

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

HB3707	Third Reading	3
HB3817	Third Reading	5
HB3975	Third Reading	102
HB4226	Third Reading	6
HB4556	Third Reading	30
HB4606	Veto Action	95
HB4899	Third Reading	31
HB5537	Third Reading	32
HB5878	Third Reading	56
HB6291	Third Reading	57
HB6303	Third Reading	57
SB0649	Concurrence	58
SB0726	Concurrence	60
SB1342	Concurrence	61
SB1431	Concurrence	73
SB1680	Concurrence	74
SB1842	Concurrence	75
SB2711	Concurrence	76
SB2809	Concurrence	77
SB2915	Concurrence	78
SB2933	Concurrence	79
SB2979	Concurrence	79
SB2992	Concurrence	80
SB3028	Concurrence	83
SB3171	Concurrence	84
SB3265	Concurrence	89
SB3366	Concurrence	90
SB3397	Concurrence	91
SB3509	Concurrence	92
SR1642	Adopted	95
SR1683	Adopted	96
SR1694	Adopted	97
SR1706	Resolution Offered	2
SR1707	Resolution Offered	2
SR1708	Resolution Offered	2
SR1709	Resolution Offered	94
SR1710	Resolution Offered	94
SR1711	Resolution Offered	94
SR1712	Resolution Offered	94
SR1713	Resolution Offered	94
SR1714	Resolution Offered	94

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SR1715	Resolution Offered	94
HJR0073	Adopted	98
HJR0107	Adopted	99
HJR0109	Adopted	100
HJR0117	Adopted	105
HJR0117	Resolution Offered	104
AM0691	Read into Record	3
Senate to Order-Senator Lightford		1
Prayer-Shaun Lewis		1
Pledge of Allegiance		1
Journal-Postponed		1
Committee Reports		2
Resolutions Consent Calendar-Adopted		103
Messages from the House		104
Adjournment		105

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The regular Session of the 98th General Assembly will please come to order. Will the Members please be at their desk? Will the guests in the galleries please rise? The invocation for today will be given by Shaun Lewis, Director of the Civil Servant Ministries, Springfield, Illinois. Mr. Lewis.

SHAUN LEWIS:

(Prayer by Shaun Lewis)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

James R. Carder, Blueroomstream, requests permission to videotape. Leave is granted. Ed Cross, WAND-TV, requests permission to videotape. Leave is granted. And Paul Elders, WICS, requests permission to video/audio. Leave is granted. Senator Haine, for what purpose do you rise? Okay. Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, December 3rd, 2014.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Haine, I was a little excited to see you there. Good morning.

SENATOR HAINE:

Madam President, it is a beautiful morning and you're a beautiful presence in the Chair. And I wish to make a motion to postpone the reading and approval of the Journal just read by the

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. And it is a beautiful day. Senator Haine moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Seth Perlman, Associated Press, requests permission to take photos. Leave is granted. Ladies and Gentlemen of the Senate, will you please come to the Senate Floor for Floor action? Ladies and Gentlemen of the Senate, please come to the Senate Floor for Floor action. Mr. Secretary, Reading of the Journal. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 1706, offered by Senator Murphy and all Members.

Senate Resolution 1707, offered by Senator McGuire and all Members.

And Senate Resolution 1708, offered by Senator Mulroe and all Members.

They are all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. Secretary, Resolutions Consent Calendar. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Raoul, Chairperson of the Committee on Judiciary, reports Motion to Concur: House Amendments 3 and 6 to Senate Bill 1342 Recommend Do Adopt.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. Secretary, Appointment Messages.

SECRETARY ANDERSON:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Appointment Message 691

Governor's non-salaried appointment

Mary Richardson-Lowry

Illinois Board of Higher Education

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, please direct your attention to the Calendar on the Order of House Bills 3rd Reading. Ladies and Gentlemen of the Senate, please direct your attention to House Bills 3rd Reading on page 2 of the Calendar - House Bills 3rd Reading on page 2 of the Calendar. We will begin with Senator Link, on House Bill 3707. Senator Link indicates he wish to proceed. Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 3707.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Link.

SENATOR LINK:

Thank you, Madam President. This bill allows township boards to predetermine, by resolution, the -- expense and bills may be paid without prior approval of the bill {sic}. This is a initiative of one of my townships and it just makes it easier to pay the bills on a proper time.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR McCARTER:

To the bill, please.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR McCARTER:

Yeah, Ladies and Gentlemen, this is -- this seems like a -- just a small issue, but if you -- you set a precedent here that boards throughout the State can spend money without the members of the board's approval, I think we're going down the wrong path. You know, there's a -- there's -- there is planning that is done to know that -- when bills are coming to be -- and need to be paid, and if a township can't make that -- can't plan for that, they probably need to get new people running their township. So I think this is just a -- this is just a very dangerous precedent to set, to say that we've given you responsibility to spend this money wisely and -- and in timely planning, but we're going to say that the township supervisor can do it on his own. So I encourage a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR LINK:

Thank you, Madam President. Just to the previous speaker, I want to clarify something. The board has to give the approval to the supervisor. This isn't a supervisor doing something on their own. The board already would approve it. The board is doing their fiduciary duty by approving this, and then when these bills come to -- to the board, they approve it again. The point is, is when you've got a billing cycle of twenty days for, like, a electric bill or other bills, you want to pay 'em on a prompt time or the taxpayers are going to be paying more money for the overdue bills. I would ask for an affirmative vote.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall House Bill 3707 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 Yea, 5 voting Nay, 0 voting Present. House Bill 3707, having received the required constitutional majority, is declared passed. Senator Harmon, on House Bill 3784. Out of the -- out of the record. Senator Harmon, on House Bill 3817. He indicates he wish to proceed. Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 3817.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Ladies and Gentlemen of the Senate, House Bill 3817 is a very modest election law bill at the request of the Illinois Association of County Clerks. If you may recall, we transferred jurisdiction over school board nominating petitions from the school boards themselves to the county clerks. This is some cleanup in the -- in the School Code to make sure the standards are consistent across all elective offices under the jurisdiction of the county clerks.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 3817 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

who wish? Have all voted who wish? Take the record. On that question, there are 48 voting Yea, 0 voting Nay, 0 voting Present. House Bill 3817, having received the required constitutional majority, is declared passed. Senator Harmon, on House Bill 3832. Out of the record. With leave of the Body, we will return to House Bill 3975. Senator McCann, on House Bill 4226. The gentleman indicates he wish to proceed. Please read the bill.

SECRETARY ANDERSON:

House Bill 4226.

(Secretary reads title of bill)

3rd -- 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Thank you, Madam President. House Bill 4226 essentially establishes a proactive approach towards managing bobcat population in Illinois by establishing a season from November 1st to February 15th for bobcat hunting. I'd answer any questions. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR KOEHLER:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Will the sponsor yield? He indicates he will. Senator Koehler.

SENATOR KOEHLER:

Senator McCann, we had this in committee the other day for

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

subject matter hearing. One of the things that came out in the testimony from DNR was the concept that there would be, really, some scientific evidence used in terms of determining where the overpopulation of bobcats are. And I want to ask you a question just for legislative intent, because I think it's important to understand this bill. It's not just a hunting bill, but it's really a wildlife management bill. The State has the responsibility, with our Department of Natural Resources, of -- of managing and being stewards of both the environment and of our wildlife. And so, you know, we saw a map where there were overpopulations that existed of the bobcat population, and certainly good management practice is, so that you prevent starvation or overaggressive animals from having to survive, that -- that hunters are really used as part of a management tool. So my question to you is that is it your legislative intent then for this bill for DNR to actually construct the rules that would be based on kind of a scientific approach so that this could be regionalized so that they can really address the issues of management of populations within certain regions?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Thank you -- thank you, Senator. That is an excellent question. And, yes, it is; that is the legislative intent, to allow the professionals who work for the people of Illinois, IDNR, the people that we appropriate their -- their budget every year, that we put our faith and trust in, who know what they're doing, to use the science, to use the biology to properly regulate the bobcat population. And as you aptly point out, hunters are only

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

a tool in the toolbox and you -- in -- in regulating the population. Historically in Illinois - and we've learned this the hard way - historically in Illinois, we've taken a terribly reactive approach when it comes to managing wildlife population and we allow the population to grow and to grow and to grow to an extent where we then have to become reactive and thin the herd. We are taking the approach with bobcat that they are at the level; they are at approximately three thousand in the State. We will be proactive in our approach, so that we maintain a healthy level, a healthy equilibrium between the bobcat and the rest of the -- of the ecosystem.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen, will you please lower your voices just a little, please? We're having debate. If you can please lower your voices. Thank you. Senator Koehler.

SENATOR KOEHLER:

Thank you, Senator, for your -- your response on that. I think it's important, especially as we change administrations and will have new people in the higher levels of DNR that will have to be implementing this. And I think that some of the environmental concerns I heard were appropriate; that this be used as a scientific management tool. And given your explanation of the intent, I will support this bill. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Would the sponsor yield, Madam President?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

He indicates he will. Senator Haine.

SENATOR HAINE:

Just two questions, Senator McCann. One of which is, the bobcats are a problem - they're an environmental problem, right? They kill birds, small stock, such as chickens. Right? Is that correct? That -- that's one of the problems that this is designed to -- to address.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Senator Haine, that is correct. They are a problem. Of course, they are a vital part of the ecosystem. Some folks would argue that we can be a problem from time to time. But, yes, they do present a problem to other species. And so, again, it's all about proper management of the population. This is about wildlife management so that all species are -- are able to thrive.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Haine.

SENATOR HAINE:

Thank you, Madam President. My second question is, would you classify a bobcat as *ferae naturae*?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Senator Haine, if I knew what in the world that meant, I may, perhaps, be so inclined to do so.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Haine.

SENATOR HAINE:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Despite that woeful ignorance of Latin, I'm going to vote for this bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Holmes, for what purpose do you rise?

SENATOR HOLMES:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates he'll yield. Senator Holmes.

SENATOR HOLMES:

Can you tell me how many complaints of destruction or problems with the bobcat have come in lately to the State?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Thank you, Senator, for that question. I cannot give you an exact number. I know that DNR - I believe Mike Stevens with Illinois Department of Natural Resources - testified in committee just day before yesterday that there are indeed complaints that are received of various degrees, statewide. And while I am proud to serve the 50th District, there are obviously fifty-eight other Senate districts. And I apologize to you and the Body that I don't have that exact number.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Holmes.

SENATOR HOLMES:

...bill, please.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SENATOR HOLMES:

Yes, Mike Stevens was in -- unable to give me any data or any reports where the bobcat has caused any destruction of property. Why we are -- for -- I -- I've got a few issues with this. Number one, I'm not sure why we're doing it right now. I know the big complaint over on that side has always been: Why are we waiting to the last minute to do these bills? Where this came up in the Ag Committee and it was subject matter only and, boom, after the subject matter, which we didn't even get the information that we really needed to receive - neither did the environmental groups have the information they were asking to receive - but now this is all of a sudden on the Floor. I'm not sure that this is a vital issue that we need to address before Session ends. Number one, we're also talking about this hunting season on this animal that is causing no destruction, that is finally recovering while it's native to Illinois. Oh, and it's in seventeen counties. We need to do this, when the hunting season would be starting, I believe, is it November 1st? Which really makes no sense, because this doesn't even go into effect now, so it wouldn't even be an issue. We would certainly have the spring to discuss these scientific practices, which have been negated by our environmental groups, but we didn't have a chance to have that full discussion or to allow the members of the Ag Committee to actually vote on this. There is absolutely no reason to pass this bill right now. I'm not sure there's a reason to pass this bill at all. The bobcat is a small cat, thirty to forty pounds, coming back. It is now in seventeen counties. It is not overcrowded in any county. Number one, it's not going to be overcrowded in any county any time soon, simply because it is a member of the cat family. And the cat

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

family makes sure that they are not overpopulated in an area, because if there is not enough food to sustain them, what happens, and the reason they are now in multiple counties, is these animals, particularly the young males, will start dispersing and roam further and further away, where they will be looking for an adequate food source and a mate to start up their home in that territory. Cats are very, very territorial. So we don't have any issues with crowding; we don't have any issues where they've caused any damage. Basically, why are we doing this? I'll tell you why we're doing this. We're doing this for trophy hunting. And I'm not talking about hunting because it's necessary for us. I've sat on the Ag Committee since I've been here. And for this little suburban girl, it was quite a wakeup call, and -- and thank God for John Jones on your side - I love that man dearly - because he really taught me when his first bill - that I sat there and listened to - was why we needed to extend the hunting dates to have youth hunting. And I'm going, really, our youth needs to hunt? And I've learned that, yes, this is what we do in Illinois. But, we don't hunt for trophies, which is what this is. Deer hunting is what we do because it's healthier for the herds. We also do it as a food source. Bobcat hunting? This is trophy hunting. Why? Because if we were actually killing the bobcat for what it could be, monetarily advantageous, it would be for the pelt. They have an absolutely beautiful coat. But if you're shooting them on November 1st, you're not getting the beautiful coat. You're not getting the coat that's worth money, because that comes into existence later in the season when they have developed more of their winter coat. So this makes no sense. We're also overlapping the season, where we might have them mating. So we've got pregnant

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

females at the end of the season that we might be shooting. We also may have cubs still with the parents at the beginning of the season. So I will say, please, think about it. Do not pass this bill, which is a ridiculous bill to be here at the end of Session to pass because it's vitally important we do this before the Christmas holidays. Senator, while I have the utmost respect for you, and I've appreciated your and my discussions on this, I urge everybody in this Chamber to vote No on this bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

That's a tough act to follow and I'm going to follow it up with Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Could you come back to me after a few other speakers so I have a fighting chance? Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will. Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Senator, I am not on the Ag Committee. I did not hear whatever limited discussion there was. Can you help us understand some of the -- the background issues? It's my understanding, bobcats were recently on the endangered species list or -- or some other protected species list. Is that -- is that true, or how recently were -- were the cats on the list?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Bobcats were originally put on the endangered species list, I believe in 1972. And that is the whole issue. That's why we're

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

here having this discussion, is that the population has increased. Forty-two other states have seen fit to have a bobcat season to help control the bobcat population - not to decimate it, not to make it extinct, but to properly regulate it. As -- as the previous speaker mentioned -- she -- she mentioned our side of the aisle, some of the things that we sometimes say. Some of the things that -- that you folks say is that we have to trust government to do what only government can do, and that's what this bill does, is - - Illinois Department of Natural Resources came to the Illinois Federation of Outdoor Resources and said our -- our bobcat population is growing; it's meeting a threshold that other states have enacted a bobcat season at that threshold; we believe we need this. This was actually -- this was an ask of the Illinois Department of Natural Resources. The Farm Bureau is in heavy support of this. And so this is about properly managing them, because now they are no longer at the levels of being endangered; they're at the levels of outgrowing the habitat. And so -- I'm not sure what their current status is. I do know that -- I do know that over forty years ago, they were placed on the endangered species list, and because of that, they are now outgrowing their natural habitat. And that's why we need to take this proactive approach at monitoring them and helping them to succeed, and -- and, quite frankly, trusting IDNR, our professionals. Let government do what only government can do - manage bobcat population.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

Thank -- thank you. That was an excellent answer, perhaps

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

not to the question I asked, but I -- I'm not sure when hunting became monitoring and helping. That's -- that's a -- an interesting equation. I don't know how recently they were on the endangered species list. I understand it was fairly recently. I also understand that, as Senator Holmes mentioned, they have seen a rebound in seventeen counties in Illinois. Your bill is a statewide law, though, so it would authorize hunting in all hundred and two counties. Isn't that correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

I actually, because of all the noise, I couldn't hear the -- the finality of the question. I think I understand the intent of it, though, and actually you raised a couple of points that I had unintentionally left out. So thank you very much. I believe Mike Stevens testified in committee, two days ago, that the plan -- that IDNR wants to go to the rulemaking process. That's why we need to pass it now, so this will be in place for next year. They'll have all spring and all summer to go to rules. And essentially -- essentially, they're looking at issuing licenses by county. So in counties where it's not an issue, they won't issue licenses. And, quite frankly, in a county where there are no bobcat, I don't know too many hunters or trappers who would pay twenty dollars, or whatever the -- whatever it will end up being, I don't know how many people would actually go buy a permit to hunt something that doesn't exist, not too many people. So -- and the -- the previous speaker actually said he didn't know any other population that we manage by hunting. I mean, we manage many populations by hunting - deer, squirrel, rabbit. We -- that's --

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

that's why -- there's another word for hunting, and it's called conservation. Hunters are conservationists who play a vital role in keeping the ecosystem balanced for all of us.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Senator, when is the bobcat hunting season?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann. Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Senator, when is the bobcat hunting season?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

The proposed date for -- bobcat hunting season would begin November 1st and extend through February 15th.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

And to follow up on Senator Holmes' earlier point, how does that overlap with the -- the reproductive cycle of bobcats?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Again, like many of you here - I -- I presume that all of us - none of us purport to be experts on everything. You know, when -- when -- if -- if there was an issue about airspace, I would

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

probably go talk to some air traffic controllers, some pilots, some aeronautical engineers, as all of us would. So that is why this bill gives the Illinois Department of Natural Resources the ability to actually do the job that we pay them to do, as opposed to not doing their job. We are enabling government to do what only government can do, and that is properly regulate the bobcat population. And I'm sure they will take all that into consideration.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

Thank you. An artful answer. As -- as Senator Holmes mentioned, it is -- it's my understanding that this overlaps in - - in not good ways with the reproductive cycle for bobcats and that you would likely have a lot of motherless kittens. Thank you. It was hard to work in. Thank you. And so we -- we should certainly hope that DNR does a good job, as they have done in other rulemakings, on trying to strike a balance here. But, to the bill, Madam President. This is -- Senator Holmes made this same point. I don't know how many times over the last several days we have heard: Why are you pushing this bill now? Why are we doing this at the end of Session? Why are we trying to get something done before the new Governor arrives? If you vote Yes, that -- that's -- that's fine, but if you have been saying that and voting No all week to bills of modest importance, like the minimum wage, or voting rights, or retirement security, I hope you at least recognize the irony of your vote, that we are doing something of such consequence here on the last day of the Veto Session, without a vote in committee, without fully vetting the bill, without the

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

data to support it, with -- with a -- an unusual trust in government from the proponents, and I would simply ask any of you with reservations to vote No.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Good morning, Madam President. Hope you're well. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Good morning. I am. He indicates he will.

SENATOR ALTHOFF:

Thank you. I, too, am going to follow several of my colleagues, and as much as I recognize the importance of management practices - and as a member of JCAR, I certainly value the ability of an agency to come forward and develop rules for a program that they propose in legislation - I've -- I've really got some significant concerns as this bill is being presented as a management practice. My understanding, listening to the conversation, is that the bobcat just recently was removed from the endangered species list. Does this legislation have anything in it that addresses the fact, if, in fact, that flips - and we all understand that, you know, with our animal species that can flip on a dime - is there anything in this legislation that takes into account emergency procedures to close the hunting season if we discover that -- that that in fact becomes the situation?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Yes, Senator. Thank you for that question. The Illinois Department of Natural Resources currently uses the North American Model of (Wildlife) Conservation as its guideline. And within the North American Model of Conservation, I believe there's a component that allows for triggers. So that when populations begin to suffer, there are approaches taken. That's the whole -- that's why we call it the Illinois Department of Natural Resources. That's why it's about conservation. This is not about the eradication. I think yourself and some of the previous speakers are almost purporting to other Members of the Body and those who may be listening that this is the bobcat eradication bill. And that's not at all what this is about. This bill is about managing resources. If we did not properly manage our natural resources, whether they be in the earth, whether they be animal, vegetable or mineral, we would not have the society that we have. You would - - if we weren't properly managing deer, we would have more car hitting deer. And we would have more other wasting problems within the deer population. Hunting equals conservation. And that is a concept that we need to understand, that in this big State -- I know that this is a very large State, geographically, politically, socially, economically, and otherwise, but conservation is the only way to allow for a healthy ecosystem for each and every species.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Althoff.

SENATOR ALTHOFF:

Senator McCann, again, great response - didn't answer my question. I'm -- I am not in any way taking a position that says that hunting isn't a conservation. I come from McHenry/Lake

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

County. Our deer population was exploding. DNR put into place many practices that allowed us to have a hunting season for deer. I understand all of that and I'm a large proponent of that type of a conservation program. My question is, because this is -- or was just until recently an endangered species and we want to encourage that species to remain vibrant and -- and to remain in place and not become extinct, the question remains, is there provisions in this bill that will become statute that has an emergency plan that in the event we discover that the bobcat population is decreasing remarkably quickly that we can take action. Is it in this bill?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Senator, you know the respect that I have for you and the body of work that you've created in your time here, but I think you're being somewhat disingenuous in the layup of that question. I did directly answer you. I said that the Illinois Department of Natural Resources uses the North American Conservation Method of -- of Management -- of Conservation Management {sic}, and within the North American Conservation Management Method, there are triggers. And I'm -- also, also, Senator, with all due respect, as you aptly pointed out in -- in your opening remarks, you -- you sit on JCAR. So you know that not one piece of legislation that has ever come out of this Body has everything in it. That -- you would not have a committee hearing to go to. There would be no such thing as JCAR if we could possibly put every ampersand and every semicolon exactly where it needed to be in every bill. That is why we, as lawmakers, are listening to our constituents, sponsoring legislation that not only our constituents, but the

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

administration asked for, through their Director of Natural Resources, and you will have the opportunity -- all those elected members who sit on JCAR will have the ability to create rules, along with IDNR, just like you have done on every single bill that goes through this Chamber.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Althoff.

SENATOR ALTHOFF:

Well, we don't do it on every single bill; we do it on those bills that require rules to implement programs. So it's not every bill. But you're right. And I did make reference to the fact that I anticipated, just like I'm assuming that there will be rules for where you can hunt. All of those issues that were already addressed, I understand that. That is not my concern in my area. So -- and -- and maybe I'm missing it, and I apologize if I'm beating a dead horse, and -- and -- and then I'm going to sit down and -- and be quiet. I trust the process. I trust the legislation. I'm not questioning. One question: In the bill, does it have any -- does it reference the program that -- that you've alluded to? Is that referenced in the bill that this would be used, or is that just an internal policy that the Department uses to run those kinds of programs? And this is, again, my concern. So, you know, understand me; I'm not trying to beat you up. Because it was an endangered species, my concern is the rapid ability of the Department to respond. And if it is a rule, I'm there; I know how rapid that happens, and it's slow. It's not rapid at all. So my concern is -- is, does the bill allow the Department to respond rapidly with regard to that potential emergency situation? And -- and, again, you know, I apologize if -- if I've -- that's the

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

one question I have, and maybe your opinion if it shouldn't be in the bill or if it should. I think it would be a wise situation in this particular case, because of the unusual circumstances that it was an endangered species, that that be included in the statute as opposed to waiting for -- for a longer process. And I -- I thank you for your patience with, you know, my potential ignorance, and I'll wait for your answer.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR SULLIVAN:

We -- we've had a very lively discussion, both in committee and here on the Floor. I'd like to give a -- I'd like to make some points and some counterpoints to the conversation that we've had. First of all, everybody understands how -- I hope everybody understands how prolific cats are. They have large litters. They can -- their population, their numbers, can grow rapidly in a very short period of time. Think about it just in -- from the concept of a cat - and they're from the cat family - their ability to have large litters. The Department of Natural Resources is not treating this species any different than any other species that they regulate, whether its deer, wild turkeys, rabbits, squirrels, some of those, otters. We passed a bill recently dealing with otters because their populations -- they had been on a protected list for quite some time, but their numbers exploded and they went in and were devastating ponds and the fish in those ponds. We passed

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

legislation to allow DNR to regulate that population. This is no different. DNR stated in committee, Senator McCann has stated on the Floor here that DNR will only be issuing permits for those counties and those regions in the State that have a exploding population of bobcats. That's the only counties they're going to do it in. They're not going to do it in counties where there's no bobcats. They're only going to do it in those areas where the population has exploded. Many of you know, or maybe you don't know, I spend a lot of time out in the woods. I hunt and I have -- my district is over in western Illinois, which is where the bobcat population has exploded. I used to never see a bobcat. Now it is uncommon to go to the woods and not see bobcats, and not one or two, but three, or four, or five or six of 'em. The population is out of control and needs to be regulated. That's the purpose of this legislation. Also what we're doing is trying to keep the ecology in balance. Bobcats don't really have any natural predators. They don't have any natural predators and so what they do feed on is wild turkeys, rabbits, squirrel, quail. They're going in and devastating those populations, which is why they need to be brought under control. To one of the previous speakers, talked about how -- what is in the bill to allow DNR -- in the event that the population of bobcats declines, what would -- what -- what actions could be taken to regulate that -- to reduce the taking of bobcats? It's very simple. DNR doesn't issue the permits. They have the ability, by the rulemaking process, to only issue the permits in the counties and the regions that have a population problem. If they don't, if the population of bobcats decreases, they simply don't issue permits in those counties. And let me give you an example. White-tailed deer populations over

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

the last couple years has decreased in some counties in the State due to a number of issues, but some disease problems. And so what has DNR done? They came in, into those counties where the population has decreased, and they didn't issue as many permits, to allow the population to repopulate there. Ladies and Gentlemen, this is a commonsense piece of legislation. I -- I referenced the otter situation. Otters used to be on the protective species list, but because they were reintroduced by the Department of Natural Resources into Illinois, they absolutely took hold and took off. And the population expanded greatly, to the point where otters were going in and devastating all the fish in ponds and lakes. And so what did DNR do? And what did we do? We issued the ability to -- we passed legislation to give the State of Illinois Department of Natural Resources the ability to issue those permits in those counties where it's a problem. That's what this bill -- it's a commonsense bill. I certainly ask for your support.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR RAOUL:

Madam President, Ladies and Gentlemen of the Senate, I don't know much about bobcats. All I know is that they're a very bad basketball team. However, I think this is an important bill because the gentleman is responding to his district. And I rise in support of his right to respond to his district on this very last day of the General Assembly, because he is elected to

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

represent his district and he's paid to do so - not until we have an election to elect a new Governor, but unto the very last day of the General Assembly. And so whether it's about bobcats or any other issue, he has the right to represent his district, notwithstanding what voices come from the outside tell us to stop working. He has a right to represent his district to the very last day of the General Assembly. He's elected to do so, paid to do so, and I rise in support of his right to do so.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter, for what purpose do you rise? Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Thank you. Just a couple quick questions of the sponsor and a comment.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will yield. Senator Kotowski.

SENATOR KOTOWSKI:

Senator, I appreciate the fact that you've brought this bill to confront an area of concern within your district. I just -- couple questions. Is it -- is it legal to hunt bobcats - maybe I missed that - in other states?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Yes, sir. Thank you, Senator, for that question. And if I understood the question properly, yes, it is -- it is legal to hunt -- hunt bobcat in all but eight states in the United States. We are one of eight states who do not allow it and all of our border states with the exception of one, so four of our five border

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

states, have a bobcat hunting season.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Kotowski.

SENATOR KOTOWSKI:

Just an area of -- that I'm concerned. It would allow for hunting to take place of bobcats in Illinois. Did -- does it indicate within the bill the specific areas where the hunting would take place or will DNR specifically state in the rules where that hunting can take place?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Yes, Senator. Thank you, again. DNR will respond to the need as it arises by county, by region. That was their testimony. That is their intent. That is my intent. We understand that it may not be a problem in -- in -- in one particular county, area or region, but it is becoming a problem -- has become a problem in several, especially the southern and western regions of the State. So that is their intent. And as Senator Sullivan said very well earlier, that there is plenty of history to demonstrate that IDNR understands their role and does a very good job. They just this year responded to declining deer populations by issuing new standards. So, thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you. Thank you for your response to my inquiries. Just a -- just a comment about this legislation. I know there's a great deal of concern about, in -- from some areas, from some people and

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

groups about the bobcat population. And I understand that passion that people have in -- in protecting animals. I get that. But I also would encourage people to think about carrying that same level of passion and concern and outrage when it comes to protecting children who are dying each day from gun violence in the City of Chicago and making sure that we protect them, make sure they have a secure life, a safe life. You know, I -- I get the fact that we're talking about this bill on the last day of Session. I respect that and I'm going to consider supporting this bill, but I'm going to tell you something. At the end of the day, if we're going to treat all areas and all, you know, all people equally and we're going to make sure people are going to be safe, let's have that same level of outrage and concern. There are kids who can't get to school every day. And we don't debate about that bill as long as that -- as we possibly can. There are kids who are dying every day from gun violence and we're not doing enough. And we're talking about bobcats? And we're so concerned about bobcats? I'm so -- I -- there's a fury that's built up inside me right now. I get it. I've done a lot of work on behalf of The Humane Society and I'm a strong supporter of what they're doing, but let's do whatever we can here in this Chamber to keep kids safe and secure and protected so they have the kind of life they need to have so they can move on to the next generation. I mean, their population isn't being protected. Their population is being diminished as we speak. They're not going to high school. They're not going to college. They're not getting jobs. What are we doing here to protect them, those children, those families? So I appreciate what you've brought up here, but I just wanted to bring that up. Thank you.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann, to close.

SENATOR McCANN:

Thank you, Madam President. I want -- I -- first of all, I don't want to be remiss and forget to thank the Office of the Senate President for helping me get this to the Floor. I want to thank Senator Sullivan for -- for his strong support. I also want to make a statement in regards to some of the statements the previous speaker spoke to, and that is, I agree with you wholeheartedly on much of what you said, sir. I think that's why we're all here. There's fifty-nine of us in this Chamber, each representing somewhere in the neighborhood of two hundred and twenty-one thousand people. They each send us here. That's -- I think, interestingly enough, if Illinois were a treasure map, the "X" is in the same place; there's just a lot of different circuitous routes to get there. And that's what we're really all trying to do. And so I think I have proven many times, much to the dismay on my side of the aisle and much to the surprise on your side of the aisle, that I will support bills that sometimes people with the -- the letter that I have after my name don't support. Because I come here not to perpetuate the -- the politics of party, but to be a real leader and to do just those things. And I would also -- I would also argue that I think that something that gets lost in -- in the shuffle in a -- in a state as large as Illinois, where the northern parallel is on the same line of latitude -- the northern boundary is on the same line of latitude as Boston, Massachusetts, and the southern boundary is on the same parallel as Richmond, Virginia, and you have a city as large as - as Chicago up there anchoring it at the northeast corner,

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

sometimes we think that only inner-city kids need -- need a center to go to after school - and they do, they do, and that's why I vote sometimes even for your -- some of your budget bills to make sure that some of that stuff happens - but there are a lot of young people in rural Illinois, in rural America. If you look at the suicide rates, they're actually higher in the rural areas, because they -- they don't get a Boys Club or a Girls Club to go to. They're out in the middle of nowhere. Their parents have deserted 'em and they got nobody. And so you're right. I think if we were actually to go through all the bills that were sponsored and all the bills that were voted on in this Body in the last two years, this 98th General Assembly, I think we should all probably feel some level of shame for some of the attention to detail that we've given to some bills and the lack of attention that we've given to many very important bills. So I agree with you on -- on those levels. To the bill: I would ask for your vote, realizing that we are each sent here to do a job; that many of us face these issues back home. Maybe -- maybe it's not a big deal in your -- maybe it's not an issue at all in your district, maybe it's an issue in a part of your district, maybe it's an issue in a part of your district that maybe isn't quite -- there aren't as quite as many votes in that part of the district - but it's still an issue. Again, and we're sent -- our -- our oath, our oath says we will come here and protect and defend the Constitutions of the State and the nation; that we will do what's best for -- not only for the people of our district, but for the people of the State. This bill seeks a -- to introduce a proactive approach to managing wildlife. Historically, we've been very reactive, and that's why the populations grow at such exponential rates. They grow so fast

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

that then we have to go into a thinning of the herd mentality. That's what we're trying to avoid here. If we do nothing today and if we do nothing next year and the next year, in a few years we'll be looking at thinning the population. If we start now, we can take a very measured, metered, proactive approach. Something I think that we can all be proud of doing. Thank you, Madam President, for the time you've yielded to me today.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, the question is, shall House Bill 4226 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 30 voting Yea, 19 voting Nay, 1 voting Present. That's how I felt about minimum wage last night. House Bill 4226, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, we spent much too long of a time on a bill about bobcats. We would like to adjourn for the day for the holiday season. Please keep your remarks as brief, if you can, to the next bills or we'll put the light on. Thank you. Senator Morrison, on House Bill 4556. She indicates she will present. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4556.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Morrison.

SENATOR MORRISON:

Thank you, Madam President, Members of the Body. This is a

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

much less controversial bill. This is an initiative of the Secretary of State that repeals a provision authorizing the Secretary of State to assess a twenty-five percent penalty for fee payments that were dishonored if the amount due to the Secretary exceeded one hundred dollars and was not paid in full within sixty days from the date the fee became due. I know of no opponents and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, this -- this bill has an immediate effective date and it will require a three-fifths vote. The question is, shall House Bill 4556 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 52 voting Yea, 0 voting Nay, 0 voting Present. House Bill 4556, having received the required constitutional majority, is declared passed. Senator Harmon, on House Bill 4576. Senator Harmon, on House Bill 4576. Out of the record. Senator McCann, on House Bill 4899. Senator McCann. Okay. Let's go for it, Senator McCann. He indicates he wish to proceed. Please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 4899.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McCann.

SENATOR McCANN:

Thank you, again, Madam President. We'll try not to take so much time on this one. This bill essentially allows the County of

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Sangamon to use 4.4 million dollars it received in federal funds to use six miles of an abandoned railroad bed as a -- as a connector trail on its bike path system. Essentially, we are conveying this six-mile stretch, about fifty feet wide, that we became the custodians of, to the -- to the County of Sangamon for a dollar so that they can complete their bike path trail. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 4899 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yea, 0 voting Nay, 0 voting Present. House Bill 4899, having received the required constitutional majority, is declared passed. Senator Harmon, on House Bill 5522. Out of the record. Senator Steans, on House Bill 5537. The lady indicates she wish to proceed. Please read the bill.

SECRETARY ANDERSON:

House Bill 5537.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes, thank you, Madam President, Members of the Senate. This bill is narrowing the ability for ISBE to go and intervene in school districts. We had passed this bill in the Senate in 2013. The House didn't take it up until this year. So now it is back to us. Right now, the -- ISBE has the authority to go in and -- and

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

take over school districts, and they're supposed to. They're trying to narrow it down so it's clearer when they really can go and do that. They would only be able to, under this new proposal, to go into a maximum of four school districts at a time to replace an -- an overall board and then put in an independent authority. And they can only do so after there's a big needs assessment -- district needs assessment worked on, a lot of intervention work. They have to go through an accreditation process, and only if they cannot get accredited because of governance issue would this then apply. I think this is very good and needed to sort of narrow the scope on when ISBE can do it. It also sets clear exit criteria for ISBE on when they then, the independent authority, disbands and a new elected school board takes over again. Happy to answer any questions around this bill and would certainly urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR RIGHTER:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

He {sic} indicates he {sic} will. Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Senator Steans, there's a lot into this -- a lot in this bill and I kind of walk -- like to walk through at least three or four of the provisions in it. But I want to start with a little more of a wide-angle-lens question, and that is, as I -- what -- what I just heard you describe was, this is an effort to narrow the State Board's -- of Education's

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

ability to intervene in school districts that are - I'm going to use a generic term here - failing. And in fact, the bill goes so far as to set a specific ceiling on the number of school districts that can be intervened into at one time, and that's four. One, the more and more as time {sic} gone on, particularly in the last year or two, we've heard more and more about school districts struggling. So while we hear an increased chorus on that issue, what's the logic in decreasing the State Board of Education's authority to intervene in failing schools? And the second part of that is, is why the number four, as opposed to six or eight or fifteen?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Thank you. Yes. Well, currently right now, the way the statute reads is -- is -- you're right. This is a -- a narrowing. There's a -- a hundred school districts right now that ISBE is supposed to be going in and taking these actions in. Clearly, they don't have the capacity and resources to go and intervene in a hundred. And -- and -- but -- but they are going to have the ability -- this doesn't take away ability to do lots of other work and intervention work with school districts. It just says the maximum of four to actually go in and pull out, disband the entire school board, is maximum of four. And that's only after lots of work has been done to develop school district needs assessment programs, to get them through an accreditation process, these -- which can be very helpful. So we've been trying to do it so there's a lot more work and resources and concerted efforts on trying to improve the district, and through that accreditation

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

process then only if they can't get it accredited because of governance. And there's a lot of criteria listed, which I'm happy to go through if you want, on what a failure of overall governance means. It doesn't mean that any other school district where there's individual problems can't be dealt with; it just means it's limiting it to replacing the entire board to four at a time. And that was really just worked out through compromise language and can get tweaked if feel like we need to at some point down the road.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

So, Senator Steans, let me give you a -- a hypothetical. If this bill becomes law and, pursuant to its provisions, the State Board of Education intervenes in -- it picks four districts and intervenes in those districts, and while that process is ongoing, there is a collapse in one or more than one other school districts across the State. So as to make it clear to the folks at the State Board of Education that, really, that's where they need to go in, but they're capped at four, what will be the remedy then?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

There -- there -- you know, there -- there's no limit on if -- if something's collapsing because of financial oversight. This has nothing to do with the financial oversight mechanisms. There's all sorts of other processes in place for the Illinois School Board to go in and work in -- in school districts. Right now, we only have one in the State of Illinois that's got an independent

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

authority, and that's in North Chicago. This takes a long time. I mean, the likelihood -- you know, you're sort of talking about an extreme hypothetical. The likelihood of us getting into that situation, I think, is small. Certainly, we can go back and relook at it if we think. I think there's some concerns about -- on the other extreme, we don't want -- it should be rare and unusual that ISBE is going in and taking over and disbanding an entire school board. There's been lots of concerns expressed about that. So there's a balancing act in all of this that's being done. And there's many tools besides going in and actually disbanding an entire -- school board and putting in an independent authority. A lot of other tools in the toolbox that ISBE will still continue to have, including financial oversight panels and -- which has been done, for example, in East St. Louis.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Now, Senator Steans, I'm going to go to the other side of the spectrum, if you will, because I'm not only hearing comments about the issues that we just talked about, I've heard comments that some would say come from the other end of the philosophy, and that has to do with the provision that would allow the State Board of Education once it makes a determination to - you know, can you see me, Senator Steans? Okay. - makes a determination to remove a school board member or an entire board and make a determination that, by law, those people who have been removed will not be allowed to run for school board again for a decade. That seems -- I think you would agree, that's a heavy-handed remedy - not that it's not warranted in some cases,

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

but that's a heavy-handed remedy. Can you walk through with me what the State Board of Education has to demonstrate in order to get there? Because that is -- I mean, you're taking away from the parents and the voters in the district where they send their kids to school the ability to choose someone they may want to serve on the school board. So where -- where does the State Board of Education need to get in order to -- to -- I mean, impose that remedy?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes, thank you for the question. So there are a large -- so there's a lot of work that gets done before the State Board can possibly get to this. And this is why I think, you know, you're sort of now talking the other side. It's really going to be hard to get to that four cap, I think. The -- they're -- the district needs assessment process, that gets done first. And they -- they have time to be working around implementing changes in accordance with that. And then there's going to be selected an outside third party independent accreditor agency that will work with the school district to try to help them get back on track and do accreditation. Now, through that accreditation process, only if the district...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Excuse me. Excuse me, Senator Steans. Please lower your voices. We are having 3rd Reading debate and we would like to be able to hear the debate. Thank you. Senator Steans.

SENATOR STEANS:

Thank you. Yes, it's only if that accreditation fails -

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

they're not able to get accreditation because of -- of an overall failure of governance. We're not talking about an individual board member. We're talking about an overall failure of governance. And there's a lot of criteria set on the bill and what kinds of things are included in that overall failure of governance that they have to meet. So, I'm just trying to get to the right part of the bill to be able to give you some of the details.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

I think that she's looking for some information, but in the meantime, Madam President, I want to thank you for trying to tamp down the noise in the Chamber. I mean, this isn't bobcats. It's just schools, but it's still kind of a deal. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thanks for the compliment, Senator. Senator Steans.

SENATOR STEANS:

I will come back to you for the criteria in just a sec, but then the other thing I want to say is, once then you have an overall catastrophic failure of governance in that school board, then they have the ability to an individual -- any individual board member has the ability to get a hearing if they would like to be heard themselves about the fact that they should not be removed. And this was something -- 'cause this has been a controversial part. We passed it in the Senate without this before, but in negotiations in the House, further negotiations with the Illinois Association of School Boards, we've added the ability to have these individual hearings. Everyone has the -- the ability to have an individual hearing and an individual school board member can be

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

placed on the independent authority. And if you're on that independent authority, then you don't have to wait the full ten years before you can run for election again in that school district. So we have created a process for an individual to be able to sort of go around that. But that is the case. The criteria around governance, by the way, has to do -- for -- with the -- the -- the board, the overall board, is failing to protect the district assets for -- for a whole host of reasons; acts of neglecting the district's building conditions; a failure to meet regularly scheduled payroll-period obligations when due; failure to abide by competitive bidding laws; failure to prevent an audit finding of material internal control weakness. There's sort of more in that area, the -- the failure to protect districts. Then there's also the failure to direct sound administrative and academic policy by hiring staff who do not meet minimal certification requirements for positions being filled; failure to avoid conflicts of interest; failure to provide minimum graduation requirements and curriculum requirements for the School Code. There's all that category. And then there's another category around basic governance principles that the board has demonstrated they're failing to do. These are the reasons you don't get accredited because -- for good governance. And these kind of criteria include things like failure to comply with the mandated oath of office; failure to adopt and abide by sound local governance policies; failure to abide by the principle that an official action of the board occurs through the duly-called and legally conducted board meetings. Those sorts of things. So it's a very heavy set of criteria that gets looked at that you can't get accredited due -- because of governance. And that was done specifically in a lot of negotiations with the

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Illinois Association of School Boards.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. And thank you for your efforts again with the Chamber. So in listening to all that, Senator Steans, someone -- a board member who has voted to spend money that the district did not have, has supported the hiring of, let's say, teachers that weren't properly certified, has not supported reasonable efforts to audit the school district's books, and done so repeatedly, could be banned from running for school board again under -- under the provisions of this bill. Is that a fair statement?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yeah, the -- the overall board would have to have failed to be able to get -- the overall school district would have to have failed to be able to get accreditation because of governance - that might include reasons that you are describing. And then it's just for ten years that they can't run. They do have the ability to run later on, just not for that school board for ten years.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator Righter.

SENATOR RIGHTER:

You read my mind, Madam President. Thank you very much. Ladies and Gentlemen, to the bill, very briefly. I appreciate, as always, Senator Steans' willingness and ability to undertake wildly complicated issues and try to fashion solutions that she

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

believes are practical, others do. But I have a deep concern about the notion of some nameless, faceless person at the State Board of Education making a determination, after going through a page or two or ten of criteria, that someone has failed, maybe even repeatedly, to follow, that there's going to be a determination then from Springfield that this person cannot be a candidate for a school board in a district where this person's children may go and a person who has been chosen by the voters. I -- I'm not comfortable with that kind of prohibition in the bill. I would, therefore, respectfully urge a No vote. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

You're welcome, Senator. Further discussion? Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Indicates she will. Senator Hutchinson.

SENATOR HUTCHINSON:

I was -- I had some concerns about a scenario that was spoken to previously - if there's systemic and structural problems on a school board and someone runs for the school board and then, within that time period, the school board is disbanded, knowing that that person didn't really have much to do with everything that had been happening up until that point. And we've had discussions about the removal of these. So I have some questions just to go to legislative intent to make sure we're clear about the fact that, to tighten up these provisions, we will be coming back with a trailer.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans. Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you. So, Senator Steans, House Bill 5537 allows the State Board of Education to remove a school board when certain criteria are met, correct? And does the State Board of Education already have this authority?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes, you are correct. The State Board of Education, as I've mentioned, does have currently -- is currently actually required to remove school boards. So this is something we're already doing when a district has been on academic watch for three or more years. This list right now contains a hundred school districts. I don't believe, nor does ISBE, that it's appropriate for the board to be removed in all of these districts. So we could be doing this already, a hundred districts across the State. The intent of 5537, this bill, is to outline a clear process that better defines when the State Board is in fact permitted to remove a school board. It also restricts the number of boards, as we mentioned, to at any time no more than four.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

And this process is different than removing individual board members for criminal acts, correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SENATOR STEANS:

That's right. They do have the authority. This isn't talking about that. This purpose is to better define ISBE's authority to intervene in low-performing school districts where there's a governance failure, as mentioned, with many criteria set for that, and only if, after the accreditation process, they don't meet governance -- basic governance needs, and only then can they remove the entire school board and establish an independent authority.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Does the Illinois General Assembly have the authority to regulate school boards or are these positions protected by the Illinois Constitution?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Right, 'cause there's been some questions about this that had been asked in committee, and school boards are created by the Illinois General Assembly by statute, and that's -- can be changed by the Illinois General Assembly. The positions are not created by the Constitution, are not constitutionally protected as a result.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Some concerns and questions have been raised by some of the school districts on the priority list about the removal of board members who may not have contributed to the governance failure of

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

the district. Can you please clarify the provisions of the bill that deal with the board member removal?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson. Excuse me. Senator Steans.

SENATOR STEANS:

Right, and I think this is also speaking to some of the concerns expressed by an earlier speaker. The bill outlines a -- hearing procedures for members of the school board that's been removed. Individual members of the removed board are entitled to a hearing, during which time they each can have an opportunity to respond to the basis for removal. Members of the removed board can then be placed on the independent authority by the State Superintendent - so there's a process now in place for that. While we've included this provision, some school districts have expressed ongoing concerns, and I've committed to them, along with the Illinois State Board of Education, to sit down with these districts to discuss the amendments which would further address these concerns. You know, we recognize the vast majority of districts and school board members volunteer their time for good for their districts and communities and do not want to penalize any school board members who are working hard to do the right thing by the students.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Senator Steans, for that. Can you please clarify on the record that it is not the intent of the State Board of Education to remove school board members and bar them from running for office without due process? Further, it's my understanding

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

that the State Board is committed to working on a trailer bill to clarify issues and concerns surrounding board member removal in the spring, and I offer my assistance in that effort.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Terrific. I will take you up on that. That's absolutely correct and I know it's the case for ISBE as well.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you for that, Senator Steans. Thank you, also, for having a number of conversations with me about the concerns that I had about this bill. And because I know you worked very hard on this and I'm going to be helping with the trailer bill, I intend to support this and I urge the Body to vote Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates she'll yield. Senator Duffy.

SENATOR DUFFY:

Senator, I'm just trying to make sure I understand all of this. With this bill, it sounds -- some of it sounds a little bit confusing or concerning, I guess, to me. So just so I understand, that what happens is, is the -- the school board -- the State Board of Education can come in and remove a school board or a specific

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

board -- school board member that they have a problem with?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

This part -- what we're dealing with for now is their ability to go in and remove an entire school board. There are other ways that they can go and do it if you have a single board member someplace that's doing something nefarious. Stuff can be done. That's not what we're talking about here, though. We're talking about here more narrowly defining when ISBE can go in and remove an entire school board. They've only done this once in the State. It was done in North Chicago. There's an independent authority operating there. As I say, they already have this authority. They're supposed to be doing it right now in up to a hundred districts, the way the current statute reads. This is trying to narrow, provide more clarity, and a much better definition of when ISBE can actually go and do this, and a situation of exiting, making it really clear how they get out. Because, right now, for example, with the North Chicago, we don't know what -- how they're supposed to get out of that. This clears and provides a real basis for transitioning back to a fully elected school board so you don't have the independent authority operating there in continuum.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Duffy.

SENATOR DUFFY:

Okay, so then - and just to paint a scenario of a concern I would have - is it -- if there -- if there's a problem, say in an area you have a problem with a school board member, what would happen is the State Board of Education would come in and remove

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

the entire school board. So the voters of that area voted for those school board members. So what would happen is, then people from the government, State government, would come in and override the voters and, instead of removing one person, they would remove the entire school board. And then, also, on top of that, which really concerns me, and I think should concern everybody in this Chamber, is that then they can't run again for ten years. And I guess I have a couple of questions. First off, isn't that a little drastic? That if a school board or a school board member's having a problem that the State Board of Education can come in, remove them, and not allow them to run again for ten years? So that's my first question: Isn't that awful drastic? And then, secondly, how is that legal according to the Illinois Constitution? How can the State Board of Education come in and tell anybody that they can't run for office?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Okay, so, as I say, you know, this is an authority they have right now. We're narrowing it. And the -- and we've also created a provision and a way for, if there is one of the -- when they're going in -- and you have to remember, this is only in the case when there's been a drastic failure of governance in that school board, as identified by an outside accrediting entity that's says that this failure in the school district is because of overall governance challenges. If there's an individual board member on there who's not been part of the problem, there's a process and hearing place -- hearing process in place for them to get their concerns heard and they can be placed on the independent authority,

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

and then they can run. So there's a process to -- to do that. And we did now make it clear again that then after the ten-year period, for everybody else, they are also able to run. I also just want to note that these are set up by -- they're not constitutional offices. They're set up by statute of the General Assembly. There's been legal opinions done that this is not a constitutional issue doing it. We have the right because they're constitutionally created school boards by the General Assembly. They're in State statute; they're not in the Constitution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Duffy.

SENATOR DUFFY:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. To the bill.

SENATOR DUFFY:

You know, Senator, thank you very much and I appreciate you answering my questions and -- and I -- I appreciate what you're trying to do with this bill, but it seems like it's a lot of overkill. It seems that we should be a little bit more surgical. If there's a problem, that we should try to go in and -- and target on just that one school board member. And, I guess I just feel that it undermines democracy, our democracy, if you were going to go in, remove a whole board that the voters of that area put in, that voted for; we're going to remove them from office and then tell 'em they can't run again for a decade. That -- that really concerns me. I wish that wasn't in the bill. Because of that, I encourage a No vote. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Further discussion? Senator Hastings, for what purpose do you rise?

SENATOR HASTINGS:

Question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates she will yield. Senator Hastings.

SENATOR HASTINGS:

I apologize for not talking to you in advance about this, but I only have a few questions. The first one is in regards to the independent authority. When the -- when the State Board goes ahead and chooses those individual members to replace the school board members, is there any input from local government officials and how does that process work?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes, I know there is, and the majority of the members have to be selected from the community as well, and they do -- in fact, there is a requirement they have to seek the input from local elected officials. And -- and thanks for the question.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hastings.

SENATOR HASTINGS:

I guess the second thing is, I spoke to numerous superintendents in the -- in the 19th District and I know that we have schools that have been identified on this list. Does the list on our analysis currently and accurately reflect all the schools that would be audited by this, if this bill was passed?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Senator Steans.

SENATOR STEANS:

Yes. So these districts would all be able to have the opportunity to go through the accreditation process, which should provide them all with, I think, a great resource and tools to be able to improve, and only if -- and -- and I think there's very few that would ever not be able to get accredited because of the governance. That's the whole thing. And, really now, what we're doing is saying, we want a concerted way to go in and actually provide help first in these districts. So that's the intent and that is the accurate list.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hastings.

SENATOR HASTINGS:

Thank you, Senator. I -- I'd like to go over the list with you at least one more time to ensure that it accurately reflects the schools that should be on that list. Just in response to some of the constituent concerns that I've gotten in our district, and just to give them justice and let 'em know that I represent them the right way: They do feel as if replacing a school board circumvents the democratic process in terms of choosing their school board members. I know that you understand that. Another concern that they had was in terms of, you may replace the school board, but you don't replace some of the funding that may be necessary to correct some of the problems. And I hope that we could talk about that in the next legislative Session with the education budget, and I hope that our Republican counterparts also respect that -- that process, and, hopefully, we can fund education at a hundred percent so our schools are more effective. But I

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

want to say thank you for bringing this bill. I do have some reservations. I'll be voting Present on it. It's not a reflection of your hard work, but a reflection of my district. Thank you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR ROSE:

Question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Indicates she will yield. Senator Rose.

SENATOR ROSE:

Thank you. Senator, I -- I -- I know you and I've talked about this. We had a very lively debate in -- in committee. And, frankly, in committee, I came from it from the direction of many of the other speakers. Is it your intention to have a conversation on a trailer bill on this? Correct? And what is that about? What is the topic matter of that trailer bill?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

Yes, it's to just further look at -- I know some of the districts have been concerned about this issue, about the removal and making sure there's no -- that there's due -- due process, which we've tried to establish in here; that when somebody's coming off, there's not something that's -- that they have every opportunity to not do that when somebody's been doing everything in the good faith and credit of the district. So that's the topic, and how to make sure we've done everything there that's right and are there some tweaks that we can do to further improve that. So

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

I've committed to that, as has the State Board of Education. I know Senator Hutchinson's interest in that. Be happy to include you in those conversations. And I know there's some other districts that are interested in participating in those conversations as well.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Rose.

SENATOR ROSE:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR ROSE:

So, here's the deal. I really don't like that one provision of the bill and it's the bill {sic} that everybody else has talked about. In the committee, I asked the State Board of Education to provide me a legal analysis of why that is constitutional. The State Board, to their credit, did provide a five- or six-page memo on the constitutionality of the provision of removing someone and banning them from running again. I appreciate that. I appreciate the fact the State Board made that overture. What a difference a month makes, actually. It was the biggest memo I've gotten from the State Board of Education in twelve years, but that's a different story. Here's the deal. The only reason I'm voting for this bill is because it narrows the list of who can be impacted by the already existing State law, because, quite frankly, the already existing State law does exactly what the previous speaker said, which is remove people from office. So you're narrowing the scope, the list, of who can be impacted by this. It's the only reason I'm voting for it, because I do feel that the rest of it is very

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

odious and I look forward to working with you on the trailer bill. But, make no mistake, this actually lessens the impact of the existing law, which is, frankly, highly, highly, highly problematic. Thank you, Madam Speaker.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Madam President. You're in the Senate. Senator Rezin, for what purpose do you rise?

SENATOR REZIN:

Thank you, Madam President. Question for the sponsor, please.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Indicates she will yield. Senator Rezin.

SENATOR REZIN:

Senator Steans, I know we've had a robust discussion here today about all of the, you know, details of this bill, but, in fact, ISBE -- can ISBE currently do this and how many schools are on the list that they can take over?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Steans.

SENATOR STEANS:

That's correct. ISBE can currently do this. A hundred school districts are where they're actually supposed to be doing this by the way the statute's currently written. Clearly, I think we don't want them going in and disbanding a hundred -- a hundred boards of a hundred school districts. So this is narrowing it. This list {sic} now gets you to twenty-nine that get help and intervention and only the maximum of ever having done it at four at one time. So it's very much narrowing when ISBE can go in and do this.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Rezin.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SENATOR REZIN:

Thank you. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

...the bill.

SENATOR REZIN:

I know, Senator Steans, you have worked on this bill for quite a -- quite a while. When it first came to us, we had many concerns regarding when ISBE can come in and take over the school districts. I think that you have worked through many of them. I'm glad to hear that there is a trailer bill that we'll be addressing, for us, as well. But at the end of the day, this particular bill is simply to better define what ISBE can already do, and it allows them to take that list of a hundred school districts and say, "we can only take over four school districts at a time", because they have limited amount of money, limited resources. They do not want to take over one hundred school districts. So, because of that, we had a very good debate in committee and we did support it and I ask -- I look forward to the trailer bill and I ask for a Yes vote today as well. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Nybo, for what purpose do you rise?

SENATOR NYBO:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill.

SENATOR NYBO:

I also rise in support. I think this is a great bill and, frankly, I'm at a loss to understand exactly what the opposition to this bill is. It's my understanding that the broad intervention

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

by the State Board of Education into local school districts, their ability to do so, already exists. And this is a restriction on that ability; that this will give them a -- a -- a more restricted ability to intervene in local school districts. All that being said, I generally favor the ability to intervene in failing school districts and so I support the concept of the bill, I support the bill itself, and I encourage people to vote Yes on this one. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. You're a fast learner. Ladies and Gentlemen of the Senate, to close, Senator Steans.

SENATOR STEANS:

I -- I appreciate the real debate we had here on this. It's very -- it's a very concerning issue when you're going in and taking over a school board and saying people can't run again. I appreciate that fact. I think it's been noted by a number of people that the real goal here is to limit our ability to do that. It is the democratic principle we operate under. This is trying to narrow -- narrow it, clarify it, and, remember, it also provides an exit strategy on when you get rid of that independent authority and let an elected school board come back into place. I think this is a much better approach to doing something that is very complicated and shouldn't be done often. Would certainly urge an Aye vote and -- so we give ISBE the ability to do this only when absolutely necessary. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall House Bill 5537 pass. It is an immediate effective date, requiring a three-fifths majority. Shall House Bill 5536 {sic} pass? All those in favor will vote

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

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 41 voting Yea, 6 voting Nay, 3 voting Present. House Bill 5537, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, I want to thank you for spending so much time on only two bills that we are now going to turn on the timer. Thank you so much. House Bill 5584. Senator Muñoz. Senator Muñoz, on House Bill 5584. Out of the record. Please turn your Calendars to the top of page 4, on House Bills 58 -- 3rd Reading. House Bill 5878. Senator Link. He indicates he wish to proceed. Please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 5878.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Link.

SENATOR LINK:

..Madam President. This allows Pace to increase small purchase threshold to forty thousand from the current ten thousand. The ten thousand threshold was set in 1973. So I would just ask for a positive vote on this.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 5878 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 voting Yea, 4 voting Nay, 0 voting Present.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

House Bill -- 5878, having received the required constitutional majority, is declared passed. Senator McConnaughay, on House Bill 6291. The lady indicates she wish to proceed. Please read her bill.

SECRETARY ANDERSON:

House Bill 6291.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Thank you, Madam President. This bill is an effort to accommodate redevelopment projects under review but not yet confirmed by the City Council of Batavia.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 6291 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 49 voting Yea, 0 voting Nay, 0 voting Present. House Bill 6291, having received the required constitutional majority, is declared passed. Senator Trotter, on House Bill 6303. Gentleman indicates he wish to proceed. Please read the bill.

SECRETARY ANDERSON:

House Bill 6303.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Trotter.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SENATOR TROTTER:

Thank you very much, Madam President, Members of the Senate. As our communities continue to struggle to get sustainability and to grow, we are asking, in Lansing, Illinois, that we extend our TIF financing so they can do so as well.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Seeing any -- there is no discussion. This bill does require a three-fifths vote; it has an immediate effective date. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yea, 0 voting Nay, 0 voting Present. House Bill 6303, having received the required constitutional majority, is declared passed. Ladies and Gentlemen of the Senate, please turn your Calendars to the Order of Senate Concurrences -- Secretary {sic} (Secretary's) Desk, Concurrences. We will begin on page 5 with Senate Bill 649. Senator Martinez. Senator Martinez, on Senate Bill 649. She indicates she wish to proceed. Please read the lady's bill.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 5 to Senate Bill 649.

Signed by Senator Martinez.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Martinez, on Amendment No. 1. Excuse me. Senator Martinez, on Amendments 1, 2 and 5.

SENATOR MARTINEZ:

Okay. I'm sorry. There -- there was some changes made over in the House to -- House Amendment No. 1 and 2, but House Amendment

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

No. 5 is the one that we are going to be talking about in -- on 3rd Reading.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Senator, please speak to the motion now. It is a motion to concur.

SENATOR MARTINEZ:

House Amendment No. 5 repeals {sic} the Medical Practice Act from December 31st, 2014, to December 31st of 2015. It requires disclosure of disciplinary cases from local law enforcement agencies and adds a provision stating DFPR may consider the individual applicants with unique experience and skills.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Discussion? Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

To the -- to the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the motion, Senator McCarter.

SENATOR McCARTER:

I -- I'll -- I'm -- I'm -- I'm in favor of this bill, but let me just say, this is an extension for a year. I think it's a better practice for us to extend these licensing agreements, this -- for ten years, and if we have to make a change, we can always come back and make that change. But there's way too much negotiating going on with these Acts on a year-by-year basis. If they have a problem, they can always come back. But I would suggest that it would be better for everyone if we would just extend the -- the -- the sunset to a ten-year period versus one. It will keep us from arguing over things we perhaps don't really need to argue over and make things a little simpler. Thank you.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Seeing no further discussion, Senator Martinez, to close.

SENATOR MARTINEZ:

Thank you, Senator McCarter. And let me just say that I tried that. I sent over a bill for ten years, the way we've normally done it in the past, the last almost two or three years, but, somewhere in the House -- the decisions in the House, somehow they keep giving it to us, you know, one year at a time. But I am -- I am committed to making sure that -- hopefully this next coming year, we're -- we're going to be able to take care of this for the next ten years.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. This concurrence has an immediate effective date, requiring three-fifths vote. The question is, shall the Senate concur in House Amendments No. 1, 2 and 5 to Senate Bill 649. 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 49 voting Yea, 1 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments 1, 2 and 5 to Senate Bill 649, and the bill is declared passed. Senator Harmon, on Senate Bill 726. He indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 726.

Signed by Senator Harmon.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon, on Amendment No. 1.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SENATOR HARMON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 726 has come back to us from the House as two liquor exemptions, one a new exemption, a second a correction to an exemption we've approved in the past. It came out of the Executive Committee with -- without opposition and I ask for your support of my motion.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, this bill has an immediate effective date, requiring three-fifths majority vote. The question is, shall the Senate concur in House Amendments {sic} No. 1 to Senate Bill 726. 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 Yea, 0 voting Nay, 1 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 726, and the bill is declared passed. Senator Raoul, on Senate Bill -- Senator Raoul, on Senate Bill 1342. He indicates he wish to proceed. Please read the -- please read the gentleman's motion. Supplemental Calendar 1 has been distributed. Please reflect your attentions to Supplemental Calendar 1 on Senate Bill 1342, Order of Concurrences. Senator Raoul. He indicates he wish to proceed. Please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 3 and 6 to Senate Bill 1342.

Signed by Senator Raoul.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Senator Raoul, on Amendments 3 and 6, please.

SENATOR RAOUL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Last March, the Illinois Supreme Court struck down our previously -- previously existing eavesdropping statute. We took to negotiations on a bipartisan, bicameral basis to try to get something done by the end of the spring Session and the Senate took action and passed a bill that was not taken up by the House. This bill is an agreement between the two Chambers. It's -- it's -- it's substantially the same as the bill that the Senate previously passed out, which was House Bill 4283, with minor changes, including the removal of the -- the prohibition on law enforcement eavesdropping mechanisms not expressly authorized by -- by the statute. As part and parcel of this bill, there was an expansion on -- on the list of crimes for which law enforcement may eavesdrop. That -- those offenses, including murder, solicitation for {sic} (of) murder for hire, some major sex offenses, kidnapping, and child abduction, and human trafficking offenses, and gunrunning, came by way of negotiations with the State's Attorneys Association.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR BARICKMAN:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates he will yield. Senator Barickman.

SENATOR BARICKMAN:

Thank you, Madam President. Senator Raoul, we had a

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

significant discussion in committee and I just want to clarify a few things for the Body. First of all, procedurally - and I know we addressed this in committee, but, again, just for the sake of the entire Body - there were two amendments that were actually brought over from the House. One amendment dealt with mandatory minimum sentencing guidelines for gun crimes. This bill, now in its form, in no way deals with any of the substance of that piece of that amendment. Is that correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

That is correct.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Barickman.

SENATOR BARICKMAN:

And then a -- a follow-up. You know, I have participated, as have others of our colleagues, on a discussion about the use of body-worn cameras by members of our law enforcement. And, in fact, I think currently, as you know, as you look around the State, there are many units of law enforcement that today are either using body-worn cameras or purchasing them with an intention of using them in the not too distant future. Just to clear up the -- the -- the record, this legislation doesn't address body-worn cameras, right? I mean, whatever the -- the law says yesterday about body-worn cameras is -- is -- it's not our intention here to change any of what the -- the existing law is today on the use of those body-worn cameras. I think it's our intention next year to likely take that issue up. It's an important one, I think we all recognize. But just, again, for the sake of the Body to clarify our intentions

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

here, we're not talking about the use or trying to regulate in some way the use of body-worn cameras with this legislation. Is that correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

That is correct. There's -- nothing in this legislation, you know, authorizes the use of body-worn cameras. We -- we have had, as you know, a -- a lot of discussions around that issue and that's -- it's part of the reason that there was some stalling in the progress last spring. We convened a joint Judiciary Committee with the -- with the House of Representatives several weeks ago. I think it's important that -- that we get together on a bipartisan and bicameral basis and -- and -- in the coming weeks to address this issue, given the occurrences around the country and the desire from all stakeholders to embrace the use of body-worn cameras, but also to set protocol surrounding their use. But this legislation does not do that.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Barickman.

SENATOR BARICKMAN:

Okay and thank you. And to the bill, real quickly, Madam President. I -- I just want to thank Senator Raoul for his work on this. This is one of those situations where I'm sure there are some legitimate concerns about how we're proceeding today, but I think there's a recognition by many of us that, because of this court decision, we need to take some action. We're trying to do that through some legislation here that certainly we may try to revise in some certain ways next year or in the future. So be it.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

This is an important piece of legislation and I would urge an Aye vote. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Madam President, for a -- a question involving legislative intent.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The sponsor indicates he will yield. Senator Haine.

SENATOR HAINE:

Senator Raoul, recently, very recently, law enforcement and the State's attorneys of Illinois have raised the concern as to whether law enforcement would violate the eavesdropping prohibitions in this bill for receiving certain electronic communications between criminal parties under a consent to search. Do you plan to address these concerns?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Thank you, Senator Haine. I was just made aware of these concerns and that is certainly not the intent of this legislation. I believe the -- this concern can be covered by clarifying an existing exemption, so we will be working with the State's Attorneys Association, law -- and law enforcement to address this concern. In the meantime, the State's Attorneys Association has committed to training prosecutors and law enforcement to remain in compliance of -- with this bill until the concern has been addressed by the Legislature.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR ROSE:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Indicates he will yield. Senator Rose.

SENATOR ROSE:

Thank you, Madam President. Senator Raoul, could you explain in English what you just said? On the little colloquy there between the two lawyers.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul, in English.

SENATOR RAOUL:

I thought that was English.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Rose.

SENATOR ROSE:

In non-legal verbiage English for the rest of us.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Well, I -- you know, not to -- not to be combative here, I -- I don't even think that was legal verbiage. I -- I said I was just made aware of the issue and it's not the intent of -- of -- of the legislation to -- yeah, to -- to criminalize the -- the communications that were raised by the State's Attorneys Association.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Senator Rose.

SENATOR ROSE:

What were those communications? What -- what is it not your intent to criminalize?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Eavesdropping communications between -- between criminal parties under a consent to search.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Rose.

SENATOR ROSE:

Only under a consent to search, right? Okay.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Correct.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To close, Senator Rose. No?

SENATOR ROSE:

Another question.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Okay. Senator Rose.

SENATOR ROSE:

So -- so we had the court case that struck down the existing eavesdropping statute and the main idea there was that citizens had a right to videotape, which included audio, police in the normal performance of their duties. That's a totally different story than the police audio and videotaping ordinary citizens. This

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

does not contain the uniform cameras in this at all. Here's my question: If you have two people having a conversation in a bar and someone walks up and says, "I want to record you", and they say, "No", then what?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

But -- if it's in a bar - a bar is a pretty public place - the question is whether or not it's a surreptitious recording. So, I mean, if -- if somebody just comes up to you, you're at a bar, they can -- they can turn on their -- their video camera on you, 'cause I don't think you have an expectation of privacy when you're sitting at a bar.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator -- Senator Rose, to close.

SENATOR ROSE:

I -- I'm -- I'm not talking about a surreptitious recording. And let's -- we -- we're outside on the street and I grab my friend and we -- I pull them away from a group to go have a private conversation. Someone comes up to him and says, "I want to record you", and throws the recorder out. And myself or my friend say, "No, you cannot record us." Then what?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

I'm -- I'm sorry, Senator Rose, but time has expired to final answer. He can answer it, but then that -- that's your close. Senator Raoul -- Raoul.

SENATOR RAOUL:

So it's normally not my role here during the Chamber -- in the Chamber to give legal advice, but I will do so in this case.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

I advise that the two individuals take their conversation elsewhere, where -- where they can have a better expectation of privacy.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Bivins, for what purpose do you rise?

SENATOR BIVINS:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR BIVINS:

Thank you. Thank you, Senator Raoul, for your -- your work on this and for the conversations that we've had. And, to let the Body know, the Illinois Sheriffs' Association does oppose this bill because it does not have the language about the body cameras in it. So I'll be voting No. You know, a lot has happened. As you stated, the House did not take up the bill. Here we are in December dealing with this. Eight months has passed since - I -- I believe eight months - since the Supreme Court ruled and struck the -- the law down. But a lot has also happened since we adjourned back in May in our country, and law enforcement and the public are demanding that we have body cameras, and most of law enforcement, the majority I think, are in favor of this. This is an issue that must be dealt with and we talked earlier on other bills about a sense of urgency. If ever there was a sense of urgency in our country, it's -- it's right now. And the body camera language needs to be addressed as soon as possible to protect not only our police officers, our law enforcement, but our citizens. Body cameras cut both way. They can exonerate or they can -- they can indict, and it's important. People are demanding and expecting

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

this and it's protection that we need. And, I think, to delay the discussion, to delay dealing with this and -- and this language, is a disservice and we need to address it as quickly as possible for -- for our citizens and protection of our law enforcement. But, on this particular bill, I will be voting No. And thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

...welcome, Senator. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

He indicates he will. Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Senator, can you explain the purpose of the "reasonable expectation" language contained in the bill?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Yes, thank you, Senator Harmon. The purpose of this language, by way of example, is to recognize that not only does the First Amendment contain the rights of free speech and the press, but it also contains the right to petition government. While the U.S. Supreme Court held, in its 2001 Bartnicki decision, that the right to free speech bars the imposition of a criminal penalty on a third party who publishes an illegally recorded private conversation between two private individuals when a third party did not record the conversation, the Supreme Court has not held that it -- it is

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

against the First Amendment to criminalize a third party who publishes a private conversation between a public official and a private person who is legitimately exercising his or her right to petition government. In *Bartnicki*, the court stated that its decision was limited to the facts of the case and the court has repeatedly refused to answer categorically whether the truthful publication may ever be punished consistent with the First Amendment. Most recently, in 2011, the Supreme Court has stated that the courts should not presume there is always an essential equivalence in -- in the Speech and the Petition Clauses of the First Amendment or that the Speech Clause precedents necessarily and in every case resolve the Petition Clause claims. The court emphasized that interpretation of the Petition Clause must be guided by the objectives and the aspirations that underlie the right, because a right {sic} (petition) conveys the special concerns of its author to the government and, its usual form, requests action by the government to address these concerns. As the court explained, the right to petition allows citizens to express their ideals {sic} (ideas), hopes, and concerns to their government and their elected representatives, whereas the right to speak fosters the public exchange of ideas that is integral to deliberative democracy as well as to the -- the whole realm of the ideals {sic} and human affairs. Simply put, the... Simply put, the reasonable expectation language makes clear that individuals have a legitimate expectation that private conversations with public officials when exercising his or her right to petition are protected conversations when it comes to being secretly and illegally recorded by third parties and then later published by the third party or someone else. As a result, the illegal

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

recording of the conversation and later publication are criminalized under this bill. The same legitimate expectation of protection would apply to a legislature -- a legislator by virtue of the doctrine of legislative immunity that his or her conversations with individuals are protected conversations under this bill when the legislator is engaged in legitimate legislative activity. Another example of a...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator, no more examples - the time is up - please. Please come to a close. Thank you.

SENATOR RAOUL:

Another example of a -- protected conversation would be attorney-client communications. The source of this legitimate expectation is a privilege, immunity, or right established by common law, Supreme Court rule, or the Illinois or United States Constitution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul, would you like to close or was that your closing? Senator Raoul, to close.

SENATOR RAOUL:

To Senator Bivins' concerns, I, too, realize the call for officer-worn cameras and -- and the sense of urgency. However, it's important for us not to hastily proceed with what should be some statewide protocol on their use, because simply saying that we're authorizing officer-worn cameras does not determine how they're going to be used, when they're going to be turned on and when they're going to be turned off. And so we have to have those discussions. We did hold a hearing and we got a lot of input on how -- it's being used nationally and we're going to come together,

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

I -- I commit, on a bipartisan basis and bicameral basis to -- to -- to appropriately address that. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. This does require three-fifths vote. It does ask for an immediate effective date. The question is, shall the Senate concur in House Amendments No. 3 and 6 to Senate Bill 1342. 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 46 voting Yea, 4 voting Nay, 1 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 3 and 6 to Senate Bill 1342, and the bill is declared passed. Kelsey Gibbs, WCIA, requests permission to video record. Leave is granted. Okay, we are returning to the regular Calendar on Concurrences, page 5. Please direct your attentions to Senate Bill 1431. Senator Althoff. The lady indicates she wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1431.

Signed by Senator Althoff.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Althoff, on Amendment No. 2.

SENATOR ALTHOFF:

Thank you very much, Madam President. Amendment No. 2 is a simple extension of a TIF district to twelve years for the Village of Lake Zurich.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

the Senate concur in House Amendment No. 2 to Senate Bill 1431. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 2 to Senate Bill 1431, and the bill is declared passed. Senator Link, on Senate Bill 1680. Indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 1680.

Signed by Senator Link.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Link, on Amendments 1 and 3.

SENATOR LINK:

Thank you, Madam President. It specifies that individuals receiving low-interest home improvement loans under the Home Equity Assurance program are allowed to use such loans to repair their damages of water and sewer pipes in basements following flooding events. Know of no opposition to the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 1680. 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 Yea, 1 voting Nay, 0 voting Present. Senate Bill 1680, Amendment Nos. 1 and 3, having received the required constitutional

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

majority, the Senate does concur, and the bill is declared passed. On Senate Bill 1842, we do have a motion filed for Senator Sullivan to carry the bill for Senator Frerichs. He indicates he wish to proceed. Please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 1842.

Signed by Senator Frerichs.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Amendment No. 1 and 3, Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. With the amendments the House made, it establishes a procedure for dissolving a mass transit district formed by referendum. This is an initiative of the Champaign-Urbana Mass Transit District. Under current law, it -- current law only provides for the dissolution of a district formed by a municipality or a county. It does not contain a provision for the dissolution of a district formed by referendum. That's what this does.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

There any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 1842. 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 51 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 3 to Senate Bill 1842, and the bill is declared passed. Senator Delgado. Senator Delgado, on Senate

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Bill 2711. Gentleman indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment 1 to Senate Bill 2711.

Signed by Senator Delgado.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Delgado, on Amendment No. 1.

SENATOR DELGADO:

Thank -- thank you, Madam President, Members of the Senate. I do motion to concur in House Amendment No. 1, which deletes it all, becomes the bill. The amendment makes two changes -- Educator Licensure section of the School Code. The amendment allows individuals who have the required 4 years of teaching experience in schools in other states to become principals in Illinois. Current statute requires 4 years of teaching experience in Illinois schools. The amendment also allows non-for-profit organizations that receive grants or contract -- contract with ISBE to provide professional development services in the area of English Language Learning to school districts, teachers, and administrators. And I would ask for the concurrence.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is -- this bill does require a three-fifths vote, seeking immediate effect date. The question is, shall the Senate concur in House Amendments {sic} No. 1 to Senate Bill 2711. 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. The question -- the question -- take the record. On

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

that question, there are 53 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 2711, and the bill is declared passed. Please turn your Calendars to page 6, top of page 6, on the Order of Concurrences. Senate Bill 2809. Senator Raoul. He indicates he wish to proceed. Please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 2809.

Signed by Senator Raoul.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul.

SENATOR RAOUL:

Thank you, Madam President. Senate Bill 2809, as amended by the House, amends the Pension Code and allows the Attorney General to bring a civil action to enjoin the payments of benefits to any person who's convicted of a felony relating to or arising out of or in connection with that person's service as a -- as an employee. This was brought to our attention as a result of a case involving Officer Jon Burge, who, notwithstanding his acts in connections to his duties, is collecting a pension because of the vote of the Pension Board. And the Attorney General's effort to intervene was -- was rejected by the courts based on our current law.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 2 and 3 to Senate Bill 2809. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

all voted who wish? Take the record. On that question, there are 51 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 2 and 3 to Senate Bill 2809, and the bill is declared passed. Senator Hutchinson, on Senate Bill 2915. The lady indicates she wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2915.

Signed by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson, on Amendment No. 1.

SENATOR HUTCHINSON:

Thank you, Madam President and my colleagues on the Floor. This bill requires that the Department of Revenue and the Attorney General to share information they receive under various Acts concerning the sale of cigarettes and other tobacco products to ensure compliance with the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003. Secondly, the bill changes the timing for the AG to issue rules concerning the construction of cigarette tubes that are used in cigarette machines. Happy to entertain any questions.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2915. 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 52 voting Yea, 0 voting Nay, 0 voting Present. Having received the required

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 2915, and the bill is declared passed. Senator Raoul, on Senate Bill 2933. Gentleman indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 -- to Senate Bill 2933.

Signed by Senator Raoul.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Raoul, on Amendment No. 1.

SENATOR RAOUL:

Thank you, Madam President. House Amendment No. 1 becomes the bill and allows the Board of Trustees of the CTA's Retiree Health Care Trust to allow refunds to members that do not qualify for retiree health care benefits.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, this bill requires three-fifths majority vote, seeking immediate effective date. The question is, shall the Senate concur in House Amendments {sic} No. 1 to Senate Bill 2933. 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 53 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 2933, and the bill is declared passed. Senator Haine, on Senate Bill 2979. The gentleman indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Amendment No. 1 to Senate Bill 2979.

Signed by Senator Haine.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Haine.

SENATOR HAINE:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This amends the Insurance Code to allow travel -- travel insurance agents -- or travel insurance agents to sell their lines with a limited lines producer license. This is an initiative of the insurance agents, as well as the Department of Insurance.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2979. 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 52 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 2979, and the bill is declared passed. Senator Harmon, on Senate Bill 2992. Gentlemen indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2992.

Signed by Senator Harmon.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon, on Senate {sic} Amendments No. 1 and 2.

SENATOR HARMON:

Thank you, Madam President. This -- this bill, Senate Bill

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

2992, came back to us from the House in a different form. It is responsive to a federal consent decree mandating that the Department of Juvenile Justice must streamline the hiring process for teachers by March of 2015. This bill provides a relaxation of the Personnel Code to accommodate that consent decree. Not aware of any opposition and I'd ask for your support of the motion.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, this does require a three-fifths majority vote with an immediate effective date. The question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 2992. 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 52 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 and 2 to Senate Bill 2992, and the bill is declared passed. Mr. President, for what purpose do you rise?

SENATOR J. CULLERTON:

Yes, thank you, Madam President, Members of the Senate. I'd like to just say a few remarks at this time because at this time of the year frequently there's staff people who decide to leave our staff and move on to other endeavors and we have that situation here with our Chief Legal Counsel and Parliamentarian, Eric Madiar. So Eric's first job I gave to him on January 14th, the day that I was elected Senate President, and as I made my way up to the Podium, I told Eric, "Get that gavel away from Blagojevich." That was his first task. Over the years, we have trusted Eric to take on some really important endeavors. He's been our General Counsel

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

and Parliamentarian since that day. He has become one of the leading voices on constitutional law and, really, a guiding force in the debate on the financing of our pension systems. And his motivation has always been to see if he can just find the truth. He doesn't have any special or self-interest. He's just trying to do his job that -- that I have asked him to do. Few years ago, I asked him to look into the history of the Pension Clause, not knowing what he was going to find. And he didn't just read the transcripts from the 1970 debate, he actually found the notes that the legislators used when they were having that -- that discussion. So he dug into the archives and tracked down that information. Now, the -- Eric wrote a -- a essay, seventy-seven pages long, which is on our website, or I could read it right now. It -- maybe you should go to our website and look at it. It's -- it really -- I think that -- that most lawyers and judges in the State have had a chance to do that, and that paper illustrates his talents and his -- and his character. In 2012, he was -- selected by Chicago's Daily Law Bulletin for the 40 Under Forty list, and at that time, they described -- they quoted me as saying he was a legal -- archeologist, digging into the past to find not only the framework behind the laws and the constitutional protections that exist, but exploring the mindset and reasoning of those who put 'em in place. Earlier this year at a conference, he was asked a question about the State's pension system and their underfunding. So, once again, he went back to do research, went back to 1917, found a report saying, "Hey, we better do something about the pension system. It's going to be underfunded if we don't do something about it." But keep in mind, he hasn't been just limited to pensions. He drafted the rules for our impeachment trial.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Judge Thomas Fitzgerald, the Chief Justice of the Supreme Court who presided over that trial, said the following, and this is - I'm quoting him. "Simply put, no other currently licensed lawyer in Illinois - or, perhaps throughout the {sic} Illinois history, has done what Mr. Madiar had {sic} (has) done", Justice Fitzgerald said. "The Illinois Senate and I had taken on {sic} an oath to do justice. In essence, to be fair. In all of {sic} my observations of Mr. Madiar, that was the overriding construct - to ensure that the Senate and I were well prepared to be true to that oath." Eric has also led negotiations on things from the "smart grid" legislation, private management of the Illinois Lottery, helped negotiate the McCormick Place reforms that pumped new life into our convention industry. So he's leaving the Senate for something called the "private sector". And I know that one person who is really happy is his wife, Jen, who's here, to -- happy to get him back. So I'd like to recognize Mrs. Madiar and the wonderful Madiar children who are here today. I... I wanted Jen to be able to take pictures, but under Eric's rules, she can't. So I'll let him explain that to 'em later. So, Eric, on behalf of the Senate, I'd like to thank you for all your contributions, your hard work, and your dedication to the Illinois Senate.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen, please reflect your attentions to page 6. We will continue on with Senate Bill 3028. Senator Haine. He indicates he wish to proceed. Please read the gentleman {sic} motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3028.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Signed by Senator Haine.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Haine, on Amendment No. 1.

SENATOR HAINE:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This House amendment makes technical corrections to the Medical Cannabis Pilot Program. These -- these things are strong recommendations of the State Police, as well as the Secretary of State, Department of Agriculture. It gives more sanctions, more penalties, in the enforcement. It regularizes and really makes constitutional the procedures to revoke a driver's license for someone who does not -- refuses to take a field sobriety test.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, this requires three-fifths vote. It is seeking immediate effective date. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3028. 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 45 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 3028, and the bill is declared passed. Senator Trotter, on Senate Bill 3171. The gentleman indicates he wish to proceed. Please read his motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill 3171.

Signed by Senator Trotter.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Senator Trotter.

SENATOR TROTTER:

...very much, Madam President and Members of the Senate. This is a SMART Act revisit which would require Medicaid to pay nursing homes and specialized mental health rehabilitation facilities for bed -- reserves for patients with traumatic brain injury as long as those facilities reach ninety percent occupancy with at least ninety {sic} percent of their residents enrolled in Medicaid.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Sponsor indicates he will. Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Senator Trotter, I -- I think I heard you just say that the -- the -- this repeal of a portion of the SMART Act for the taxpayers to pay for bed holds, which is to pay for beds that are not being used, will only apply to homes that have ninety percent or greater Medicaid-payer mix? Is that -- did I hear you correctly?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Trotter.

SENATOR TROTTER:

Yes.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

As I read it, the amendment that -- Amendment 2 actually lowers that threshold to eighty, and I just want -- if you would check with someone over there to make sure that we're at least talking about the same numbers.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Trotter.

SENATOR TROTTER:

And, yes, I have been corrected by staff and you. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Senator, why eighty percent? Because, as you and I both know, there will be residents in nursing homes that are seventy-eight percent Medicaid or sixty percent Medicaid that will not be able to take advantage of this, as opposed to residents in homes where it's eighty or eighty-one or eight-three. Why -- why treat the residents differently?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Trotter.

SENATOR TROTTER:

The number itself, as it began, as -- as we tried to do with -- with the SMART Act, is that was reeling in our expenditures, as far as the dollars that we were spending on -- on our Medicaid constituencies. So with this, with some of the things -- a lot of things that we did with the SMART Act, we weren't that smart on it and we had some things that happened -- as a -- as a -- as a consequence of some of the not so smart things we did. We did neglect in -- at looking at some of the losses that some of these providers would have. The eighty percent was the original number,

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

as I'm being told, the original number that we looked at in the original law. We had moved it to ninety percent and it was, again, arbitrarily asked to bring it back to what the original number had been. We have done the same -- exact same thing for the ICF/DDs, last year, and did not include the nursing homes. And we're asking that we include the nursing homes for these people who have these therapeutic visits home.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Senator Trotter, I guess what I'm asking is, is that picking eighty percent is very significant because almost -- most nursing homes have a payer mix in terms of Medicaid that is lower than eighty percent. In other words, most of the residents of the nursing homes across the State will potentially lose their beds if they're leaving for just a few days, because the State's not going to pay to keep them empty, except for those that are over eighty percent. And I guess I'm trying to figure out why the differentiation. What's the difference between eighty-one and seventy-eight for the actual nursing home resident?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Trotter, please answer the question and to close.

SENATOR TROTTER:

Thank you. To my knowledge, again, it was an arbitrary number, one that we thought we at least could get an agreement on. If you want to amend that going forward, we certainly, when we come back in the next General Assembly, we can do that. At this time, this was the exact same language that we used with the ICF/DDs. Yes. So this -- this is -- we've already used this

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

language when we made a determination to change that formula for the ICF/DDs. So we thought it would be appropriate to do the exact same thing here. But if you want to change that going forward in the next General Assembly, certainly that's our prerogative.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter, to close.

SENATOR RIGHTER:

Thank you, Madam President. And thank you, Senator Trotter. Ladies and Gentlemen, I know the hour is late, but the bill before you not only repeals part of the Medicaid Reform Act that was passed two years ago, but it does so in an inherently unfair fashion. Because what it says is that there will be a select few residents in a select home, one, that will be able to keep their bed if they go somewhere for a number of days. Everyone else, including almost every one of your constituents, who is in a nursing home will not have that opportunity. The eighty percent threshold means that one nursing home, one nursing home in this State in some Senate district will receive the benefit of this - nobody else will. Now if that's the way we want to do it, then let's do it. But at least let's have a longer conversation than the timer allows to do that. I would urge a No vote. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much. As pointed out in the beginning of my remarks, we made a -- a lot of changes in how we deliver health care services to our most needy. And we've made some mistakes in doing so. This was an attempt to making a correction to one of

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

those things that was very obvious to us. If the numbers, again, do not add up, if it's one nursing home and one person, we need to expand that. And we certainly can do that with legislation going forward. However, I believe this is the language that we need to amend going forward. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 3171. 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 38 voting Yea, 9 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 3171, and the bill is declared passed. Senator Sullivan, on Senate Bill 3265. The gentleman indicates he wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the adoption of their Amendment No. 5 to Senate Bill 3265.

Signed by Senator Sullivan.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Sullivan.

SENATOR SULLIVAN:

Thank -- thank you, Madam President, Members of the Senate. Back in June of this year, the Governor signed -- or it came in to effect, a law that we passed in the General -- or in the previous spring, dealing with -- we -- we did a one-year extension of the Wireless Emergency Telephone System {sic} (Safety) Act. Under that legislation, counties with a population under a hundred

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

thousand could receive an additional two cents of the surcharge money on wireless phones. However, only those counties that had a emergency telephone system board could do that. Well, there's only one county in the State under a hundred thousand population that doesn't operate under an ETSB and that's Adams County in my district. It operates under a qualified governmental entity. So what this language does, in this clean-up bill, is to allow qualified governmental entity to receive that additional two-cents surcharge. It does -- this bill does two other things. It also contains language that conforms to the current process by which the Illinois Commerce Commission deposits funds with the State treasury. And the last thing it does, it clarifies that to receive wireless funds, the 9-1-1 system must be authorized to serve as a primary wireless 9-1-1 answering point and provide that service. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is -- this has an immediate effective date. It requires three-fifths vote. The question is, shall the -- shall the Senate concur in House Amendments {sic} No. 5 to Senate Bill 3265. 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 Yea, 0 voting Nay, 0 voting Present. Senate Bill 3265, having received the required constitutional majority, the Senate does concur in House Amendment No. 5, and the bill is declared passed. Senator Haine, on Senate Bill 3366. Senator Haine. He indicates.. He indicates he wish to proceed. Please read the gentleman's motion.

ACTING SECRETARY KAISER:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

I more to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 3366.

Signed by Senator Haine.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Haine.

SENATOR HAINE:

Thank you, Madam President. This is a initiative of the Insurance Department, once again. It clarifies how the Department of Insurance assesses retaliatory taxes on out-of-state insurers using a cash paid basis. This is result of a court decision saying that the current assessment should be accrual because it's vague.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 3366. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 3366, and the bill is declared passed. Senator Hutchinson, on Senate Bill 3397. The lady indicates she wish to proceed. Please read the motion.

ACTING SECRETARY KAISER:

I more to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3397.

Signed by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Thank you, Madam President. Senate Bill 3397 amends the Retailers' Occupation Tax Act and allows a retailer to apply for a refund for sales tax paid to the State if the purchase was charged to a private-label credit card that is maintained by a third party and the lender writes off the balance as bad debt. There were a few minor changes done in the House at the instruction of Department of Revenue and I'd ask for your support.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3397. 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 52 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 3397, and the bill is declared passed. Senator Noland, on Senate Bill 3509. He indicates he wish to proceed. Please read the gentleman's motion.

ACTING SECRETARY KAISER:

I move to concur with the House in the amendment -- in the adoption of their Amendment No. 1 to Senate Bill 3509.

Signed by Senator Noland.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Noland.

SENATOR NOLAND:

Thank you, Madam President. House Amendment No. 1 simply corrects a discrepancy between the language that we passed last May and Supreme Court rule, allowing individuals to pay their fine and not have to appear in court. Simply ask for an Aye vote.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Noland, thank you for that. Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3509. 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 49 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 3509, and the bill is declared passed. Yeah. Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

State your point.

SENATOR KOTOWSKI:

I promise this isn't going to be as long as yesterday. So, Pat Cooney, who's worked on the team here for a couple of years, is moving on to grander pastures at the Health Care Council of Illinois, in communications. I've known Pat for some time. Pat was my Field Director out in my campaign. He did wonderful work. Obviously, if he can help someone like me get elected, there must be something special about you. And he worked in Communications here for the last few years. He worked for Senator Stadelman, Senator Holmes, and me, in writing press releases and doing all sorts of correspondence and work like that. He's done a wonderful job. The great thing about Pat is not only is he a Loyola Academy Rambler alum, he's also someone -- he's a person of integrity. He's a really decent guy, very smart, thoughtful, kind, and he's

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

a -- a person of character. And I think we should just give him a hearty congratulations and thank him for all his work that he's done for the Illinois Senate. And congratulations.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Congratulations. Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

State your point, Senator.

SENATOR HUTCHINSON:

I think -- it was interesting to me, because I don't think this happens very often, but we had two sets of staffers get married over the course of our regular Session - Jayde Huebner and Bryen Johnson, and Caitlyn McEvoy and Dave Usellis. So, you know, one couple got married in October, the other one got married in November. But now we have two sets of staffers that, you know, found love on the Senate Floor and I wanted to say congratulations to them - if you all didn't know that that happened - on their first Christmas together as couples. Congratulations, you guys.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Congratulations to our two couples who found love on the Senate Floor. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 1709 through 1715, offered by Senator Althoff and all Members.

They are all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, may I please have your

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

attention? Thank you very much. We will go to page 7. Please turn your Calendars to page 7, Motions in Writing to Override Specific Recommendations. Senator Manar, on House Bill 4606. He indicates he wish to proceed. Please read the bill [sic].

SECRETARY ANDERSON:

I move that -- I move that House Bill 4606 do pass, notwithstanding the specific recommendations of the Governor.

Signed by Senator Manar.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Manar.

SENATOR MANAR:

Thank you, Madam President. This was a bill that we passed on two occasions unanimously. The Governor made some changes in an AV that go well beyond the scope of the bill. Our legal staff has deemed it noncompliant, so I would like to override the Governor's veto.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 4606 pass, notwithstanding the specific recommendations of the Governor. 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 Yea, 1 voting Nay, 0 voting Present. House Bill 4606, having received the required three-fifths constitutional majority, is declared passed, notwithstanding the -- the specific recommendations of the Governor. Please turn your Calendars to page 4. Please turn your Calendars to the Order of Secretary's Desk, Resolutions. Beginning with Senate Resolution 1642. Senator Bush. She indicates she wishes to proceed. Please

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

read the resolution.

SECRETARY ANDERSON:

Senate Resolution 1642, offered by Senator Bush.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Bush.

SENATOR BUSH:

...Madam President. Senate Resolution 1642 recognizes the national observance of Dyslexia Awareness Week during the last week of October in 2014 and designates the week of December 8th, 2014, as Dyslexia Awareness Week in the State of Illinois.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? The question is, shall Senate Resolution 1642 pass. All those in favor, vote {sic} Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Manar -- Senator Muñoz. Excuse me. Senator Muñoz, on Senate Resolution 1683. Please read the gentleman's resolution.

SECRETARY ANDERSON:

Senate Resolution 1683, offered by Senator Muñoz.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Muñoz, to explain his resolution.

SENATOR MUÑOZ:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Trooper Doug Balder had asked Director Hiram Grau if he and the Governor would declare December 23rd Scott's Law Day or Move Over Day. He was injured the night Vincent Petrella was killed on I-88. It's all because of Scott's Law. Scott's Law was created by Senator Dudycz and myself in 2000, when a fireman lieutenant was killed during a traffic accident that he went to the scene on. So I would ask for its adoption.

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR ROSE:

Thank you. I wanted to personally thank the sponsor. My high school classmate, Chris Brown, was killed and we did a resolution a few years ago with Senator Barickman. And I -- nobody asked about putting this in there and I see you put it in there and I just thought I'd say thank you. So..

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Any further discussion? The question is, shall Senate Resolution 1683 pass. All those in favor will vote {sic} Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Hastings, for what purpose do you rise?

SENATOR HASTINGS:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR HASTINGS:

I have the distinct pleasure of having an office mate who always has the opportunity to inform me and mentor me in the ways of being a great Senator. He turns twenty-nine tomorrow. I just want to wish Senator Noland a happy birthday.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Happy birthday, Senator Noland. Mr. President, on Senate Resolution 1692. Out of the record. Senate Resolution 1694. Senator Clayborne. He indicates he wish to proceed. Please read the gentleman's resolution.

SECRETARY ANDERSON:

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

Senate Resolution 1694, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Clayborne, to explain your resolution.

SENATOR CLAYBORNE:

Thank you, Madam President. Senate -- House -- I mean, House Joint Resolution 109 designates the Illinois State Museum building as the "Alan J. Dixon Building". I'm sorry, different resolution. This is a resolution to create a committee that will approve the Journals when we leave. After we leave today, the Journals still have to be approved. So I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Any discussion? Seeing none, the question is, shall Senate Resolution 1694 pass. All those in favor, vote Aye. Opposed, Nay. The Ayes have it. This requires a vote. 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 49 voting Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, this resolution is declared adopted. Senator Barickman, on Senate Joint Resolution 82. Out of the record. Senator Luechtefeld, on Senate Joint Resolution 83. Senator Luechtefeld? Out of the record. Senator Forby, on House Joint Resolution 73. He indicates he wish to proceed. Please read the gentleman's resolution.

SECRETARY ANDERSON:

House Joint Resolution 73, offered by Senator Forby.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Forby.

SENATOR FORBY:

Thank you, Madam. This is a resolution about one of our

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

fallen soldiers that was in World War II. His name was Private George Jones of the United States Army. And what we're trying to do is name part of the road in his district, Highway 184 from Mulkeytown to Royalton, for this Private. He gave his life in -- August 8, 1944. I don't think we can do anything too much about {sic} our fallen soldiers, because if it wasn't for them, we wouldn't be here today and wouldn't be in the shape we are. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

This requires a roll call. Is there any discussion? Seeing none, the question is, shall House Joint Resolution 73 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 51 voting Yea, 0 voting Nay, 0 voting Present. House Joint Resolution 73, having received the required constitutional majority, is declared adopted. Senator Delgado, on House Joint Resolution 107. He indicates he wish to proceed. Please read the gentleman's resolution.

SECRETARY ANDERSON:

House Joint Resolution 107, offered by Senator Delgado.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Delgado.

SENATOR DELGADO:

Thank you, Madam President and to all the Members of the Senate. House Joint Resolution No. 7 {sic}, as the Chair -- approves all waivers, as the education waiver from -- as the Chair of Education Committee, requested by school districts during the fall of 2014 period. However, the resolution approves two waivers

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

requested by Oswego School -- Unit School District 308 regarding the district's calculation of attendance for general State aid purposes for a period of only two years, instead of the requested five years. And we would ask for your approval. And all have a very Merry Christmas.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Is there any questions? Any discussion? Seeing none, the question is, shall House Joint Resolution 107 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 Yea, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, House Joint Resolution 107 is declared adopted. Senator Clayborne, on House Joint Resolution 109. He indicates he wish to proceed. Please read the gentleman's resolution.

SECRETARY ANDERSON:

House Joint Resolution 109, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President and Members of the Senate. House -- House Joint Resolution 109 designates the Illinois State Museum building as the "Alan J. Dixon Building" - one of our great citizens who sacrificed his life for public service to make things much better. I am honored to be here today to present this resolution, as well as to let everybody know that he was a constituent of mine, as well as I currently have the Senate seat that he once held. I would ask for your favorable vote for one of

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

our great citizens, Alan Dixon.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Joint Resolution 109 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 Yea, 0 voting Nay, 0 voting Present. House Joint Resolution 109, having received the required constitutional majority, is declared adopted. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR SULLIVAN:

Ladies and Gentlemen, yesterday I was sitting in Exec Committee, and I'm not on that committee, but I was listening to some of the debate, and I was sitting beside one of our staff people, Sam Strain. Sam, where are you? Hope he's on the Floor. There he is. Come out here, Sam. I was sitting there and -- and Sam said, "Senator, I wanted you to know that I'm going to be leaving the Senate. I'm going to be leaving staff." And I said, "Wow, I didn't know that." I was surprised to hear it. I said, "What are you -- what's your future look like?" I said, "What are -- what are you planning on doing?" And Sam has been taking training and is going to pursue a career as a firefighter, which I think is great. Come over here a minute, Sam. And I said, "So where are you going?" He talked about going out west, and the first thing that came to mind was the -- the Hotshots, the folks

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

who jump out of airplanes to fight fires out in the west. And I said, "Is that something you're interested in?" And he said, "Absolutely. That's what I want to -- that's my goal to do eventually in the future." He said it's going to take some more training and so more time. But Sam joined the Senate in 2009. He's currently the Deputy Director of Communications. He's been just a great worker, a great employee, a good individual, and I'd like everybody to recognize Sam Strain and thank him for his service here in the Senate.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, please turn your Calendars to page 3. We are going to the Order of House Bills 3rd Reading, page 3. House Bill 3975. President Cullerton. He indicates he wish to proceed. Please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 3975.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mr. President.

SENATOR J. CULLERTON:

Thank you, Madam President, Members of the Senate. This bill extends the Energy Infrastructure Modernization Act, otherwise known as the "smart grid" legislation. It extends the sunset date from December 31st, 2017, to December 31st, 2019. This extension will allow Commonwealth Edison and Ameren to set rates to deliver power to customers according to a formula rate which covers the cost of the infrastructure upgrades that they have been making. This program was originally designed as a ten-year program in 2012

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

with periodic check-ins. Bill does not change the final end date of the investment program, nor does it change any of the metrics or requirements of the program. This is a very important bill. It's created a lot of jobs. And I would be happy to answer any questions and ask for an Aye vote. Senator Radogno and I are cosponsors of the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Seeing none, the question is, shall House Bill 3975 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 40 voting Yea, 4 voting Nay, 2 voting Present. House Bill 3975, having received the required constitutional majority, is declared passed. Mr. President, for what purpose do you rise?

SENATOR J. CULLERTON:

Yes, thank you, Madam President. Looks like we've completed the work for the day. I want to thank everybody for the hard work and sitting here for three days this week. We are going to keep the Senate open until the 13th of January. But it's not anticipated we'll be having any more action. So thanks, once again, for all your hard work these last two years. We've done a great job. Look forward to seeing you next year. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

SECRETARY ANDERSON:

No objections filed, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? If not, the question is, shall the resolution {sic} on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have. The motion carries, and the resolutions are adopted. On the Order of Resolutions is House Joint Resolutions -- Messages from the House.

SECRETARY ANDERSON:

A 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 instruct to ask the concurrence of the Senate, to wit:

House Joint Resolution 117.

Offered by Senator Link.

(Secretary reads HJR No. 117)

Adopted by the House, December 3rd -- 3rd, 2014. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

On the Order of Resolutions is House Joint Resolution 117.
Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

House Joint Resolution 117, offered by Senator Link.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Link moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 117. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Link moves for the

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

141st Legislative Day

12/4/2014

adoption of House Joint Resolution 117. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Have a very blessed Christmas, a Happy New Year. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 noon, the 13th day of January, 2015. The Senate stands adjourned -- pursuant to the adjournment resolution.