

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

HB0196	Second Reading	50
HB0503	Recalled	13
HB0503	Third Reading	15
HB0587	Third Reading	29
HB1151	Recalled	33
HB1151	Third Reading	34
HB1261	Third Reading	35
HB1404	Recalled	45
HB1404	Third Reading	46
HB1554	Third Reading	36
HB1645	Third Reading	60
HB1907	Second Reading	51
HB1981	Second Reading	47
HB2956	Third Reading	73
HB2984	Third Reading	74
HB3329	Recalled	81
HB3329	Third Reading	82
HB3340	Recalled	83
HB3340	Third Reading	84
HB3499	Second Reading	2
HB3801	Second Reading	4
HB3825	Recalled	86
HB3825	Third Reading	87
HB3859	Second Reading	5
HB3935	Recalled	89
HB3935	Third Reading	89
HB3969	Second Reading	2
HB4036	Second Reading	51
HB4940	Second Reading	48
HB5007	Recalled	53
HB5007	Third Reading	55
HB5007	Vote Intention	57
HB5007	Vote Intention	59
HB5101	Second Reading	5
HB5111	Third Reading	9
HB5201	Second Reading	48
HB5264	Third Reading	7
HB5547	Recalled	10
HB5547	Third Reading	11
HB5602	Second Reading	5
HB5880	Third Reading	12

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

HB5914	Second Reading	3
SB2840	Concurrence	93
SR0793	Resolution Offered	2
SR0794	Resolution Offered	2
HJR0083	Resolution Offered	59
Senate to Order-Senator Harmon		1
Prayer-Pastor Shaun Lewis		1
Pledge of Allegiance		1
Journal-Postponed		1
Senate Stands in Recess/Reconvenes		47
Senate Stands at Ease/Reconvenes		49
Senate Stands at Ease/Reconvenes		49
Committee Reports		49
Senate Stands in Recess/Reconvenes		57
Committee Reports		57
Messages from the House		58
Messages from the House		92
Senate Stands at Ease/Reconvenes		92
Senate Stands at Ease/Reconvenes		93
Committee Reports		93
Adjournment		134

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

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

PASTOR SHAUN LEWIS:

(Prayer by Pastor Shaun Lewis)

PRESIDING OFFICER: (SENATOR HARMON)

Please remain standing for the Pledge of Allegiance. Senator Jacobs, would you lead us?

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR HARMON)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, May 23rd, 2012.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ANDERSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senate Resolution 793, offered by Senator McCann and all Members.

Senate Resolution 794, offered by Senator Dillard and all Members.

They are both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Resolutions Consent Calendar. Ladies and Gentlemen of the Senate, if you'll turn to page 13 on your printed Calendar, we're going to turn to the Order of House Bills 2nd Reading. I would remind the Members that today is the deadline for advancing bills from 2nd Reading to 3rd Reading. We are on the Order of House Bills 2nd Reading. House Bill 196. Senator Muñoz. House Bill 1907. Senator Muñoz. House Bill 1981. President Cullerton. House Bill 3499. Senator Haine. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3499.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Criminal Law adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR HARMON)

Have there been any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. House Bill 3801. Senator Raoul. House Bill 3859. Senator Raoul. House Bill 3969. Senator Murphy. Mr. Secretary, please read the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SECRETARY ANDERSON:

House Bill 3969.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Pensions and Investments adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR HARMON)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. House Bill 4036. Senator Kotowski. House Bill 4444. Senator Sandoval. House Bill 4609. Senator Lightford. With leave of the Body, we'll return to House Bill 4940. House Bill 5101. Senator Sandoval. With leave of the Body, we'll return to House Bill 5201. House Bill 5341. Senator Clayborne. House Bill 5528. Senator Muñoz. House Bill 5602. Senator Millner. House Bill 5914. Senator Righter. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5914.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Higher Education adopted Amendment No. 2.

PRESIDING OFFICER: (SENATOR HARMON)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Righter.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter, on your amendment.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. Amendment 3 represents an agreement with the University of Illinois with regards to the use of external search firms and university dollars. Be happy to explain it more when we get to 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion on the amendment? Seeing none, Senator Righter has moved for the adoption of Floor Amendment No. 3 to House Bill 5914. 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 ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Ladies and Gentlemen of the Senate, the Order of House Bills 2nd Reading is a relatively short order. We have -- we have been through it once. I see we've been joined in the Chamber by a few additional Members whose bills we skipped over. With leave of the Body, we'll return to a couple of those bills where the Members are now ready to proceed. If we'd -- Mr. Secretary, House Bill 3801. Senator Raoul, you wish to proceed? Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3801.

(Secretary reads title of bill)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

2nd Reading of the bill. The Committee on Criminal Law adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR HARMON)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Senator Raoul, you wish to proceed with Senate -- House Bill 3859 as well? Mr. Secretary, can you please read the bill.

SECRETARY ANDERSON:

House Bill 3859.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Mr. Secretary, Senator Sandoval has joined us. Senator Sandoval, you wish to proceed with House Bill 5101? Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill -- House Bill 5101.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Senator Millner, do you wish to proceed with House Bill 5602? Mr. Secretary, can you please read House Bill 5602.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SECRETARY ANDERSON:

House Bill 5602.

(Secretary reads title of bill)

2nd Reading of the bill. Committee on Criminal Law adopted Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR HARMON)

...been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Ladies and Gentlemen of the Senate, we are going to turn to House Bills 3rd Reading in just a moment. I'd ask all Members to be at their desks. We are going to turn to final action in just a few moments. If all Members could be at their desks. Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR LUECHTEFELD:

If the Senate would help me welcome some friends of mine who've come up to look at what we do here in the Capitol today. They're sitting behind the Democrats on {sic} the gallery over here. And if they would rise. Would you please welcome them? Susan and Clay Lynch.

PRESIDING OFFICER: (SENATOR HARMON)

Will the Lynches please rise and be welcomed to the Illinois State Senate? Welcome to Springfield. Senator McCann, for what purpose do you rise?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR McCANN:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR McCANN:

Mr. President, this morning, I am honored to announce that today is the sixty-ninth birthday of Mr. Jim Mitchell, the gentleman standing right here to my right, who normally meets everyone as they enter the Chamber through the back door. Jim is celebrating, again, his sixty-ninth birthday. He worked for twenty-plus years as a detective on the Sangamon County Sheriff's Department. And I really -- and I know that you and everyone else here really appreciates all that he and all the doormen do for us. You make our jobs so much easier, so much better. I appreciate you. And we all want to say happy birthday. Thank you, sir.

PRESIDING OFFICER: (SENATOR HARMON)

Happy birthday, Jim. Sixty-nine, does not seem possible. Ladies and Gentlemen of the Senate, please turn to page 12 on your printed Calendars. We're going to pick up, on the Order of House Bills 3rd Reading, where we left off yesterday {sic}. We're going to start with House Bill 5109. Senator Muñoz. House Bill 5111. Senator Hutchinson. House Bill 5134. Senator LaHood. House Bill 5203. Senator Dillard. House Bill 5210. President Cullerton. House Bill 5248. Senator Lightford. House Bill 5264. Senator Althoff. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5264.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. House Bill 5264 allows -- in a criminal prosecution of first degree murder or even second degree murder involving domestic violence, it permits evidence of the defendant's commission of another offense or offenses of domestic violence may be admissible, and it may be considered for its bearing on that particular matter of the first or second degree murder charge. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 5264 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. And House Bill 5264, having received the required constitutional majority, is declared passed. Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR HUTCHINSON:

Thank you. I have really been remiss over this month in my duties as chair of the May birthday caucus. So I haven't really

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

been introducing birthdays as much as I normally do, as I'm sure everybody remembers from last year. But I want to make sure that the people who actually take care of us every single day get the recognition that they deserve too. And today is Jim Mitchell, our guard, at the door right here, his birthday's today. Jim. Jim. Jim. Oh, we just did him. Happy birthday, again, Jim.

PRESIDING OFFICER: (SENATOR HARMON)

Apparently, Jim just turned seventy. Thank you, Senator Hutchinson. Senator Cultra, for what purpose do you seek recognition?

SENATOR CULTRA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR CULTRA:

I have with me on the Floor today, Brad Uken, from the Farm Bureau in Champaign County, and -- and a couple of other guests, and I'd just like to give 'em a warm welcome.

PRESIDING OFFICER: (SENATOR HARMON)

...you, Senator. Will our guests please rise and be welcomed to Illinois State Senate? With leave of the Body, we're going to turn back a couple bills up the Calendar, back to House Bill 5111. Senator Hutchinson is now ready to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5111.

(Secretary reads title of bill)

3rd -- 3rd Reading of the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President and Members of the Senate. House Bill 5111 amends the Small Business Job Creation Tax Credit (Act) and makes employees that work for a Professional Employer Organization as qualifying employees for purposes of the credit. The credit is awarded to employers that increase the number of employees they hire. Professional Employer Organizations are entities that provide a client with personnel for an ongoing basis opposed -- as opposed to a temporary basis. I know of no opposition and I would ask for your support.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 5111 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 55 voting Aye, none voting No, none voting Present. And House Bill 5111, having received the required constitutional majority, is declared passed. Continuing on the regular order, we're at House Bill 5288. Senator Muñoz. House Bill 5289. Senator Schoenberg. With leave of the Body, we'll come back to House Bill 5315. House Bill 5337. Senator Bivins. House Bill 5342. Senator Cullerton. House Bill 5440. Senator Link. House Bill 5444. Senator Steans. At the top of page 13 on our printed Calendar, we'll -- with leave of the Body, we will come back to House Bill 5495. House Bill 5547. Senator Hutchinson. Senator Hutchinson seeks leave of the Body to return House Bill

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

5547 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate {sic} Bill 5547. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson, on Amendment No. 1.

SENATOR HUTCHINSON:

I would like to adopt Floor Amendment No. 1 and I can explain it on the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson moves to adopt Floor Amendment No. 1 to House Bill 5547. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, have there been any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 5547. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5547.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Thank you, Mr. President, Members of the Senate. House Bill 5547 allows home rule municipalities with a population of two million and home rule counties to impose a tax, however measured, on the use of a parking lot, garage, and other parking facility. This is an industry-proposed solution to a very complex situation. I'd like to give my thanks to Leader Harmon for actually handling a lot of this in the Executive Committee. I know of no opposition at this point. It's been negotiated. This is agreed language and I would ask for your support.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall House Bill 5547 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 53 voting Aye, none voting No, none voting Present. And House Bill 5547, having received the required constitutional majority, is declared passed. House Bill 5549. Senator Hunter. House Bill 5587. Senator Lightford. House Bill 5632. President Cullerton. House Bill 5730. Senator Delgado. With leave of the Body, we'll return later to House Bill... With leave of the Body, we'll return later to House Bill 5791. House Bill 5823. Senator Mulroe. House Bill 5866. Senator Cullerton. House Bill 5877. President Cullerton. House Bill 5880. Senator Righter. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5880.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. House Bill 5880 makes changes with regards to emergency responders. First, it makes clear in the law that one has to be at least eighteen years of age and actually be employed by an emergency responder agency, and also allows people sixteen to eighteen to work as interns/volunteers for those agencies. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall House Bill 5880 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. House Bill 5880, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, we're going to turn back to the beginning of the Order of House Bills 3rd Reading. That's on page 7 of your printed Calendar. At the beginning of the order is House Bill 50 -- or, 503. Senator Hutchinson, do you wish to proceed? Senator Hutchinson seeks leave of the Body to return House Bill 503 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 503. Mr. Secretary, please read the bill. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Hutchinson.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson, on Amendment No. 1.

SENATOR HUTCHINSON:

Thank you, Mr. President. I'd like to adopt Floor Amendment No. 1 and explain it on the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson moves to adopt Floor Amendment No. 1 to House Bill 503. 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 ANDERSON:

Floor Amendment No. 2, offered by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson, on Amendment No. 2.

SENATOR HUTCHINSON:

Hold on a second.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President. I just wanted to make sure I didn't make a mistake. Yes, I would like -- I'd like to adopt Floor Amendment No. 2 as well.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson moves to adopt Floor Amendment No. 2 to House Bill 503. 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 ANDERSON:

No further amendments reported, Mr. President.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 503. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 503.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President. And thank you, Members of the Body. House Bill 503 creates a revenue-neutral tax incentive to attract interactive digital media jobs and revenue to Illinois. Floor Amendment 1 creates the Digital Media (Tax Credit) Act for -- for producers of computers and video games. The credit is worth thirty percent of production spending over the average amount of production spending from 2009 to 2011, up to the first one hundred thousand of any new employee. Now, what is significant about this is that currently twenty Illinois institutions of higher education produce degrees in these fields - twenty different institutions. Our higher -- our -- our facilities actually produce these degrees, but we are not incentivizing an industry for our graduates to actually stay in Illinois. The average starting salary for these jobs is around eighty-nine thousand dollars. And you'll note that the biggest employer in the industry, Electronic Arts, was located in Chicago, with over four hundred jobs, and they left in 2008. We're competing against about eight different states that already offer this credit. We need to give our -- every

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

opportunity we can for our graduates that are getting degrees in this industry to begin to stay here, locate here, go to work here, and create burgeoning businesses here. So I'd ask for all your support. Floor Amendment No. 2 really just clarifies the intent and makes sure that we try to get it as revenue-neutral as possible.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR LAUZEN:

Thank you, Mr. President. To the bill: This passed unanimously out of Revenue, although there were some of us who made the comment that wouldn't it be nice if all the industries in the State of Illinois had the same advantage. So -- but it passed unanimously.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, in your comments, you referred to the tax credit as being revenue-neutral and I'm not sure what you mean. Revenue-neutral to the State Treasury or revenue-neutral to the person receiving the tax credit? And maybe, on top of that, can you elaborate a little more on what that means?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Senator Righter. My understanding is that we wanted to make it so that the tax credit would only be given if they produce more jobs than what are here right now. So, revenue-neutral to -- I -- I would -- based on the way you asked the question, I would say the State Treasury, because it's only going to kick in once there's more jobs beyond what the threshold is right now. Does that...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

So, is it -- so it's not necessarily revenue-neutral by dollars. You're setting benchmarks; that they achieve the tax credit if they achieve a certain -- a certain level of job growth. Is that -- is that a fair way to say it?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Yes, that's a fair way to say it. And I think that there are a lot of us who feel that in order to do targeted tax incentives to businesses that we want to incentivize, that we do on a -- on a number of different ways through the Tax Code, that we need to do it in a way that incentivizes growth so that we're not dipping below where we are right now. We're making sure that we grow from where we are right now, which has untold benefits across the spectrum - so more people at higher-paying jobs, paying into the Treasury -- Treasury - making sure that,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

you know, we're -- we're incentivizing areas of -- of economic development that are actually growing right now. This industry grew a hundred and twenty percent last year. A hundred and twenty percent. And we've got twenty institutions of higher education that give these degrees and there's very little place -- there are very few places for our graduates to come and actually take advantage of the degrees they're getting. They're moving to Washington and California and New York, and we need 'em to stay here.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, you mentioned in your comments that a business had left the Chicagoland area in 2008. I mean, is this legislation -- one, why did they leave, if you know? Two, is this legislation an attempt to lure them back into Illinois?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

No. That's not my intention with this. My understanding is that we have - one, two, three, four, five, six, seven, eight, nine, ten - between thirteen and fifteen states that offer an incentive, up to thirty percent, in this industry. So it is an attempt to lure industry to Illinois. It is an attempt to say to our graduates that we would really prefer if you stayed in Illinois and didn't go to New York and California and Washington and, you know, Maryland and Rhode Island and Connecticut and New Jersey that all have these tax credits. So

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

not -- I -- this is not special legislation for one company. This is actually talking about an industrywide thing that we need to be incentivizing in the Midwest.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, for what purpose do you seek recognition?

SENATOR McCARTER:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator McCarter.

SENATOR McCARTER:

Senator, you -- you say that we're providing targeted tax incentives. Are -- are there any other industries within the State that you can -- that -- might know of that we should do the same thing for?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

I'm a firm believer in -- in incentivizing manufacturing. I think, you know, our manufacturing base is something that needs to grow and I think this falls under that category. This is people who are producing computer and video games. We all know where the wave of the future is going, so anything we can manufacture and produce in the United States and in Illinois, and specifically in the Midwest, is something I think that we need to be paying attention to.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

So, there are other industries, and -- and I agree with

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

you, manufacturing. I think manufacturing has a -- has a great opportunity to come back in Illinois today. And -- and, obviously, I'm in the manufacturing business, so can I tell you that there -- there's -- there's a growth there in certain -- you know, amongst certain products. But why wouldn't -- why would we do this for just one industry when we know there are dozens of others?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

From a policy perspective, which is what I think you're asking, I think that there are very many ways that we can incentivize things that we want to grow in the State of Illinois through the Tax Code. I absolutely believe that. Whether or not we're going to be able to do it in a piecemeal approach, the way we've been doing it, I'm -- I'm not really sure. I'm a very big advocate of completely redoing our entire Corporate Code. I would like to see us get to a point where we had a 2012 Tax Code, you know, for -- or, a twenty-first century tax code for a twenty-first century economy, but we're not there yet. In the interim, we need to be looking at industries that are growing. I am not -- industries that are growing deserve to be incentivized. I -- I know I have a kid right now who's fifteen years old, about to go to college, and video games are their lives. And this industry has grown one hundred and twenty percent. It did 25.1 billion dollars in 2010, just from consumer purchases. There's no reason in the world why we could not establish this in the Midwest, instead of -- instead of allowing it to stay on the Coasts. That's the biggest reason

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

why I'm a proponent of this one in particular.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Do you think the oil industry and the new fracking technology that's come about might be one of those industries that we should target in the State of Illinois?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

I appreciate your move to move this towards a larger policy conversation about how we incentivize various things. I'm going to keep my remarks to the bill. The bill for -- that is in question right now is about production of video and computer games and a burgeoning industry that we need to incentivize here. I'm happy to have those conversations with you anytime offline.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, do you have another question about the bill?

SENATOR McCARTER:

No, I don't. I want to speak to the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR McCARTER:

Let me just say that oil exploration in the Loudon fields in southern Illinois is a growth industry because of the new fracking technology, and there's been talks of actually increasing taxes on these people, when here we are giving tax

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

incentives to others. So are we picking winners and losers again? I believe so. I'm not saying that the bill -- that the Senator's bill is a bad bill. I'm just saying that I think it should apply across the board to anyone in this State who wants to be innovative and wants to hire people and wants to take advantage of niche growing markets. The piecemeal approach sounds good, but it's not fair. The only way to be fair to small businesses, the ones that actually create new jobs -- remember large corporations tend to lower the number of people that are employed. Small business, new -- start-ups, entrepreneurial firms, their whole goal is to add people. So the only way to fairly provide relief and incentives throughout this State is the tax rate. But the tax increase -- and I'm not going to go back to all the -- you know, railing on people for the tax increase, but we did go from three percent to five percent. And what we forget is that that affected all small businesses, 'cause they are primarily Sub S Corporations and LLCs, not C Corps. So the real relief that we need to be providing is through the tax rate and taking that back from five to three. And that way we're not picking winners and losers, we're giving everyone the incentive to grow and employ our families again. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator Syverson.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR SYVERSON:

Thank you. Senator, I'm just trying to understand how this works and it's something I support, but can you give me an example? If a -- if a company comes in and they hire some people or they expand and they hire people and, at the end of the year, they have a -- a hundred thousand dollars of net profit that they would pay taxes on, what does that -- what does it translate to? How much of a savings are we talking about that they would actually get from this?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thirty percent of labor expenses and that's on wages up to the first hundred thousand dollars, and it also sunsets in five years.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

They don't get to deduct the -- the -- thirty percent of the wages. I mean, if you only -- if you paid -- if you earned a hundred thousand dollars' profit and you pay your taxes on that, your total taxes for the year are only going to be eight thousand dollars. So how -- is that what you would get? Thirty percent of what -- of the tax you owed or...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

It's -- yes. It's thirty percent of what you would pay in income tax. Oh! Thirty percent of what you would pay in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

spending. They get the credit for the income taxes. Sorry, I'm not saying this as clearly as I should be.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

So, I guess that's -- I'm looking at the -- if a company at the end of the year has a hundred thousand dollars of -- of profit - that's what they'll pay their -- their taxes -- income taxes on, is that profit - how much of that -- and -- and the regular federal income -- or, State income tax rate, they would pay about eight thousand dollars then in taxes for the year, normally. So, they're going to get a credit off of that eight thousand. How much of a credit do they get off of that eight thousand dollars?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Okay, so my understanding is, they get a credit on thirty percent of their production spending, which goes against their liability on income taxes. So that is charged against what their overall liability would be, that credit.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

Okay. So, again, I'm trying to figure out what -- so they're going to get -- from a dollar amount, are we talking about thirty percent credit off of the eight percent State tax? So, from a dollar standpoint - that's what I'm trying to figure out - are we talking about a couple hundred dollars of credit in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

the end that this ends up being?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Because this is actually charged against their income liability, that thirty percent, it -- and they only owed eight thousand dollars, that thirty percent would actually cover -- that would cover the eight thousand that they owed to the State. So, depending on the production level and depending on what their income -- their income tax liability is, is going to determine what that number would be. But it is a way for us to actually match -- I think the lowest tax that we found -- or the lowest credit that we have in the fifteen other states that have it is five percent and the highest one is thirty-five percent. So we're in a -- we're in a competition mode here for about twenty other states.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

Okay, thank you. So, I -- then if I -- if I get this right, then if a company expense for these new people -- a hundred thousand dollars of expenses, they're going to get thirty percent of that as a credit, so they're going to have a thirty-thousand-dollar credit. At the end of the year, if they made two hundred thousand dollars of profit, they would only have a liability of sixteen thousand, so they would take that thirty percent credit, which would give them then -- all they could take was the maximum of sixteen, so they would get a sixteen-thousand-dollar credit. So even though it sounds like a

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

big amount, this isn't really, probably, a -- there's not going to be a lot of companies who are going to stay or leave for sixteen thousand dollars, if they're making two hundred thousand dollars of net profit of which they're taxed on. So, from a dollar standpoint, it's not a huge hit to the bottom line because it can't be expensed more than what their income tax would be. So, if I'm -- if that's correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Yes. And thank you for walking through that. Yes. My -- my concern, overall, is the amount of people who would take the credit and how many jobs that would actually create at a level that actually means something in terms of people that are participating as, you know, taxpaying citizens in this State. So I thank you for that. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Senator Hutchinson, do you wish to close? The question is, shall House Bill 503 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, 9 voting No, none voting Present. And House Bill 503, having received the required constitutional majority, is declared passed. Senator Crotty, for what purpose do you seek recognition? Senator, while you're getting ready, I would note that WCIA News has requested permission to videotape the proceedings today. Seeing no objection, leave is granted. Senator Crotty, if you're ready to proceed.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR CROTTY:

Sure. Well, I have a beautiful young lady helping me vote today and her name is Emily Broadfield. Emily is the granddaughter of Sue Clark and, of course, the daughter of Sue's daughter, Debbie. And up in the gallery, we have grandma, her mom and -- and dad. Her father is Toby Broadfield. Now, Emily just finished kindergarten and she'll be six on May 31st. Her favorite subject was reading, but she really likes to go to the stables and ride a horse named Butterscotch. So if everybody would welcome Miss Broadfield to the Senate Floor.

PRESIDING OFFICER: (SENATOR HARMON)

Miss Broadfield, welcome to the Illinois State Senate. Will our guests in the gallery please rise as well and be welcomed to the Illinois State Senate. Senator Schoenberg, for what purpose do you seek recognition?

SENATOR SCHOENBERG:

I rise on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I know I've indulged you many a time with Evanston Day. This is one of my favorite two Pages from Evanston. I'd like you -- to introduce you to my Page for the -- today, my son, Nadav. Nadav is -- Nadav is twelve years old. He's in sixth grade at the Bessie Rhodes Magnet School in Evanston. And Nadav and his sister are each coming one more time to be Pages here at the Capitol before our family completes this stage in our lives. He is an exceptional young man and I'm incredibly proud of him.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

He has tremendous integrity. He's very intelligent. He has a thirst for knowledge and a passion for doing what's right. He's a great baseball player. He's very, very talented. He gives his mother and I a tremendous source of pride. So please give my son, Nadav, a warm Senate greeting. Thank you very much.

PRESIDING OFFICER: (SENATOR HARMON)

Nadav, welcome to the Illinois State Senate. And, Senator Schoenberg, the legal research on the age of majority to serve in the State Senate is being conducted by our legal staff as we speak. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Inquiry of the Chair, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your inquiry, Senator.

SENATOR RIGHTER:

I wonder if you, Mr. President, have any feel for, when Senator Schoenberg departs the Chamber, who will carry on his -- his tradition of almost every day is Evanston Day here in the State Capitol?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg apparently has some insight on that question, Senator Righter. Senator Schoenberg.

SENATOR SCHOENBERG:

You know, it just so happens that Representative Biss lives just a few blocks away from us, Senator Righter. So I think the odds-on bet is that there will be some continuity. And I've even told Representative Biss that, you know, in about eighteen years or so, we're expecting this to come back into the family.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senator Righter.

SENATOR RIGHTER:

I think, Senator, that I not only speak for all of the Republicans, but almost everyone in the Chamber I'd say, that we will sleep better tonight knowing that the tradition will continue. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Righter. Senator Hunter, you have some special guests with you. For what purpose do you rise?

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator Hunter.

SENATOR HUNTER:

We have visiting in the Chambers with us today my Congressman, your Congressman, Delgado, Muñoz, Lightford and Collins' Congressman, Danny Davis, from the 7th Congressional District, and his senior management team is here with us today. We'd like to welcome him to the Chambers.

PRESIDING OFFICER: (SENATOR HARMON)

Congressman Davis, welcome to the Illinois State Senate. It's good to see you. Continuing on the Order of House Bills 3rd Reading is House Bill 506. Senator Muñoz. House Bill 587. Senator Hutchinson. Senator Hutchinson. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 587.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson, are you ready to proceed? Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President and Members of the Senate. House Bill 587 amends the Park District Code and clarifies that a park district that is subject to PTELL can extend a rate up to the statutory ceiling, provided they lower other levies in an equal amount. The total amount levied cannot exceed the amount dictated by PTELL under current law. The interesting thing about this bill is that it went for a very, very long time as to whether or not this was something that we wanted to do. And I want to make sure that I get some points in there so that the Body understands where some of the opposition came from, and there was a significant amount of opposition in the House when this happened. It got -- I don't remember exactly how many No votes, but there were a lot of people who were concerned about PTELL and whether or not we're going to allow park districts to actually raise the levy or circumvent a backdoor referendum. The Property Tax Extension Limitation Law caps the total amount of property taxes the taxing districts can levy. And under PTELL, as long as the taxing district's total levy does not exceed this tax cap, it may increase any of its existing tax rates up to the statutory ceiling without a referendum as long as it reduces the rate of other funds by the same amount. Most counties interpret it exactly the way it is. We have one county, one park district in particular, that's had some confusion about this, so this bill is really intended to be clarifying. That's the -- the status of the bill. It took us

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

awhile to get it to the point where, I think, most people understood. We had to get a lot of e-mails going, a lot of conversations. But I don't want to make it sound as though there was no opposition, because anytime you say anything about PTELL and tax levies and tax caps, there's going to be significant concern. This bill, as I understand it, does not allow a park district to go beyond what the tax cap is. This is not a tax increase. It doesn't allow 'em to use it. But it does allow them to use other funds within that ceiling to make payments on things that the park district might need to do. And in this era, where they're really struggling with flexibility, it's -- it's very important. But it's intended to be clarifying language. And I would ask for your support. Happy to entertain any questions.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR LAUZEN:

Thank you, Mr. President. I -- I rise in opposition to this bill. Enormous respect for the Senate sponsor. However, what this bill does is it gives an unfair amount of flexibility for a park district to switch money between two categories that are now capped. The -- try to give a -- a simple example - that -- that there's a rate that's capped in the statutes for operating money and then a rate that's capped for, like, programs, or programs and -- so, operating or corporate spending and the other would be for programmatic spending. So, what could happen in this bill is that money could be switched from programs, which most of our constituents like very much, and

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

they could be switched more easily into the corporate or the operating or where the -- the -- I don't want to call it bureaucracy, but the extra jobs in a park district as opposed to the programs of a park district. This bill takes down that wall between those two caps in the statute. I think that that's a bad thing. I think that the structure has been in place to protect programmatic spending and this lowers the wall so that they could switch the money into providing more jobs for friends, in a worst case. I -- I recommend a No vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Lauzen. Is there any further discussion? Senator Hutchinson, do you wish to close? Senator -- Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you for that. And I -- and I had spoken with Senator Lauzen. I understood his concerns about this. The one thing I -- a couple things I want to make clear. Right now, all counties under PTELL have to abide by these -- these -- the -- the referendum's requirements, all of PTELL's referendum requirements. Under PTELL, the only referendum allowed is to increase a district's taxes or to levy a tax for a new fund. This bill does not increase taxes or call for a tax for a new fund. It simply allows a district to raise one rate if it lowers another rate commiserate {sic} to that - and it stays under the cap. So PTELL has allowed all taxing districts to do this since 2006. This bill is not giving park districts any additional powers that they don't already have. But there are a few county clerks who are confused by the fact that the corporate tax is mentioned in two different Sections of the Park

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

District Code. And most counties already understand that the corporate tax and the additional corporate tax are the same tax. But because we need to get uniform interpretation of the law as it exists right now, the need for this clarifying bill was necessary. But it does not give park districts any other authority that they don't already enjoy today, since 2006. And I would appreciate your support.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. The question is, shall House Bill 587 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 43 voting Aye, 15 voting No, none voting Present. House Bill 587, having received the required constitutional majority, is declared passed. Continuing on the Order of House Bills 3rd Reading. House Bill 1084. President Cullerton. House Bill 1151. Senator Sandoval. Mr. Secretary, please read the bill. Senator Sandoval seeks leave of the Body to recall House Bill 51 -- I'm sorry, 1151 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 1151. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sandoval, on Amendment No. 1.

SENATOR SANDOVAL:

Yeah, I'd like to explain the amendment on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

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

SECRETARY ANDERSON:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1151. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. House Bill 1151 is a similar bill that passed last year out of both Chambers. It is an initiative of the Secretary of State and the Veterans of Foreign Wars. They are proponents of this initiative. It creates two -- two categories of disabled veterans' license plates: one with disabled person's parking privileges and one without those privileges. Those veterans whose degree of disability has been declared to be fifty percent or more, but whose disability does not qualify them for the DV plate with disabled parking privileges, may apply for a disabled veteran plate. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

shall House Bill 1151 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. And House Bill 1151, having received the required constitutional majority, is declared passed. House Bill 1157. President Cullerton. House Bill 1237. Senator Raoul. House Bill 1261. Senator Sandoval. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1261.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President. House Bill 1261 amends the Mercury-added Product Prohibition Act to add zinc air button cell batteries, used primarily in hearing aids, to the list of products that can't be sold or distributed in Illinois. This is to rid our waste stream of mercury batteries. I'd ask a favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall House Bill 1261 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. House Bill 1261, having received the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

required constitutional majority, is declared passed. House Bill 1299. Senator Noland. House Bill 1404. Senator Clayborne. House Bill 1447. President Cullerton. At the top of page 8 on your printed Calendar, still on the Order of House Bills 3rd Reading, House Bill 1466. Senator Lightford. House Bill 1489. President Cullerton. House Bill 1554. Senator Garrett. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1554.

(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. We passed an underage drinking bill about four years ago and what we did was ensure that when underage teens are caught drinking in the home of a parent, if the parent knowingly is aware of something like this, then they are liable. So what this bill does is expand that to ensure that parents are going to be liable for knowingly permitting underage drinking to occur on any private property under the parent's control. That could be hotel rooms, farms, banquet halls, vacation homes, condos, things like that. It applies a heightened penalty to non-parent hosts when someone is seriously injured or killed as a result of a violation. It also provides a -- a defense for hosts who attempt to break up the party; clarifies when non-parent hosts are criminally liable for underage drinking; and finally, provides some clean-up to an Illinois Supreme Court decision. I'd be happy to answer any

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? 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.

SENATOR RIGHTER:

Senator Garrett, you said we're cleaning up a Supreme Court decision? I'm assuming that decision made something in some statute that we'd enacted less than clear. Can you -- can you tell me a little more about that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

There was a Supreme Court decision that found a provision that was -- unconstitutionally vague.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I'm -- and I'm sorry, what -- what's -- what was that? What -- what was the portion that was vague and how are we remedying that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Sorry, I -- so, the way the bill was interpreted, it was almost that you had to restrain somebody. You couldn't let them

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

leave and that was in violation of... That was in violation.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Last area of inquiry, Senator Garrett. I want to be clear here, because, I mean, by -- by so expanding the locations where the parents can be found liable, I mean, obviously we don't want to get into a situation where the party is going on on a property where the parents aren't around, they don't know what's going on - it's my understanding, you made this point in committee - that the "knowingly" language, the requirement that they are aware - not should be aware, but are aware - of what's going on, that's in the bill. That correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes, absolutely, that is in the bill. It's very clear and it was in the bill originally.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you. Any further discussion? Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

I -- I just want to follow up on some of Senator Righter's questioning with regards to the cleanup of the unconstitution -- of the Supreme Court's ruling.

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that she'll yield. Senator Raoul.

SENATOR RAOUL:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

So, in the previous version of this bill, there was language that you had to restrain the youth from -- I want to get clarity on what that language was that has been cleared up.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Basically, it says that they are liable if they let the person leave. And that's been...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

And -- and so that language has been removed?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

And so, under the current bill, let's say a parent comes into knowledge that a kid was in their home and they're intoxicated and they say something to them, you know, you shouldn't leave and -- how does -- how does that parent that comes into the knowledge that the kid has been drinking protect themselves now that that language has been removed? That has -- and that parent has no -- didn't provide the alcohol, but just found out that the kid was drinking in their home.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR GARRETT:

So, if they -- if the parent tries to break up the party, for whatever reason, they still are going to be criminally... If they try to break it up, not criminally liable.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

I -- I didn't hear the answer. She wasn't speaking in the mike.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, if you could please give the speakers your attention. There's a lot of low-level noise in the Chamber. If you could please quiet down so that the Senators debating the bill can hear each other. Senator Garrett, can you answer that question again?

SENATOR GARRETT:

If they try to break up the party, they are going to be not criminally liable.

PRESIDING OFFICER: (SENATOR HARMON)

Senator...

SENATOR GARRETT:

They won't be...

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

So, what is that language? The -- the -- the language in the bill says, if they try to break up a party, they're not criminally...? Is that an affirmative defense or is that -- and I'm -- and -- and I'm sorry, because this bill, last time

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

around, came through Criminal Law Committee, which I would think would have been an appropriate place for it to be discussed and -- and I -- this is just coming to my attention and I haven't seen this.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett.

SENATOR GARRETT:

So, if they try to break up the party and they do whatever they can, they are not going to be criminally liable. I can read this to you, if you want. "The sentence of any person who" -- I'm sorry. I'm sorry. "A person shall not be in violation of this subsection...if (A) he or she requests assistance from the police department or other law enforcement agency to either (i) remove any person who refuses to abide by the person's performance of the duties imposed by this subsection...or...terminate the activity because the person has been unable to prevent a person under the age of twenty-one years from consuming alcohol despite having taken all reasonable steps to do so and (B) this assistance is requested before any other person makes a formal complaint to the police department or other law enforcement agency about the activity."

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

So -- so - I'm just thinking hypothetically - somebody gets arrested because a kid reports they were drinking at a parent's house and -- and all they have to do is tell the police officer, "Hey, I tried to break it up", and -- and they're fine.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senator Garrett.

SENATOR GARRETT:

They have to contact the police. The police has to be informed of this.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

I thought, when you read it before, there was two parts. Says you can contact the police or you can make an attempt to break it up. And -- and I'm -- I'm sorry for being, Mr. President, long on this, but this didn't come before our committee and I had concerns with this bill the last time around.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Garrett. Senator Garrett.

SENATOR GARRETT:

They contact the police to either remove or terminate the activity. So that's how it's split.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

Okay. To the bill: You know, I -- I'm -- I'm going to probably confess to my misdeeds as a teenager as I speak to this bill. I've -- there have been times where I probably, as a teenager, snuck into my parent's liquor cabinet, with some friends over, that my parents had no knowledge of this going on. I understand that there are instances of -- of parents, perhaps, condoning partying in their homes because they don't want the kids to be out and about and they want to be protective of the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

kids and -- or that they're just negligent or reckless. But I recall when this came before us before in the Criminal Law Committee that there was some caution on behalf of the -- the -- the Members. We've got to be careful about the -- the burdens that we're -- we're -- we're putting upon parents and the culpability we're giving them for -- things that may be out of their control. So, I may -- if I had time to really study this bill, I may be in support of it - I don't know - but I'm forced to vote Present. And if you really don't know what the bill is about, I urge you to do the same.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg, are you seeking recognition on this bill? Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President. I rise in support of the bill. The -- if you look throughout the bill, it repeatedly refers to how -- whether parents knowingly acquiesce to this activity - not a casual condoning of what may be occurring on their property, whether it's -- on their property, whether it's their home or some other property where they have a formal relationship, but whether they knowingly acquiesce to this activity. And what we're seeking to do is - and I give Senator Garrett a great deal of credit for doing this - is to further refine how we are holding parents accountable so that there's a change in their attitude and that they recognize that they just can't acquiesce to it and then hope to lawyer everybody out of the situation if, in fact, there is an abuse of alcohol that results in something unfortunate happening. There is a culture in some communities where they just assume that they'll be able

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

to have an attorney resolve the situation because of the current legal standards that exist. And, therefore, they're not only sending the wrong messages, I think, to their children, but I think they're sending the wrong messages to the children of their -- of their peers as well. This is to get people to own up to what happens on their property with minors. And that's why I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Seeing no further discussion, Senator Garrett, you wish to close?

SENATOR GARRETT:

Yes, thank you. In closing, I'd like to say that the Illinois Association of Chiefs of Police and other law enforcement are the ones who actually worked to make sure that we covered all our bases and that we weren't just ensuring that parents who allow their teens to have these parties at home are -- are being subjected to any type of a penalty. Because what has happened is that they've moved out of their homes to other locations. And -- and I agree with the previous speaker, that we need to do everything we can to be vigilant. Regarding the Supreme Court decision, you know, what we did was clarify something that was too vague and we improved upon it. But this bill should be an easy vote for people. It's something that we're doing to protect our -- our teens. Thank you for your support.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall House 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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

who wish? Take the record. On that question, there are 41 voting Aye, 9 voting No, 3 voting Present. House Bill 1554, having received the required constitutional majority, is declared passed. With leave of the Body, we're going to turn back to the bottom of page 7 on your printed Calendar to pick up House Bill 1404 for Leader Clayborne. Mr. -- Leader, you're ready to proceed? Mr. Secretary. Senator Clayborne seeks leave of the Body to recall House Bill 1404 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 1404. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne, on Amendment No. 3.

SENATOR CLAYBORNE:

Yes, I would like to explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne moves for the adoption of Floor Amendment No. 3 to House Bill 1404. All those 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 ANDERSON:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1404. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

House Bill 1404.

(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. House Bill 1404 creates the Metro -- Metro East Police District within St. Clair County. The Metro East Police District will be governed by the Metro East Police District Commission. Due to physical and staffing challenges in the Metro East departments, the Commission will assume the responsibility for applying for grants, accepting financial grants/contributions from public and private sources for municipal police departments within the District. The bill also gives the -- the Commission the ability to adopt rules and regulations which municipal police departments must -- may adopt in order to receive funding as a result of this Commission. It also provides for certain fines to be levied and -- and put in a special fund for this District. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Seeing none, the question is, shall House Bill 1404 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. House Bill 1404, having received the required constitutional majority, is declared passed. Senator Murphy, for what purpose do you rise?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR MURPHY:

Purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

State your announcement.

SENATOR MURPHY:

I move to recess the Senate for a thirty-minute Senate Republican Caucus in Room 409.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Murphy moves that the Senate recess for the purposes of a thirty-minute Senate Republican Caucus. Seeing no objection, the motion is granted. Senate now stands in recess to the call of the Chair. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will come to order. We will now proceed to the Order of House Bills 2nd Reading, page 13 of your printed Calendar, bottom of the page. House Bill 196. Senator Muñoz. Leader Muñoz. Out of the record. Continuing House Bills 2nd Reading on the -- on the top of page 14 of your Calendar. House Bill 1907. Leader Muñoz. Leader Muñoz. Out of the record. House Bill 1981. President Cullerton. He wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1981.

(Secretary reads title of bill)

2nd Reading of the bill. Committee on Executive adopted

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Amendment No. 4.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Have there been any Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. In the middle of page 14 on your printed Calendar, House Bill 4036. Senator Kotowski. Senator Kotowski, House Bill 4036. Out of the record. House Bill 4940. President Pro Tem Harmon. Mr. Secretary, he wishes to proceed. Please read the bill.

SECRETARY ANDERSON:

House Bill 4940.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. House Bill 5201. President Pro Tem Harmon. He wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5201.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Amendment No. 2.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. Continuing on -- the Order of House Bills 2nd Reading on the top of page 15 of your printed Calendar. House Bill 5528. Leader Muñoz. Leader Muñoz. Out of the record. The Chair would like to request that all members of the Committee on Assignments come to the President's room immediately? The Senate will stand at -- at ease for a few minutes to allow the Committee on Assignments to meet. So, will the members on the Committee on Assignments please come to the President's Anteroom immediately? The Senate will stand at ease. (at ease) Charles Thomas with WLS-TV Channel 7 ABC requests leave of the Body to videotape the proceedings. Seeing no objections -- or, I should say, discounting the objections from Senator Murphy, leave is granted. (at ease) Senate will come to order. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Criminal Law Committee - House Bill 1263 and 4642; re-refer from Executive Committee to Labor Committee - Floor Amendment 1 to Senate Bill 842; re-refer from Insurance Committee to Assignments Committee - Floor Amendment 2 to House Bill 4096; Be Approved for Consideration - Floor

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Amendment 5 to House Bill 5007, Floor Amendment 6 to House Bill 5007, Senate Resolution 791 and Senate Joint Resolution 76.

Signed, Senator James F. Clayborne, Chairman.

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment 2 to House Bill 4096.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

The Chair would like to announce that we are about to go to final action. Will all Members within the sound of my voice please come to the Senate Floor immediately? We are about to proceed momentarily to final action. All Members within the sound of my voice please come to the Senate Floor immediately. We will return to the Order of House Bills 2nd Reading. Bottom of page 13 of your printed Calendar. House Bill 196. Senator Muñoz. He wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 196.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Criminal Law adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

3rd Reading. Continuing on the Order of House Bills 2nd Reading, page 14 of your printed Calendar, the top of the page, House Bill 1907. Senator -- Senator Muñoz. He wishes to proceed, Mr. Secretary. Please read the bill.

SECRETARY ANDERSON:

House Bill 1907.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. Continuing on the Order of House Bills 2nd Reading, in the middle of the page on page 14 of your printed Calendar, House Bill 4036. Senator Kotowski. House Bill 4036. He wishes to proceed, Mr. Secretary. Please read the bill.

SECRETARY ANDERSON:

House Bill 4036.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Mr. President. Like to move to table Senate Amendment No. 1.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Kotowski moves to table Senate Amendment No. 1. Is there any discussion? All those in favor will say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the amendment is tabled. 3rd Reading. I'm sorry, Mr. Secretary. Are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. On the Order of House Bills 2nd Reading, at the top of page 15 of your printed Calendar, House Bill 5528. Leader Muñoz. 5528. Out of the record. Senator Dillard, for what purpose do you seek recognition, sir?

SENATOR DILLARD:

Thank you, Mr. President. On a parliamentary inquiry, please, sir.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Please state your inquiry.

SENATOR DILLARD:

My row back here wants to know whether the Senate Parliamentarian borrowed that suit from Representative John Bradley.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

That -- the Chair will rule, even without consulting with the Parliamentarian, that that is not only dilatory, but that it's likely that the two of 'em went shopping together. Thank you. Senator Dillard, it may have been one of those "buy one get one free" specials. Senator Dillard.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR DILLARD:

Just want to point out that the Senate Parliamentarian and Representative Bradley are very fine lawyers and they -- they look like they belong in Mississippi or somewhere way down south with those suits. But they class up the place. I like the look.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

We are now on the Order of House Bills 3rd Reading. This is final action. On page 11 of your printed Calendar, House Bill 5007. Senator Raoul. Senator Raoul. He wishes to proceed. Senator Raoul seeks leave of the Body to return House Bill 5007 to the Order of 2nd Reading. Seeing no objection, leave -- leave is granted. On the Order of House Bills 2nd Reading, House -- we have House Bill 5007. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment 2, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul, on Floor Amendment No. 2 to House Bill 5007.

SENATOR RAOUL:

Floor Amendment 2 -- we're tabling. Table -- withdraw Floor Amendment 2, please.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul wishes to withdraw Floor Amendment No. 2 to House Bill 5007. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senator Raoul, on Floor Amendment No. 3.

SENATOR RAOUL:

I'd like to withdraw Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul wishes to withdraw Floor Amendment No. 3 to Senate -- to House Bill 5007. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 5, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul, on Floor Amendment No. 5.

SENATOR RAOUL:

Thank you. Floor Amendment 5 is the -- includes the Cook County waiver provision. Like to explain it on 3rd.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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

SECRETARY ANDERSON:

Floor Amendment No. 6, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul, on Floor Amendment No. 6.

SENATOR RAOUL:

Floor Amendment 6 includes a clause that requires Senate 2840 to become law in order for this legislation to become effective.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

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

SECRETARY ANDERSON:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...Reading. Now on the Order, we -- of 3rd Reading, we have House Bill 5007. Senator Raoul wishes to proceed, Mr. Secretary. Please read the bill.

SECRETARY ANDERSON:

House Bill 5007.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul.

SENATOR RAOUL:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 507 -- 0 -- 007, as amended, makes the necessary changes to the Public Aid Code to allow local -- a unit of local government - and specific, this is targeted for Cook County - to finance and operate a Medicaid waiver program if the U.S. Department of Health and Human Services approves the necessary Medicaid waiver. The bill lists the moratorium on eligibility expansion for this 1115 Waiver and it must be entirely financed by the unit of local government, which would be the County of Cook, and federal matching funds. As I mentioned with regards to the amendment, the -- there's a clause

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

in here that makes clear that this would not become law unless Senate Bill 2840 becomes law -- it doesn't become effective unless 2840 becomes law. And I urge your support for this.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you, Senator Raoul. Is there any discussion? Is there any discussion? Leader Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I just have a clarification. When you were reading the bill into the record, you mentioned that it was tied with Senate Bill 2840. I just want to be certain that this amendment, Senate Amendment 6, ties it to Senate Bill 3397 as well.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is that a question of the sponsor? Senator Raoul.

SENATOR RAOUL:

Yeah. I apologize, Leader. I -- I omitted the fact that it -- it is also tied to Senate Bill 3397, the Section 25.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Is there any further discussion? Senator Raoul, do you wish to close?

SENATOR RAOUL:

I just urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Question is, shall House Bill 5007 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, please take the record. On that question, there are 35 voting Aye, 22 voting Nay, none voting Present. House Bill 5007, having received the required

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

constitutional majority -- having received the required constitutional majority, is hereby declared passed. Senator Maloney, for what purpose are you seeking recognition?

SENATOR MALONEY:

Just an observation, Mr. President. I'm guessing somebody's going to want to be recorded as a Yes vote on that previous roll.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Maloney, could you be a little more specific as to who might have wished to be recorded as a Yes vote? Senator Maloney.

SENATOR MALONEY:

I think it's the Senator who celebrates Evanston Day each day here.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Chair wishes to notify the Members that we'll now stand at ease so that the Senate Executive Committee can convene for a subject-matter hearing. We'll be returning in one-half hour, at 2:45. The Senate will now stand at ease. Pardon me, the Senate will now stand in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ANDERSON:

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendment 2 to House Bill 3801 recommended Do

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Adopt.

PRESIDING OFFICER: (SENATOR HARMON)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

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

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

Senate Bill 278.

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

House Amendment No. 2 to Senate Bill 278.

We have received like Messages on Senate Bill 548, with House Amendment No. 1; Senate Bill 1900, with House Amendments 1 and 2; Senate Bill 2867, with House Amendments 1 and 2; Senate Bill 3201, with House Amendment 1; Senate Bill 3258, with House Amendments 2 and 3; Senate Bill 3279, with House Amendment 1; Senate Bill 3349, with House Amendment 1 and 2; Senate Bill 3373, with House Amendment 1. Passed the House, as amended, May 24th, 2012. Timothy D. Mapes, Clerk of the House.

Message from the House by Mr. Mapes, Clerk.

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

House Bill 4320.

Passed the House, May 24th, 2012. Timothy D. Mapes, Clerk of the House.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Message from the House by Mr. Mapes, Clerk.

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

House Joint Resolution 83.

Offered by Senator Haine and adopted by the House, May 15th, 2012. Timothy D. Mapes, Clerk of the House. It is substantive, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, we are turning to the Order of House Bills 3rd Reading. This will be final action. I'd ask all Members to be at their desks. We are turning to the Order of House Bills 3rd Reading for final action. Again, I would ask all Members within the sound of my voice to be at their desks. Ladies and Gentlemen of the Senate, we are turning to House Bills 3rd Reading. We're going to start on page 8 of our printed Calendars. With leave of the Body, we will return later to Senate Bill -- or, House Bill 1605. The first bill we will be turning to is House Bill 1645. That's Senator Hutchinson's bill. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Mr. President, just a point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR SYVERSON:

I noticed that I wasn't -- I wasn't recorded on House Bill 5007. I would like the record to reflect that my intent was to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

vote No on that.

PRESIDING OFFICER: (SENATOR HARMON)

The record will so reflect your intent, Senator. Thank you very much. Ladies and Gentlemen of the Senate, we are on page 8 of our printed Calendars, still on the Order of House Bills 3rd Reading. Near the top of the page is House Bill 1645. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1645.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson. Ladies and Gentlemen of the Senate, please give Senator Hutchinson your attention.

SENATOR HUTCHINSON:

Thank you, Mr. President and Members of this most esteemed Body. Before I start this bill, since we had so much attention to it, let me just say, there's not one person in this Chamber that I don't hold in very, very, very, very high regard. I absolutely love each and every one of you. Now, House Bill 1645 creates a live adult entertainment surcharge fee. And this bill has attracted a lot of attention. The one thing I will say at the outset is that the language that we came to become agreed with the industry. The language that is actually in this bill was suggested by the strip club operators to be something that they could live with. One of their biggest oppositions -- or one of the -- one of the -- biggest framework for their opposition was that they don't consider themselves to be a hundred percent responsible for every sexual assault that

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

happens in the State. We have said all along that every person who visits a strip club is not a rapist - I want to make sure that -- that that's extremely clear - no -- no more than I would ever say anyone who goes to a gambling casino has a gambling addiction. So I want to make sure that that is very, very clear in the discussion of this bill. And because of that, we -- this is a lot more narrowly drawn. It only gets us to about a million dollars, but these -- it goes into funds that are going to help sexual assault and violence prevention programs across this State that have seen their revenues cut by over twenty-eight percent in the last four years alone. So this is a way for us to take a direct precedent from another state, in Texas, try to figure out how we can come up with a creative and stable revenue source for something that is so critically important. And I'm happy to entertain any questions and I really, really pray for a lot of Aye votes. So, happy to take any questions.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Hutchinson. Senator Millner, for what purpose do you rise?

SENATOR MILLNER:

A question for the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. The intent of this bill says it's to ameliorate the negative secondary effects associated with sexually oriented businesses so as to promote the health, safety, and welfare of the citizens of Illinois. Can you explain what that means?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Yes, thank you, Senator Millner. The U.S. Supreme Court and courts in Illinois have long upheld the government's right to pass laws addressing the negative secondary effects from sexually oriented bills -- I mean, businesses. This bill, as it's amended, states in its findings that it's the intent of the General Assembly to do exactly what you just described, ameliorate the negative secondary effects, because they've consistently held that preventing or limiting the harmful secondary effects of increased crime, including violent crimes like rape, is an important or a substantial government interest that we may further through legislation such as this bill. And I want to state for legislative intent, *U.S. v. O'Brien*, 391 U.S. 367, that was settled in 1968, and *City of Renton v. Playtime Theatres*, 475 U.S. 41, also from 1986. This is something that goes to almost everything we do even in our local zoning laws. Anytime you see that an industry like this or an outfit like this cannot be next to a school or a place where children plays, is because, at all levels of government and at all levels of the court, we have found that there are negative secondary effects that the State has a compelling interest in addressing. So, we have a direct precedent from Texas. And the one thing I do want to also add for this is that there are a lot of people who did not think that we would get to any language that could be agreed upon and we did. And so this bill is the subject of about four and a half months of intense negotiations and that's how we came to the language that we thought could be

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

something that would be strong enough to stand up constitutionally, if this were challenged.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Millner.

SENATOR MILLNER:

To the bill, if I may.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR MILLNER:

I would like to thank the sponsor for all of her hard work and working with everybody. And, basically, what this would do is allow the customer of these establishments to put three dollars into the Sexual Assault (Services and) Prevention Fund, which is something that is -- of course, now, that we need today, and also that there -- there's a nexus between one and the other. And I want to thank the sponsor for her hard work. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Any further discussion? Senator Lauzen, for what purpose do you seek recognition?

SENATOR LAUZEN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator, you know, I know that the Members of this Body have that same reciprocal feeling of respect for the work that you do here also. Two questions - I think two questions. First of all, can you share with us the proof and documentation of the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

connection between strip clubs and then -- and alcohol and violence against women, including rape?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Senator Lauzen. Research has actually shown -- and we relied on courts from across the country - Missouri, as well as Texas, as well as Utah - and -- and because of what happened in Texas, the fact that the State of California is actually contemplating a very similar thing. One of the things that we wanted to make clear was that we are not licensing or attempting to license or tax content. And the content, nude dancing, in and of itself is specifically protected under the First Amendment. So we have to be very, very careful that we draw this language narrowly to get to the point of where you do have a compelling interest, and that's where the nexus comes with alcohol. So, when you have alcohol and a trigger with nude dancing, you are more likely introducing, then, an element that reduces inhibitions and increases aggressive behavior. And there are a number of different studies that point to what happens in and around those areas, and they call 'em crime spots. One in particular is those -- is a thing called "soft targets". So, people are coming and they generally don't want anyone to know where they are; they generally carry large amounts of cash, and if something bad happens, they are generally not likely to report it. That is the perfect victim for people who are looking for victims like that. It is one of those things that, again, the State has a compelling interest to do. Now, you can make the argument, though, that -- you know,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

"How about any place that sells alcohol?" It is the trigger of nude dancing and alcohol together that creates a nexus. It is further outlined in the fact that we, as a State, already don't allow sexual predators to be in strip clubs that sell alcohol because the State recognizes the nexus. Now, I have in my hand, one, a number of court -- Supreme Court cases that actually tell us which level of scrutiny to use when you're arguing these. One is -- I mentioned U.S. v. O'Brien, City of Renton. We submitted -- we submitted findings from studies that -- that go to the scientific fact that these places have higher crime risks. There was the Illinois Supreme Court decision in City -- City of Chicago versus Pooh Bah Entertainment and -- or, Enterprises in 2006, and McCleary and Meeker in 1991 and Roucek and Maier in 1991. We also had -- we submitted testimony from McCleary and Sexton, testimony on -- that was actually supposed to be on 3348. We used the findings that were actually referenced in the Texas Supreme Court case, as well as the Missouri Supreme Court case, when we submitted all the findings to the committee when we first ran the bill as 3348. So we have a host of studies and things that point specifically to this nexus.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen, if you could keep your conversations down a little bit and give the speakers your attention. Senator Lauzen, you have a second question?

SENATOR LAUZEN:

Thank you. Yes, I do. Actually, a clarification on the first. I understand the court cases that are like the first derivative of the function of the research that's been done in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

this area. Those are the court cases. But what I'm looking for is maybe two or three examples of what you have found or the courts have found are the most valuable studies that prove up the connection between strip club, alcohol, and violence against women, including rape.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

Dr. Richard McCleary, who's a Northwestern graduate - he's also a leading researcher - submitted the studies on negative secondary effects. He's now at the University of California-Irvine. And he's studied these things in multiple states across the country. His studies are actually cited in the Texas case; they're also cited in the Missouri case.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lauzen, your second question.

SENATOR LAUZEN:

Yes, the second question, and thank you very much for the - that backup. I understand that the studies and all these court cases come to the conclusion that -- that there's this connection between a strip club, alcohol, violence against women, including rape. That being the case, why would we allow it to continue to go on just as long as we tax it or license it? I mean, it's okay that we have violence against women, including rape; it's okay to continue that as long as we tax it and -- or license it? Could you -- could you share your thoughts on that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

One of the things that I opened my remarks about was that I wanted to be very, very clear in the fact that I am not saying that every person who goes into an adult entertainment facility, or bookstore, or any other place that sells this content, is someone who has a problem controlling their urges, so to speak, or actually is someone who ends up being a rapist. We've never said that. I would not ever make that statement because I don't think it's fair to do it, even in the sense of gaming. Anybody who goes to a gambling casino, I would not insinuate that that person automatically has a gambling addiction. What we are saying, and this has -- this has happened in multiple states -- when Missouri banned all alcohol sales, they did it because they recognized this nexus. The City of Chicago tried to ban all alcohol sales. We've got a number of clubs that are in the City that have sought to either do BYOB or fight the liquor ban altogether. It was more financially feasible for them to fight that ban and continue selling alcohol than it was to actually ban it. I didn't necessarily think that I was one that -- you know, there have been way many more people stronger than me that have tried to take out the strip club industry. That was not the intent of this thing. It was saying, adults are going to do what adults are going to do. These -- these facilities exist. In the areas where we can find a compelling interest for the State to mitigate the ills that happen as a result of this, then we have -- we have a duty to stand in. We do it for gaming. We do it for cigarettes. This is really no different than that. It's the same precedence that the State has -- that the State has already established in a number of different areas that you might want to call sin taxes. And I recognize that there are a

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

number of people in here who just don't like taxes on small business. I get that. This is a user fee. This is only affecting people who go. Clubs have the opportunity not to sell alcohol if they don't want to. And the other really important provision about this was that they also didn't want to add enforcement issues in the Department of Revenue and all those other things that kind of hamper small business, who are acting legally. Because there are a number of people who are legitimate business owners who do take -- care about the safety of their clientele and the people that -- usually they're the ones that have a whole lot more money -- but they do -- there are those that exist, and it's becoming way more mainstream. It is something -- especially since the act of nude dancing, in and of itself, is protected, I didn't think that this was something that I could take on. We're talking about First Amendment speech, so we couldn't go to content. But what I can say is, you don't have a constitutional right to add alcohol to the mix. And when you add alcohol to the mix, then we say, with a straight face to everybody around us, we don't want 'em next to a school, we don't want 'em next to a church, we don't want 'em next to where there's children playing -- is because communities and governments at every level have acknowledged that there is a nexus that can -- that contributes to the effects that we, as a society, have to mitigate. So the -- the safest, most creative way to find a revenue source for specific services -- specific services that are crucially needed and were not a priority when we had money; they are definitely not a priority now that we don't have any money -- this is not coming from GRF. It was how do we find a way to make it so that these places are open seven

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

days a week, three hundred and sixty-five days a year. If I could find a nexus someplace else, I would do it. This is one of those things that is a user fee attached to people who partake. It's not a general tax increase, but it was the safest way we thought we could answer a problem that is absolutely something that falls at our feet.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lauzen.

SENATOR LAUZEN:

Then -- I -- I follow the -- the train of logic and thought. Just a clarification, then, on that second question. Because the nature of violence against women and rape is so bad, why would we allow a condition that would allow it to happen once, or ten times, or a hundred times across Illinois? Because the nature of that crime -- it's -- it's not like, you know, when you're smoking; you're just, you know, putting cancer into yourself kind of thing. But it's such a serious thing, why would we allow it to occur even once?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hutchinson.

SENATOR HUTCHINSON:

The thing that I absolutely appreciate -- appreciate about the question you asked, is because I think it is an overall policy question and a societal question that we are going to have to deal with. We know that in this State, regardless of whether we're talking about strip clubs or any other thing, that one out of every six women and one out of every eight men will suffer a sexual assault at some point in their lifetime. We know this. We know that these community centers are operating

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

all across the State. Twenty-nine of the thirty-two of these centers are actually located downstate. There are several underserved areas in Illinois, and I want to highlight a couple of the underserved areas that would benefit from new or increased community-based programming. And this is programming, again, that reached more than eighteen thousand clients and nearly four hundred and seventy-five thousand people with preventative education. I don't know that, at thirty-nine years of age, I can answer the question as to how we completely ameliorate sexual assault, harassment, lewd and lascivious behavior, prostitution, sex trafficking and sexual assault in our lifetimes. I don't know how we ameliorate all of that. I don't know whether we can get to a point in our society where we could just make it go away and we could understand that violence against women, at any given point in time, is something that is an issue for all of us. It's not just a women's issue. I wish with all my heart we could. But what I have right here in front of me is a creative and stable revenue source that is only impacting people who actually use these -- or actually participate in these activities. And the underserved areas are -- Prairie Center Against Sexual Assault in Springfield serves eleven counties. That one agency serves eleven counties. And there are no rape crisis services in Evanston, Galesburg, or the far southeastern State -- part of the State. At their high, they were a little over five million dollars for statewide services. Right now, they're looking at cuts that go far below that. This doesn't get us all the way there, but it does say that the State is going to say, "This is a priority for us." I wish, more than I can say standing here at this microphone right

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

now, that I could find a solution to fix it. All I know is that this is a step in the right direction. And if I could be brave enough to listen to the stories of the women who call that hot line, and who show up at those centers, and who need services on a day-to-day basis, seven days a week, three hundred and sixty-five days a year, then I can take a few jokes and I can take a few crass comments about what this bill does. I can do that, because this is not for me, this is for them.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR DILLARD:

Thank you, Mr. President. I, as the father of two daughters, want to thank the sponsor for coming forward with this idea. I want to thank the Illinois Coalition Against Sexual Assault and the Rape Victims {sic} (Victim) Advocates. I was with Senator Hutchinson in downtown Chicago for a Committee on Assignments meeting the day that her idea to try to do something here - thinking outside of the box - hit the newspapers. And you've come a long way, Senator Hutchinson, from that first day, where some of the Chicago newspapers, you know, had it on the front page. One of 'em was pretty crass. And I really commend the way you have handled this -- this issue. You know, after all the uncomfortable jokes and snickers, we must pass this important law. And I really have been impressed with the way you've handled it. You've handled it well. And, in these tough budgetary times, to think outside of the box like this is -- is the way to go. And I just want to say thank you and I really have -- have admired, from the -- the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

first day that you've taken this bill on, the way you've brought it to this vote today. So, thank you very much and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Dillard. The last speaker seeking recognition is Senator Bivins. For what purpose do you rise?

SENATOR BIVINS:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR BIVINS:

Thank you. I'd like to thank the sponsor also for your hard work on this, and you -- you compromised and you put a lot of time and effort, and as you said, a lot of jokes about this bill. But it is a serious issue, and in my experience, I think you can make the connection, not only to this issue and this crime, but to many others with this -- these types of businesses. So I rise in support of your bill and encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR HUTCHINSON:

I wanted to say thank you and I wanted to also say that I know there's not a lot that we agree on and I know that this bill caused quite a conundrum for a number of different people who have a -- a -- a set ideology about how we tax and how we bring money into the State and then what happens to it once it gets here. And I want to say thank you to everybody who

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

encouraged us. I need to say thank you to Lieutenant Governor Sheila Simon for all the work she did to try to elevate the conversation, to ICASA and all the people who are walking around saying that this is a serious issue that deserves conversation, and for every single woman who told me what it was like to try to find services that weren't available. Thank you and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. The question is, shall House Bill 1645 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 53 voting Aye, none voting No, none voting Present. House Bill 1645, having received the required constitutional majority, is declared passed. Continuing on the Order of House Bills 3rd Reading is House Bill 1882. Senator Raoul. House Bill 2083. President Cullerton. House Bill 2557. Senator Forby. House Bill 2842. President Cullerton. House Bill 2891. Senator Raoul. With leave of the Body, we'll return to House Bill 2896. House Bill 2956. Senator Link. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2956.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is a pilot program for --

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

for the regulations of locating new cell towers in Lake County, and it began as a proposal based on Lake County telecommunication ordinances. Resulting legislation is a product of negotiation with the telecommunication industry. I know of no opposition and it is an agreed-upon bill.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 2956 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, 5 voting No, none voting Present. House Bill 2956, having received the required constitutional majority, is declared passed. House Bill 2984. Senator Clayborne. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2984.

(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 29 -- I mean, I'm sorry, House Bill 2984 is an initiative of the Illinois State Board of Education. And basically what happens is, when a district needs emergency funding, they automatically receive an FOP, a Financial Oversight Panel, but what the district -- what -- what ISB has -- ISBE has done, in some instances, they will sit down with the district that is --

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

has problems in terms of academics and enter into an intergovernmental agreement, where they basically control all the decisions that are made. And what they do is -- if they find out that money is needed, this will give them an alternative under that intergovernmental agreement to be able to request funds without the need for an Oversight Panel, because they've already taken control over the district. In one instance, the final arbitrator of all the decision making is done by the State Superintendent. So, they -- this gives them another tool by which they can correct either a financial or academic situation in our school districts. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR McCARTER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield. Senator McCarter.

SENATOR McCARTER:

Senator Clayborne, can you -- can you kind of give us a layman's version of what's happening in East St. Louis right now? Because I think some people are a little afraid of some of the -- the things in this bill and I think once you explain it and what's happening there, we'll understand it a little better.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

This -- you know, I -- I don't know if this necessarily

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

applies to East St. Louis anymore. But -- but, basically, what -- what's -- what happened in East St. Louis and North Chicago, instead of the -- the State Superintendent coming in and abolishing the school district, he came in and entered into an intergovernmental agreement by which basically all decisions that were made, ultimately the -- the -- regardless of what the local school board does, the State Superintendent has the final authority. So, basically, in East St. Louis, they came in; they told them that they had to hire this superintendent. They hired the superintendent. They told them they had to raise taxes by seventeen percent. They did that. They told them they had to lay off four hundred people. They did that. Then they decided that they needed to request emergency money. So, they decided that instead of -- under this emergency money, they get a -- automatically get a -- a -- a -- a Financial Oversight Panel. And they decided that maybe, in some instances, that wasn't necessary, when the superintendent has the authority, ultimate authority, to make the decision. But, currently, what's happening in East St. Louis is that they -- they've instituted an Oversight Panel and they are -- there's a hearing, I think, on June 21st to abolish the board. So this may not apply to East St. Louis. But it's another tool that it gives the State Board, where they've entered into this intergovernmental agreement, the ability to request emergency funds, if it's -- if it's determined that that district needs it.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Senator Clayborne, the -- so, I understand how it applies

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

to East St. Louis now. Thank you. The emergency funds, is that -- is that money that has to be paid back?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes, it is. And -- and basically what will have to happen, it's estimated that the school district will have to raise taxes by thirty-eight cents to fund the revenue stream in order to borrow the money from the State.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

How do you figure that thirty-eight cents? Because that would be based on an EAV that would be different in every community, right?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct. I -- I didn't make that determination, Senator. That -- that's what the State Board told me.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

So there's a set amount? Or are you just giving an example of what it -- what it would be?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

No. That thirty-eight cents is just for the District 189

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

School District. They -- they will have to -- to -- that will be their revenue stream to support a bond issuance by the Illinois Finance Authority.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Is -- is there any limitation on how much emergency funds that can come to a district?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yeah. That -- that -- that's dependent on what they need and it's set by the -- the Oversight Panel -- or -- or, I'm sorry, the Finance Authority to determine what -- what each district may need.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

In -- in a community like East St. Louis, where you've got a -- a very, you know, low tax base, I mean, how -- how do you pay substantial funds like that back?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

Again, and -- and I agree with you wholeheartedly, I -- it's a burden on them. But just like any other district, the taxpayers of that district are going to have to pay for it by raising the tax.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senator McCarter.

SENATOR McCARTER:

So, once you decide on the -- the amount of emergency funds that are needed and whatever that equates out to as cents per -- you know, dollars per hundred, how -- who -- is it only the Board -- the Oversight Panel that approves that, or do the voters approve that in any way?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

No. It's the -- it's the Oversight Panel, along with the administration, the Finance Authority, and the State Superintendent.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

So, the voters really don't get a say in how that is handled?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, do you have more?

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

...bill, Senator.

SENATOR McCARTER:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

You know, this is a -- this is a tough -- tough decision because you've got school districts that are in trouble and in trouble not just because of one person or -- or one incident. Typically, it's repetitive-type problems. Things -- it's not one bad school board member; it's a collection of those that -- that cause some real problems. But it doesn't seem like there's a -- a -- a way for the taxpayers to be able to have a say in this as to how much -- how those emergency funds are paid back and whether they really can be paid back. And so, I guess that's my concern about the bill. I understand it's a bad situation. But without any kind of a referendum, I have a hard time supporting the bill. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Seeing no further discussion, Senator Clayborne, do you wish to close? Senator Clayborne.

SENATOR CLAYBORNE:

Again, this is just another tool by which the State Board of Education has a right to intervene. They have -- right now, if -- if any district needs emergency funding, basically they will come in and -- and take over that district. In this instance, they've come in, they've entered into an intergovernmental agreement, and under that agreement, if we pass this, they can also request emergency funding. It's no different if they came in and took over the district and implemented a FOP. They would then request the money. This just gives them another tool if they decide to enter into a intergovernmental agreement. It has nothing to do with East St. Louis right now. It has everything to do with school districts that may have either academic or financial problems in the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

future and it gives them an alternative. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall House Bill 2984 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 40 voting Aye, 13 voting No, 3 voting Present. House Bill 2984, having received the required constitutional majority, is declared passed. At the bottom of page 8 of your printed Calendar, House Bill 3076. President Cullerton. Top of page 9 of your printed Calendar. House Bill 3329. Senator Raoul. Senator Raoul seeks leave of the Body to return House Bill 3329 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 3329. Mr. Secretary, have there been any amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul, on Floor Amendment No. 3.

SENATOR RAOUL:

Floor Amendment 3 deletes all and becomes the bill. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR HARMON)

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul, on Amendment No. 4.

SENATOR RAOUL:

I'll explain 4 on 3rd as well.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul moves for the adoption of Floor Amendment No. 4 to House Bill 3329. All in favor, say Aye. Opposed Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, have there been any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 3329. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3329.

(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 -- House Bill 3329 allows the City of Chicago to issue liquor licenses to two new Mariano's Fresh Market grocery stores, each of which is located within a hundred feet of a school. The sale of alcohol is -- at the stores is incidental

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

to their operation.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Seeing none, the question is, shall House Bill 3329 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 47 voting Aye, 9 voting No, 1 voting Present. House Bill 3329, having received the required constitutional majority, is declared passed. House Bill 3340. Senator Haine. Senator Haine seeks leave of the Body to return House Bill 3340 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 3340. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine, on Floor Amendment No. 2.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 2 is -- is a technical amendment just clarifying the provisions in the original bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine moves for the adoption of Floor Amendment No. 2 to House Bill 3340. All in favor, say Aye. Opposed Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, have there been any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading, House Bill 3340. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3340.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This House bill is an -- an initiative of the Secretary of State's Office and the -- the Recyclers of Illinois. It has a definitional change which provides that a -- that a person can only engage in business of acquiring five or more previously owned vehicles in one calendar year for the primary purpose of scrapping vehicles, unless {sic} that individual is licensed as an -- automotive parts recycler. And it prohibits any person from engaging in the business of acquiring previously owned vehicles, unless the individual is licensed. The definitional change, as I indicated, is at the request of the Auto Recyclers, because the current definition only requires individuals who obtain vehicles with the primary purpose of disposing of parts of a vehicle to become licensed recyclers. These are -- this applies now to people who take an entire car and dispose of it in either fashion, wholly or in parts.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Is there any discussion? Senator

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Bomke, for what purpose do you seek recognition?

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he'll yield. Senator Bomke.

SENATOR BOMKE:

Senator Haine, I support your legislation, but clarify for me, if you will. In committee, there was a question -- under current law, as I understand it, a dealer is someone who purchases and sells five cars in one year. But when I left committee, I recall you saying that's only applicable if a -- if a title transfers hands. So does that mean, under current law, if someone just has an old vehicle they want to get rid of and someone wants to purchase it to -- to scrap it out, that they could do that under current law, and do more than five, and they would not be considered or construed a dealer?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine.

SENATOR HAINE:

Yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Bomke, anything further? Senator Mulroe, for what purpose do you seek recognition?

SENATOR MULROE:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield. Senator Mulroe.

SENATOR MULROE:

Senator Haine, for purposes of legislative intent, will the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

legislation require any current scrap processor licensed by the Secretary of State to become licensed as a recycler?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine.

SENATOR HAINE:

Thank you, Senator Mulroe. The answer is no. The language of the proposed legislation will only require those individuals who purchase an entire vehicle with the intent of taking that entire vehicle to the scrap processor to become licensed as a recycler. The cost of the license, by the way, is fifty bucks. A -- a -- a dealer in automobiles or a used car dealer, it's a thousand dollars.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Haine. The question is, shall House Bill 3340 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. House Bill 3340, having received the required constitutional majority, is declared passed. House Bill 3372. Senator Dillard. House Bill 33 -- I'm sorry, House Bill 3450. Senator Muñoz. House Bill 3611. Senator Koehler. House Bill 3779. Senator Link. House Bill 3840. Senator Silverstein. House Bill 3825. Senator Frerichs. Senator Frerichs seeks leave of the Body to return House Bill 3825 to the Order of 2nd Reading. Is -- seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 3825. Mr. Secretary, have there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Floor Amendment No. 2, offered by Senator Frerichs.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Frerichs, on Amendment No. 2.

SENATOR FRERICHS:

I'll be happy to discuss the amendment on 3rd -- 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Frerichs moves for the adoption of Floor Amendment No. 2 to House Bill 3825. All in favor, say Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Have there been any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 3825. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Frerichs.

SENATOR FRERICHS:

Thank you very much, Mr. President. This is a bill designed to stop a -- a growing problem over the last several years. As we've seen increasing costs for scrap metal, especially copper, we've seen increasing theft throughout the State of Illinois. House Bill 3825, as amended, amends the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Recycle -- Recyclable Metal Purchase Registration Law to provide that all purchases must be recorded in an electronic record-keeping system, instead of on Illinois State Police forms. The bill requires that recyclable metal dealers retain transaction records for three years, instead of two now. However, photographs need only be retained for three months and video recordings only need to be retained for one month. The bill requires that dealers immediately notify law enforcement if they suspect material to be lost or stolen. Provides that any person who knowingly sells or attempts to sell a prohibited category of recyclable metal without written documentation of ownership is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second or subsequent offense. This is a result of a lot of compromise. It's going to produce something that I think will be really beneficial to homeowners throughout the State, through -- for property owners who have seen their properties -- copper wiring stolen, their air conditioning ripped out because of the high price of copper, and hopefully will do something to detour that threat. I request a favorable vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 3825 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. House Bill 3825, having received the required constitutional majority, is declared passed. House Bill 3865. President Cullerton. House

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Bill 3875. Senator Muñoz. House Bill 3934. Senator Garrett.
House Bill 3935. Senator Haine. Mr. Secretary, please read the
bill.

SECRETARY ANDERSON:

House Bill 3935.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine.

SENATOR HAINE:

Mr. President, I desire to -- move to table Amendment No.
1. Senate Amendment 1.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine moves to table Senate Amendment No. 1 to
House Bill 3935. Pursuant to Senate Rule 7-10(a), a motion to
table is neither debatable nor amendable. Those in favor will
say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 1
is tabled. Senator Haine, on House Bill 3935.

SENATOR HAINE:

House Bill 3935 amends the Consumer Installment Loan Act
and the Payday Loan Reform Act to state that if an unlicensed
entity should make a license or make -- that should have a
license, if they do not and they make a loan, they will not have
legal recourse for collecting, receiving or retaining any
principal, interest, or charges relating to the loan in
Illinois. These are targeting out-of-state - frequently in
foreign country - based lenders who target Illinois citizens and
they do it with various enticements, resulting in fraud on the
consumer. And this would render their contracts void in the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

State.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR J. COLLINS:

Thank you, Mr. President. Senator Haine, for the purpose of legislative intent, is the intent of this legislation to allow an Illinois resident to travel out of the State to obtain a loan from an out-of-state lender and then return to Illinois, making a claim that since the lender is not licensed in the State of Illinois, they, as the borrower, have no duty to repay the loan?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine indicates he'll yield for a question. Senator Haine.

SENATOR HAINE:

Thank you, Senator Collins, for that question. No, that is not the intent of this legislation. This legislation is designed to protect Illinois consumers from unlicensed Internet lenders. A loan made to an Illinois consumer at a brick and mortar location in a state other than Illinois is not a loan made pursuant to this Act.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Collins.

SENATOR J. COLLINS:

Thank you for that, Senator Haine. Please allow me to state a hypothetical. If an Illinois resident travels to Wisconsin for the purpose of obtaining a consumer loan from a licensed Wisconsin lender, could they seek the protection of

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

this legislation by claiming that the lender is not a licensed lender in the State of Illinois, thus avoiding repaying the loan?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Haine.

SENATOR HAINE:

Thank -- thank you, Senator. The individual you -- in your hypothetical, would not, could not use this legislation, this Act, if it becomes law, as a means to circumvent the obligation and responsibilities of paying a loan consummated in another state by a licensed lender in that state. The intent of this legislation is to target unlicensed Internet lenders who prey on Illinois consumers.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR McCARTER:

Senator Haine, thank you for making the -- the intent of the bill very clear. This came through our committee with no -- with no objections whatsoever. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Seeing none, the question is, shall House Bill 3935 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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

the record. On that question, there are 59 voting Aye, none voting No, none voting Present. House Bill 3935, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, the Chicago Tribune requests permission to take still photographs of the proceedings. Is there any objection? Seeing no objection, leave is granted. Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

Message from the House by Mr. Mapes, Clerk.

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

Senate Bill 2840.

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

House Amendment 2 to Senate Bill 2840, House Amendment 4 to Senate Bill 2840, House Amendment 5 to Senate Bill 2840.

Passed the House, as amended, May 24th, 2012. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please report to the President's Anteroom immediately? The Committee on Assignments will meet. Will all members of the Committee on Assignments please report to the President's Anteroom immediately? The Senate will stand at ease. (at ease)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Harmon in the Chair. (at ease)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Human Services Committee - Senate Bill 3920; Be Approved for Consideration - Floor Amendment 2 to Senate Bill 3362 and Motion to Concur on House Amendments 2, 4, and 5 to Senate Bill 2840.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, the Illinois Channel requests permission to videotape the proceedings. Seeing no objection, leave is granted. Senate Supplemental Calendar No. 1 is being distributed to the Members' desks. In just a moment, we're going to turn to Senate Supplemental Calendar No. 1. Ladies and Gentlemen of the Senate, we are turning now to Senate Supplemental Calendar No. 1. On that Calendar is the Order of Secretary's Desk, Concurrences on Senate Bills. And on that Order is the Motion to Concur in House Amendments 2, 4 and 5 to Senate Bill 2840. Senator Steans, are you ready to proceed? Mr. Secretary, please read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 2, 4 and 5 to Senate Bill 2840.

Filed by Senator Steans.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans, to explain your motion.

SENATOR STEANS:

Yes, this motion to concur is a motion to concur with the Senate Bill, you know, 2840, the Save Medicaid Access and Resources Together Act. This is the first bill on a -- or, one of a number of bills that is to reform our Medicaid system here in the State of Illinois. It's really in total about shared sacrifice and making a lot of tough decisions here for the overall good of the State. It's been a very collaborative process in coming to this point in time. I very much want to thank my colleague, Senator Righter, across the aisle, and across the other side of the dome, Representatives Feigenholtz and Representative Bellock, as well as the Director of the -- of the Medicaid program, Julie Hamos, and her staff. We've all been really rolling up our sleeves and working very collaboratively, for many hours, to try to come up with a way of really minimizing the pain people are going to have to experience to save the Medicaid program overall and to make sure we're continuing to provide high quality healthcare for the many people who depend on this. This bill itself represents 1.6 billion dollars in reductions. Those come from eligibility changes to the Medicaid program. FamilyCare is reduced to a hundred and thirty-three percent of the federal poverty level. General Assistance adults are also no longer eligible, although the intention is to move many of those clients on the Cook County waiver. We're also terminating the Illinois Cares Rx program and enhancing eligibility verification through annual redeterminations and canceling cases of clients with out-of-

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

state addresses and such. This also sets service changes and utilization controls on some of the services that are in the Medicaid program, such as eye -- adult eye glasses are limited to one pair of glasses every two years for clients and we're limiting dental coverage to adults for emergencies. It eliminates certain optional services, like adult chiropractic and podiatry services. We also are implementing care coordination for a greater number of folks with mental illnesses. And like other states have done, we're limiting the number of prescriptions a client can fill each month, although with some classes of drugs being excluded from that exemption. And anyone can go above the limit, based on medical need. Final aspect of this bill is doing cost-sharing and rate cuts for our providers. There's co-pays that'll be increased and, generally speaking, there's rate cuts of 2.7 percent for providers. Physicians, dentists and FQHCs are excluded from that rate cut. And the hospitals: Critical access hospitals and safety nets do not have a rate cut, with a 3.5 percent rate cut on the other hospitals. Again, this is -- there's pain in this bill. We very much have been trying to minimize the pain, making it the least pain felt to the least number of people. And I think it's something that's going to put us in a much better trajectory for the Medicaid program for years to come and is a critical aspect to restoring fiscal health in the State of Illinois. I welcome your questions.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Steans. Is there any discussion? Any discussion? Senator Jacqueline Collins, for what purpose do you seek recognition?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR J. COLLINS:

Thank you, Mr. President. There are many things in this budget -- or, in this particular bill that I find objectionable. I view any policy that we put forth as a moral document and especially how it treats the least of these. And, Senator Steans, I commend you for your work. But let me address one particular issue that is of particular concern to me. For years, Illinois nursing home residents and family members have struggled with weak regulation of nursing facilities that has allowed for substandard care, neglect and abuse. As I pointed out with the passage of the Nursing Home Reform Act, there can be no reform -- no or little reform without addressing the RN staffing disparity between majority white and majority black and brown nursing homes - even with comparable Medicaid counts. Studies have shown a strong positive correlation between RN staffing and overall quality of care. Illinois ranks number one in the most poorly rated black nursing homes in the nation. So, much to my dismay, Senate Bill 2840, which establishes a minimum ten percent RN staffing level, suddenly appeared even as I was engaged in what I thought were good faith negotiations with HCCI and community advocates on a compromise proposal for JCAR that would provide RN staffing somewhere between fifteen percent and twenty percent - something the Governor's representative, Michael Gelder, assured me could be done. But HCCI evidently decided that this was a waste of time and did an end run around the process and negotiated directly with the Governor's Office, leaving the residents and their advocates out of the room when deciding their fate. So, Governor, it appears to me that, once again, with your consent and complicity, the needs and concerns

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

of black and brown nursing home residents have been trampled by the clout, money and influence that dishonors and disrespects the democratic process and disenfranchises the well-being and welfare of our most vulnerable populations. Good policy dictates that all nursing home residents deserve quality care, regardless of race, geography and income.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul, for what purpose do you seek recognition?

SENATOR RAOUL:

First of all, a question of the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates she'll yield. Senator Raoul.

SENATOR RAOUL:

In committee, we heard testimony about the delayed implementation of RUGs. Can you comment on that, and how -- how and why?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Yes. Thank you for your question, Senator. So, RUGs is a new methodology to reimburse nursing homes that's based more on acuity of need and reimbursing based on that. I am a big fan of it myself. It was something that the Department of Healthcare and Family Services has been working on for a very long period of time. When -- when we passed the Nursing Home Reform bill, we sunsetted the current methodology this June, next month. And the -- and it included then having working groups set up to try to have a new methodology put in place. So there was never an agreement that that working group came to around a new

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

methodology. There's different aspects to the nursing home -- you know, organizations. One wanted to go to RUGs; the other did not. I think the nursing homes, to which a previous speaker was referring to, really like the RUGs methodology, as do I. And -- so I think it's a win that we got the new RUGs methodology in this bill. I'm very happy about it. Around that then, it was a negotiated compromise amongst players that it would be done over -- not for eighteen months, instead of a year like we're doing with the hospitals. So, the new RUGs methodology is getting in -- put in place eighteen months after the effective date of the bill, rather than in a year like the hospitals.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Raoul.

SENATOR RAOUL:

And -- and you indicated that the RUGs methodology would be beneficial to the nursing homes that Senator Collins had referred to, but it was also indicated in committee that there was an expectation that they'd be able to take advantage of that on -- on July 1st of this year. Some of those nursing homes may not survive the eighteen months. And -- and, you know, my dad was a community physician and he serviced a lot of the urban nursing homes, and he also was the type of physician that never rejected a patient because of their inability to pay. He would come home with a fruitcake sometimes because he wouldn't reject a patient, 'cause he believed that healthcare was a human right. And I just -- I -- I would do my dad a disservice -- and I have to note that my name is up on the bill. The underlying bill was a different bill than what has come back. I filed in a slip to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

remove my name from the bill because I cannot be in support of this knowing that some of these nursing homes and -- and other providers that -- are servicing our most vulnerable population. I know and I commend the sponsor on the work that's been done over time to -- to negotiate on this, but we aren't talking about just cuts that are -- you know, the word painful has been used. But this is health. This is life for many. And I -- I'm not comfortable to be in support of this bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates she'll yield.

SENATOR LAUZEN:

Senator, I've had constituents kind of challenge the movement of -- of this reform, saying that, well, Chris, we're - - we're tightening eligibility on services under Medicaid for citizens of our State; however, the impression that they have is that there's no tightening of eligibility for those people who are breaking the immigration laws. So -- where we have, you know, an audit that came out from the Auditor General about KidCare. I was wondering if you would address what I'm hearing back from some constituents - and, actually, some State employees, but on a different bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

This bill does -- makes no changes to the ALL KIDS program or providing healthcare for undocumented children. That is something I very much fought to keep out of this bill. I'm pleased it's not in this bill. I think the general consensus has been that providing healthcare for kids decreases our costs overall in the long term and is the right thing to do. These kids, whether they're documented or undocumented, are going to school together. They live in our neighborhoods. We want to get them into the care that they need and keep them healthy. It's a much better investment - preventative care up front - to -- than having to treat folks for illnesses and whatnot on the back end. So, yes, there's no change to that.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Shall the previous question now be put?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Jacobs moves the previous question. There are eight speakers still seeking recognition. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Question for the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she'll yield.

SENATOR HUNTER:

Senator Steans, I also would like to commend you on all the hard work that you've done, all the -- the hours, the many, many hours that you've put in this entire process, but I'm really concerned about a number of issues. Particularly, why is it

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

necessary to make this bill effective July 1? Why can't we wait six months? You're not allowing time for an appropriate transition period of notification. What's the rush?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

The concern is that if we wait six months, we won't be able to achieve the savings that are identified in this. The reason we're at this point in time, where we're having to make such dramatic change to the program, is because we underfunded the Medicaid appropriation this year. And at the end of this fiscal year, we're expected to have about 1.9 billion dollars in unfunded Medicaid bills -- bills due. If we continue to postpone doing it, that's going to be exacerbated and then we're going to have to make even deeper cuts to the program. Trying to get it solved as quickly as we can at least minimizes the kinds of cuts and reductions we need to make. So we need to be able to get implementing on these items in the bill as soon as possible.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

You say you're trying to get it done as quickly as -- as you possibly can. What about a transition period? Why couldn't you have transitioned this, the cuts, over a period of time? You know, don't you -- don't you know how desperate people are? People are sick today. The healthcare system today is not fully operable for poor people anyway, and now you're talking about taking them completely off the rolls. Why not a transition

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

period, Senator?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Well, we, first, have limited who we're actually taking off the rolls - that's been very intentional. There are a couple of places where that happens, but we've really tried to limit that so that it's more done through cross-utilizations and efficiencies. And as I -- maybe I wasn't clear in my explanation, the reason we need to be doing it is so we don't have to do more dramatic and drastic changes and have more people have to go off and cut more services, because the time that we wait, means we have bigger deficit problems and more -- and deeper cuts that we need to make. So dealing with it sooner than later is going to prevent us from having to make even more dramatic changes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

I heard you mention that -- that you did this intentionally. Can you further explain yourself?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I'm sorry, I don't -- I'm not sure what I said about intentionally. I mean, we're trying to do this as quickly as possible so we minimize the depth of the cuts that we have to do.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senator Hunter.

SENATOR HUNTER:

Senator, how do you plan to notify these recipients that they no longer have services?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

No. The -- they'll probably be sent -- I'm not sure exactly what the procedures are. I'm sure the Department of Healthcare and Family Services will work out a procedure. They'll probably get notified via the mail and have a place that they can respond to by phone call.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

Ladies and Gentlemen, in my opinion, this is not reform. This really is not reform. We're balancing the budget on the backs of the poor. That's what we're doing here today and it is criminal. It is really criminal, for anyone who votes Yes for this bill. They're balancing the budget on the backs of the poor today. And I don't see how you all are going to be able to sleep tonight by doing so. I would ask for an Aye vote -- No vote.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR McCARTER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Sponsor indicates that she'll yield. Senator McCarter.

SENATOR McCARTER:

Senator, is there any -- or - I think I know the answer - but can you explain the connection between this bill and House Bill 5007?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

House Bill 5007 is the Cook County waiver bill and there's a relationship that these are connected in that they need to all -- both pass for them to become enacted into law. But they're separate bills.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Okay. And from -- from what I can tell and I think our analysis shows that this is about, the value of these reforms - which, by the way, I -- I do commend you for the hard work that you've put in to this, as well as those on our side. But the value is about 1.36 billion. Is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

It's 1.6 billion. It -- with the rate cuts as well to providers. 1.6 billion.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

Okay, so there is a difference, and -- and I -- I said 1.36

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

'cause that's the reforms, because I don't consider the -- the rate cut a -- a -- a reform. So, was -- was not the challenge to arrive at a total of 2.7 billion in -- in reforms?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

The challenge is to arrive at a 2.7-billion-dollar solution to address the full unfunded Medicaid liability.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

So, I heard -- I heard you use a different word there - solution. So there's -- so really you didn't -- you didn't see the challenge as 2.7 in reforms; it was whatever we can come up in -- with reforms, plus anything else that we can put in to make that 2.7?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I believe we're using a balanced approach in addressing this issue. No other state has undertaken quite this magnitude of dealing with the Medicaid problem in a single year. 1.6 billion is a significant part of a fourteen-billion-dollar Medicaid program. In addition to that, we'll be seeing other parts of the bill which include new revenues as well. I think that's a more balanced approach. I think it would've been very challenging to, in fact, come up with the full 2.7 billion in cuts and that kind of pain. We're trying to do this in a balanced way, so we can maintain a strong safety net of

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

healthcare for the neediest in our State.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter.

SENATOR McCARTER:

To the bill. You know, I...

PRESIDING OFFICER: (SENATOR HARMON)

...bill, Senator.

SENATOR McCARTER:

I -- I have -- I know this is a big challenge, but we're a big State and we've waited a long time to implement these changes. And just in the last three years that I've been here, I know there have been bills that have been put forth and either ignored or voted down, and we had a chance to implement a number of these reforms years ago. So, the fact that we've waited so long is no excuse to say this is too big a challenge for us, especially when there are groups like Illinois Policy Institute who've listed 2.7 - actually more - almost 2.8 in just reforms based on what other states have already done and put in place that are not -- that are not duplicated in what we -- what we have put forth here. So, I'm -- I'm very happy that we've got the reforms. I don't consider another rate cut to the providers, who we have cut time and time again, a reform. It's unfortunate that that is part of this. I don't like that part of the bill. I think we've got to start somewhere and we've got to start now with the reforms. I like the fact that we've got a third-party provider to -- to look at eligibility. I think that's a good thing. I think that we need to make sure that we've got accountability in this process. I -- I think we -- we probably could've even asked for more with a auditor general

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

over Medicaid that would give us a three-month report as to where we're -- how we're progressing. But, you know, we've taken -- the -- the final part that I've got to -- is uncomfortable for me, is this connection to the Cook County waiver. And I'm -- I wish it wasn't connected, but like I said, we've got to start somewhere. And I just hope that this is not the end, and we can go further and look at more reforms in the future. But, thank you for your work and I'll be supporting the bill.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR DELGADO:

Thank you, Mr. President, Members of the Senate. To the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR DELGADO:

I find it very difficult tonight as I -- as many of us are Walking Contradictions, a great poem of the seventies. I commend Senator Steans as an individual - a great statesperson, highly, highly reasonable, very intelligent. And you know how we do it around here - we don't soften them up so we can stick a fork in 'em. Because these are true statements and comments - 'cause she knows my feeling; as we say in Puerto Rico, no tengo pelos en la lengua, I have no hair on my tongue - I'm going to tell you like I feel. I chair Public Health. I chaired Human Services in the House for eight years. Think I'm a fair person. However, at the end of the day, we have other alternatives to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

fund Medicaid, in terms of the offsetting. Could have been? Oh, goodness. And what we're doing in gaming - I understand it's a protracted process and I want to be sensitive to that. There was monies that could've been raised on license fees. There could have been monies raised in terms of maybe looking at alternative television. But there is real bills out there that could have totaled about a couple hundred million more dollars. But we're taking it out of the entire torso of the human being - not the lower torso, not the upper torso, but the whole body. We continue to go back to the people that -- someone on the other side of aisle kept saying, "Illinoisans don't want to pay for these things. People in Illinois don't want these things." Well, if they did not want 'em -- well, on this side of the aisle, we're a great majority, and I'm not going to get political, but the people of Illinois spoke. And, actually, I'm not too content with the entire deal, because they have balanced this on the back of the communities. Today, it's politically correct to call us a Latino Caucus and an African-American Caucus and a Woman's Caucus for a reason. Although, I was born in North New Jersey of Puerto Rican parents, but I'm a Latino legislator when I walk around here. I like to think I'm a legislator first - and I'm proud to be Puerto Rican. At the end of the day, it saddens me that we are your menu. It saddens me that the other caucuses don't call themselves what they are, and who has our purse strings. These families are being decimated. At the end of the day, I do commend the Senator and the President of the Senate, in terms of at least looking down the road and understanding what is occurring around us. And -- and the rich are doing a good job keeping their foot on our neck.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

But because I do understand this process, in fifteen years, because I still trust in Illinois and America, because I trusted my colleagues and -- and Senator Steans and Senator Kotowski, as Chairs of Appropriations, have done yeoman's job and very up-front and very supportive of my issues. No matter how difficult it has been to sit on the Medicaid Committee, how the heck can we come to an agreement when we have a political race coming up and people wanting to stop affordable healthcare in America - which I was part of in 2002, with then-Senator Barack Obama as the chief sponsor of universal healthcare in the State? When I was in the House of Representatives, I was the chief sponsor of that. And I'm glad Barack ran it all the way to the White House. I just wanted good public policy. 'Cause see, I make the minimum as a State legislator on a full-time - well, actually, the Beatles wrote "Eight Days a Week - the Lord gave me seven. But, at this point, we're talking about black and brown communities that are decimated. But I pray that I can continue to -- put my faith in this President who has talked about other deals that we can do to try to offset this as we go down the road. But the pain will be now. And these -- and the pain we're going to suffer, I see it everyday on Armitage Avenue in Humboldt Park. I see it now when I go down to visit my good friend as the -- a northern member of the Gallatin and Saline County Farm Bureau, in Gary Forby and Representative Phelps' district. I see that this isn't about the color of our skin. It's about socioeconomics - and it impacts us all. So, at the end of the day, if they didn't get us in the wash, they get us in the rinse. Trying to find the right way to be able to morally, intellectually try to understand this process, 'cause

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

once we got the memo, things changed. The demographics are changing in this State. But many people don't get that until your districts change. And then you, too, will go on more than showing up at a local Wendy's and maybe at a stop in Joliet and dealing with real people, getting a hamburger or getting a breakfast, as I did with a good friend on the other side of the aisle and realized the real political difference standing there, getting an order, and how I blended in and someone stood out. It was very clear that morning, 'cause this was last year under a budget and there was truckers in there criticizing the attempt on the budget. But they didn't seem to look at me, they looked at the other person on the other side of the aisle, and that person knows who he or she is. But I felt that was a sociological reality for me as an inner-city Puerto Rican, as an American citizen. This ain't about immigration. It's about human beings. This ain't about -- this is about Medicaid. But at the end of the day, on this particular bill, it saddens me. We're going to continue - as Public Health, we have worked with safety net hospitals - but continue the rich -- continue to give the rich hospitals and communities more money in their tax assessments of Medicaid. And it's all one - you can't separate 'em. You could compartmentalize 'em, but you can't separate 'em. It's all about a human being called an American, an Illinoisan. So, at the end of the day, we got to really search our souls. And Senator -- Senator Hunter wasn't far from that. Matter of fact, she's closer than I am. But we need to move and we need to be able to reconcile. But on this particular bill, search your souls, but I cannot and will not participate - and I've never given my Dems a No here - I'll vote Present. But

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

people, this doesn't stop there. It's a slippery slope. And this has been initiated by my Democratic Party. I'm really concerned about the future, because everything was thrown on the table. So we need to stand by our Democratic principals and our Democratic precepts, and when someone else is in charge, they can put it on the table. But we've been able to restore quite a bit with the help of the Senate President and many of our leaders - one of them is in the well - and I thank them for that, and the support of Senator Kotowski, and the definite support and the hair pulling that Senator Steans and I have been through, as friends, because we are very personal friends. But at the end of the day, we need to search our souls on where we're taking Illinois and its people - not in Chicago, because we live in Collinsville, we live in Joliet and we live in Elgin and we live in Rockford, and we will be at your door. At this point, Mr. President, it's very -- I would ask that we search our souls, but I will not be, on this particular bill, supporting on a moral level, although I understand the intellectual one. But I'm tired of Latino and black caucus being on the menu when we should have been at the table fully immersed. And although I sit on the Committee on Medicaid, I was like a fish in shark -- I was a minnow in shark water, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Delgado. WICS-TV requests permission to videotape the proceedings in the Senate. Seeing no objection, leave is granted. Senator Meeks, for what purpose do you seek recognition?

SENATOR MEEKS:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she will yield.

SENATOR MEEKS:

Senator -- Senator Steans, thank you so much for your diligence and your hard work on this piece of legislation. I just have a few questions. One is, is this the idea - the 2.7 billion dollars in Medicaid cuts - is this the idea of the Governor?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Well, it's -- this is 1.6 billion in cuts. I think the other 1.1 billion is coming from new revenue. And this was a proposal initially put forward by the Governor, but there's been a working group of, you know, legislators from each of the caucuses then, working through this as well.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Meeks.

SENATOR MEEKS:

All right. Thank you. So, the 1.6 billion dollars was an initiative of the Governor? That was -- I think your answer was yes. The second question I have is this: Do you have an idea of how many of these cuts that were worked on are an idea of the Governor? It's a long...

PRESIDING OFFICER: (SENATOR HARMON)

Sorry, Senator Meeks. I thought you were done. Senator Meeks.

SENATOR MEEKS:

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Yeah, I'm just simply saying it's a long list of cuts - hospice, dental. And so how many of those cuts do you know of that came directly from the Governor's Office?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Well, the -- the -- the -- there are sixty-one different items on here. And what I would say is that this all started from a list of all the various options that were there and sort of got winnowed down and things added and whatnot. So a number were certainly put forward originally from Governor and his staff, but, you know, things have been added and subtracted by everyone who's been around that table.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Meeks.

SENATOR MEEKS:

Last question. Does the Governor support this bill?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Yeah, I believe the Governor will sign this bill, if passed by the General Assembly.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Meeks, are you still seeking recognition? Senator Meeks.

SENATOR MEEKS:

To the -- to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR MEEKS:

I -- I paid close attention to the Governor's campaign this last election cycle and I never heard him say at one time that he was cutting 1.6 billion/2.7 billion dollars from Medicaid. Not in one election speech did I hear the Governor say to the people of the State of Illinois - I'm not going to make it a black issue or a brown issue, even though I believe that this is being balanced on the backs of poor people - but I never heard him go to one poor community and say to those voters, "You know what, if elected, I'm going to cut 2.7 billion dollars/1.6 billion dollars out of Medicaid." But now that he's elected, what happens? As my good friend Senator Delgado said, they're on the menu. I -- I think that this is a moral disgrace. I think that -- as Senator Jacqui Collins says, and I know that many of my colleagues will understand this reference, but we do have a moral obligation to the least of these. That's how you measure a society. You don't measure a society on how it treats its wealthy citizens; you measure a society on how it treats its poor. And I would just hope that all of us would examine ourselves and ask ourselves a question: Are -- are -- are there people who really need these services, that once we push that green light are we pushing people into the grave? That -- that's the question that we really need to seriously ask ourselves and I would ask all my colleagues for a No vote.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Meeks. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

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

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she'll yield. Senator Syverson.

SENATOR SYVERSON:

Thank you, Senator. Just a -- a quick question. I was -- I was looking through here, and on the area of adult dental, we talk about leaving emergency care in, but then we're still talking about a gross savings of about thirty-five million dollars. Is there a definition of what's -- what is in -- what is a emergency adult dental and what won't be covered now that is currently covered under that?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

There's not a definition of what emergency care is going to be. I think that's going to have to be worked out in -- in rule or some other policy or procedure mechanism. But it is for emergency. Originally, in the original proposal from the Governor, it had been eliminated. We have restored it, so there is emergency dental care provided.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

How do we determine then, I guess, that -- the -- the thirty-five-million-dollar savings, if emergency adult dental was usually what they covered anyways? If we're talking about extractions or root canals, or unless, again, it's very limited to strictly just extractions? How -- do you know how we came up with that thirty-five million number?

PRESIDING OFFICER: (SENATOR HARMON)

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

Senator Steans.

SENATOR STEANS:

I -- I don't know the specifics about exactly how that savings number was derived. I know that HFS folks had worked diligently to put the numbers on all these. I can get back to you with how that was arrived at. I just don't have that detail on me.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Syverson.

SENATOR SYVERSON:

Okay, thank you. And I can get -- I'll get that information from you earlier {sic}. To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR SYVERSON:

You know, one of the frustrations coming from a community like Rockford that certainly benefits and uses a lot of these services is the frustration that cuts this painful would not have been necessary if -- if some of the minor reforms had been taken care of in -- in the past years, as we've urged and talked about here. I'm reminded of the individual that continues to paint over the water spots in their ceiling, thinking the problem's going to go away, and then eventually the problem is so bad that the cost of fixing that becomes much more, because now we got to take the ceiling down, you've got to put new studs up, you got to put new drywall up and re-do it all, when it could have been fixed at a much easier cost. I remember, for the last few years, we have urged and talked about simple things, like redetermination - something that would make sure

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

that those people who truly needed the care would continue to get it, but those who shouldn't have been on the system should've been off. And if we had done that when we had asked, we wouldn't be having to sit here and make cuts this deep. So it's frustrating that we have to go back home and talk about hurting those who truly need it because of irresponsibility in not making decisions years ago, when -- when we've asked. And we hope that going forward, in the future when we talk about the need for reforms, that you understand that our goal is not to be punitive but to make sure that we have resources there to help the most vulnerable in our population. That's been our goal all along. So, I appreciate the work that you have done on this. I know it's not easy. And I -- I wish, like I say, we had -- we had done more in the past so we would -- we could've avoided this day. So, thank you. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR MURPHY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR MURPHY:

I want to start by joining the chorus of those who are commending Senator Steans, Senator Righter, Senator Althoff, Senator Christine Johnson, Democrats also. Senator Delgado, I believe, was involved with -- with the Medicaid work group. This is tough. This is hard. And unfortunately, it's also necessary. And, Senator Steans, I particularly sympathize with

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

the position that you're in right now, seemingly kind of getting hit from both sides, but doing it because this is how you're going to move the ball forward. So I commend you for that. This, I think, is a great example of this place at its best, when we do have the ability to find a way to work together, to do hard things. I think this will be a great example in a long line of 'em - McPier reform, work comp, and some others - where we had Republicans and Democrats coming together to solve a problem, and I commend those of you who were involved in this to get that done. One area that I think is particularly important - there's a lot of concern being expressed, very sincerely, about who's going to be leaving this program who is entitled to it under current law. One of the things that, I think, Senator Righter and our caucus pushed for, and I commend Senator Steans for accepting, and the administration as well, is scrubbing the eligibility rolls. The notion that we would have people on the rolls, getting Medicaid, who aren't eligible for it, at the time we're kicking people off, is real hard to accept. So the fact that this is being outsourced and we can actually, hopefully, get rid of the up to three hundred thousand people off of the rolls who aren't eligible, so we can mitigate the damage to those who are, I think is a great step. There was reference made to finding more money, and this sort of dovetails off of the conversation last night. Taxpayers - it's worth reminding - are giving State government more money than they ever had by literally billions of dollars. And I understand the need. I understand it hurts in all of our communities for people to lose this, but you also have to keep in mind that raising taxes on people causes pain too. Please don't forget that in these

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

conversations. There is no more ability to go to the taxpayers and ask for more. We need to find a way to manage, even programs like Medicaid, within what is, by billions of dollars, record revenue. And finally, the point has been made that this is immoral. This is not immoral. There are going to be people who are hurt by this, that's true, but what would be immoral, in my mind, would be to sit back, pretend there's no problem, let this thing roll on, build up more of a backlog of bills to the point where the entire Medicaid system collapsed - the social safety net for the poor and disabled left in tatters. That, Ladies and Gentlemen, would be immoral. It takes courage to stand up and solve a problem that is right in front of you that's hard. That is what this bill is. And, Senator, I commend you for it and I strongly urge an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

The second to last speaker seeking recognition is Senator Trotter. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. Just a couple questions to the sponsor.

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that she'll yield. Senator Trotter.

SENATOR TROTTER:

Thank you. Just -- just for some clarity for myself and for others. The question was asked: Where did this 2.7-billion-dollar number come from? Was that a number that someone told you that was our Medicaid liability, or is it a number that you came to realize was our -- our hole through your meetings, Senator Steans?

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

That -- that was a number that was based on projections of what the -- if we do nothing and make no changes to the Medicaid program, how much it would cost us in the fiscal year versus how much revenue we'd probably have available if we keep the appropriation at the same place. If we don't want to actually increase our unfunded liability, how much do we need to reduce that overall cost to keep it at the same level of unpaid bills? So it's sort of the differentiation between how much that we were going to cost and grow to keep us at the same place with 1.9 billion in unpaid bills at the end of this year.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Right. So the number wasn't just made up. There was a number there and we -- we backed that up with the other actuarial plans that were out there. Now, wasn't part of the plan -- and I -- I sat on the committee, for those who don't know, as well, with Senator Delgado. I think our -- our role was to make sure it didn't get worse, and believe me, this was a worse bill. So there -- there's been some good -- some work done on it. Now, speaking about that, wasn't one of the goals is to cut as much as possible, even with -- to one point, cutting at least two billion dollars, if we could have found a way to do so?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR STEANS:

Yeah, I think the goal was to see how much we could reduce overall in total, yes.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

To help us to come to some kind of mindset, at least one that -- using all outside information and -- and using other best practices, we had a Medicaid expert come to our Chamber to talk to us about what has happened in other states. This woman was from NCSL. And one of the things she told us, that the only other state that made these kind of massive cuts, or at least on the level that we were considering, was the State of New York. Was that correct, Senator Steans?

PRESIDING OFFICER: (SENATOR HARMON)

Senator -- Senator Steans.

SENATOR STEANS:

That is correct. New York cut about two billion dollars on its fifty-four-billion-dollar Medicaid program in one year.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

So, I guess, for those who might not have heard that, New York is the only state that cut two billion dollars out of a fifty-four-billion-dollar program, and we were on track to cut out two billion dollars out of a fourteen-billion-dollar -- budget. So, one of the things that we -- we did when we got down there in the meetings is looked at these programs and -- and, in fact, eliminated some of those programs we thought were

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

more egregious. And I -- and I cannot agree more with you, Senator, that we, in fact, needed to do that. I'm acutely aware of our fiscal problems here in the State of Illinois and also acutely aware that we have to also start dealing with best practices in -- in trying to ensure that we, in fact, incorporate those things that's going to help us go forward, but still within the mindset of one of the things that we promised the people of the State of Illinois, and that is that we're here to try to enhance their quality of life, not diminish it. Another question: How many people does this bill impact on? Do you have a number?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

There are about 2.7 million people in the Medicaid program in Illinois and probably, in one way or another, most of those folks will get impacted.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

2.7 million people out of twelve million people. 2.7 million people - almost twenty-five percent, if we -- if we do it that way. So when you say that this is just something we can do, twenty-five percent of the population of this State is being impacted negatively. And many of those people do pay taxes. But this bill didn't have to be predicated on raising taxes. There are other ways in which we can generate revenues in this State. Why didn't -- besides the cigarette tax, Senator -- because we couldn't -- get to that 2.7 number, so we had to come

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

up with some other ways to fill that made-up -- excuse me, that magical number, 2.7, we came up with a cigarette tax which might generate maybe seven hundred million dollars, or maybe more. Were there other ideas out there that we could have put on the table to generate more dollars so we can lessen the impact -- these -- these things that exasperate and decimate the lives of people? Were there other things put on the table to do that, and if so, will you name 'em?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Well, we are also including an expanded hospital assessment program in the revenue bill and a -- a -- a hundred million dollars from that will be coming to help support this. The last piece of it will be that there's excess revenue this year, over what our estimated revenues were, of a hundred and fifty million dollars in General Revenue Fund that will match with federal matching dollars to pay off unfunded Medicaid bills. So, 1.1 billion in other items were -- are part of the solution.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

So -- so, since we put on the table, this -- well, the biggest one here is the cigarette tax for eight hundred million, and we have to vote for that. If we do not pass - those who want to institute these cuts - if we do not pass that seven-hundred-million-dollar revenue stream, what's going to happen?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

SENATOR STEANS:

Well, we'll continue to have a growing unfunded liability in the Medicaid programs. Our unpaid bills will grow from the 1.9 billion to a much more significant problem. And I fear that with such backlogs that the program really could fall off -- off a cliff. Without people getting paid, we won't be able to have providers entering the system and that there could be a real collapse of our Medicaid system.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Just the Medicaid system? I thought Medicaid was just a part of the whole budget. So what do you mean collapse of the system? Doesn't that collapse everything else too? Will we have to make reductions in education? Will we have to make reductions in public safety? Isn't that the budget?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

You are correct. It depends on -- we'd probably have to take savings elsewhere, push it elsewhere, if we couldn't make the reductions in the Medicaid program.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

I'm obviously not for this bill. I'm just trying to get some clarity. So, with that being said and going back to the question I asked before, or part of the question I asked before, those that you've spoken with that said they're for this, are

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

they for the revenue stream so we don't have to make anymore reductions in other places in our budget? So, whereas, we don't want to grow our liability to - where as now it impacts on twenty-five percent - to half of the people in this State. Has -- have you got any of those guarantees?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I think some people who vote for this bill will support the revenues and I fear others will not.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

I -- I guess that wasn't my question or I wasn't clear. Individuals that you've spoken to for this bill -- we -- we're going to pass this substantive part, but we know, to close that 2.7 billion dollars, we need revenues. Are those revenues going to be there, or are we just going and looking at this without knowing where the money's coming from? Where we -- was it considered at all - I didn't go to all the meetings - fund transfers? I know that we are utilizing fund transfers now, and we -- I know you and I have had this conversation. Can you give the rest of us some insight? Those fund transfers -- how much money is just sitting in private piggy banks that we're not utilizing?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I think that amount -- about two billion dollars.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Two billion dollars is sitting in piggy banks in this State, somewhere around here, in somebody's bank, that we can use to address a 2.7-billion-dollar problem. So, if we have two billion dollars just sitting there, what is the -- what has been the rationale not to utilize those funds, those funds that are just sitting there?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

Well, as you know, about -- many of those funds are -- have legal impediments to using them. But as we had suggested in the budget we passed last night, there are those -- some of those balances that could be used to help pay for other kinds of things, to pay unpaid bills, and we were suggesting we could do that to the tune of four hundred million dollars. There's probably some additional dollars there we could do, but that was a pretty aggressive, I think, plan.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

And, I agree, it is aggressive, because -- aggressive 'cause we've never done it before, and we've never made these kinds of reductions in programs that actually impact on twenty-five percent of this State. So -- so we have -- those bank accounts there and we don't want to mess with 'em, because we haven't thought about it, or haven't really looked at what we

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

can use into its -- to its maximum. What about gaming, since we're just throwing stuff on the table, 'cause the cigarette tax is just being thrown on the table? Has that been thought of being a revenue source so we don't have to have such a, again, negative impact on so many people?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Steans.

SENATOR STEANS:

I think there is a gaming bill that passed the House and that may come -- come over here as well.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Have we considered that as a source? And let me go -- I'm not going to do 'em one by one. I mean, there's -- the good Senator Delgado mentioned some others, other licensure fees that are out there, closing corporate loopholes, looking at, again, how to do business better, that we don't have to get at this juncture right now. And -- and -- and to the bill, if -- if I may.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR TROTTER:

You know, I've been here, I guess, longer than everybody in this room besides the President, and I have never seen the callousness that is -- is existing with individuals who want to take such a drastic cut against those who basically are the most vulnerable. We come here to this Body, or at least I did, to be the voice of the voiceless. And certainly that voice was for

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

those people who -- who are poor, the disabled, the elderly, and to try to ensure that as they do age that we show that we are, one, glad for their older age or their -- their advancement in age, but by -- we do that by ensuring that those resources are there. In this bill, the one proposed, it talked about eliminating dental. Well, we talk about how do we have an individual to have a quality of life if they can't eat their food. Only emergency services - we'll take a tooth out but won't put one in their mouth so they can have nutritious food and eat it and consume it so they can have a higher quality of life. We talk about in here - let's look at it - and -- and eliminate other programs -- and I understand some of these things had to be done. But eliminating adult podiatry - we know if you lose a toe and you have diabetes -- and they put it back in. That's how bad this was, because they wanted to eliminate it all. But there are other foot diseases and -- and other things besides diabetes that can cause you to lose your foot, to lose your leg. That is not included in here. There's no prevention or -- or nothing that individuals can do to ensure that they get the proper care. Adult detox - no, we don't need to detox nobody. You know, let 'em have DTs, straighten out, and if they go out, that's just because they're weak people. There's a lot of other things. They can have heart attacks. What this bill does, again -- and I heard one of our speakers in committee - and I see him up there and I don't know if I'm supposed to mention his name or not - but, anyway, who said, one, "Less services and less money does not mean less sickness." People are going to get sicker. People are going to die. We heard in committee that there may be possible lawsuits because

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

this goes too far. But we're willing to do that. But lawsuits are not going to bring back your grandmother who died because she couldn't get emergency services because we cut ambulance services in here. It's not going to bring back your kid who gets hit in the -- in the head at a baseball game, because we do not have ambulance services. I mean, think about this, read it, sixty-one things are in here impacting over - what was that number again? - almost three million people. Almost three million people. This is wrong. We can do better. We should do better. The people of this State deserve better. And I hope everyone votes No - not going to happen. But it is a moral issue and it is, hopefully, your conscience, and maybe some of us don't have as deep a conscience as others, but you need to be conscientious of what you're doing to the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Trotter. The final speaker seeking recognition is Senator Righter. For what purpose do you rise, Senator?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

To the motion, Senator.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. First, I do want to thank Senator Steans for what has been her endless hours of work on this project, along with two Senators on my side of the aisle, Christine Johnson and Pam Althoff, for what has been -- it has been a very difficult path.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

It really has been. Let's start with what's in the motion before us, 'cause there's been some confusion about that. In Senate Bill 2840, there are a list of sixty-one reforms or changes to the State's Medicaid program that involve either changing the income thresholds at which people can make money and still be eligible for the Medicaid program; there are a handful of program eliminations in this bill; and then the lion's share is -- are utilization controls, or utilization tools. In other words, what we can give to the Department of Healthcare and Family Services and to the administration to try to control spending, to try to bend the liability downwards with regards to the Medicaid program. This program has grown at an average rate of between seven and eight percent for the last decade. That is, by any definition, an unsustainable rate of growth. Now, what is not in this bill: There are no tax increases in this bill. This is limited to changing what the Medicaid program looks like. Now, of the 1.6 billion dollars that's been referenced on this Floor - now, let's be clear, 1.6 billion is if the administration grabs hold of the tool box that they've been given here and fully utilizes it - of that 1.6 billion, only about three hundred million are actually program eliminations, which means the other eighty percent or so are things that the Department of Healthcare and Family Services and this administration have to do, and do effectively, in order to save any money. And the reason I raise that is because no one - no one - should walk away from this Chamber tonight, if this bill passes the Senate, and say, "We did our part, didn't we?" That would not be true. The lion's share of the work, in order to make the changes in this bill work, is yet to be done, if

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

this bill passes the Senate. We are going to have to work with and push and provoke the administration to move forward on all of the things that are in this bill. The administration agreed to some of the items in here wholeheartedly. There were some others that they were talked into and there were a handful in which there was a wrestling match, so to speak, and they lost it. But all of 'em, all of 'em, have to work in order to save the forecasted money. Now, I don't want to get down into the weeds of all of what these changes are, because really, for those of us in this Chamber, the choice is really clear. And there are tough choices in here. And I've heard a number of speakers on the other side of the aisle talk about the damage they think that can be done and the tough choices that need to be made. And you know what, you're right - in some of your instances, you're right. There are going to be people who get benefits today under Illinois' Medicaid program who, after the administration fully implements these reforms, will no longer receive them or they will not receive them in so convenient a manner as they do today. And that'll be tough on some people. I mean, let's be real about that. But look at -- let's look at why we're here and why that needs to happen. In 2003, the backlog of bills for the Medicaid program was about four hundred/four hundred and fifty million dollars. Today that number, at the end of this fiscal year, will be 1.9 billion - billion - dollars. We talk about compassion for the people who are on the lowest rungs of the economic ladder. Those are the ones who suffer the worst from us paying -- not paying our bills. They suffer the worst, and here's why, is because the higher our stack of unpaid bills is, the longer providers have

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

to wait to be paid; the longer providers have to wait to be paid, the more disgruntled they get with dealing with Medicaid; and the more disgruntled they get in dealing with Medicaid, the more of 'em say, "I'm not dealing with Medicaid anymore. I'm out of here"; and the more providers who drop out of the system means less access for the people for whom you are voicing your concern. The program is out of control. It needs to be reigned in, and we are long, long, long past the point when we could impose some -- some relatively minor utilization controls and say we fixed this problem. The damage is too severe. The backlog of bills is way too heavy. Ladies and Gentlemen, the floor is falling out beneath the people that you're talking about. This presents an opportunity. It presents an opportunity to begin to turn this program around. It starts here tonight by doing that. But it only starts here tonight; it doesn't end tonight. There are -- there are some tough choices in this bill, but it's a better choice than letting the program continue to limp down a road of unpaid bills, fewer providers, less access. I urge an Aye vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you. Senator Steans, to close.

SENATOR STEANS:

Thank -- thank you and thanks to the -- the many speakers here tonight. I -- I vowed not to get emotional, so I -- forgive me here for a second. This has been a grueling process. It's something we care deeply about. Quality healthcare is a fundamental right, I believe, of every Illinoisan. And my goal in this -- and working with Senator Righter, has been a privilege. He's very honorable, and came at this with, I think,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

great integrity, as did Representative Bellock and Sara Feigenholtz and Director Hamos and her entire team. And the real goal in all of this has entirely been making sure we really do put this onto a right ship path where we can actually sustain quality healthcare for every Illinoisan. We have to do that. It is a fundamental right. And if we continue to let this go unaddressed, we're not going to be able to do that. So, in the way we have approached this, this, very much, is trying to balance it, minimize and do the least harm to the fewest number of people, while making sure we're putting in place, I think, some very strong policy decisions embedded in this document to get us into a better place down the track and ensure we're not back here ever again having to make these kinds of dramatic reductions. One of the bills that -- what's not in here, but will be in a separate bill that's tied, for example, is Section 25 Medicaid reform, which Senator Righter has been such a strong advocate for and -- and Senator Murphy spoke so eloquently about. We've been able to underfund our program because of this and got ourselves into this situation by underfunding the Medicaid program so dramatically this year. That will be a separate bill we have the chance to vote on. It'll be a part of this package and should ensure that we don't allow ourselves to ever have to be taking these kind of steps again. And then, in terms of the way we approached having to do the service reductions here, really has been trying to make sure that we're doing it as much as possible through service -- I mean, through utilization controls, really getting more management around the programs, ensuring we're getting rid of waste and fraud and corruption that has been going on with the provider community,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/24/2012

as well as getting folks that are ineligible for the rolls off, first and foremost, and then, and only then, going towards figuring out how we can limit the services, put on the controls to make sure that we maintain a -- a good program of quality healthcare for -- for everyone in this State. I think this is a -- a very needed step for us to be taking. It's been a grueling process getting here. I very much want to thank the -- Director Hamos and all of her staff. They've been putting in unbelievable hours in all of this, as has Senator Righter, his staff, and the other colleagues. I want to thank Senator Delgado and Trotter, who really did work to make sure we did do the least harm to the fewest number of people in this process. And then I really want to thank Kristin Richards and Kim Schultz, who have just done -- again, unbelievable amount of hours into making this the best that we could possibly do given the circumstances we're in. I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

The question is, shall the Senate concur in House Amendments 2, 4 and 5 to Senate Bill 2840. 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, 13 voting No, 2 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments 2, 4 and 5 to Senate Bill 2840, and the bill is declared passed. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 9 a.m. on the 25th day of May, 2012. The Senate stands adjourned.