to that. Can -- after this, can a small private cemetery prohibit an individual from entering the grounds?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

The bill is silent on that issue. We don't think it'll permit that.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Okay, you -- you told me just a moment ago that the person had the right to walk around the private cemetery grounds. So, if it's not in this bill, where is that in law, where a private cemetery, perhaps, again, a religiously affiliated one, has to let anyone and everyone walk around their cemetery grounds, if they don't have any right to prohibit anyone?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Could you repeat your question, Senator?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Senator, in response to one of my questions, you said that, well, even if the caretaker didn't have to give the location of the gravesite, that person, the person requesting the information, would have the right to walk around the cemetery grounds and basically find it for themselves. So the follow-up

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

question is, where's that right? Doesn't a private cemetery have the right to prohibit someone from coming onto their grounds for cause or not cause? That's the question. Don't they have that right?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Yes, they do have that right, Senator.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

I -- thank you, Mr. President. When you say "they have that right", Senator, I don't know whether "they" is the cemetery, having the right to prohibit someone, or "they", the individual, having the right to walk around the cemetery grounds. Can you clarify, please?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

This law does not address that issue.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, in the interest of time, let me move on. In the -- also in the Consumer Bill of Rights Act, it prohibits -- you prohibit requiring any cemetery in this State from requiring payment in cash only. Why?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR E. JONES:

Well, going back to the Burr Oak issue, you know, we want to have a record of payment, an accounting -- for accounting purposes in case there's a audit or anything.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

So -- and -- and I appreciate your reference to Burr Oak's, Senator, but, remember, there was only one Burr Oak's in this State. The overall majority of cemeteries have never had any kind of trouble like this or any kind of finding like this. What you're doing is affecting everyone else as well. So - I want to be clear - if this becomes law, then the -- again, that small, private, Lutheran cemetery in the corner of Edgar County who knows that the check's no good and there's no credit card available -- can't require cash only. You're going to make that decision for that caretaker and that church, right?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Cash only is prohibited now in the current law. And your answer is, yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

It's prohibited under the Cemetery Oversight Act, correct? Okay.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter, do you have another question? I'm sorry.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. One last question. You're creating in this also a -- a cause of action, a private cause of action, based on the Consumer Bill of Rights. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

To -- to the bill, if I might, Mr. President. And thank you for your patience. Ladies and Gentlemen, the Cemetery Oversight Act that passed last year was a reaction to an abomination. But it was a dramatic overreaction and missed the target in many ways, particularly for those of you who represent rural areas of this State - those of you who represent private cemeteries, many of which are religiously affiliated, who have never had a problem; those of you who represent the cemeteries that were never talked about during the Cemetery Task Force hearings. No one ever talked about those cemeteries, but, nevertheless, they're the subject of this regulation. Okay? The only answer here is to repeal the Cemetery Oversight Act in its entirety and start over. The only answer here is to wipe the board clean and start over again. This will not fix this problem. It will make some of the problems better, but it still, from Springfield, says to those people who are taking care of those small cemeteries in my district and yours, that,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

you know, we know we never had a complaint, we know you never had a problem, we know that you go the extra mile to take care of the families, but, nevertheless, Springfield is going to protect those families from you by -- by keeping this Consumer Bill of Rights. That's wrong. The only answer here is a repeal. Let's help Senator Jones do the right thing here. Let's defeat this bill and come back with a repeal bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Ladies and Gentlemen of the Senate, I would remind you that Senator Jacobs has moved the previous question. There are Senators who have indicated their desire to speak after that motion. I'm going to recognize those who have asked to speak before the motion. Senator McCarter, for what purpose do you seek recognition?

SENATOR McCARTER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates he'll yield.

SENATOR McCARTER:

Senator Jones, I -- I heard someone else say that -- that the number of cemeteries that would not be under this -- this new law, this increased burden, was four percent. But in committee, I heard it as three percent. Is it three or four?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

That's on -- based on the Department of Professional Regulations {sic}, it's four percent.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Senator Jones, would any -- anything in this new law have prevented the situation in Burr Oak?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR McCARTER:

In -- in your opinion?

SENATOR E. JONES:

In my opinion, no. And the law -- current law that we have on the books right now, no. Nothing could have prevented any wrongdoing for what happened at Burr Oak Cemetery.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Well, thank you for that very honest answer. What -- what would happen if this does not pass? What would happen to Kenny Joseph's Family Cemetery down the road from me, with just a few sites and very little money to upkeep and -- and -- and -- you know, what -- what would happen if this doesn't pass?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Well, what will happen is you'll have several abandonments throughout the State. With the current law on the books that we have now, many cemeteries will have to close their gates, which means a lot of cemeteries were left -- will be left unkept. Grass will not be cut. The regular maintenance will not be done

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

at the cemetery. So, if JCAR would not have suspended the rules on this, we, as a State, would be in big trouble, 'cause we can't afford to pay our bills on time and we can't afford to take care of cemeteries at this time as well.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR McCARTER:

I -- I -- I commend Senator Jones for trying to make a very -- what I consider a very bad bill tolerable and specifically trying to save some of these smaller cemeteries. I, too, with Senator Righter, believe that this -- this -- this whole -- whole Act should be repealed. Now, I understand the reality of that, Senator Jones, and I appreciate your attempts to save a few. I don't agree that this four percent will now be on a unlevel playing field, because they will have more burden put on 'em, increased costs, and that will be put onto consumers. I don't see where there's a good vote on this issue today. The only good vote would be to repeal the Act. So I commend you for what you've done to salvage this. I thank you for your honest opinion that everything that's under this Act today would not have prevented the bad situation that we supposedly reacted to. Thank you for your help. I will, with difficulty, vote in favor of your bill.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Pankau, for what purpose do

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

you seek recognition?

SENATOR PANKAU:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR PANKAU:

I want to commend the sponsor on all the work he's done. We can obviously see it because this is Amendment No. 4, and he has literally traveled the entire State looking at different cemeteries and looking at the whole entire industry. I also am going to be voting Yes on this bill and I would urge you to vote Yes too. After we passed the Cemetery Oversight bill, I had a lot of my township and religious cemeteries come to me and tell me how terrible it was and what we actually did. This bill at least addresses their concerns. Yes, it took them out of everything except the Bill of Rights, but if we don't vote Yes to this today, we are left with that Oversight bill, which will literally, literally cripple the cemetery industry in this State. So, with all due respect to those -- and I also in a perfect world would love to repeal that bill, but it's not in front of us and I doubt that it's going to be in front of us any time soon. So I urge you to vote Yes to this and give some relief to our township and our religious cemeteries.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Millner, for what purpose do you seek recognition?

SENATOR MILLNER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

To the bill, Senator.

SENATOR MILLNER:

I didn't realize this was Senator Jones' first bill. Kind of sounds like it. But I -- I would like to rise in support of the bill just for a number of reasons. Number one, last year, if you recall, there was the task force. And with that task force being there, the cemetery, I guess, one was present, but the rest of 'em were kind of excluded. And the one that was present said, "No, this is wrong. This isn't -- we shouldn't do this." And yet they ignored that member of that task force and went around and -- and forced that bill down all the cemeteries' throats in Illinois. I know the Farm Bureau wrote something I thought was kind of interesting here and they say that by reducing the regulatory burden, cemeteries can focus their limited resources on maintenance and care of the facilities and the reforms included would allow many rural cemeteries to remain in operation and avoid abandonment. And I think, because this is the only bill we have in front of us today and because the other bill was so onerous and it's really not fair to the cemeteries, I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you. Senator Maloney, for what purpose do you seek recognition?

SENATOR MALONEY:

Thank you, Mr. President. To the bill: Everybody has mentioned, and they're correct, that this -- the original legislation was a response to the nightmare situation at -- at Burr Oak. And as well-intentioned as that bill was, it did put undue burden on small cemeteries, perhaps family-owned

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

cemeteries, who were doing a responsible job and did nothing to contribute to the situation at Burr Oak. I received calls from a few cemeteries in my district and took the time to personally inspect them and found that their -- their recordkeeping process was -- was very, very definitely responsible and adequate and I would urge the passage of this legislation.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Luechtefeld, are you seeking recognition?

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the -- Members of the Senate. To the bill: You know, we -- as Senator Maloney said, we really had a problem with the last bill that was passed. It went too far. Most of us know that. It would just kill the small cemeteries. I do feel sorry for the hundred-and -- hundred-and-four-year-old fella that is caretaking in -- in Senator Righter's district, but maybe we ought to get someone younger to do that. But I -- I, again, would be -- I -- I would recommend an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Our last speaker seeking recognition is Senator Crotty. For what purpose do you rise?

SENATOR CROTTY:

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

...bill, Senator.

SENATOR CROTTY:

Senator Righter, I think Senator Luechtefeld just volunteered for a summer job. But in -- in all sincerity, I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

think I've -- I've listened to quite a few of you and -- and being the Co-Chair of JCAR and my Representative Co-Chair, Skip Saviano, the two of us, at one time, met with all the cemeteries and -- and then we made a phone call to Senator Jones, and the -- the feedback we got back from the cemeteries is they were very taken back that Senator Jones traveled across the State and met with the small cemetery owners. As -- as we pass legislation and it goes to JCAR and it goes through the rules, sometimes the best intent on our legislation really gets snarled up in trying to get that piece of legislation actually acted on through the agency, and this -- this piece of legislation had a lot of flaws. And because of that, we were able to sort of slow down the process a little bit so that our small cemeteries -- the volunteers that work in -- in these cemeteries weren't held liable. I want to commend Senator Jones. He has done an outstanding job with something that was very, very close to him and it's -- and it's also in his district. So, I encourage everyone to please vote Yes on this bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones, do you wish to close? Senator Jones.

SENATOR E. JONES:

I'd like to thank all my colleagues for your support. This issue was very close to me. Yes, Burr Oak was in my district. At one point, I thought I had some family members buried at Burr Oak. But some of my colleagues here do have families buried at Burr Oak. And so this issue was very important to me and I wanted to make sure we put a good law on the books that all cemeteries can abide by. Cemeteries are financially modest entities and we cannot overburden them with tough laws like we

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

did a year ago. So I thank you for your support and I appreciate a Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 1853 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, 2 voting No, 1 voting Present. And Senate Bill 1853, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, I have a committee announcement. The Senate Appropriations I Committee will meet tomorrow morning at 8:30 a.m. in Room 212. That's the Senate Appropriations I Committee meeting tomorrow morning at 8:30 a.m. in Room 12 -- 212. Thank you. Continuing on our Calendar, on the Order of Senate Bills 3rd Reading, near the bottom of page 56 of your printed Calendar, is Senate Bill 1856. Senator McCarter. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1856.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Senate Bill 1856 requires the Department of Transportation to, not more than ten years after a protected corridor is established, conduct a public hearing to discuss the viability and feasibility of the protected corridor. IDOT shall remain -- it shall remain at their discretion whether or not the corridor

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

should be protected. If the Department determines that construction of the roadway is no longer feasible, then the Department shall abolish the -- the protected corridor. This came about with the Gateway Connector in my area. We had asked for a number of things. We whittled it down to something that the Department was -- was comfortable with that didn't cost any additional funds. And I think, right now, we've -- we've taken it down to a public hearing just to show people where we're at in the corridor -- the protected corridor. The problem with extending this out as long as it is, is you freeze folks' assets and their ability to improve their property. And so I think this is the -- the least we can do for them is to give them a hearing and show them where we are in our plans. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1856 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. And Senate Bill 1856, having received the required constitutional majority, is declared passed. Senate Bill 1877. Senator Wilhelmi. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1877.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1877 makes two changes to the Illinois Power of Attorney Act. First, it -- there's a scrivener's error that we're -- we're correcting. And, second, the bill deletes two provisions of the Act which allow the agent to automatically have authority to review health care records once the power of attorney for health care is signed by a patient. This is having the effect -- because of the effectiveness of -- of these powers of attorney going into effect immediately, what's happening is that a lot of our family members and our neighbors and our constituents are not signing health care power of attorney. And that's because they don't want their agent to have immediate access to their health records. So now we're going to go back to the original Act, before the rewrite from last year, and make sure that it's clear that they have the -- the right and the authority to identify when the records can be reviewed. And usually that's at the point of incapacitation. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1877 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. Senate Bill 1877, having received the required constitutional majority, is declared passed. At the bottom of page 56 on your printed Calendar, Senate Bill 1883.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Maloney. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1883.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. Senate Bill 1883 amends -- or, it will require each State university to report annually to the Board of Higher Education any programs of instruction that have been terminated, dissolved, reduced, or consolidated. In addition, they will report to the IBHE any programs that trend toward low performance in enrollment or high expense per degree. At that point, after a period of consultation with the appropriate governing board, IBHE then will be authorized to take action on the dissolution or reduction of these programs. I'd be happy to answer any question.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1883 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. Senate Bill 1883, having received the required constitutional majority, is declared passed. At the top of page 57 on your printed Calendar, Senate Bill 1898. Senator Clayborne. Senate Bill -- Senate Bill 1900. Senator Clayborne. Madam Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

Senate Bill 1900.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. Senate Bill 1900 creates a brownfield remediation tax credit, which is equal to the cost of remediating a property that is enrolled in the Illinois Environmental Protection Agency's Site Remediation Program.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Senator Pankau, for what purpose do you seek recognition?

SENATOR PANKAU:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield. Senator Pankau.

SENATOR PANKAU:

Senator, so if I understand this correctly, if -- if I have a piece of property and I mess it up and then I clean it up, I can get a tax credit for cleaning it up when I messed it up in the first place?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Not -- not -- the original owner cannot get this tax credit -- or -- or, the person who contaminated the property.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator Pankau.

SENATOR PANKAU:

Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

There any further discussion? Seeing none, the question is, shall Senate Bill 1900 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. Senate Bill 1900, having received the required constitutional majority, is declared passed. Senate Bill 1907. Senator Sandoval. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President. This is initiative of the Illinois Farm Bureau. It amends the Illinois Vehicle Code and adjusts the fine for improperly displaying a slow-moving vehicle emblem for a first offense. I'd ask a favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR BOMKE:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Thank you, Mr. President. To the bill: This came out of Transportation Committee with no opposition. I'd encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 1907 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, 2 voting No, none voting Present. And Senate Bill 1907, having received the required constitutional majority, is declared passed. Senate Bill 1914. Senator Sullivan. Senator Sullivan seeks leave of the Body to return Senate Bill 1914 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1914. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Sullivan.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan, on the amendment.

SENATOR SULLIVAN:

The amendment is just a technical change. I'll discuss it on 3rd.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan moves for the adoption of Floor Amendment No. 2 to Senate Bill 1914. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1914. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1914.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President and Members of the Senate. 1914 provides another way to give notice that entry is forbidden on property under the -- under the criminal trespassing statute; that an owner or lessee may place indentifying purple marks on a tree or a post surrounding the -- the property. And it also -- because of concerns that were brought up in the committee, some amendments were added that describes the manner in which the public will be informed concerning the new changes in the law. It incorporates the Department of Ag and the Department of Natural Resources to help educate the public on this issue. This issue came to me from the Illinois Forestry Association, but actually I've known about it for quite some time because the State of Missouri has been indentifying and using purple marks on trees and posts and so on to -- to tell the public that that is the same as a no trespassing sign. And so that's what this legislation does. I'd be more than happy to answer any questions.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR RIGHTER:

Wonder if the sponsor will yield, please, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Sullivan, why purple?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter, could you pull the microphone up a little bit?

SENATOR RIGHTER:

I'm sorry. Why purple, Senator?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan.

SENATOR SULLIVAN:

You know that's ironic, 'cause my colleague sitting beside me just asked me that same question. I -- I don't think there's any really specific reason for it that I'm aware of. I just know that other states - and I mentioned Missouri - has used that purple color in the past. So that's what -- we kind of wanted some -- a little bit of consistency at least from an adjoining state. So I don't think there was any real reason for the purple.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner, for what purpose do you seek recognition?

SENATOR MILLNER:

To the bill, Mr. President.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

...bill, Senator.

SENATOR MILLNER:

I -- I would like all of you to really think about this when you go home, because if this becomes law, just imagine, this would probably handle Senator Righter's issue of the cemetery, where if they don't want anybody to go, just paint purple signs around the cemetery. People can't go in. But think about your neighbors. They hear that this is the law in their neighborhoods and they put purple posts around their house. Does that prevent the mailman from coming up - mail person, letter carrier? Does that prevent somebody who wants to knock on the door? Does it prevent you knocking on their door, to come up and -- and provide information about your campaign? What's trespassing? What is not? We have thirteen million residents in the State of Illinois. I know you're trying to -- to educate the thirteen million people, but would we be able to educate thirteen million people? Who will get educated? Eventually, the police departments will. Eventually, some people will and those people who do, who just don't like people, might put purple around their house. And then they're going to call the police every time somebody crossed the purple line. What if they're colorblind? I mean, there's -- there's so many issues. If I were the attorney, that's exactly what I'd say. Hey, my client can't see color. You know, case dismissed. But the question I believe that will come up is, when this becomes law, who came up with this and, my God, who voted for this? So, you know, for what it's worth, please consider a No vote. Sorry, John.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan, do you wish to close? Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. You know, I can -- I appreciate the concerns that were -- that have been brought up. I -- I -- there -- you know, I suppose that there could be some extreme cases, as the previous speaker spoke about, but, really, the purpose of this is more to be used out in the ag and the rural areas of the -- of the State. It is -- if somebody still wants to continue to use a No Trespassing sign, they obviously can do that. As a matter of fact, they're required to do that at least for the first year, during the education process. I simply ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 1914 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 voting Aye, 9 voting No, 2 voting Present. And Senate Bill 1914, having received the required constitutional majority, is declared passed. Senate Bill 1918. Senator Trotter. Senate Bill 1923. Senator Hutchinson. Senator Hutchinson seeks leave of the Body to return Senate Bill 1923 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1923. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Hutchinson, to explain your amendment.

SENATOR HUTCHINSON:

Floor Amendment 2 guts and becomes the bill. I'd be happy to explain it on 3rd.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson moves for the adoption of Floor Amendment No. 2 to Senate Bill 1923. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1923. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1923.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President and Members of the Senate. Senate Bill 1923 is agreed language from IDOT that will update their target market program to be constitutionally compliant. This amendment is drafted to preserve the intent of the target market program - to achieve diversity goals and to address disparities in contract participation and awarding - while addressing some issues where similar statutory language was challenged in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

federal court. Senate Floor Amendment No. 2 addresses these issues in the following ways: It requires IDOT and its chief procurement officer to review all evidence of racial and gender discrimination specifically related to transportation construction projects; provides for greater transparency in the target market program creation process by providing for public involvement through public hearings; each January, IDOT and its chief procurement officer are required to report to the General Assembly the actions of the Department regarding this program; and it clarifies that the program contract results count toward fulfillment of the State-funded construction program goals under the -- under the other -- current law; clarifies that businesses authorized to participate in the target market program must be certified as disadvantaged businesses pursuant to the provisions of Section 6d of the Business Enterprise Program law. We knew that there was similar language that was struck down. We need to give this program a chance to work. This brings it into a situation where we think we can withstand any court challenges. This makes the program better and allows it to do what it was intended to do. And I'm happy to ask any questions -- answer.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1923 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 voting Aye, 6 voting No, none voting Present. And Senate Bill 1923, having received the required constitutional majority, is declared passed. Senate Bill 1924. Senator Hutchinson. Madam Secretary, please read

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

the bill.

SECRETARY ROCK:

Senate Bill 1924.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President. Senate Bill 1924 is an initiative of the Secretary of State. The proposal cleans up and makes minor substantive changes to the Vehicle Code and the Illinois Identification Card Act pertaining to school bus driver licenses, instructional permits, revealing medical conditions, ID card error, revoking licenses, and vehicle training schools. This is cleanup language. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1924 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And Senate Bill 1924, having received the required constitutional majority, is declared passed. Senate Bill 1927. Senator Link. Senator Link seeks leave of the Body to return Senate Bill 1927 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1927. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Floor Amendment 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is just adding a provision in that I'll be more than happy to talk on 3rd Reading about.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Link moves for the adoption of Floor Amendment No. 1 to Senate Bill 1927. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1927. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1927.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is an initiative of the State Board of Elections. It is a trailer bill to conform with dates within the Election Code and other Acts with the dates change made in Public Act 96-1008. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Is there any discussion? Seeing none, the question is, shall Senate Bill 1927 pass. All in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. And Senate Bill 1927, having received the required constitutional majority, is declared passed. Senate Bill 1932. Senator Murphy. Senator Murphy seeks leave of the Body to return Senate Bill 1932 to the Order of -- Madam Secretary, out of the record. Senate Bill 1936. Senator Radogno. Senate Bill 1945. Senator Delgado. Senator Delgado seeks leave of the Body to return Senate Bill 1945 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 1945. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Delgado.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Delgado, to explain the amendment.

SENATOR DELGADO:

Thank you. I'd like to explain it on 3rd, please.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Delgado moves for the adoption of Floor Amendment No. 2 to Senate Bill 1945. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1945. Senator Delgado. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1945.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Delgado, to explain the bill.

SENATOR DELGADO:

Thank you, Mr. President, Members of the Senate. As amended by Floor Amendment No. 2, Senate Bill 1945, which is effective on 7-1-2012, is modeled after councils in Alaska and Oregon. The Department of Public Health estimates the cost of implementing this bill to be approximately four hundred thousand dollars. 1945, with this amendment, as introduced by DPH and Illinois Retail Merchants' Association, makes that a clear implementation of Senate Bill 1945 is contingent upon the availability and appropriation of funds from grant money applied by DPH. And also, the Committee {sic} Amendment No. 2 requires the council created by Senate Bill 1945 to work with the State Health Improvement Council and adds pharmacists to the list of health care providers to be considered for membership on the State Health Care Workforce Council. And I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 1945 pass. All those in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. Senate Bill 1945, having received the required constitutional majority, is declared passed. Senate Bill 1948. Senator Delgado. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1948.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Delgado.

SENATOR DELGADO:

Thank you, Mr. President and Members of the Senate. Senate Bill 1948, as amended by Committee Amendment No. 2, amends the Children {sic} (Children's) Health Insurance Program Act, the ALL KIDS Health Insurance Act, and the Public Aid Code to include a dental home initiative for children covered under all three Acts. The Department of Healthcare and Family Services will work with the dental community and the Head Start program to promote the concept of a dental home; two, and foster the relationship between the child patient and dentist; and ensure all children covered under these medical assistance programs have access to preventative and restorative oral healthcare. And I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1948 pass. All those in favor, vote Aye.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. Senate Bill 1948, having received the required constitutional majority, is declared passed. Senate Bill 1949. Senator Delgado. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1949.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Delgado.

SENATOR DELGADO:

Thank you, Mr. President and Members of the Senate. Senate Bill 1949 provides that the initial permanency hearing for an abused or neglected minor shall be held within twelve months from the date temporary custody of the minor was taken, regardless of whether an adjudication or dispositional hearing has been completed within that timeframe. Senate Bill 1949 is an initiative of DCFS and is intended to ensure compliance with federal law, which provides federal reimbursement funds for foster care payments so long as Illinois conforms with certain requirements. And I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1949 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

record. On that question, there are 59 voting Aye, none voting No, none voting Present. Senate Bill 1949, having received the required constitutional majority, is declared passed. Senate Bill 1951. Senator Radogno. Senate Bill 1952. Senator Althoff. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1952.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. Senate Bill 1952 repeals the Labor Arbitration Services Act. The Department of Labor is understaffed and underfunded and the decisions of the Labor Arbitration Services are nonbinding. They are a mere recommendation for resolution. So instead of providing the services that they need to in the collection of wages and enforcement of the Act, which are their core function, the Department's very limited resources are being used to conduct this alternative dispute resolution. Provisions have also been included in the legislation which will allow the Department to continue to provide the arbitration services to those entities where they have already been commenced. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Senator Cultra, for what purpose do you seek recognition?

SENATOR CULTRA:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR CULTRA:

This came through the Labor Committee and received unanimous support. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any further discussion? Seeing none, the question is, shall Senate Bill 1952 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And Senate Bill 1952, having received the required constitutional majority, is declared passed. At the bottom of page 57 of your printed Calendar, Senate Bill 1962. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1962.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. This bill creates a new category, habitual violent offender, and this bill requires two previous and separate prison sentences for violent felonies against victims before committing this new offense. And this bill is aimed at protecting all of us, protecting society from

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

habitual -- habitual violent offenders who repeatedly inflict great bodily harm, permanent disability, or permanent disfigurement on their victims. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall -- Senate Bill 1962 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. And Senate Bill 1962, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, turning to the top of page -- Senator Forby, for what purpose do you seek recognition?

SENATOR FORBY:

That last bill, I want to be appointed {sic} as an Aye.

PRESIDING OFFICER: (SENATOR HARMON)

The record will reflect your intention to have voted Aye on Senate Bill 1962. Thank you, Senator Forby. Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

On -- on that last bill, I intended to vote Present.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul, the record will reflect your intention to have voted Present on Senate Bill 1962. Is there anyone else seeking to clarify the record? Ladies and Gentlemen of the Senate, at the top of page 58 of your printed Calendar, still on the Order of Senate Bills 3rd Reading, is Senate Bill 1968. Senator Clayborne. Madam Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

Senate Bill 1968.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you -- thank you, Mr. President. Senate Bill 1968 provides that the Department on -- on Aging shall present awards to older direct care workers at the Seniors Illinois' {sic} (Senior Illinoisans) Hall of Fame awards, instead of the Governor's Conference on Aging or at a similar venue.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 1968 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. Senate Bill 1968, having received the required constitutional majority, is declared passed. Senate Bill 1971. Senator Althoff. Senator Althoff seeks leave of the Body to return Senate Bill 1971 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1971. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Althoff.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff, on the amendment.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR ALTHOFF:

The amendment actually becomes the bill and I'll explain it on 3rd. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff moves for the adoption of Floor Amendment No. 2 to Senate Bill 1971. All in favor, vote Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1971. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1971.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President. Senate Bill 1971 deals with mechanics liens. And it provides that the statute of limitations is three years from the commencement of the work or one year from the completion of the work, whichever is later.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1971 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. Senate Bill 1971, having received the required constitutional majority, is declared passed. Senate Bill 1972. Senator Althoff. Senator Althoff seeks leave of the Body to return Senate Bill 1972 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1972. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Althoff.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff.

SENATOR ALTHOFF:

Actually this amendment was a technical correction.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff moves for the adoption of Floor Amendment No. 1 to Senate Bill 1972. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1972. Senator Althoff.

SENATOR ALTHOFF:

Thank you very much, Mr. President. Senate Bill 1972 amends the Condominium...

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator -- Senator, I apologize. I'm moving too quickly for my own good. Madam Secretary, please read the bill a 3rd time.

SECRETARY ROCK:

Senate Bill 1972.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff.

SENATOR ALTHOFF:

I'll be slower now. Senate Bill 1972 amends the Condominium Property Act and it allows the condominium association to recover the costs of collection, including attorney's fees, when they collect the six months of common expense assessments for the unit that has become due during the process of a unit becoming foreclosed upon.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1972 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. Senate Bill 1972, having received the required constitutional majority, is declared passed. Senate Bill 1982. Senator Steans. Senate Bill 1984. Back to Senator Althoff. Senate Bill 1992. Senator Dillard. Madam Secretary, please read the bill.

SECRETARY ROCK:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senate Bill 1992.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Members. A lot of times the General Assembly gets criticized for never putting us in laws that we pass, so what this bill does is it puts the General Assembly and our information in the Illinois portability website that the State keeps and we also add the judges to the system as well. So all three branches of Illinois government will have greater transparency, via the Internet, of our salaries, our contracts and our workings. And I know of no opposition. We worked with Central Management Services on this bill and I would appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1992 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, 1 voting No, none voting Present. And Senate Bill 1992, having received the required constitutional majority, is declared passed. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR LAUZEN:

I would ask the Senate to welcome Mrs. Keller and Mrs. Zepeda, who have brought their fourth grade classes from the Greenman Elementary School in my neighborhood in Aurora. They're sitting right above me over on this side. If you would give them a welcome, I'd appreciate it.

PRESIDING OFFICER: (SENATOR HARMON)

Welcome to the Senate, Greenman School. Please rise and be recognized. Continuing on the Calendar on the Order of Senate Bills 3rd Reading, Senate Bill 1996. Senator Noland. Senator Noland seeks leave of the Body to return Senate Bill 1996 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1996. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Noland.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Noland, to explain your amendment.

SENATOR NOLAND:

Thank you, Mr. President. I'd like to explain the amendment on 3rd Reading, if I may.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Noland moves for the adoption of Floor Amendment No. 2. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1996. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1996.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Noland.

SENATOR NOLAND:

Thank you, again, Mr. President. Floor Amendment No. 2 adds a Section to the Mobile Home Landlord and Tenant Rights Act requiring the Department of Public Health to create a plan to address the -- the relocation of mobile home owners who are compelled to relocate because of the sale of the mobile home park or the closure of the mobile home park. It also calls for the creation of a Manufactured Housing Relocation Fund and for this plan to be in place by October 1st. This is a collaboration of the Mobile Home Owners Association of Illinois in collaboration, as I say, with the Illinois Manufactured Housing Association and the AARP. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 1996 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 voting Aye, 7 voting No, none voting Present. Senate Bill 1996, having received the required constitutional majority, is declared passed. Senate Bill 1999. Senate Bill 2002. Senator

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Delgado. Madam Secretary, Senator -- Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2002.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Delgado.

SENATOR DELGADO:

Thank you, Mr. President and Members of the Senate. Senate Bill -- I'm sorry, 2002 exempts a lender or bank that forecloses properties within the City of Chicago from sending a notice to the City when it initiates the foreclosure process against a homeowner. Senate Bill 2002 is an initiative of the City -- Chicago City Clerk. According -- according to the City Clerk's Office, the City of Chicago already tracks home foreclosures in Chicago. The additional notice now required under current law has added an additional administrative burden of processing these notices and preserving them in accordance with the City Clerk's record retention policy. And I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2002 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Aye, 7 voting No, none voting Present. Senate Bill 2002, having received the required constitutional majority, is declared passed. Senate

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Bill 2004. Senator Jacobs. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2004.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This is an initiative of the Illinois Association of Professional Process Servers, the Illinois Sheriffs' Association and the Detective and Security Agencies. This adds an individual commits an assault or a battery known to be a -- when a person is known to be a process server in performance of their delivery of court documents. I know of no opposition. Appreciate your support.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2004 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 1 voting No, none voting Present. And Senate Bill 2004, having received the required constitutional majority, is declared passed. Senate Bill 2010. Senator Frerichs. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2010.

(Secretary reads title of bill)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Frerichs.

SENATOR FRERICHS:

Mr. President, Senate Bill 2010 provides a framework in the Illinois Fertilizer Act to secure a stable, well-funded and responsive research and education program to address nutrient efficiency and water quality challenges. This bill, we have worked with the industry. We've worked with other groups. I know of no opposition. It's been supported by the fertilizer industry, as well as the Sierra Club.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2010 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. Senate Bill 2010, having received the required constitutional majority, is declared passed. Senate Bill 2015. Senator Silverstein. Madam Secretary, Senator -- Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2015.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This, in circumstances, will

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

extend the power of a temporary guardian more than sixty days.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2015 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. Senate Bill 2015, having received the required constitutional majority, is declared passed. Senate Bill 2018. Senate Bill 2022. Senator Radogno. Senate Bill 2024. Senator Kotowski. Senate Bill 2033. Senator Mulroe. Senate Bill 2034. Senator Muñoz. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2034.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2034 is an initiative of the State Fire Marshal's Office. The bill allows the Fire Marshal vehicles to use oscillating, rotating or flashing lights for these vehicles and they are trained personnel - most of the time, peace officers. It was on agreed a bill -- agreed-upon bill list in Transportation. I know of no opposition.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

the question is, shall Senate Bill 2034 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. Senate Bill 2034, having received the required constitutional majority, is declared passed. Senator Forby, for what purpose do you rise?

SENATOR FORBY:

Thank you. It's been a long day. On 2010, I want to be a Yes vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. The record will reflect your intention. Senate Bill 2037. Senator Sullivan. Senator Sullivan seeks leave of the Body to return Senate Bill 2037 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 2037. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Sullivan.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan, to present the amendment.

SENATOR SULLIVAN:

Thank you, Mr. President. The amendment becomes the bill. I'll be happy to discuss it on 3rd.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan moves for the adoption of Floor Amendment No. 2 to Senate Bill 2037. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2037. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2037.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President and Members of the Senate. A few years ago, we passed some legislation with regard to elevators and inspections and testing by the Fire Marshal's Office, and immediately after we did that, I started hearing from a number of -- mostly churches, and -- and smaller churches in more of the rural areas of the State, that felt like the -- the burden, the financial burden, of having an inspection by the Fire Marshal, as well as somebody out there to witness that inspection, was -- was cost prohibitive. So, over the last couple years, I've been working with some constituents and I've come up with what I think is a good bill and I think what is an -- an agreed bill by all involved that basically does several things. First of all, it provides that an elevator owner may receive certification from the Fire Marshal every year if the elevator is, first of all, located in a church, synagogue or other place of worship; number two, is the only conveyance in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

the building, so it's the only elevator that they have; and number three, is limited to two levels of travel, so it would only be able to go up and down two floors; and that it has the necessary category test, which is a hydraulic test. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2037 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. Senate Bill 2037, having received the required constitutional majority, is declared passed. Now on the top of page 59 in your printed Calendar, on the Order of Senate Bills 3rd Reading, Senate Bill 2039. Senator Cullerton. Senate Bill 2042. Senator Millner. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2042.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. This amends the Public Community College Act and it changes references from "chairman" to "chairperson" of the board of trustees of a community college district and makes the related changes. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2042 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. Senate Bill 2042, having received the required constitutional majority, is declared passed. Senate Bill 2046. Senator Righter. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2046.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. Senate Bill 2046 is a brief follow-up, if you will, to the Medicaid reform legislation that passed this General Assembly and was signed into law by Governor Quinn earlier this year. In that legislation, the Department of Healthcare and Family Services was authorized to fill a maintenance prescription for up to ninety days - before that, the law limited the subscription -- the prescription length to thirty days - up to ninety days for maintenance prescriptions for brand-named drugs. It was an error on our part not to include generics as well as brand names. This simply makes that change.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

the question is, shall Senate Bill 2046 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. Senate Bill 2046, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to Senate Bill 2063. Senate Bill 2064. Senator Maloney. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2064.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. Senate Bill 2064 states that the Secretary of State will allow -- will -- can suspend or revoke a registration of a vehicle for ninety days if the vehicle was used in gunrunning. That is the amendment. We did have an amendment to this, 'cause the NRA objected to the fact that the person hadn't been found guilty. They need to be found guilty of gunrunning in order for the -- the revocation to take place.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2064 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

voting Aye, none voting No, none voting Present. Senate Bill 2064, having received the required constitutional majority, is declared passed. Senate Bill 2069. Madam Secretary -- Senator Jacqueline Collins seeks leave to return Senate Bill 2069 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 2069. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Jacqueline Collins.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins, to explain your amendment.

SENATOR J. COLLINS:

Thank you, Mr. President and Members of the General Assembly. Senate Amendment No. 1 deletes the addition of the offense of false personation of a police officer while serving process.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins moves for the adoption of Floor Amendment No. 1 to Senate Bill 2069. All in favor will vote Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2069. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2069.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins.

SENATOR J. COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Basically, Senate Bill 2069 is an initiative of the Cook County Sheriff. It just places in -- in statute standards and guidelines for process servers.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2069 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. Senate Bill 2069, having received the required constitutional majority, is declared passed. Senate Bill 2070. Senator Link. Senate Bill 2076. Senator Mulroe. Senate Bill 2081. Senator Dillard. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2081.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Members. This bill is proposed by the DuPage River Salt Creek Workgroup and it's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

supported by the Conservation Foundation, as well as the DuPage Mayors and Managers Conference, the Metropolitan Water Reclamation District of Greater Chicago, the Illinois Association of Wastewater Agencies and other local governments, such as Peoria and DeKalb, because what flows from up in the DuPage River area - and it would include Kane and south suburban Cook and Will - flows downstate, especially into the Illinois River Basin. And this is a pilot program that gives local governments an opportunity to have and be part of a cost-effective and environmentally sound program, and over time, will actually save the Illinois EPA money. It's been worked on for quite a while by a number of conservation groups and there was no opposition in -- in committee and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2081 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. Senate Bill 2081, having received the required constitutional majority, is declared passed. Senate Bill 2082. Senator Pankau. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Pankau.

SENATOR PANKAU:

Thank you, Mr. President. Senate Bill 2082 asks the Department of Commerce and Economic Opportunity to give quarterly reports to the Commerce Committee about how many businesses there are in this State. Each month, we get a report about how many jobs there are in this State, but we don't know how many businesses there are. And we have heard that businesses are fleeing the State. We've heard that, no, they're not. So we need some numbers to -- to make a decision for ourselves. I ask for favorable approval on Senate Bill 2082.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you. Is there any discussion? Seeing none, the question is, shall Senate Bill 2082 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. Senate Bill 2082, having received the required constitutional majority, is declared passed. Senate Bill 2084. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2084.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Pankau.

SENATOR PANKAU:

Thank you. The Senate Commerce Committee held a hearing up

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

in Chicago on businesses in the State, and during the hearing, we found out that limited liability companies, LLCs, pay us -- pay the highest filing fees of any business structure in the State of Illinois. It's five hundred dollars. So my bill reduces that from five hundred to two fifty. In a time when we're not only trying to attract business but keep our own businesses here, I think this aims at the small business and it's a little thing we can do to keep them here in this State.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2084 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. Senate Bill 2084, having received the required constitutional majority, is declared passed. Senate Bill 2103. Senator Sandoval. Senate Bill 2106. Senator Garrett. Senator Garrett seeks leave of the Body to return Senate Bill 2106 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 2106. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 3, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett, to present the amendment.

SENATOR GARRETT:

Yes, the amendment becomes the bill and I can do that on 3rd.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett moves for the adoption of Floor Amendment No. 3. All in favor will vote Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2106. Senator -- Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes, thank you very much, Mr. President. Senate Bill 2106 collects -- allows for recyclers to collect twice as many toxic electronic products from going into landfills. These -- and also we will be adding many new products, such -- for recycling, such as VCRs, fax machines, scanners, DVDs, to name a few. This bill also abolishes manufacturer costs related to quarterly audits. It reduces small manufacturer registration fees by seventy-five percent. Expands the number of rural counties eligible for two-for-one credits, which is the collection of electronic products in rural counties and counts twice as much. We also will allow -- to support small businesses across the State that recycle gold, silver, glass and other valuable

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

materials contained in electronic products. This bill is strongly supported by the Illinois Recycling Association, the Illinois Environmental Protection Agency, DCEO, many of the different county governments, Environmental Law and Policy Center, Sierra Club, Environmental Council. And the different manufacturers that are either supporting it or are neutral are - Apple, Motorola, AT&T, the Illinois Retail Merchants Association and Waste Management. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR PANKAU:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that she will yield. Senator Pankau.

SENATOR PANKAU:

Is there still opposition to this? Because I think the IMA and some of the others signed in in opposition. Are they still now? It's had a number of -- of amendments, so..

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yeah, the IMA -- there are different manufacturers that are members of the IMA, Illinois Manufacturers Association. Some of the members are opposed. The two major manufacturers who are opposed -- I think two only ones that we're really familiar with are Dell and HP. As an example, Apple and AT&T and Motorola are in support of it. And the Retail Association is neutral.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Pankau.

SENATOR PANKAU:

There were two other things that were brought up during committee. One was the fines. I think it was like -- I hate to -- was it three thousand dollars? Or... There -- there was a fine for something and I believe, in your testimony, you said although you couldn't do it right now, you were going to look to have that reduced. Help me out here. I can't remember exactly what it was.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes, there is a hundred-dollar penalty if somebody throws their electronic -- or puts it at the end of their driveway. We're going to take that out in the House and then there are some other fines that we are going to also reduce substantially in the House.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Pankau.

SENATOR PANKAU:

Okay. I'm sorry. It was like a fifteen-thousand-dollar fine.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

I -- I guess I'm sort at a loss for words. We talked about the fines. The hundred-dollar one was the one that you were interested in and that is the one that we are taking out and all the other fines we have made a commitment to basically reduce

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

dramatically. So there were -- that was how I remember it.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Pankau.

SENATOR PANKAU:

And -- and -- and you are going to relay this to the House sponsor and the House sponsor is going to put on the necessary amendments? Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Whatever you said got everyone's attention. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield.

SENATOR RIGHTER:

Thank you. Senator Garrett, you and I joked a little bit about this earlier, about the notion of people who might throw away their television or even put it out on the curb for someone else to pick up. Now, it's my understanding that in this bill, county personnel - and I think that's the phrase you used in the bill - will be able to write a citation/ticket to individuals who might do that. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Actually, that provision has been in the statute. We have agreed to take it out.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR RIGHTER:

Okay. You mean it's been in the bill, as opposed to the statute, because I don't think the law allows that now. Now it's been in your -- I think it is in your bill. You're saying you're going to take it out in the House?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes. We've already made a commitment to do that.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

I guess I'm somewhat familiar with the bill as it stands now, Senator Garrett, and I know -- I'd like you to tell me what you're going to -- what is your hope the House will do with this to make this different than what it is as you're calling it for a vote here in the Senate.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes, what we will be doing in the House is to remove the hundred-dollar penalty and also to reduce the fines if manufacturers are not able to make their quota. That is something that we talked about in the hearing. It is something that I pledged to follow through on. That will happen. We already have a House sponsor and he is aware of that.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

The hundred-dollar fine that you're referring to is the fine for someone throwing away their TV or leaving it on the curb to pick up. Is that the hundred-dollar fine to which you're referring?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

So that will be out. Now, you said to reduce the fine on the manufacturers if they can't meet their quota. Now I don't know what that means. Can you elaborate on that and how would - - they would demonstrate that, please?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

So I -- I think the simplest way to explain this is that there are many different products or devices that will be in the waste system. We are adding many more to that, which I said at the beginning of my presentation, such as VCRs, scanners, mobile devices, things like that. So as we increase the number of products that are able to be recycled, we are also increasing the number of manufacturers who will be returning those things to a recycling or refurbishing system. So there are quotas based on what we call market share that these manufacturers have to meet. So we -- it's a -- it's a formula. And if for some reason there's a problem, those -- there is a penalty for that.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

And what I'm saying is that that penalty would be reduced if, in fact, there was a reason why the manufacturer, which is a -- would be very unusual, wouldn't be able to meet that quota.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Now earlier I asked you, Senator, to tell me what you were going to change in the House. How are you going to reduce the fine in the House until you know -- I mean, you're saying that you'll reduce the fine if the manufacturers can't meet their quota, but you won't know that unless this becomes the law. So how are you going to reduce it in the House?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

The way that the fine has been listed, has been written in the proposal, will be reduced. It'll be amended. It will be amended in the House. The dollar amount will be reduced. It will be amended. I would do it here, but we don't have the time.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you. Senator Schmidt, for what purpose do you seek recognition?

SENATOR SCHMIDT:

To the question.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator Schmidt.

SENATOR SCHMIDT:

You know, a lot of us talk about how we want to be

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

environmentalists and we want to be recyclers and we want to do good things for our communities, and I will tell you, from the County of Lake, where I represent, we have a -- a large percentage -- I think we've upped our electronic recycling to almost forty percent this year. And this actually is something that Lake County has been pushing for numerous years. I ask you for a Yes vote on this, because we really need to get these electronic devices out of the waste stream. I did not support the one-hundred-dollar fee to the residents with putting their device on the curb. That is coming out in the House -- in the House bill {sic}. So I urge a Yes vote on this.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Did you have a question or is that the end of your statement? Thank you, Senator. Senator Rezin, for what purpose do you seek recognition?

SENATOR REZIN:

Thank you, Mr. Speaker {sic}. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield.

SENATOR REZIN:

Again, I also sat in on that committee and we went through kind of the history of how we got to this point. If you could go through that again for the people who are listening, where this agreement and the original communication started in 2007, how long it started, and with who.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

So, in 2007, I worked with the Environment {sic} (Environmental) Law and Policy Center and the manufacturers, recyclers, to bring Illinois into sort of a position, a situation where we have an electronic waste recycling program. It took a lot of time. There was a lot of resistance. But we were able to make it happen and it was a step forward. We did not include many devices -- many electronic devices in our original legislation because we had to bring as many people in -- as many manufacturers into the process as possible to get the -- the legislation moving. So we did that. We've had a positive outcome, albeit we know that there are many more products out there that need to be recycled and -- and returned back into the -- the system. And this is a way to make that happen. You know, I could give you scientific data and all that, but that is the whole point of this legislation.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Rezin.

SENATOR REZIN:

...you -- thank you. But is it correct, though, over two and a half years of negotiation between the environmental -- environmentalists and manufacturing that you came to an agreement that began -- or the program was implemented in 2010, correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

The -- the program is just over a year old and it took a lot of work to get it to that point. During the year, we have done many surveys, a lot of outreach, and it has been very clear

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that we needed to step it up. Just as we had problems with some of the manufacturers, you know, two years ago, we're having problems with different manufacturers. As Senator Schmidt pointed out, this has not -- this has been a very good program and it will continue to even get better as we move along, and that is why we are asking for your support to do that.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Rezin.

SENATOR REZIN:

I don't deny that it's a great idea and it is and we'll agree upon that; however, the history of the negotiations for the contract was over two years and the implementation of the program began in 2010. So -- according to the -- the numbers that I've received from the Legislative Research Unit, that the program in its current form reached approximately eighty percent of the initial recycling goal in the first six months. So I would ask -- I mean, it's a great idea, but manufacturers are paying for the program. I would ask for a longer period of time to see if what we have is -- is meeting its goals. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jacqueline Collins, are you seeking recognition?
Senator Collins.

SENATOR J. COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in strong support of this legislation. I want to commend the sponsor for her hard work in trying to bring something forward that would take the toxic materials like lead and mercury out of the groundwater and -- and provide the health to our environment. For -- another two reasons that I support

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

it, these products also contain valuable materials like gold, silver, copper and glass, all of which can be recycled by Illinois small businesses to create and sustain jobs and increase annual business revenue. And lastly, the bill also offers incentives for the donation of reusable computers to low-income public schools, low-income families and the disabled. So I thank you, Senator Garrett.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you. Senator Garrett, do you wish to close? Senator Garrett.

SENATOR GARRETT:

Yes, this is really an important piece of legislation on many fronts, from an environmental front, from a job front, and also I think it's the right thing for Illinois to do. Many of the surrounding states are doing -- or, have programs like this. And -- and because there is a cost involved, albeit very -- very minimal, there's going to be pushback from some manufacturers. But the same manufacturers that -- the two that are pushing back this time were on board last time. So we do have strong support for this, again, through the recycling organizations, the environmental groups, many manufacturers, Waste Management. I hope that you will be able to support this important piece of legislation.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 2106 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 voting Aye, 16 voting No, none voting Present. Senate Bill 2106,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

having received the required constitutional majority, is declared passed. Senate Bill 2123. Senator Garrett. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2123.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes, thank you very much, Mr. President. This is a -- a much simpler bill. All we are doing is requiring that the Illinois Workforce Development {sic} (Investment) Board submit the following information to DCEO to be posted on their website: all agendas and meeting minutes for meetings of the Illinois Workforce Development {sic} Board, all line-item budgets for the local workforce investment areas across the State, and a listing of all contracts and contract values for all workforce development training and service providers.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Senator Meeks, are you seeking recognition on this bill or after the bill? Thank you. There being no further discussion, the question is, shall Senate Bill 2123 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, none voting No, none voting Present. Senate Bill 2123, having received the required constitutional majority, is declared passed. Senator Meeks, for

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

what purpose do you seek recognition?

SENATOR MEEKS:

Thank you so much, Mr. President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR MEEKS:

I would like to welcome to the Illinois General Assembly today, to Springfield and to the Senate, the esteemed Superintendent of Police in Chicago. Superintendent Terry Hillard is here.

PRESIDING OFFICER: (SENATOR HARMON)

Superintendent, welcome to the State Senate. Let's give him a warm Senate welcome. Senate Bill 2134. Madam Secretary, please... Senator Garrett seeks leave of the Body to return Senate Bill 2134 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 2134. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett, to present the amendment.

SENATOR GARRETT:

Yes, thank you. So the -- the amendment has become the bill, so do you -- so that -- I would like to do that on 3rd then.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett moves for the adoption of Floor Amendment

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

No. 2 to Senate Bill 2134. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2134. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. Senate Bill 2134 encourages regional superintendents to offer school districts the opportunity to share in joint educational or operational programs. We also are requiring -- requiring that local school districts submit, with their annual financial report to the State Board, a reporting on shared service initiatives by the district. Regional superintendents -- superintendents are also required to submit a report to the State Board on shared services within their region. All reports will be published on the websites of the State Board and the individual school districts. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

shall Senate Bill 2134 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Aye, 2 voting No, none voting Present. Senate Bill 2134, having received the required constitutional majority, is declared passed. Senate Bill 2135. Senator Garrett, do you wish to proceed? Ladies and Gentlemen, on the top of page 60 of your printed Calendar, on the Order of Senate Bill {sic} 3rd Reading, is Senate Bill 2138. Senator Garrett. Senator Garrett. We are on the Order of Garrett. I'm afraid you've left your desk too early. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2138.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes, thank you, again. Senate Bill 2138, basically we've added one additional member to the Electric Vehicle (Advisory) Council. The additional member will be a representative of an electric utility, appointed by the Governor. What we're doing is establishing the Illinois Electric Vehicle Advisory Council. The Council shall investigate and recommend strategies that the Governor and the General Assembly may implement to promote the use of electric vehicles, including, but not limited to, infrastructure improvements, State and local regulatory streamlining, and changes to electric utility rates and tariffs.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2138 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, 1 voting No, none voting Present. Senate Bill 2138, having received the required constitutional majority, is declared passed. Senate Bill 2139. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2139.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill -- 2139 amends the Park District statute to reorganize our local Fox Valley Park District as an elected board, rather than an appointed one. We've -- we've worked with Peter Murphy at the State association for best practices and with the two County Board chairmen who currently have the appointment authority, Karen McConnaughay and Dan Cronin, who both support the bill. Came out of committee 7 to 1. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 2139 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 1 voting No, none voting Present. Senate Bill 2139, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to Senate Bill 2141. Senate Bill 2147. Senator Schoenberg. Senate Bill 2148. Senator Emil Jones. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2148.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jones.

SENATOR E. JONES:

Thank you, Mr. President. Senate Bill 2148 is a cost-saving measure for the State. It amends the Department of Central Management Services Law of the Civil Administration {sic} (Administrative) Code of Illinois. Provides that the Department, when paying a wage claim, shall not include interest if the interest owed would be less than five dollars. I know of any {sic} known opposition to this bill. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall Senate Bill 2148 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. Senate Bill 2148, having received the required constitutional majority, is

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

declared passed. Senate Bill 2149. Senator Sullivan seeks leave of the Body to return Senate Bill 2149 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 2149. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 3, offered by Senator Sullivan.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan, to present the amendment.

SENATOR SULLIVAN:

Thank you, Mr. Chairman -- or, Mr. President. The amendment's a technical change. I'll talk about it on 3rd.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan moves for the adoption of Floor Amendment No. 3 to Senate Bill 2149. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2149. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2149.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR SULLIVAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 2149 amends the School Code with regard to oversight of school districts that are having financial problems. It combines Sections concerning financial oversight panels, referred to as FOPs, and also the school finance authorities. And it combines them into one Section. It has the same -- as in the same -- as is with the current financial oversight panels, they can be established with or without a petition from the school district. It's a fairly extensive bill. Been working with many, many different organizations on this. But I do want to talk a little bit about a -- a couple Sections of the bill. First of all, by -- by combining the FOPs and the school finance authorities -- there have been a few instances where a district needed additional, stronger financial interventions and that's when the State then -- when the General Assembly came in and created these school finance authorities. So now we're combining these under one -- one, which is a financial oversight panel. For a district to be placed under an FOP, a school district must be certified in financial difficulty by the State Board. To become certified as financial difficulty under the Article, a district must be on the financial watch list, have either two consecutive years of negative balances on their annual financial report, two types of short-term borrowing, or been issued teacher orders. The FOPs are required to work with the local districts to -- to develop a financial plan. I'm kind of trying to touch on some of the highlights. It also authorizes the FOPs to do some short-term borrowing for one year and to levy a tax to pay for that borrowing in the districts

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that need additional financial support. It also authorizes the FOPs to implement new leadership in the districts and they will be -- the FOPs, the new ones created under this legislation, will be mandated to be abolished in ten years or after all the debt obligations have been issued. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR LAUZEN:

Thank you, Mr. President. Just a question for the sponsor, or two.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield. Senator Lauzen.

SENATOR LAUZEN:

I know that you're trying to solve some important problems here. My understanding of the bill is that this authority would be able to borrow without referendum and that the levies would not be subject to the tax caps. Is that right? And could you describe the process of coming to that conclusion and the construction of the bill?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sullivan.

SENATOR SULLIVAN:

Yes, thank you. With regard to the tax caps, that is correct. And initially, the legislation, when we first came out with it, had a pretty expansive ability to levy the tax, but now under the current language, they can only do short-term borrowing, one year, and it has to be repaid within one year.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Seeing none, the question is, shall Senate Bill 2149 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 voting Aye, 19 voting No, 1 voting Present. And Senate Bill 2149, having received the required constitutional majority, is declared passed. Senate Bill 2151. Senator Millner. Senator Millner seeks leave of the Body to return Senate Bill 2151 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 2151. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Millner.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner, on your amendment.

SENATOR MILLNER:

...you, Mr. President. This provides that the adjudicated juvenile delinquent child sex offender may petition the court for a waiver from the prohibition ten years after adjudication, as requested by Senator Haine in committee. So we'd like to add it to {sic} the Floor today. I'll talk...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner moves for the adoption of Floor Amendment No. 1 to Senate Bill 2151. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2151. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 2151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. Currently, juveniles adjudicated as sex offenders have no restrictions on their activities from the date of adjudication {sic} into adulthood. This means a person who sexually assaults a child can work in a daycare center, park district, school, or anywhere there's children present. Senate Bill 2151 places restrictions on adjudicated juvenile sex offenders who have been adjudicated of serious felony offenses, including aggravated criminal sexual abuse; aggravated criminal sexual assault; criminal sexual assault; sexual exploitation of a child, the felony one; predatory criminal sexual assault of a child; kidnapping; aggravated kidnapping; unlawful restraint; aggravated unlawful restraint; child luring; and sexual misconduct with a person with a disability committed against a victim under the age of eighteen. There is force and/or injury associated with these offenses. Now think about this - force or -- injury. We don't have that now as a reporting requirement. So this bill and amendment

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

excludes juveniles adjudicated of misdemeanor sex offenses to protect kids who have been involved in boyfriend/girlfriend relationships and this is a class of people that need to be addressed in separate legislation. So what we're trying to do is have the reporting requirements. One of our victims -- a victim family member, Dora Larson, had her nine-year-old daughter brutally, sexually abused and murdered by a fifteen-year-old. And if this law were in place, they wouldn't have -- this wouldn't have happened. So I'm asking for an Aye vote, but I would also say this, that there is some opposition. I've worked with the opposition, tried to correct as many of the problems as I can, and I'm going to continue to work. And I have the agreement with Representative Sacia on the House that we'll continue to work with any other concerns that the opposition may have. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR CULTRA:

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

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that he will yield. Senator Cultra.

SENATOR CULTRA:

How about, does this make any allowances for treatment? You know, juvenile sex offenders can go to treatment, be rehabilitated when they come out. Are they still subject to the provisions of this Act?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR MILLNER:

Currently, the way the current Act is happening with these children, the rehabilitation, that doesn't change any of that. What this does, those who commit these serious sexual offenses that injure other children, they have to report and they can't go to -- they can't now -- now work at child care centers or places like that. They're gonna -- they -- they won't be allowed to do that anymore.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cultra.

SENATOR CULTRA:

I -- I guess I don't understand your answer. If -- if they successfully complete a program on rehabilitation, are -- are they still going to be subject to not being able to go to parks and -- and do some of these things?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Yes, the juvenile may then petition the court for a waiver from the prohibition of this law. In considering whether adjudicated juvenile is a threat to the community, the court shall consider the following: a risk assessment performed by an evaluator approved by the Sex Offender Management Board; the sex offender history of the person; evidence of the person's rehabilitation; the age of the person at the time of the offense for which the person was adjudicated as a juvenile delinquent child sex offender; information related to the person's mental, physical, educational, and social history; victim impact assessments {sic} (statements); and any other factor deemed

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

relevant by the court.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cultra.

SENATOR CULTRA:

All right. To get adjudicated then, they -- they're -- they're automatically -- by this law, they're automatically going to be barred from going to these places. But to get adjudicated, they have to go to court and prove that they're worthy to... Go ahead.

PRESIDING OFFICER: (SENATOR HARMON)

Is your question asked? I'm sorry.

SENATOR CULTRA:

Yeah, go ahead.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Yes, that's a good question. Yes, these have been adjudicated delinquents. They committed the crime. The crime was investigated. They went to court and they were adjudicated as delinquent. This bill has nothing to do with that. This now takes it one step further by saying they have to report. They have to be able to -- police departments have to know who these people are wandering their streets, et cetera.

...(audio problems)...

SENATOR T. JOHNSON:

...and I believe some concerns of people at Northwestern and Loyola, all have concerns and are opponents of this legislation. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Millner.

SENATOR MILLNER:

Yes. And -- and meeting with those people, as I said earlier, we will do what we can to reach an agreement. We tried in the amendments to address each and every one of their concerns, but two of them have concerns that it's a little vague yet and I responded by saying we're going to move that to the House and have Representative Sacia work on that to make sure their concerns are addressed. We just don't want these sex offenders to be running around and -- and injuring or killing more people.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Johnson.

SENATOR T. JOHNSON:

I wholeheartedly agree with that and I'm glad that we've got the petition before the court for potential waivers on this, because, obviously, not all juvenile sex offenders are the same. And, in fact, we've made a lot of progress with a number of them. Now it is my understanding that you have an agreement with Representative Sacia that he will not move this legislation unless these issues get resolved. Is that correct? And that you'll work on it over the summer, even, if it takes that.

SENATOR MILLNER:

Yes. That's...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Sorry. Yes, that is what we've agreed to. In fact, I talked to Representative Sacia, and if we don't have comfort, I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

asked that we have hearings over the summer. But if we do -- and -- and remember, this is not just juvenile sex offenders; these are serious felony sex offenses where there's force and injury associated with these offenses. This is the serious of the serious. This is the -- the worst of the worst.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Johnson, are you... Thank you. Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

To the bill: I -- I take the sponsor at his word that we will try to work on the issues that both Senator Johnson and -- and Senator Cultra raised. I'm concerned that we -- we're -- we're taking one step forward and one step backwards with regards to treating juvenile offenders as juvenile offenders. As you may recall in a previous General Assembly, I -- I passed a bill to take care of the unintended consequences of a bill that we had passed previously, dealing with juvenile sex offenders. The reality is, in -- in this bill as it stands right now, you have to wait ten years to be able to petition the court. That begins to undo what we just did in -- in a recent, previous General -- General Assembly. So I hope that -- that those issues are worked on in the -- in the House.

PRESIDING OFFICER: (SENATOR HARMON)

The final speaker seeking recognition is Senator Annazette Collins. For what purpose do you rise?

SENATOR A. COLLINS:

Thank you, Mr. President. To the -- to the -- I forget how you all say it.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Would you like to speak to the bill or ask the sponsor questions?

SENATOR A. COLLINS:

I would like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that he will yield, Senator. Senator Collins.

SENATOR A. COLLINS:

Yes, just as the previous speaker had just said, you know, we worked very hard to make sure that each kid went before juvenile court first and then that judge made a decision on -- on each individual kid. Now reading this bill, it says that this kid is not even allowed to go to school. So we're now violating that kid's right to say now that he can't even -- even go to school. So, I mean, we first started off about five or six years ago and we announced that all juveniles -- we passed a bill that said all juveniles had to register as sex offenders. Now we're saying that you don't allow them to go to the park, they can't go to school, they can't do any of the things that normal children do. And you're making it automatically, as opposed to the way we have it now. And as Senator Raoul said, you're undoing everything we just did. And now I know that you're giving it back to Representative Sacia in the House to fix it, but I don't see how that's going to happen, seeing that Representative Sacia normally is opposed to most of these things.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Yes, thank you. And that -- that's -- that's a good point, except that the bill allows the principal to decide if the child can go to the school. This is the worst of the worst. We're not going backwards at all. We're actually moving it forward, because in accordance with the restorative justice model of juvenile justice law in Illinois, Senate Bill 2151 or the amendment offers adjudicated juveniles a chance at restoring their lives to be productive citizens. That's what this bill does. And the ten-year time frame gives juveniles time to complete probation, receive and work through treatment, find jobs, and establish a period of time during which they will or will not reoffend. This is a big step forward.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins.

SENATOR A. COLLINS:

...disagree, because if that were the case, then all these organizations, Juvenile Justice Initiative, the Department of Juvenile Justice, and all those other organizations that are opposed, wouldn't be opposed if we -- if this bill was taking us forward.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Does it work now? Yes, thank you. It -- I've worked with those groups. They're happy with this. They -- they agree that we should allow it to go to the House to make the necessary changes, if any. They're -- they're worried on certain Sections that it might be a bit vague. I'm with them on it and so is Sacia and we're willing to look at that, and if not, we'll just

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

have hearings over the summer. And that's our commitment.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins, you have another question?

SENATOR A. COLLINS:

Final comment. I -- I hope that we could have hearings before we take a vote on this, because this is really taking us backwards and -- as it deals with our juvenile. And we've spent a lot of time and effort working to make sure that each child goes before a juvenile court judge before making these kind of decisions. So I ask that you vote No.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Millner, do you wish to close?

SENATOR MILLNER:

Yes, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

Yes, Mr. President. This was worked out by many, many individuals in the juvenile justice field, many experts. It was presented to me by an Elk Grove detective who deals in sex crimes who is very cognizant of all the issues on both sides of this. And we want it to move forward. We want to protect our children and yet protect those who are in the system and we want to do it the best way that we can. So we feel this is a comprehensive approach at doing that and we're willing to move forward and I ask for an Aye vote. Thank you so much.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 2151 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 voting Aye, 2 voting No, 8 voting Present -- 42 voting Aye, 2 voting No, 8 voting Present. Senate Bill 2151, having received the required constitutional majority, is declared passed. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

For purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

State your announcement, Senator.

SENATOR TROTTER:

Yes, like to announce that the Senate Democrats will caucus in the Senate President's Office immediately upon recess for a half an hour.

PRESIDING OFFICER: (SENATOR HARMON)

The Senate Democrats have moved to recess the Senate for purposes of a thirty-minute caucus. Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

Republicans request a caucus as well.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Murphy seconds the motion to recess the Senate for purposes of a thirty-minute caucus. Seeing no objection, the motion to recess is granted. The Senate now stands in recess until 5:05 p.m.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

The Senate will come to order. Ladies and Gentlemen of the Senate, we are turning to final action. If all Members within the sound of my voice could be at their desks, we are returning to the Order of Senate Bills on 3rd Reading. WFLD Channel 32, Fox Chicago, seeks leave to videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Madam Secretary, Messages from the House.

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

House Bill 308.

We have received like Messages on House Bills 503, 1195, 1241, 1284, 1470, 1476, 1534, 1716, 1723, 1960, 2066, 2550, 2607, 2804, 2820, 3025, 3237, 3265, 3342, 3486, 3522, 3636. They passed the House, April 14, 2011. 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 3102.

We have received like Messages on House Bills 3103, 3300 and 3390. They passed the House, April 14, 2011. Mark Mahoney, Clerk of the House.

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Mr. President - I am directed to inform the Senate that 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 7.

Offered by Senator Delgado.

We have received like Messages on House Joint Resolution 13, offered by Senator Crotty, and House Joint Resolution 28, offered by Senator Raoul. They were all adopted by the House, April 14th, 2011. Mark Mahoney, Clerk of the House. They are substantive, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, if you'll turn to page 46 on your printed Calendar, on the Order of Senate Bills 3rd Reading, in the middle of the page, is Senate Bill 1349. Senator McCarter. Senator McCarter seeks leave of the Body to return Senate Bill 1349 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1349. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator McCarter.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, to present your amendment.

SENATOR McCARTER:

With permission, I would discuss that on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter moves for the adoption of Floor Amendment No. 1 to Senate Bill 1349. All in favor, say Aye. Opposed,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1349. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1349.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Thank you, Mr. President and Ladies and Gentlemen in -- in the Chamber. I finally come to you today to present the bill and I appreciate all the encouragement, even last night at the softball game, every time I got up to bat. So, maybe -- maybe it worked. Workers' compensation reform is something that no one brought to me and said, "run this bill". It's something that I know about experientially, being in the manufacturing business, and -- and I am simply speaking on behalf of a -- a lot of folks who employ a lot of people in your districts today. This amendment -- I'll give you just the basic outline real quick and then I'll take any questions. This means more Illinois jobs. We're cutting costs by stopping abuses in the system. It includes "major contributing cause", requiring that employment be more than fifty percent responsible for the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

injury. A similar provision in Florida has contributed to nearly seventy percent reduction in workers' compensation in the state since 2003. Second, includes AMA guidelines. Requires the use of AMA guidelines to determine impairment. Next, it caps wages -- wage differential awards. Caps wage differentials at later -- later of sixty-seven or five years from the date when the award becomes final. Savings in this is projected at up to eighty-seven million dollars. When I -- when I say savings, this was savings calculated by an independent group that the bill was submitted to. Alcohol and drug intoxication - denies compensation for alcohol or drug intoxication. Also, this bill allows employers to use group medical tools to control workers' compensation medical care costs. It improves medical care delivery. Allows an employer to direct medical care for sixty days, unless the employer's medical provider is rendering improper or inadequate care. After sixty days, the employee may make one medical choice, plus referrals, paid by the employer. Next, as we -- you know, as -- as I listened to some of the objections to the employer having the doctor choice, we responded in this -- with this amendment to direct employees to the network that they know about. You wouldn't send your child to a workers' comp doc; you'd send him to the doc that you look to and depend on to take care of them, that knows their history. So we provide the opportunity for an employer to utilize a preferred provider organization approved by the Department of Insurance to provide workers' compensation medical services and it requires an employee to use providers that are part of the network. This change, alone, including the sixty days' option for the employer, would save up to a hundred and nine million

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

dollars. Also, thirty percent of the med fee schedule is reduced and other cost savers under the fee schedule. The savings is estimated at four -- another four hundred million dollars. It strengthens the utilization review. It -- it supports an electronic-based billing and payment system. The next thing it does is responds to some of the requests from the unions. It provides collective bargaining for -- for the construction industry. It allows the collective bargaining of workers' compensation for construction employees with their -- their collective bargaining units. The Commission must review any agreement and approve it before it takes effect. Next, it addresses ethics. Sets standards for ethical conduct of commissioners and arbitrators. And last, it provides fraud provisions, saying that as intentional -- that intentional submission of medical bills for services not provided as {sic} fraud. I'll answer any questions and then I'll close.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. There are a fair number of Senators seeking recognition. I am not going to start the timer. This is an important debate and we want to make sure folks have an opportunity to state their case or to ask questions. I would ask all Senators to be sensitive to the -- the number of speakers seeking recognition and the length of the debate. Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator Duffy.

SENATOR DUFFY:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

The horrible tax increase bill that we passed this year put our injured job market in critical condition. This workers' compensation bill is the first sign of hope that companies currently have in Illinois. Without this bill, without real workers' compensation reform, there is no good news or reason to keep your company here in Illinois. If you are really concerned about jobs, then this is the most important bill you'll have to vote on this year. Small businesses to our largest employers, such as Caterpillar, support and need this bill passed so that they can compete in Illinois. It's time to put job creators first, not special interest groups. This workers' compensation bill will resuscitate our injured job market. This bill is the first step towards recovery. Governor Quinn has discussed workers' compensation reform as one of his top priorities and so has President Cullerton. This is the only bill on the table. It is a very good bill that business groups support. Please support Illinois jobs by supporting this much-needed workers' compensation reform bill. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Cultra, for what purpose do you seek recognition?

SENATOR CULTRA:

Thank you, Senator -- President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR CULTRA:

This is an article in the Peoria Journal Star that is about a firm that is located in my district. It goes: If you need a local example to illustrate in real dollar terms just what it

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

means to have the second highest workers' comp costs in America - behind only Alaska, and that's by the Governor's own admission - no -- no -- look no further than Morton-based CORE Construction Group Ltd., which operates nine companies in five states. Marc Collins, associate risk manager for CORE, compared five years' worth of claims between the local construction firm Otto Baum Company and Sun Valley Masonry, another of their holdings in Phoenix, Arizona. The two companies are of similar size and about the same number employees. What he discovered was that the local claims averaged thirty-two thousand eight hundred seven dollars here in Illinois each -- for over the time frame, compared to six thousand two hundred twelve dollars in Arizona. Illinois - thirty-two thousand eight hundred seven dollars. Arizona - six thousand two hundred twelve dollars. While some of that reflects differences in wages, it most certainly does not account for more than the five-fold difference. We have an opportunity here. We've been doing a lot of Band-Aid things to try to help the economy. We've passed some things here just recently that will help grow jobs in Illinois. But the number one complaint that we get throughout Illinois that we can help everybody - raise the whole boat for everybody that employs in Illinois - is reform workers' comp. I would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Dillard, for what purpose are you seeking recognition?

SENATOR DILLARD:

Thank you, Mr. President. I rise in support of Senator McCarter's bill and I commend the gentleman for his hard work

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

and dedication on this topic. You know, we all have a lot of -- most of us have reputations of being an expert or somebody who has an area of concentration; that when they speak on a bill, we all listen a little more closely than we might normal Members. I mean, when Senator Sullivan speaks on agriculture issues, he speaks with knowledge, and somebody that I listen to very, very, very closely. And Senator McCarter is an employer and he's a manufacturer and has lived the workers' compensation nightmare firsthand throughout his professional life. And I commend Kyle. He's put in a lot of hours on this particular topic, and so when he talks, I listen very carefully. But I also listen to the constituents throughout Illinois. Some Senator Brady and I saw on the Governor's trail over the last year or so. And I listen to those in my suburban Chicago district. But number one on the list of complaints among the major job creators in the State of Illinois was, wow, our workers' compensation costs are out of line - three times higher than Indiana, twice as expensive as Missouri. If you're Archer Daniels Midland Corporation from Senator McCarter's district, one of the State's most prestigious and largest employers, they testified in our Senate committee that they're costs are seven times more expensive in Indiana than they are here. We need workers' compensation reform and we need real, not watered-down, worker's compensation reform. We're not going to rehash, as Senator Duffy brought up today and rightfully so, the income tax increase and the cost of doing business in Illinois that was thrust upon employers and the people of this State the last day of the last legislative Session. But in my mind, when the ruling majority increased the taxes on employers and people in this State, the bar on what we

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

needed to raise or do for workers' comp got higher. It got higher because we've damaged our reputation with our tax policies in this State and decisions are made on a national basis. Whether we like it or not, the United States Chamber of Commerce says we're a terrible, terrible place to do business. There are similar associations throughout the United States and our business perception sometimes is reality and sometimes those surveys are actually really, really correct in their analysis. But the bottom line is, with the income tax that went through here and the tax increases on Illinois business taking away net operating losses, taking away the death tax, we -- we need to raise the bar on workers' comp and we need real reform. And this is real reform from a gentleman that knows what he's doing. So just to close, Mr. President, again, I commend the sponsor. This would do a lot to improve Illinois' business climate for not only people who have employees in the State of Illinois and employ our citizens, but for our national reputation. Senator McCarter's bill does nothing to harm a legitimately injured worker, but it certainly helps employers who are innocent when it comes to the cost of operating in a State that has a system that is sometimes laden with fraud. And we only need to look at our own Menard Correctional Institution to know that fraud is rampant, a perception that the Workers' Compensation Commission is not fair, it's not a level playing field, but most importantly, just the exorbitant out-of-line costs that we have, especially with other Midwestern states. So, the time is right. This is long overdue. And I commend Senator McCarter for his legislation and rise in support of it. Thanks, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Thank you, Senator. Senator Bivins, for what purpose do you seek recognition?

SENATOR BIVINS:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR BIVINS:

Thank you. In my district, up in a town called East Dubuque - is about as far northwest as you can get in the State - there's a trucking firm called Hirschbach Trucking. They have about -- had about thirty-five employees. They're going to have almost a hundred employees - they're actually expanding - and about five hundred trucks going through this facility. The problem is, this one particular issue is a reason they'll be moving across the river into Iowa, because they can save two thousand dollars per employee just by going across the river. And they need our help and we need them to stay here. We need those employees and we need their revenue. And, finally, the only thing -- other thing I'd like to say about this is, in having dealt with workmen's comp issues in my former life - without going into all those details - this is one system that really needs to be -- be reformed. And I support the Senator's bill. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR ALTHOFF:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR ALTHOFF:

Not like -- unlike what Senator Bivins just stated, I, too, rise in support of the bill. Want to start by commending Senator McCarter, as well as the entire working group of the workmen's comp reform. I think most everybody in this Body knows that I live in McHenry County. McHenry County is also a border county to the State of Wisconsin, that wonderful State of Wisconsin that regularly comes on down with their Lieutenant Governor to visit every one of my largest and most profitable businesses to encourage them to come on over and open up a business in Wisconsin. I have to compete with many issues. We have many economic development commissions, mayors, county board members, that try very hard to retain these businesses. But the tax incentives, the lower taxes and all the other wonderful benefits that are being dangled in front of their eyes are, admittedly, very favorable. Workmen's compensation reform will allow me to have at least one tool in my box that will help me at least retain these businesses that are extraordinarily important to the viability of McHenry County. So, I, too, rise in support of this bill. I ask all of you to truly give it its best consideration and vote Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he'll yield.

SENATOR SILVERSTEIN:

Senator McCarter, you -- you agree that now we have a no

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

fault system for workmen's comp. Would you not agree to that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Correct.

PRESIDING OFFICER: (SENATOR HARMON)

Senator, I'm sorry, did... Correct?

SENATOR McCARTER:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Under your bill, you're making this a fault system. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Senator, we are -- we are simply and very clearly asking that the workplace be shown as the cause of the accident or injury.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

I -- I want to go to the bill regarding the causation element. I think it's page 7 and 8. That's where I'm going to ask you some questions. So I'd tee up over here. If I may. Under this bill, you're saying that the major contributing cause means that the cause is more than fifty percent of the injury as compared to other causes combined for which treatment or benefit

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

are sought. Now, who will make that determination and what standard of proof is going to be used to make that -- that fifty percent measure?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

The Commission will make that decision.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

So we're leaving it to an arbitrator to make that decision based upon the evidence. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

And what's the standard of proof going to be?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

It will be just like any other case - preponderance of evidence.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Let's take this a step further. What happens -- if it's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

less than fifty percent, that injury would -- that comp claim would be denied. Correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

...it would.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, I'm sorry, I'm doing my best to get your microphone on before you -- you -- you speak. Could -- could you try that one again? Thank you.

SENATOR McCARTER:

Yes, it would.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

And what would -- where would -- where would the injured person appeal this decision to if they lost or if they -- if the -- if the arbitrator agreed it was under fifty percent?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

It would be to the Commission and then to the courts.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Ultimately, to the court. Is that correct, if they lose the...

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR McCARTER:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

How much burden would that be on our court system right now?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

I can't see how it would be any more than it is now.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Do you -- do you know how many cases are appealed now to the circuit court?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

I do not.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

There's about two hundred thousand workplace injuries right now. Sixty-five go to the Commission. I -- I believe, and this is my opinion, that if this bill ever passed, you'll have more going to the court system. If that's the case, and let's just take my hypothetical, how are we going to fund the court system with all this extra burden?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Senator, I -- I -- I think you're speculating.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Let me ask you another question. Let's say -- does this bill preclude a injured person, if they lose in a court comp, to file a tort claim in the circuit court?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

No, because that's the purpose of the workers' comp system.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Answer -- question is, would it preclude them? Could they file a suit?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

We're -- we're not precluding them, but there'll be a question of whether there's liability.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Well, what -- well, what if you're not into comp? Aren't we opening this -- a Pandora's bag for more -- box for more

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

lawsuits in -- with -- regarding this?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Just because they're not liable under the comp system doesn't mean they're liable under a civil -- civil court system.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

So they lose under your bill and then they still go to the -- they -- they still can go into court and -- and file an action. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

They -- they would -- they would have a decision from the Commission before they did that.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

But -- but if it's -- if it's not comp, they need a remedy. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Not necessarily, 'cause there's -- there may not be a liability.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR SILVERSTEIN:

I just want to refer you to Article I, Section 12 of the Constitution, that there has to be a remedy for all wrongs. So can you just -- I'm trying to recognize this and try to bring this together, if we can.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

You -- Senator, you're assuming there's liability.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

But, again, if an injured person is injured on the job, loses in the comp, under this bill, they could also file a suit in the Circuit Court of Cook County and they can possibly lose and get -- lose twice. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

There is that possibility.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Do you think this fifty percent is constitutional? Do you think that it'll stand up in court if it ever...

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Yes, I do.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

And what is the basis of that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Please bear with me. I'm not an attorney and I'm getting counsel on this. Okay? So... You know, we -- we -- we put this off long enough and we didn't discuss this in committee, so I'm in no hurry. I hope you're not as well.

PRESIDING OFFICER: (SENATOR HARMON)

The -- the brevity of your exchange is forcing me to develop carpal tunnel in my switch finger here, Senator. Senator McCarter.

SENATOR McCARTER:

Senator, we're just changing the standard for which you would be eligible for compensation.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Silverstein.

SENATOR SILVERSTEIN:

First of all, Senator Harmon, you better file the claim fast. But what you're doing, Senator...

PRESIDING OFFICER: (SENATOR HARMON)

...counselor.

SENATOR SILVERSTEIN:

...and I'm -- I don't want to belittle the point here and I -
- I understand there's a problem that we have to -- we have to solve, but you're creating fault in a no fault system. And I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

think that's a very big problem - what I have with the bill. And I -- and I don't -- and I'm not -- don't mean to embarrass you or anything like that, but I think this bill has some serious effects that will hurt workers in the workplace and people that want to file a claim. So I would ask for a No or Present vote on this side of the aisle.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR LAUZEN:

Thank you, Mr. President. Just to the bill: The folks back home from the family of employers through the Chamber of Commerce sent me some thoughts that they wanted me to share with the Senate and they're -- they're -- it's a really compelling list of reasons why to vote for it. But I think that some of the other Senators who have spoken have made those points. So, what I would like to do is just make an appeal to the Senate Democrats tonight, because I think that over on the Republican side, most folks are going to be voting for this. You know, there's -- there's nothing more tempting than playing partisan politics with so many issues. I mean, you know the strategy. You know you disengage and you wait -- you know, we would disengage and wait until a campaign season and then just pound away. You know, Republicans pounding Democrats for the tax increase vote and then Republicans pounding on Democrats for large increases in borrowing and a host of those other issues. And we go after each other tooth and tong. But, you know, I think that every person in this Chamber believes that jobs and job creation is too important to play partisan politics. It's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

too important when people are putting food on the table, they're paying for their shelter, they're educating their kids. I know that there are a lot of people, both sides of the aisle, who feel that this is really an important priority. Isn't the best way to blunt political kinds of attacks whenever that next cycle comes, then, to assure a prosperity from the public policies that you're putting in place as the Majority? I mean, how will -- let's say that the economy takes off. Let's say that the stability of, you know, the policies that you put in place, that there's -- that there is prosperity and employers get back into the game and they're expanding and they're creating more jobs, employing more people, tax revenues go up. Oh, my gosh, everybody's happy. Think how hard it is for Republicans to make the argument that Democrats have destroyed the State. There is nothing that I think Senate Democrats can do this whole Session that will blunt the effect of the political argument than ensuring the biggest piece of employers creating prosperity for all. So, I would just -- I mean, we can do the classic political stuff or the Senate Democrats can say, "Hey, folks, it was your bill. It was Kyle McCarter's bill. You certainly can't complain about what happened with worker compensation." We've been working on Medicaid reform. We've been -- education, worker comp. "You guys basically got everything you want. Whatcha complaining about?" would be a reply. So, my appeal to you tonight would be, I guess, in your own self-interest, to blunt criticism later on, by saying, we're going to put in piece -- or, in place the biggest piece of your job agenda and so stop complaining.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

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

SENATOR BRADY:

Thank you, Mr. President. I rise in support of this piece of legislation. Over the last year or so, I've had the opportunity to visit with small businesses and large. There is no issue that is more pressing upon a business person than the issue of workers' compensation. There is no issue that came up more in discussions about whether or not a business would be able to grow or have to move out of this State than the workers' compensation system and the effect it has. I want to compliment the President of the Senate and all Members of this Body for realizing that it's time that we tackled this issue. This issue's important to the people of Illinois. And there are parts of this legislation that probably offend everybody. This legislation is a summation of what works well in other states that have made the tough decisions. Parts of this, I don't like. I don't like setting rates for physicians. I don't like telling people which physician they can go to. But we are in a crisis situation, a situation where we live in a State that offers the greatest opportunity, I believe, of any state in this nation, but one which continues to penalize private sector business investment, which falls on the shoulders of our families - high unemployment rates. Ladies and Gentlemen, this legislation is about putting the people of Illinois in front of the special interests. This is a good start, a good message that we can send. I want to compliment the sponsor on the hard work that he's put into it. But he'll be the first to tell you, these are not unique principles to successful workers'

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

compensation systems. These are the principles that work in each and every other state to reduce the cost, to protect the employer, to protect the employee, and to bring jobs to their state. Now I know we fall on different political lines on this issue, but I ask you, is it not more important that we move Illinois forward for the families of this State, providing economic opportunity, and put the families in front of the special interests? I ask you to support this legislation.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, if I might. Ladies and Gentlemen, there has been a lot of rhetoric on this issue for the last couple of years and there have been some red herrings thrown out there as well. And we heard another one here on the Senate Floor, that somehow Senate Bill 1349 will create a fault system in workers' compensation and somehow, if we enact this, that the courts will be flooded and overburdened and we won't be able to pay for them. Look at the states around you that have a meaningful causation standard. Is there any evidence that that's going on at all? There's not, because if there was, we'd be hearing it on this Floor, rather than hypotheticals. That's not going on. This bill does not create a fault system. And let me give you an example, because that -- what that implies is that if the worker somehow in the workplace is negligent and contributes to their injury, that somehow they'll be denied. That's not true at all. If the factory worker back in my hometown chooses rather than to walk on the outside of the yellow line where it's okay for people to walk

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

and instead chooses to walk right along that little area where the forklifts drive, and decides to be so silly or so negligent as to walk right down the middle of it and gets run over by a forklift, they are -- that injury is one hundred percent compensable under Senate Bill 1349, just like it is today. There's no difference whatsoever. What Senator McCarter's bill will avoid is this, and that is the guy who goes out on Saturday and plays twenty-seven holes of golf, even though his doctor said, "you need to quit playing golf 'cause your back can't take it." He says, "I'm going to do it anyway." And he goes out and does that. He hurts his back bad enough that he spends all day Sunday in bed. He's able to get out of work -- get out of bed Monday morning and go to work. Walks into the factory. His foot slips ever so slightly on a slick spot on the factory floor and that's the straw that breaks the camel's back and he falls down in pain and the doctor says five percent of his back injury was caused by the slip and ninety-five percent was caused by the golf swing. That is compensable one hundred percent by the workers' compensation system in Illinois today. That's what Senate Bill 1349 will prevent. It's not about creating a fault system. It's about making sure that the injury occurred on the workplace. That's what workers' compensation is for. Now, over the last two years, boy, there's been a lot of rhetoric about jobs, hasn't there? People having press conferences, people sending out press releases, people saying it door to door, people making speeches about it. Gotta create jobs. We gotta create jobs. This is it. This is the time to either put up or shut up, as they say. This is a chance to make a meaningful difference in this State's economic policies. It's time to make

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that difference, even if that means pushing back on political friends. It's time to make that difference. Please vote for Senate Bill 1349.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR LUECHTEFELD:

You know, I -- I was -- many of you were here when we did the last workmen's comp reform. I think it's been about five years ago/six years ago. And I can -- can remember some of the language on the Floor of how we finally did it and things are going to be different. Many of you are -- who spoke on that and said that are still in the Chamber. And you know what? I'm told by employers that things are worse now than they were at that time. I really believe that most people in this Chamber on both sides of the aisle believe that something needs to be done with regard to workmen's comp. But unless that workmen's comp is strong enough to make a difference, then we're going to be back here three or four or five years from now with another workmen's comp bill. We have to -- it has to be strong enough to make a difference. And the only way it's strong enough to make a difference is if we can compete with our neighboring states. We have to be able -- if -- if we intend to get the businesses that want to come to the Midwest or the expansion of businesses maybe in Illinois here who are going to leave because of this, we have to be able to compete. And in order to do

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that, you and the people on this side of the aisle will have to look our friends in the eye and say, "I'm sorry, but if we're going to be competitive in jobs, we're going to have to do these things." Now as I look across the aisle and look at your faces, I think you're basically saying, "You know, we're -- we're going to come up with our own workmen's comp bill. Now -- and -- and we'll run that one." But I'm -- will that be strong enough to make a difference? If causation is not part of it, likely it will not be strong enough to make a difference. And in order to have some causation in there, you will have to look your friends in the eye and say, "We're going to get this" -- "We're going to do it. I'm sorry, we have to do that." Now, I don't know what will finally happen with this, but if -- if it isn't strong enough to make a difference, forget it. We're wasting our time if we can't compete with our neighboring states. And our neighboring states are becoming even more aggressive than they have been over the last ten years. They will be more aggressive in the next ten years. So, again, I don't know what your plans are, but we have to do something and something really serious. I think this is serious legislation. Without this type of legislation - that is very much like our neighboring states - nothing's going to change. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Senator LaHood, for what purpose do you seek recognition?

SENATOR LaHOOD:

To the bill, your Honor -- or, to Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

I'll take your Honor. That'll work fine, Senator.

SENATOR LaHOOD:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Mr. President, I rise in support of 1349. Caterpillar Company is the largest employer in my district and Caterpillar is a Fortune 15 company. It has twenty-three thousand employees in the State of Illinois and is really the model corporate citizen for this State. It is extremely generous and philanthropic in what it does. Seventy percent of what Caterpillar produces is sent overseas. And, as we know, in late March, the CEO of Caterpillar, Doug Oberhelman, sent a letter to Governor Quinn. In that letter, he stated that the direction that this State is headed is not favorable to business. And as a part of that letter, he attached four letters from other states - Texas, Nebraska, South Dakota and Virginia. And in those letters that Chairman Oberhelman attached, they talk about the business climate in these other states. And after this letter was received by Governor Quinn, Governor Quinn came to Peoria and they had a meeting, and Senator Koehler and I participated in -- in part of that. And they met and the number one issue that the Chairman of Caterpillar talked about with Governor Quinn was workers' compensation. And he talked about causation and he talked about the AMA guidelines. And in the press conference that they had after that, they specifically talked about working together and making this the number one priority of creating a more business-friendly environment in the State of Illinois. And I want to cite one example regarding Caterpillar. I have a plant in my district that's located in Mossville, Illinois, and it produces engines. There's a similar plant in Lafayette, Indiana. They produce about the same amount of engines every year. They have the same amount of employees. And they have -- they have the same safety programs in place.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

In 2008, these identical plants - in Indiana, they had approximately five hundred thousand dollars in workers' compensation costs. That same plant in Mossville had over 3.5 million. That's seven times more expensive with the exact same plant in two neighboring states. And I cite that example as one that Chairman Oberhelman talked to Governor Quinn about. And really the atmosphere and what they discussed was, we, as legislators, giving some confidence to businesses like Caterpillar, when we talk about creating more corporate growth and more jobs. That's -- that's what that discussion was about. And as much as I hate to say this, if Caterpillar was starting today, it wouldn't be in Illinois, same for John Deere and same for Archer Daniel Midlands {sic}. This is a bill that addresses workers' compensation, the number one issue for Caterpillar and other corporations. It's a way to give confidence to our State that we get it and we're moving in the right direction for a more business-friendly atmosphere. And I urge support of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR RAOUL:

To the bill: First, I -- I'd like to start out by commending the Senate President and Leader Radogno for putting the work over time to discuss in detail workers' compensation and the need for reform. And I appreciate the sponsor's desire to address workers' compensation reform. But most of us, quite frankly, are -- talking about a subject we don't know much about. That's why it's important for this to happen in a very

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

methodical manner, the way we've been doing in our discussions on a bipartisan basis. And this ain't soup yet. There's some shortcomings -- there's some serious shortcomings in this bill - - bill and our staffs have been working together. We've been working together on a bipartisan basis and I'm confident that we will come up with a bill with real reforms. Now, I just happen to have practiced in workers' compensation and I just happen to have practiced on behalf of employers. And I -- in my practice, I did come up on cases where I thought there were fraudulent claims and I came upon cases where there were very legitimate claims. And I recall, a couple years ago, listening to the debate about Obama's health care plan and people were talking about we don't want people to choose our doctor for us. I bet many of the people in this room said that. The reality is there are work-related injuries that are very serious injuries - that require back surgery, that require knee surgery, that require rotator cuff surgery. And I want everybody in this room to ask themselves, do they want somebody else to choose the doctor that would operate on a herniated disk in their back? Do you honestly -- would you honestly want somebody else to make that decision? I want you to honestly answer that question. This bill provides for a petition. You can petition the Commission to choose your own doctor. The employer gets to choose your doctor for sixty days - sixty days of treatment. Those first sixty days of treatment are critical days of treatment. The bill does not provide for when the Commission has to respond to that petition. And I've been to the Workers' Comp Commission. I practiced there. Sometimes you're waiting and waiting and waiting for a response. Meanwhile, you need medical care.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

There's some very good provisions in this bill that came out of the -- the discussions between Senator Radogno, President Cullerton and Representative Bradley and Representative Brady and the Governor's Office. There's some good provisions in this bill and I commend the sponsor for -- for including some of those provisions in this bill. But there are other provisions, such as the overturning of interstate scaffolding, Supreme Court decision, which in essence says that an -- an employee who gets legitimately injured on the job and who is temporary disabled and getting paid what -- what is called TTD, if the employer fires -- terminates that employee, they no longer get that temporary disability payment, notwithstanding the fact that they're legitimately injured - but they get to petition the Commission. The Workers' Comp Commission now becomes a -- a body that determines whether -- it turns into the Illinois Department of Human Rights, determines whether or not the employee was terminated for cause. That's not the function of the Workers' Comp Commission. That's not the people we're sending there. Senator Silverstein touched on causation and I know causation is just a generic term that, quite frankly, most of you don't know anything about. But I understand you sincerely want to do something about workers' comp and I do as well. Representative Bradley introduced a bill to repeal the Workers' Compensation Act. There's great similarity that -- between that and calling for a -- a -- a causation standard. We can be sending a lot of cases to the courts. People talk about neighboring states. A decision in Missouri's Supreme Court says that workers that are denied because of this causation standard in Missouri can go to the courts. So, we're -- we're talking

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

real provisions here. It's -- it's not just a political dialogue and we shouldn't make it a political dialogue. I sincerely want to do something about workers' compensation and I know that our Senate President is committed to doing something about workers' compensation. I know that Minority Leader Radogno is committed to doing something about workers' compensation and we shall work together to do it, but we should do it right.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Garrett, are you seeking recognition?

SENATOR GARRETT:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield.

SENATOR GARRETT:

So, like many others, I'm not an expert on this particular issue, but I was reading through your bill and I do have a question. It says, starting July 1st, 2011, the amendment reduces the medical fee schedule by thirty percent. Can you explain to me what that means and -- and what the outcome will be? And have you talked to physicians, the State Med Society?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

The medical -- the -- the current medical -- the -- the fee schedule is one of the highest in the United States. It's -- it's currently the second. If we do what is proposed in this bill, by cutting that by thirty percent, it will be the third

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

highest. And you have to remember, some procedures are -- are up to eight hundred percent of Medicare on that schedule. And the effect of that is a savings of around five hundred million dollars.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

So, when you say it's the second highest or the third highest, tell me how you got to that point. Did you have a big chart where you compared all the states and -- and procedure by procedure you -- you were able to determine that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

This is -- in fact, I can -- I could even show you the -- the Med Society's chart themselves, where they -- compare themselves to Delaware. I mean -- and they take away the thirty percent and it simply takes us from second to third highest. Now I -- I can't give you the exact -- exact source right now and I could -- and I can obviously find that for you. I don't think I would be making that up on a bill to this magnitude or any bill. I wouldn't be making that up. So...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Like all the bills that we do here -- and I also want to thank you and I -- I -- I think this is certainly a great start and -- and a bill that we all should be proud of that we're -- we're debating. But because of the -- you know, I work very

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

closely with doctors and hospitals. My husband's career has been based on that, so that's a commitment I've made -- my family's been making for many years. So I do have a concern on how doctors are going to be compensated and especially, in one fell swoop, to see those fees go down thirty percent. Have you spoken to the State Med Society?

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Yes, I have and I've talked to the Hospital Association as well. And you have to remember that when this -- this Commission was set up, the -- the -- the Med Society and the hospitals have taken the position that there is no problem and nothing needs to be changed. And -- and I have asked them time and time again to be part of this. I have -- I've talked with them about whether that fee schedule could be reduced and they could be happy to -- to come on board and support this. I think you'll find that the Med Society and as well as -- as the Hospital Association are in support of the majority of components of the bill. I'll -- I'll -- I'll remind everyone that in Chicago at the -- the -- one of the first Commission hearings, the -- the unions, as well as the physicians, said there is no problem.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

To -- to the bill: I really applaud Senator McCarter. I think this is a very ambitious start and a good start. For somebody like myself and I think others in this room, we do have

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

a concern on diminishing the medical fee by such a substantial amount initially. And it would be -- this is a bill I could vote for. It's -- it's something I think is definitely going in the right direction. But I think that we have to be very careful and very cognizant of the other parties that have to participate. This just isn't one side that we have to take care of. We have to make sure that the medical community is also -- their issues are also being addressed. So, for that reason, I will be voting Present and I, again, thank you for all your hard work.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine, for what purpose do you seek recognition?

SENATOR HAINE:

Mr. President, to -- to the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR HAINE:

Senator McCarter, I -- I was going to ask you a series of questions about -- but it's -- it's been asked and answered and it's somewhat unfair for me to -- to do so. I'm not a practitioner in these -- in this area of the law and you're not a lawyer. It's -- so it's -- it would be one-sided. I would make mistakes and I don't want to -- you're a sincere, able Member of the Senate. You've raised some excellent points. I'm -- I'm just going to raise some points myself about the bill. I'm not going to have any red herrings, like guys golfing and then getting comp claims awarded. We don't want to go -- go there. I do agree with you that in Chicago and Springfield some of the stakeholders in this did come in initially and deny there

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

was a problem, and I think that was a wrong approach. There is a problem and the problem has to be addressed. We have -- as Senator LaHood pointed out, we have very high insurance rates. We have very high rates of cost for self-insured. So the -- the problem is there. However, this bill, to echo Senator Raoul, is a complicated deficient answer to a complicated problem. I don't know what -- for example, I don't know what this means that the cause of injury must be fifty percent responsible for the injury as compared to all other causes combined for which treatment or benefits are sought. Is that a lesser standard than Missouri, which talks about primary, or is that a greater standard? I don't know. And I -- there's -- I don't have anything in front of me tonight that shows a precedential development of how this thing actually works out. The savings -- I don't know how much of that particular aspect of this bill is responsible for the savings that are going to be attributed to -- to the bill. Now it -- the Chamber of Commerce contends that the reductions in the medical fee schedule will produce four hundred million in savings. Okay? The -- the docs claim that higher reimbursement rates for workers' comp services are the result of the skill and training of the doctor and the -- and the competence of the hospital. They're a stakeholder. We can -- we can call 'em a special interest group if we want to be pejorative. I would prefer to call 'em a stakeholder, because they treat the injured worker. And the injured workers that I've talked to fear losing the right to pick their physician. They fear it. Now we -- you can assure them that this will work out for them, but you're not in the plant and I'm not in the plant. I would like -- as -- as Senator Raoul pointed out, I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

would like to pick my own doc. I don't know what the AMA guidelines mean. The amendment incorporates additional factors to determine the impairment, but not the overall disability. I'd like to know how that works out with the Commission - how they're going -- going to -- to do it. That's unclear. Keep in mind that, as Senator Luechtefeld pointed out, in 2005, we passed a workers' compensation reform bill that was greeted with great applause. And the applause came from the Chamber of Commerce and the Illinois Manufacturers' Association, who signed off on the bill. I was told, in 2005, this was an agreed bill. Everybody's happy with the bill. That bill and -- and the excesses attributed to it are why we're here tonight. So, we don't want to make the same mistake again on the other side. There is in here a deletion of presumption for firefighters and EMTs - a little clause. The bill deletes the presumption enacted in the past for injuries sustained by firefighters, paramedics, EMTs, which result -- oh, it's not in the amendment. I stand corrected. Thank -- thank -- thank you. So I earnestly desire to vote for a bill and I appreciate your work and your sincerity in this. Your background speaks to it. We are under pressure to vote a substantive bill which saves business money for all the reasons stated on your side of the aisle tonight. There's no question about it. We've got to attract business and keep the jobs that we have. We've lost plants in my area, the Olin Corporation left, taking a thousand jobs over the years with them. On the other hand, ConocoPhillips has seen our area as very attractive. They've hired three thousand nine hundred craftsmen. U. S. Steel has expanded and improved their plant. So there are some -- there's some -- and -- and another steel

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

manufacturing plant in Granite City has opened up and hired seven hundred to nine hundred steel workers back. So there are some bright spots, but I agree that we could make business more attractive. But the compensation system which has developed over decades is a system that, in my opinion, is a system of balance. It balances the right of an owner to make a reasonable profit with the duty to provide care and compensation for an injury which grows out of the enterprise for which that person makes money. It's a balance. It's arguable that the system now is out of balance one way. It costs too much. But we don't want to treat people who are in dangerous jobs as special interests. They're citizens and employees. I don't want to treat the Chamber of Commerce as a special interest either. I don't want to treat the docs as a special interest. They're stakeholders in this important enterprise. It is a no fault system. And, again, if it's out of balance, we balance it. And I -- I -- again, I -- I -- without overdoing it, I appreciate your work and the fact that you brought this in here for us to debate. Many of us -- most of us on this side earnestly want to do something for business. Unfortunately, there's too many questions in this for us to be able to vote for it. We voted for it without questioning anything in 2005. I -- I -- I don't want to make that mistake again. So I -- that's why I'm not negative; I just want to see more. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

The final two Senators seeking recognition are Leader Radogno and President Cullerton. Leader Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I am really pleased that we are

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

here finally discussing this issue seriously. I think I've participated in every single hearing that we've had, the meetings with the Governor's Office, the meetings with Senator Cullerton. I've learned an awful lot about workers' comp in this State. And some of the things I've learned is that there is a huge cottage industry that has built up around workers' comp and that is bad for all of us. It's bad for business. It's bad for taxpayers. Workers' comp costs the State of Illinois about a hundred and forty million dollars a year. It costs the City of Chicago sixty-two million dollars a year. It's big money and it's because of that cottage industry and it's because of the fraud and abuse that goes on in this system. It was well documented by the Belleville News Democrat that did a terrific job of beginning to shine the light on just how much abuse there is in this system. Now there's a lot of consensus, as we've discussed this issue, on many, many fronts on -- on this workers' comp problem - the drugs and alcohol issue; I think even the issue of the employers being slightly more involved in the physician choice. We can't have a pure fee-for-service system in workers' comp, anymore than we can afford to have that in Medicaid or even in our private health insurance. That's just not the norm anymore. I think there's a lot of consensus in those areas. In my view, there is one area that there isn't consensus yet and that is causation. And I think we need to look seriously at that if we want to address this problem once and for all. Many other states have causation standards and we've offered several different versions of causation language. But when you hear examples, such as I've heard, where someone was fortunate enough to have their heart

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

attack at work instead of at home and then the employer is on the hook for that entire cost. That's wrong. We heard in the first hearing that we had here in Springfield, an individual that worked at the Northfield Inn and had barely worked there two weeks and then had a knee replacement that was completely charged off to workers' comp. That's wrong and that's an abuse. Now you can say, then, let's deal with the abuse. Let's, you know, work on fraud. The problem is, if you don't have any causation standard whatsoever, it's impossible to prove up fraud. So we need to have a causation standard. That's the one area I think that we -- we still don't agree on. Now my suggestion would be that we pass this bill out of this Chamber and if we want to tweak the medical fee schedule, if you want to tweak something else, where, again, I think there's general consensus it needs to be brought down, we can do that. We've done that on a number of bills that we passed today, where we said we've almost got it there. Everyone wants to do something and I believe that we sincerely all do want to do something. But we need to send a really strong message to the -- to the taxpayers, to the business owners and the job creators in this State that we're serious about workers' comp. The bill that we have before us tonight is fair and it's balanced. All the parties involved are taking a bit of responsibility for the problem that we've had. There is nothing wrong with this bill. And, again, we can continue to work on it. But if we vote No or if we vote Present - and I think if -- if that happens, it will be you all voting No or Present - you're really saying that you don't really want to fundamentally change the system. I understand you're going to have another bill, but causation

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

needs to be part of it and we need to send that message that causation needs to be a part of the final solution for workers' comp. I really admire Kyle McCarter for all the work he's done on this bill and pushing it forward. Thank you, President Cullerton, for engaging in this discussion. We wouldn't be having it without you. I appreciate that. But we need to finish the job and we need to do it right. We need to pass this bill out of this Chamber and then we can continue to work on it if we'd like. But failure to do so means we're not going to address the problem. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Senator McCarter, I want to also congratulate you on your passion for this issue. I know you've been very sincere and -- and perhaps more so than most because if you're a manufacturer, you're actually paying these premiums and so that adds to your -- your passion towards it. I have agreed with so much of what people have said so far in this debate about the need to straighten out this workers' compensation system. I do perhaps disagree with my colleagues concerning the need to pass this bill out, because while there's many, many things in this bill that I agree with, I think there's -- as was determined by some of the questions asked, that there's still some questions about provisions in the bill. But the workers' comp overhaul is clearly the single most important piece of legislation we can pass in this Session to prove we're serious about improving the business climate. And I heard the gentleman from Peoria talking about Caterpillar. It's

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

true. I've also met with that President of Caterpillar and it was not the taxes that he was complaining about or talking about. It was the workers' comp system as the -- his number one priority. And we have had, Democrats and Republicans alike, this shared goal of improving this and making it cheaper for employers to root out fraud and lower their costs. And we have had countless hours of bipartisan discussions on workers' comp. We set up a committee with equal number of Members back in -- in December to try to learn as much as we can about this. And our goal has been, and will continue to be, to strike the appropriate balance between creating a competitive business environment while protecting the rights and the safety of middle-class workers in Illinois. Now, unfortunately, I think there's certain provisions in this bill that doesn't accomplish that goal and it might actually tilt us away from the fundamental balance. I don't want to pass a bill that'll lead to more litigation, not less litigation. That's not going to save anybody any money. And I think that my colleagues have raised these issues and they are very complicated. They are issues that I don't practice in this area as well, but I think it's something that we -- we have to be very careful about. If we have a situation where we pass a bill where employers may deny claims based on a preexisting condition, somebody who had a high school football injury thirty years ago could be -- that alone could prevent them from an on-the-job injury, a true on-the-job injury from being addressed by the system if this were to become law. So that's why we have to go a little slow. But, clearly, as you can see, I have helped -- we have helped facilitate you to have this discussion here today on the Floor,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

not some bill buried in a committee and not having the opportunity to have this debate. So, Senator Radogno and I have already worked hard to try to get an agreement. I'm -- I'm very eager to continue if this bill does not pass - and I'm going to vote Present and urge other people to do so - to continue in our bipartisan discussions over the next couple weeks, including all parties, and come back the first week of May with a bill - hopefully Senator Raoul will -- will sponsor it - to see if we can get thirty votes in this Chamber, a bill that can get sixty votes in the other Chamber. And we have to remember, we have a Governor who has to sign the bill. And we want to make sure that the Governor also is comfortable signing the bill. The Governor's Office has put out a version of this legislation. It differs from this legislation. We want to make sure we've -- we've got the support of the Governor so that we can pass it. Because, as you know, there's many folks that are affected by this and it's probably one of the most tricky political bills to deal with and it's very difficult to thread the needle, but I'm confident that we will do so when we come back. So, once again, I applaud you for your efforts and I believe that, at the end of the day, we're all going to continue to come together, pass this major piece of legislation this year to improve our business climate.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, President Cullerton. Senator McCarter, you wish to close?

SENATOR McCARTER:

Ladies and Gentlemen, this afternoon we passed a bill out of here today 54 to 1, an imperfect bill with all kinds of

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

promises that we'd fix it on the other side. Remember that bill? The cemetery bill. You know, let me just say this, this -- this -- this bill is fair and balanced. It's the culmination of what job creators have told us needs to take place in this State to change the business environment. This -- this bill is -- this bill was not written by me. This is a compilation of things that have worked in other states, what the job creators have told us will work and change the environment. The process was transparent and methodical, and I do thank you, Senator, for the opportunity to be on the Commission and to have that process. The job creators have given you soup. This wasn't the first draft. This was -- this was an amended draft. We -- we listened. We put out there what we thought was best. We listened. We changed it. We address the doctor choice by allowing the employers to direct employees to a network of doctors that they're familiar with, a PPO. You wouldn't send your child with an ear infection to a work comp doc. We made the change so people didn't lose their doc. This has worked in California. It'll work here. On causation, we used Florida's success. Don't compare constitutionality of Missouri. We used Florida. This is a great opportunity for everyone here, especially those that -- who went home and had a little problem with the way you voted on the tax increase. It's said, it's done. But for those of you who had just a few questions from folks about why you did that, why you put that extra burden on the -- the citizens of this -- and -- and the employers as well, this is a great opportunity for you to show 'em that you care. You -- you don't reduce costs, you don't lower rates without substantial reform. You can't put a Band-Aid on this and hope

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

it just gets better. Predominant cause is the foundational principle to changing this system. We can't even put our own house in order. Unless you just totally have been under a rock somewhere, you -- you've heard of Menard Prison - over three hundred cases of carpal tunnel from turning keys, even if you're the warden and you don't turn keys. And while you're out because of that injury, you're out at a bass fishing tournament. We can't even put our own house in order, folks. Over three hundred claims and ten million dollars later, now the feds are coming in, going into CMS and possibly even IDOT. We should be embarrassed. We -- we talk about the budget. We talk about living within our means and we've got the expense of over a hundred and thirty million dollars in workers' comp within our own house. This is a culmination of a lot of work by a lot of folks that know how to create jobs. This is about getting rid of fraudulent claims so there is enough money to take care of the people that we hire and take care of 'em well and put them back to work, quickly. If they're not back to work, as business owners, we're not making money. We're not able to keep our commitment to them on our pensions, commitment to them on what we've -- we've said we'll pay 'em. It's costly to train people to do what they do best. This bill is fair and everyone sacrifices. Would I have left parts of it out? Yes. But I knew everyone had to make a sacrifice in this. So what are the job creators going to do with the billion dollars that we save if we pass this reform? Those of you that think they're just greedy, maybe they'll keep it. We'll tax 'em. Increased tax revenue for the State, folks. But most likely what they're going to do, like myself, they're going to -- probably going to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

hire somebody else, maybe one of your family members, and we'll tax them too. More revenue for the State, folks. Now if not that, they might buy some equipment, buy some machinery. Who's going to make it? Somebody that we're going to tax. This is a win-win situation, folks. We've got the opportunity to put up a huge billboard in this State and say, "Illinois is open for business." This may be what -- what determines whether that business owner, like the folks that I represent, like Gary Melvin of Rural King -- that estate tax has caused him to leave this State. He didn't create that business just to let somebody take it away from him. But this may be what determines whether these folks stay or leave. You've got that opportunity. As you know, I'm willing to work with you on this. I'll make you the same promise as -- and just a fraction of the ones that were made on the cemetery bill. I will work with you. Let's send it out of here and I'll work with you. So, tomorrow, what are you going to say to these folks? Abbott Industries, Alton Steel, Olin Brass, the Beer Distributors, ConocoPhillips, Belleville Shoe, who has about ten percent left of the company. They've left. Why? Carpal tunnel. I know because they come to my place to ask for a job. The Auto Parts and Service Association, Caterpillar, with twenty-three thousand jobs. What are you going to tell 'em tomorrow? The Chamber of Commerce in Chicagoland, Dot Foods in Mt. Sterling, the two thousand Chamber of Commerce members, Allstate, John Deere, Justrite Manufacturing, Manchester Tank in Quincy. What are you going to tell 'em? Navistar in Downers Grove, Sharkey Transportation in Quincy. What are you going to tell them? Southwire, Parke Warehouse, ADM, Tate & Lyle, PPG Glass, International Paper.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

What are you going to tell 'em? UPS, Atlas Tool & Die in Lyons. These are just a few of 'em, folks. These are the ones that made your soup. Growmark, Solomon Builders, United Airlines. What are you going to tell them tomorrow? Did you do the right thing? Did you make a courageous vote? Or did you vote Present or did you vote No, because it was an imperfect bill? You got a great opportunity here, folks. This is a great political decision and a great opportunity for you to do the right thing today. Stand up to the people that have been telling us how to run this government for too long now and do the right thing. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 1349 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 voting Aye, 6 voting No, 28 voting Present. And Senate Bill 1349, having failed to receive the required constitutional majority, is declared failed. Ladies and Gentlemen of the Senate, with leave of the Body, we're going to turn to page 24 of your printed Calendar. Near the top of the page, on the Order of Senate Bills 3rd Reading, is Senate Bill 630. Sponsorship of the bill has been assigned from President Cullerton to Senator Lightford. Senator Lightford seeks leave of the Body to return Senate Bill 630 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 630. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Floor Amendment 1, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lightford, to present the amendment.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I need a question of the Chair. May I answer questions on 3rd or do I need to clearly define...

PRESIDING OFFICER: (SENATOR HARMON)

Senator, if you'd like to move for the adoption of Floor Amendment No. 1, we'll take that vote and then you may debate the bill on 3rd Reading. That's your desire? Senator...

SENATOR LIGHTFORD:

That is my desire, Mr. President. I'd be happy to answer questions on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lightford moves for the adoption of Floor Amendment No. 1 to Senate Bill 630. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 630. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 630.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 630, the content of this language, it builds on the significant changes that this entire Body has made collectively over the past two years. We spent a lot of effort in our State's Race to the Top application. And in that application, we passed reform for the performance evaluation, on how to strengthen principal preparation, the Charter School Reform Act, and we also created a Longitudinal Data System in conjunction with the Illinois P-20 Council. But that just wasn't enough, because we know our students in the State of Illinois, our public school students, deserve a highly qualified educational opportunity. This bill allows for teachers to be more driven by performance. It awards teachers who are mostly highly qualified and, at the same time, allows an easier dismissal process for teachers who are not highly qualified. It streamlines {sic} the process, making it shorter, less costly, and a number of other initiatives, including strike provisions and allow more instruction in Chicago. What's important to know is that it was five months of negotiation that went into play from a collaborative effort of the unions, the reform groups, management, parents, the Parent PAC organization, school board representation. So, all of the educational stakeholders' voices were heard. Many of them share passion on many different issues. And it was a matter of all of us agreeing at the end of day, the best result was what was best for the student in the classroom. We begin a -- a contiguous process in determining

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

nine specific areas of reform. Some of those provisions begin with a survey of learning conditions. This will include parents' and teachers' involvement. It begins with underperforming school districts, allowing them an opportunity to acknowledge the climate of their school. This is a new instruction that's added into our law. This survey will be initiated every two years. It will be a coordination between the State Board of Education and PEAC. School board member training: Currently in law, school board training is not required. We feel that it's important to have school board members, when they're elected, have four hours of training within their first year. It's important that they are trained in the areas of financial oversight, accountability and fiduciary responsibilities. We have now an opportunity for our State Superintendent to take action on revoking teacher certificates who receive two unsatisfactory's in a seven-year period. The language of incompetency has been defined. He can, however, determine whether or not he'd like to interject professional development and give a teacher an opportunity to be remediated. But our State superintendent now has the proper language to follow through with an act of revocation if a teacher has two unsatisfactory's in a seven-year period. For downstate only, we address filling of new and vacant positions. This does not affect the Chicago Public School System because they already have this model in place. We pretty much wanted to make sure that suburban Illinois and downstate Illinois were all in line with this provision. What happens here is that relevant experience, teacher performance, other factors of certification will be considered, other than seniority being the underlining

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

{sic} factor. Seniority will be used only in a tiebreaker if necessary situation. The attainment of tenure is another area that we touched on that was really important, because many people feel that teachers receive tenure regardless if they're a good teacher or a poor-performing teacher. We wanted to make sure that teachers when they're tenured, it's based on proficient teachers and highly qualified teachers. Within a four-year period, a teacher must receive at least two excellent's or proficient's in order to be tenured. We have added accelerated tenure and tenure portability. Accelerated tenure says if a teacher receives three excellent's the first three years in that four-year probationary period, they will be considered tenured. And if a teacher lives in school district A, transfers to school district B, that teacher is no longer tenured. They have to now onto {sic} a new set of tenure in the new school district, but we have a process in place now where that tenure process will also be based on performance in that new school district, allowing them a two-year period to be tenured considering proficient or excellent evaluations. The dismissal of tenured teachers is an area that we spent quite a bit of time on, tying tenure to teacher performance evaluations. We definitely streamlined the process, shortened the timelines for both Chicago and downstate. We added performance related to dismissal cases. There's a situation based on either performance or conduct. If it's based on performance, there'll be a second evaluator; based on conduct, not. The main difference is that the board will make the final decision based on the hearing officer's recommendation. So the hearing officer can no longer make the final decision. The board is the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

employer and they should have that right in both cases. Collective bargaining is a huge issue. I know you guys have already been informed through the media about this issue. There's been a lot of conversation. We had a press conference in the blue room earlier today. But I would love for you guys to give this legislation due respect, because it -- it affects our students' learning and it's important that we know all of the provisions that was put in place. Under collective bargaining, we have a provision, 4.5, which affects the length of school day and school year. For Chicago Public Schools, it's been noted that they have the shortest length of day - one of the shortest lengths of day in the country - and we want to fix that and we want to make sure that those kids have enough instruction that would allow them an opportunity to perform well on standardized testing and to improve in -- in shortcomings. This would also help close the academic achievement gap, in my opinion. So what'll happen now - it's mandatory that the unions is able to bargain the length of day, length of school year. We're allowing that to be permissive, where now the Chicago Board can indicate if they would like an additional hour of instruction, if they'd like an additional week or two added on to the calendar year, and that would no longer be a bargaining tool. What still has to be bargained, which is a constitutional right, is the wages and benefits. I'm pleased to share with you that President of Chicago Teachers Union and Mayor-elect Rahm are both new in Chicago. We're hoping that they can get off to a new start, working together, and change the paradigm of how they have functioned in the past and recognizing that we are in a fiscal crisis, the school district is short funding, and

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

perhaps find alternatives to providing support for teachers, considering this extra instruction and length of time will be added to them. That could be in a number of initiatives that they could come up with to compensate teachers. The strike provision: Under the impasse resolution, we've created two versions of how strikes should be conducted in the State of Illinois. Currently, negotiation takes place if there is an impasse and the groups come to a resolution or resolve that they cannot agree, the unions currently have ten days to submit strike notification. We've changed that paradigm extensively. For downstate and suburban Illinois, there would be a modification period or a mediation period. So, for the first seven days, both groups would actually plead their case, put it together before a mediator. In the thirty-day period of mediation, both groups again present their case. If after fifteen days there's no resolve, either side accepts the recommendation of the mediator, then it becomes public knowledge. And that's something that's really important, because here in the State of Illinois, we -- we have no idea what's being bargained. We're notified at the end of the day that a strike will happen. In this case, we will know and -- during the modification process or the mediation process what both sides are requesting, and at that time, community involvement, the public notification period, is paramount. It will be a fourteen-day period. If after that the two sides still cannot come to agreement, they have another additional seven days that they can mediate around this subject. If after that long period of time, lots of publication, everyone involved, then the unions will still have the right to strike if

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

they cannot come up with a resolve. But it's no longer directly ten days, we don't agree and we're going out the door. And I want to bring up that when this discussion came up, strike was implemented back in 1983. There is no facts that show that strike actually happens on an ongoing basis. There's been over twenty-seven years and a handful of strikes across the State. But the threat of the strike was the driving force and the reason why reform was necessary. For Chicago Public Schools and Chicago Teachers Union specifically, they have a more rigorous process. It's more lengthier in time. It's considered a fact-finding process. Either side, again, can trigger a fact-finding process, except there's a panel that has to be created. A panel consisting -- one member from CTU, one member of CPS, and then the both of them agreeing on an arbitrator to be the chairman over that committee. After seventy-five days, they present their cases. If they cannot accept the recommendation of this panel, then, again, it becomes public knowledge. The request that's being put forth from both sides will then have a fifteen-day period. After that period, if no agreement is made, then mediation is in store for an additional thirty days. After that, if they still do not agree, then it would take three-fourths membership of the Chicago Teachers Union, which is seventy-five percent of their total eligible members, to agree that a strike is necessary. And that's paramount in this reform. Downstate is still fifty percent or a simple majority. In this case for -- CTU, it would be well over a super-majority. Some other areas that we addressed also dealt with the student bill of rights, which you will hear in Senate Joint Resolution 34. We looked at our school report card. We will be referring

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

that to our P-20 Council for a legislative initiative for the fall Veto Session. I'd be happy to answer any questions. I tried to summarize the extent of five months of negotiation and a lot of passion from all of these groups. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Ladies and Gentlemen of the Senate, I know we just concluded a long debate on an important bill and folks are restless and doing postmortems. This, too, is an important bill. I'd ask you to give your attention to the speaker. We have five Senators seeking recognition. Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

To the bill, Mr. President. Senator, I commend you on the effort of getting us here and on the presentation just now of a lengthy and involved bill. But I think I can speak for all of us when I say you had me at agreed education reform bill. The details are great. The details are important. What I think is really important, though, the takeaway from this - the kids in the State of Illinois, the entire State of Illinois, have the chance to get a better education because of this bill. The taxpayers, those property taxpayers, because of reforms in this bill, have a better chance at saving tax dollars - not an insignificant issue. Our kids are going to have a better chance at having better teachers, because we're going to be making sure with this bill that the better teachers stay and the lesser teachers go. We're going to minimize the already infrequent chance of strikes that divide communities and -- and keep kids out of school, because it's harder to strike. There's more

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

sunlight on the process now when there is an impasse because of this bill. These are major reforms. The children in Chicago are going to actually have a full school day and a full school year and no longer have the shortest of both in the -- for major metropolitan areas in the country. That's huge not just for Chicago, but for all of this State. This is a good bill. There are things as Senator Lightford has said, I wish this bill did more than it does. There are people who invested a lot of time in this bill who wish it didn't do as much as it does perhaps in some instances. That's the art of negotiation. To get to that beloved agreed bill that everyone here loves, you have to give and take. That process went on here. The net result is a bill that makes education better in Illinois and I think will save taxpayers money. My hat's off to you, Senator, for your work on this bill and I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR LUECHTEFELD:

To the bill, Senator. You know, I think you could have predicted at the beginning of this year that there would be certain kinds of reform this year, because I think, in particular, Democratic leadership had decided that these were things that we -- they were going to take up, certainly workmen's comp, Medicaid -- Medicaid reform, and -- and school reform. You know, as I said earlier with regard to the workmen's comp reform, if it's not strong enough to do any good, then it's -- it isn't worth the time we spend on it. And sometimes we do that and we do -- in fact, we do that way too

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

often. This particular reform that Senator Lightford has led and -- and, by the way, has really put her heart and soul into this and has spent a lot of time at it and has kept the sides at the table and I think you have significant reform - things that will make a difference in the area, of course, of getting rid of teachers that are maybe not good, hiring back the best teachers, tenure. Those sorts of things I think can make a difference. And, again, I -- I would certainly advise our side to be supporters of -- of this bill. One thing that we have to keep in mind and that is that in the area of education, as legislators, we all promise we're going to fix education. And most of the time, we don't really know how to do that and, in fact, experts don't really know how to do it. Now there are some things that could be done, obviously, that would solve the problem immediately. But we in the Legislature can't do those things. If you had really, really good caring parents in every household, we would -- we would not have to have this bill. We would have good education. That's just a fact. Put good parents and you will have good education every time. We can't fix that, but we do have to deal with the kids that come before us. I think this gives us an awful -- a lot better chance to do that. I think it is a reform that will make a difference. I hope everyone realizes that it just doesn't solve all of our education problems. But I certainly would advise and -- and hope that people on this -- side of the aisle will vote for this bill. I think it is a significant bill that makes significant changes. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Maloney, for what purpose do you seek recognition?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

SENATOR MALONEY:

To the bill, Mr. President. Thank you. My involvement with this process began around Christmastime when I began to get some frantic phone calls - I guess because of my background as a teacher and as a union member - from people who said that they heard rumors that there's going to be a bunch of reform measures that they're going to be ramming through Senator Lightford's committee the minute we get back for our spring Session. My response was, "You don't know Senator Lightford very well, then. Nobody's going to ram anything past her." I talked to Senator Lightford and she assured me, and I became part of the process, that these -- these conferences, these negotiations, would be deliberative because of the importance of the issues and because all of the interested parties would be involved. The first meeting we had, I think we expected four or five people to show up. The room would not accommodate all the interested parties and we had to plan accordingly. The negotiations were difficult, as you can imagine, and somewhat -- I don't think it's any exaggeration to say there were some days where the talks were on the verge of collapse. But what -- kept people coming back was a common interest in -- in kids and that something had to be done. And I got to tell you, from all the interested parties, there was a mutual respect. Never once did I hear a personal attack. Never once did I hear a disparaging remark about what somebody said. The issues were serious. They were once thought -- I thought, as an educator, to be untouchable - issues like tenure, issues like being the first hired would be the last fired, the concept of collective bargaining and strike. This -- to get to this consensus on

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

these issues is a tribute to Senator Lightford's leadership. It's a tribute to the participants' willingness to talk and talk and talk. And I was proud to be part of that process, proud of the people who participated, and I urge an Aye vote on this important legislation.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR JACOBS:

I want to rise in support of the Senator's bill. But, you know, I also want to say, we just defeated a bill that drew a lot of interest, but this is a bill -- this is a bill that people really can get excited about, that this press ought to be paying attention to. Senator did an incredible job of bringing the parties together. I can't say enough wonderful things about you. And I got to tell you, I want teachers to know that if you're a good teacher, you have nothing to fear, and the fact is, in my mind, I never had a bad teacher. Somebody must have a bad teacher. I imagine there's bad politicians. I imagine there's good ones. But I'll tell you what, I never thought that I'd ever see this kind of bill put together by an interest from the City and I want to thank you, madam, for your excellent work. And also just say that, people, watch the ball. Follow what Illinois is doing. We're fixing the problems in Illinois. Yes, we did a tax increase. Yes, we're going to work on workers' comp. And, yes, we're doing education reform. And we're just rolling up our sleeves and beginning. Illinois is back on track.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Senator Steans, for what purpose do you seek recognition?

SENATOR STEANS:

To the bill, Mr. President. You know, I think two years ago, no one in this Chamber probably would have thought we would have been able to accomplish such fundamental reform to our educational system. It's remarkable where we've come. What I want to add to it is also what's demonstrated in how we've done it, is Illinois is so not Wisconsin. You know, we brought everyone together. And I think it really gets to a much better product when all the players are sitting in that room and hashing it out. Teachers and their union should be part of the discussion. Management should be part of the discussion. Education reform groups should be a part of the discussion. Legislators should be part of the discussion. Parents should part of the discussion. Ends up in a much better product that we can all unite around. We've done it here in the right way, in an incredibly collaborative process. Kimberly Lightford just deserves so much credit. I also want to give a shout out to Darren Reisberg, the General Counsel of the Illinois State Board of Education, who I know helped staff it enormously; and just the many, many, many people who have spent hours working on this legislation. It's very remarkable and I'm really thrilled to be able to support this and urge everyone to -- to vote Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. We're getting close to the end of our speakers. Senator Holmes, are you seeking recognition?

SENATOR HOLMES:

Thank you, Mr. President. To the bill: First I want to start out and I want to applaud the sponsor for doing what I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

think is our most important job here. We tackle some pretty tough issues, some issues that are so serious to the people of Illinois. And, unfortunately, sometimes they get caught up in the bipartisan, political nonsense, game-playing that happens down here, when really what should happen is exactly what Senator Lightford did with this bill. When this topic came up in December and people were talking about, oh, they're going to cram education reform down and they were going to do it two weeks, I assured all my educators that while education reform was important, I would not vote until we sat at the table and had an agreed bill process. That is exactly the reason I voted Present on the workers' comp bill, because I want to see us do the same thing we did here. You can sit down with all of the interested parties, all of the knowledgeable people, all of the industries and all of the companies and all of the businesses and all of the people that are affected by a piece of legislation. And if you have a desire to do it, you can sit down and you can work it out and come up with something that benefits everybody in Illinois. So I urge everybody to vote on this extremely important piece of legislation and to take to heart the lesson that I think we've just learned from Senator Lightford, that if you have a dedication and a passion for something, you can sit down and work it out and come up with a bill that benefits the entire State. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. A moment ago, we had one speaker seeking recognition; we now have three. Senator Martinez, are you seeking recognition?

SENATOR MARTINEZ:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

Real quickly. I -- I just couldn't pass it by. I am -- today is a great and historic day in Illinois. I think today the celebration of a education reform is so very relevant right here in the Senate Chamber at about -- 7:45. And I got to thank -- I got to really commend and really thank Senator Lightford. She has been at this since I joined the Senate Education Committee. And every year, you know, people talked about education reform and five, six, seven months ago, I heard, you know, the -- the long meetings. I heard the commitment. I heard all the stakeholders at that table. She's been the only one that has been able to bring them all, keep them calm, drive her crazy, but at the same time, been able to take as much as she could from every one of them and bring it all home. Because at the end of the day, Senator Lightford is about the children. And I want to commend her for the great job she did in bringing it all and knowing that, at the end of the day, it's about our children. It's about the future of this country, our children. So, I want to just commend. And congratulations on a great bill.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Our final speaker is the Chairman of the Education Committee, the Reverend Senator Meeks.

SENATOR MEEKS:

Thank you so much, Mr. President. To the bill and to the sponsor: You know - only reason I said "you know" real loud, because I knew everybody would be quiet - I -- I think that today should really be Kimberly Lightford Day, because there is -- there is one word that really describes the reason we're here today and that word is "integrity" - the only reason I think that she was able to come up with a agreed bill with such a

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

contentious group. As I sat and as I watched, I watched different sides try to pull her to their side and she wouldn't take the bait. She considered herself a negotiator. She listened to every side, but she wouldn't take one side. I watched some of the most -- some of the richest people in the world try to convince her to go to their side. I watched her as she talked to the Mayor of the City of Chicago and she continued to not care who had a side. She wanted to make sure that everybody's side was heard. And when everybody at the table realized that she was a negotiator with integrity, then it was easy for her to ask them to give some more, and that's why we're here to day. And, Kim, you did a wonderful job. The children of Illinois might not even know your name, but when they're no longer stuck with a crummy teacher that they can't get rid of and they have longer -- well, they won't like you because they have a longer school day and they won't like you because they have a longer school year, but when they go to take their ACT test and they graduate, they will like you for that. We're proud of you. Thank you for championing this process and I know that you're going to have fifty-nine green lights on this bill. Congratulations.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Mr. President. It finally took us some time to calm down. It's amazing, when we have controversy, how we're more focused. But when we have something to celebrate, we're not as excited. Well, I've got enough excitement in me to revel for all of us in the room, because this was a process that we

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

can all be very proud of. This is a process that I appreciate my colleagues acknowledging my passion. This is the reason why I serve in this Chamber. It's for education, youth development, giving that child who lives in a poor zip code the same opportunities as that child who lives in a wealthy zip code. That's what it's about. And so I want to make sure that I thank Darren Reisberg at the State Board of Ed. He and Amanda -- if you don't know Amanda, you should know her on our Senate staff. She does an awesome job. They were the ones keeping -- yes, give Amanda applause. They were the ones to make sure that we stayed scheduled, we stayed on time, we stayed prompt. Anytime we had breaks, we were still meeting in Chicago. We never took time off from this special initiative. And I've got to let you know that when you can bring the Chicago Teachers Union, the Illinois Federation of Teachers, the Illinois Education Association, LUDA, LEND and SCOPE, ED-RED, the Business Roundtable, Parent PAC, the Chicago Principals & Administrators Association, School Management Alliance, Advance Illinois, Stand for Children, when you can keep all these groups at the table and focus only on what's best for the student and not what's best for their special interests, then it's something we should all be very proud of. I hope that this measure today will affect children for decades to come, for generations to come. And as I close, I just want to make sure that I didn't leave anyone out of my special thank yous and to let everyone know here that we have a process and that process said that the bill would be negotiated in the Senate. We send agreed-upon bills to each Chamber all the time and I'm letting the House know right now that this is a good bill coming over to the House. This is

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

a agreed-upon bill that many people worked on for months and I'd hope that when the bill arrive in the House that the Speaker takes that bill, move it through his Chamber, send it to the Governor, who's waiting to sign it, so that many of these actions can be implemented immediately and move our kids' educational opportunities forward ASAP. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall Senate Bill 630 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting No, and none voting Present. Senate Bill 630, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, Senate Supplemental Calendar No. 1 has been distributed to the Members' desks. When the reception in the back is over, we will pick up on Senate Supplemental Calendar No. 1. Senator Hunter, for what purpose are you seeking recognition?

SENATOR HUNTER:

Mr. President, it was brought to my attention that I did not vote for Senate Bill 1923 and I would like to be registered as a Yes, please.

PRESIDING OFFICER: (SENATOR HARMON)

Shame on you, Senator. The record will reflect your intention.

SENATOR HUNTER:

I know, I thought... You know, my button -- my button has been sticking all day. They've been trying to repair it and they can't, so I thought that I was -- that I pressed Yes, but

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

apparently it did not register, so...

PRESIDING OFFICER: (SENATOR HARMON)

The record will reflect your intention. Senator Lightford, are you ready to proceed? Ladies and Gentlemen of the Senate, we are on Senate Supplemental Calendar No. 1. It has been distributed to your desk. On that Order is Senate Joint Resolution 34. Madam Secretary, -- please read the resolution.

SECRETARY ROCK:

Senate Joint Resolution 34, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'll be quite quickly. During those negotiations, there was a student bill of rights that the Chicago Teachers Union President Karen Lewis submitted. Students in Chicago and disadvantaged areas sat down and came up with what they thought would be an outstanding academic opportunity for them. We created a Senate Joint Resolution, 34, that in -- states the intent of what they were trying to get at. It's so important that kids even know this - regardless of the economic or social circumstances, has the right to the same level of educational services as every other student in the State of Illinois. There is a couple more bullet points. I'd be happy to answer question. And I urge your support.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Good heavens, we see none. Senator Lightford moves for the adoption of Senate Joint Resolution 34. All those in favor will say Aye. Opposed, Nay.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

4/14/2011

The Ayes have it, and the resolution is adopted. Ladies and Gentlemen of the Senate, I would remind you that the Appropriations Committee I is meeting tomorrow morning at 8:30. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 9 a.m. on the 15th day of April, 2011. The Senate stands adjourned.