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122nd Legislative Day

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Good morning. The regular Session of the 97th General Assembly will come to order. Will all the Members please be at their desks? Would our guests in the galleries please rise? The invocation today will be given by Reverend Paul J. Olson, Lutheran Social Services of Illinois, Springfield, Illinois. Reverend Olson.

THE REVEREND PAUL J. OLSON:

(Prayer by the Reverend Paul J. Olson)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Please remain standing for the Pledge of Allegiance. Senator Jacobs, to lead us in the Pledge.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Thursday, May 24th, 2012.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter, good morning.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

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SECRETARY ANDERSON:

Senate Bill 3922, offered by Senator Martinez.

(Secretary reads title of bill)

1st Reading of this Senate bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Messages from the House. Oh! Senator Crotty, did you... No. Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

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

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

House Bill 4866.

Passed the House, May 24th, 2012.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator LaHood, for what purpose do you rise?

SENATOR LaHOOD:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator LaHood.

SENATOR LaHOOD:

Thank you, Mr. President and Members of the Senate. Today I'd like to welcome my Page for the Day. I have Abby Mulvey with me today. She is a freshman at Notre Dame High School. She runs track and plays volleyball. She likes subjects of math, science, and world studies. And she's a wonderful babysitter. And she wants to practice medicine when she gets older. She's joined in the gallery, over on this side, by her

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mother and two brothers, John and -- and Joe. And I'd like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, let's welcome Abby and her family to Springfield. Great to have you here today. Senator Sandack, for what purpose do you rise?

SENATOR SANDACK:

Good morning, Mr. President. On a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Good morning to you. Please state your point, Senator Sandack.

SENATOR SANDACK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I have a distinguished Page for the Day with me, Emmitt Thulin. Emmitt is a third grader at Pierce Downer Elementary School in the beautiful Village of Downers Grove. He is a artist, a basketball player, a baseball player. He likes to pitch and has a really deadly fastball. He's a thoughtful guy. Here's something cool about Emmitt. Emmitt has dressed as a President every year at Halloween. This year, in the -- a moment of bipartisanship, he was JFK; the year before that, of course, Abe Lincoln. This is a -- a really cool young man, who's got a great upside and future - and may be here someday. I'm hoping the Senate will give him a warm welcome.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Emmitt, welcome to Springfield. Nice to have you here today. Mr. Secretary, House Bills 1st Reading.

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House Bill 4320, offered by Senator Muñoz.

(Secretary reads title of bill)

House Bill 4866, offered by Senator Martinez.

(Secretary reads title of bill)

1st Reading of these House bills.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, if I can have your attention. Will all Members within the sound of my voice please come to the Senate Floor? We're going to be going to significant action here shortly. Will all Members please come to the Senate Floor? Senator Crotty, for what purpose do you rise this morning?

SENATOR CROTTY:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Crotty, please state your point.

SENATOR CROTTY:

Well, for those of you that might have been around in the Senate nine years ago when Senator Vince Demuzio announced that I was going to be a grandmother, and I didn't even know it, I'd like to introduce to you Leah Crotty, who is my oldest granddaughter. And she's here to Page and this is her first time here on the Senate Floor. So please welcome her.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Well, great to have you here today, and you have a wonderful grandmother. Ladies and Gentlemen, if you'll turn to page 14 of the printed Calendar, on the Order of Secretary's Desk, Resolutions, middle of page 14, we have Senate Resolution 745. Senator Althoff. Mr. Secretary, please read the resolution.

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SECRETARY ANDERSON:

Senate Resolution 745, offered by Senator Althoff.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Thank you, Mr. President. Senate Resolution 745 resolves that the General Assembly supports the United States Fish and Wildlife Service's efforts to establish a national wildlife refuge on the Illinois-Wisconsin border called Hackmatack National Wildlife Refuge. This has been a project -- an ongoing project in McHenry County in conjunction with the State of Wisconsin. We're extraordinarily excited about it. We've had a host of public hearings. In general, the public supports this endeavor. And we're sending this on to Washington to let them know that we truly do support their efforts and would like to see this happen. So, thank you very much for the opportunity.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Althoff. Is there any discussion on the resolution? Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Next up on the Calendar, Ladies and Gentlemen -- again, we're on page 14 of the printed Calendar. We're doing -- on the Order of Secretary's Desk, Resolutions, we have Senate Resolution 764. Senator Haine. Do you wish to proceed? Mr. Secretary, please read the gentleman's resolution?

SECRETARY ANDERSON:

Senate Resolution 764, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

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SENATOR HAINE:

This is a -- a resolution stating that this is safe motorcycle month, calling attention to the fact that Illinois is a proud and -- to be a national leader in motorcycle safety, education, and awareness; that it is especially meaningful that the citizens of our State be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and to recognize also that the use of motorcycles reduces fuel consumption and road wear. This is an initiative of A.B.A.T.E., who is a -- which is an -- an organization that's committed to motorcycle safety, education, and -- and awareness from high schools all the way through those who are adults.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Haine. Is there any discussion on the resolution? Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and Senate Resolution 764 is adopted. Next up on the Calendar, we have Senate Resolution 774. Senator Link. Senator Terry Link. Out of the record. Senate Resolution 791. Senator McCarter. Mr. Secretary, please read the gentleman's resolution.

SECRETARY ANDERSON:

Senate Resolution 791, offered by Senator McCarter.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter, to explain your resolution.

SENATOR McCARTER:

Ladies and Gentlemen, this morning I want to talk about big horses, not miniature horses. The -- the program that we are showing our support for is -- replaces {sic} retired, injured, and unwanted thoroughbreds into the State prison system. The

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advantage to the inmates and horses is dramatic because the inmate bonds with the horse over a period of months and gives them a chance to have a relationship with an animal which has -- they've never had in their life. During the process, the offender is trained by a qualified instructor, and after working with the horse for -- by completing the program, they're given a certificate that they can -- that they can take to any of the -- stables or racetracks. It's endorsed by the Horsemen's Benevolent and Protective Association. They will also help them find employment. And there are eight other states that have similar programs. There is no cost to the State for this. The TRF and the HPPA {sic} (HBPA) produce -- provide for all of the expenses - the -- the fencing, the barns, the feed, the hay, supplies, and the cost of the instructors. This is a successful program in Indiana. Our Corrections Department is in support of it. Our -- the -- we're moving horses from Fairmont, out of Senator Clayborne's district, into my district, into Vandalia. And I just appreciate your support for this resolution. Anything that we can do to give inmates the chance of not coming back, we should do everything we can to support that kind of program. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Ladies and Gentlemen, is there any discussion on the resolution? Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen, with leave of the Body, we will return to Senate Resolution 774. Senator Terry Link. Mr. Secretary, he indicates he'd like to proceed. Please read the resolution.

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SECRETARY ANDERSON:

Senate Resolution 774, offered by Senator Link.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Good morning, Senator Link. Please proceed.

SENATOR LINK:

Good morning, Mr. President. Senate Resolution 774 designates the week of August 26th through September 4th {sic} (1st), 2012, as "Workforce Development Week" and encourages individuals, businesses, and governmental organizations in Illinois to visit and promote the programs and services offered through local Workforce Investment Boards.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on the resolution? Is there any discussion? Seeing none, the question is, shall Senate Resolution 774 pass. All those in favor will say Aye. Opposed, Nay. The Ayes have it. And Senate Resolution 774 is adopted. Now, we'll go back to the Calendar where we left off, and we have Senate Joint Resolution 65. Senator Hutchinson. Out of the record. We have Senate Joint Resolution 71. Senator Steans. Indicates she wishes -- wishes to proceed. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Joint Resolution 71, offered by Senator Steans.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans, to explain your resolution.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. This resolution's a recommendation of the American Cancer Society. It requests establishment of an Illinois Legislative Cancer

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Caucus. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on the resolution? Any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and Senate Joint Resolution 71 is adopted. Next up on the Calendar, we have Senate Joint Resolution 72. Senator Sandoval. Senator Sandoval, on Senate Joint Resolution 72. Mr. Secretary, out of the record. We have Senate Joint Resolution 76. Senator Link. Senator Terry Link. Mr. Secretary, out of the record. Then we have House Joint Resolution 34. Senator Hunter. Senator Hunter. Out of the record. Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Crotty.

SENATOR CROTTY:

Up in the President's Gallery, we have Jacque Martin, who has been, throughout my time as a State Representative and as a Senator, my assistant back home. And I'd love everybody to welcome Jacque to the Senate Floor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Jacque, welcome to the Illinois State Senate. Great to have you here today. Ladies and Gentlemen, if I could have your attention for an announcement. I'd like to remind everyone that if you have a Senate bill that has come back from the House that has been amended, please remember that you must file a concurrence motion before action can be taken on House amendments to Senate bills. The Chair would -- the Chair would

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request that these motions be filed as soon as possible. So, once again, if you have a House {sic} bill that's come back with changes to the Senate, you'll need to file a concurrence motion as soon as possible. Ladies and Gentlemen, if you will turn to page 9 of the printed Calendar, on the Order of House Bills 3rd Reading, we're going to start where we left off with House Bill 3985. Senator Steans. Senator Steans, on House Bill 3985. Out of the record. House Bill 4022. Senator Hutchinson. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4022.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hutchinson, good morning.

SENATOR HUTCHINSON:

Good morning, Mr. President and Members of the Senate. House Bill 4022 requires Class I and Class II railroads to review and submit updated counseling programs every three years, at the request of the Commerce Commission. The bill will allow the programs to be filed electronically. Currently, Class I railroads are required to establish a counseling or trauma program to each member of an operating crew involved in a railway accident resulting in a fatality or serious injury. House Bill 4022 would also extend that requirement to include Class II railroads. I know of no opposition and would appreciate your support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Is there any discussion? Seeing

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none, Ladies and Gentlemen, the question is, shall House Bill 4022 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 53 voting Aye, 0 voting Nay, 0 voting Present. House Bill 4022, having received the required constitutional majority, is declared passed. Next up on the Calendar, we have House Bill 4036. Senator Kotowski. Do you wish to proceed? Mr. Secretary, please read the gentleman's bill.

SECRETARY ANDERSON:

House Bill 4036.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Good morning, Senator Kotowski. Please proceed.

SENATOR KOTOWSKI:

Good morning, Mr. President. House Bill 4036 amends the Regional Transportation Authority Act and gives Pace the ability to issue a hundred million in bonds for four projects: the construction of a new garage in northwestern suburban Cook County; the conversion of a South Cook garage in Markham for a Compressed Natural Gas facility; the construction of a new paratransit garage in DuPage County; and the expansion of the North Shore garage in Evanston.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

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Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Murphy.

SENATOR MURPHY:

Senator, I think, when this was in committee, there had been an amendment on it pertaining to the CTA. Is -- the bill we're going to vote on right now, does it have that CTA amendment still in it?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

No, sir.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

So this bill only pertains to Pace, provides them some bonding authority for a limited duration for specific projects, and then that bonding authority goes away. Is that correct?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Yes, sir. That's my understanding.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

Thank you. I rise in support of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any other discussion? Is there any other discussion? Ladies and Gentlemen, the question is, shall

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House Bill 4036 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 43 voting Aye, 10 voting Nay, 1 voting Present. House Bill 4036, having received the required constitutional majority, is declared passed. House Bill 4050. Senator Harmon. Out of the record. House Bill 4096. Senator Martinez. Do you wish to proceed? Mr. Secretary, indicates that she does. Please read the lady's motion.

SECRETARY ANDERSON:

House Bill 4096.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. I would like to table Amendment No. 3 and adopt Amendment No. 2. And I'll be happy to discuss that on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Senator Martinez seeks to withdraw that amendment. Mr. Secretary, Senator Martinez seeks leave of the Body to return House Bill 4096 to the Order of 2nd Reading. Seeing no objection, leave is granted. Senator Martinez.

SENATOR MARTINEZ:

So, Amendment 2 has been adopted? We would -- we want to withdraw No. 3 and -- and adopt Amendment No. 2.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Martinez, you wish to table Amendment 3. Is that correct? Mr. Secretary, please -- she wishes -- Senator Martinez wishes to table Amendment 3. Mr. Secretary, are there any other Floor amendments... Oh! Is there any objection? Seeing none, the amendment is tabled. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez, on Floor Amendment 2.

SENATOR MARTINEZ:

Thank you -- thank you, Mr. President and Members of the Senate. Floor Amendment No. 2 will become the bill and I'll be happy to discuss it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on Floor Amendment 2? Seeing none, all those in favor will say Aye. Opposed, Nay. And the Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading, we have House Bill 4096. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4096.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. As amended, to the Insurance Code, it includes advertising car insurance containing a statement that a valid driver's license is not required to obtain coverage to be an unfair and deceptive act when such advertisement is then followed by the denial of coverage based upon an insured -- lack of having a valid driver's license when a claim is made on the policy. This allows the Department of Insurance to investigate companies that target sales of automobile insurance policies to individuals without driver's licenses and then deny coverage on claims made against these policies because the insured driver lacked valid licenses.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR SYVERSON:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senator, I appreciate working with you on this legislation. While it's amended, I think it improves what we're trying to do. I know what you're trying to get at. This, I think, gives an added tool for the Department of Insurance to go after those couple of fly-by-night companies that are taking advantage of a certain segment of the population. Ultimately, as we discussed before, I don't think we're going to get at the real problem until we have insurance

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policies that require a valid license. And that was one of our issues we talked about - that under current Illinois law, you can purchase insurance even though you don't have a -- even though you don't have insurance -- or, excuse me, even though you don't have a driver's license, you can purchase insurance, which ninety-nine percent of the carriers do not allow that practice. But because Illinois law currently allows that, this legislation will allow the Department to go after that one percent of carriers that still do that. I would hope that we could come back next year and -- and get more serious about passing legislation to say that you have to be a licensed driver to purchase insurance. But, I would urge on our side -- this is not going to change that law. All this does is make it easier for the Department to go after the deceptive practices of a -- one or two carriers that are creating a problem. So, I appreciate your help on this, Senator. And I would urge a -- a Yes vote on this.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any further discussion? Is there any further discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4096 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 45 voting Aye, 9 voting Nay, 0 voting Present. House Bill 4096, having received the required constitutional majority, is declared passed. James Carder with Blueroomstream.com requests permission to videotape. Seeing no objection, leave is granted. Ladies and Gentlemen, next up on the Calendar is House Bill

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4110. Senator Jacobs, do you wish to proceed? Mr. Secretary, he does and he also seeks leave -- requests to return House Bill 4110 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 4110. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs, to explain Amendment 2.

SENATOR JACOBS:

Amendment 2 tightens up this bill. It -- it makes it so that a fixed base operator is a commercial business that is granted the right to operate an airport, provide services such as fueling, hangaring, tie-down, parking, aircraft rental, aircraft maintenance, support services, flight planning, weather information. The bill only applies to Rock Island Airport and the Lansing Municipal Airport.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 40 - - oh, excuse me. Seeing no objection, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No -- no further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill

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4110. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4110.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Since Senator Righter's not here, I want to make sure that people are aware that the Taxpayer {sic} (Taxpayers') Federation was opposed to the second -- or, first amendment. They're a little more comfortable with the second amendment, though they're still opposed. What the bill does is gives a tax exemption to a local airport that is on the border of Iowa. And they're being competed unfairly by other fixed base operators who are stealing their business. So, what they want to do is grow their business here, increase the project by forty million dollars, and create a lot of jobs. And this is an initiative of the Quad City {sic} (Cities) Chamber of Commerce and also Elliott Aviation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 4110 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 44 voting Aye, 10 voting Nay, 0 voting Present. House Bill 4110, having received the required constitutional majority, is declared passed. Stephen Bourgue

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{sic} (Bourque) with WICS requests permission to videotape. Seeing no objection, leave is granted. Ladies and Gentlemen, turn to the top of page 10 of your printed Calendar. And we are still on the Order of House Bills 3rd Reading. We have House Bill 4136. President Cullerton. Out of the record. House Bill 4139. Senator Harmon. Out of the record. House Bill 4148. President Cullerton. Out of the record. House Bill 4513. President Cullerton. Out of the record. House Bill 4521. Senator Jacqueline Collins. Mr. Secretary, Senator Collins, I believe, seeks leave of the Body to return House Bill 4521 to the Order of 2nd Reading. Seeing no objection, leave is granted. Mr. Secretary, take House Bill 4521 out of the record. Next up on the Calendar, we have House Bill 4559. Leader Clayborne. Senator Clayborne. Out of the record. House Bill 4568. President Cullerton. Out of the record. House Bill 4570. Senator Holmes. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4570.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Holmes.

SENATOR HOLMES:

Thank you, Mr. President. House Bill 4570 requires all debts that exceed two hundred and fifty dollars and are more than ninety days past due to be placed in the Comptroller's Offset System. Currently, that limit is a thousand dollars. It also requires State agencies to submit electronically their data regarding debt they are owed. And the bill requires the

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Comptroller to give written notice to the person subject to the offset and provides for a sixty-day protest period once the debt reaches the Comptroller's Office. And when the offset does occur, a fifteen-dollar processing charge will be applied so that the program pays for itself.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Murphy.

SENATOR MURPHY:

This is an initiative of the Comptroller. This bill came through the Executive Committee with strong bipartisan support. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any further discussion? Seeing none, the question is, shall House Bill 4570 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 4570, having received the required constitutional majority, is declared passed. House Bill 4615. Senator Martinez. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4615.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Senate. House Bill 4615 amends the Rental Housing Support Program Act, codifying the Housing Development Authority's existing practice in regards to operating expenses for local administering agencies. The Rental Housing Support Program authorizes the Authority -- authorizes the Authority to make grants to local administering agencies to provide subsidies to landlords offering affordable rent housing to low-income tenants. Current law allows the grants to include a additional ten percent to cover the local administering agencies' operating expenses for a grant up to five hundred thousand and seven percent for operating expenses for grants over five hundred thousand. It also clarifies that these caps on these operating expenses shall be calculated annually. In the case of grants that cover more than one year, this bill provides that the annual amount paid for operating expenses shall be calculated according to the annual pro rata share of the grant. If the annual pro rata share is five hundred thousand or less, operating expenses shall be paid at ten percent; if the pro rata share is greater than five hundred thousand, the rate will be seven percent. We have numerous amount of different housing all across the State that are administering agencies and they are all on board with this. There's no opponents at the time and I will be happy to answer any questions.

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Thank you. Is there any discussion? Senator Dillard, for what purpose do you rise? Excuse me. Senator Sandack, for what purpose do you rise?

SENATOR SANDACK:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Sandack.

SENATOR SANDACK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. While I admire and respect the sponsor, there was some disagreement in Judiciary on this. As a reminder to folks, this increases the fees and, frankly, takes away from those it's intended to benefit. So I would recommend a -- a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any further discussion? Senator Martinez, to close.

SENATOR MARTINEZ:

Thank you, Mr. President. This is -- this does not increase the fees. It does not increase any kind of fee. All they're saying is -- we want to make sure that if they're planning ahead, and they're going ahead, instead of having an annual contract, now they'll have two -- two-year contracts, so they can plan ahead. It just gives -- it just pays 'em at that. So, there is no increased fees in this bill. And I...(microphone cutoff)...favorable vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 4615 pass. All those in favor will vote Aye. Opposed, Nay.

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And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 32 voting Aye, 20 voting Nay, 0 voting Present. House Bill 4615, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, with leave of the Body, I'd like to return to House Bill 4559. 4559. Leader Clayborne. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4559.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. House Bill 4559 exempts a public water or sewer utility with three hundred thousand or less of annual operating revenue that requests a rate increase using the ICC Simplified Rate Case Procedure {sic} (Procedures) from holding a public forum. They're required to put -- to circulate it in a publication, a newspaper, with general circulation in the territory served by the public utility.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4559 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Secretary, take the record. On that question, there are 43 voting Aye, 12 voting Nay, 0 voting Present. House Bill 4559, having received the required constitutional majority, is declared passed. Now we'll go back to where we left off, which is House Bill 4666. President Cullerton. Out of the record. House Bill 4674. Leader Harmon -- excuse me, Muñoz. Senator Muñoz. Leader Muñoz? Out of the record. House Bill 4682. Senator Harmon. Senator Harmon? Out of the record. House Bill 4819. Senator Forby. Out of the record. At the bottom of page 10, we have House Bill 4862. Senator LaHood. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4862.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator LaHood.

SENATOR LaHOOD:

Thank you, Mr. President, Members of the Senate. House Bill 4862 is an initiative that will allow low-speed older vehicles to more easily be sold and traded by dealers, and also accepted as trade-ins, for these older vehicles, without burdensome re-titling requirements. This is an initiative of the Midwest Equipment Dealers Association. It clarifies that titles for these vehicles are only necessary when vehicles are manufactured after January 1st of 2010. I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any

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discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 4862 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 4862, having received the required constitutional majority, is declared passed. You'll turn to the top of page 11 of our printed Calendar, and we're still on the Order of House Bills 3rd Reading. We have House Bill 4940. Leader Harmon. Senator Harmon. Out of the record. House Bill 4966. Senator Righter. Senator Righter. Out of the record. House Bill 4982. Senator Sandoval. Senator Sandoval. Out of the record. House Bill 4991. Senator Raoul, on House Bill 4991. Out of the record. House Bill 4996. Senator Steans. Senator Steans. Out of the record. House Bill 5016. Senator Dillard. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5016.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Members. This is an initiative of the Creditors Bar Coalition of Illinois and it's an effort to improve the Collection Agency Act by clarifying the definition and regulation of debt buyers. The bill is supported by the -- by the Department -- by the Illinois Department of Financial and Professional Regulation, and a number of groups

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support this bill. I know of no opposition and would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5016 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5016, having received the required constitutional majority, is declared passed. Next up on the Calendar, we have House Bill 5050. Senator LaHood. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5050.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator LaHood.

SENATOR LaHOOD:

Thank you, Mr. President, Members of the Senate. House Bill 5050 amends the Alternative Health Care Delivery Act and defines "ambulatory surgical treatment center" or "ASTC". It allows patients to be discharged from a postsurgical recovery care center in less than twenty-four hours if the attending physician or the facility's medical director believes the patient has recovered enough. For purposes of legislative intent, I would also add to the record that, in this bill, blood products may be administered in the postsurgical recovery care

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center model for non-emergent reasons related to the ordinary course of patient care, but not for inoperative or postoperative complications. Be happy to answer any questions and I know of no opposition, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5050 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5050, having received the required constitutional majority, is declared passed. House Bill 5071. Senator Steans. Senator Steans, on 5071? Out of the record. House Bill 5078. Senator Harmon. Senator Harmon? Out of the record. House Bill 5101. Senator Sandoval. Senator Sandoval? Out of the record. House Bill 5109. Senator Muñoz. Senator Muñoz, on 5109. Out of the record. House Bill 5134. Senator LaHood. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator LaHood.

SENATOR LaHOOD:

Thank you, Mr. President and Members of the Senate. House Bill 5134 amends the Nursing Home Care Act. Requires that the

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Department of Public Health adopt rules to establish a process for an independent third party investigation of a long-term care facility's complaint about Department employees or individuals acting on behalf of the Department in making an inspection, survey, or evaluation under the Act. It requires the rules to include necessary and appropriate protections to ensure that a person filing a complaint in good faith does not suffer any adverse effect on account of having done so. I know of no opposition. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 5134 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5134, having received the required constitutional majority, is declared passed. House Bill 5201. Senator Harmon. Leader Harmon? Out of the record. At the bottom of the page, 11, we have House Bill 5203. Senator Dillard. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5203.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This bill says that anyone that

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files their nominating petitions in the last hour of a filing period will go into a lottery to - if there are {sic} more than one person filing in the last hour - go into a lottery to see who gets the last position on the ballot. We have seen an huge increase in the number of gamesmanships that are going on out there, where people sit there at 4:59 or 3:59 and, you know, do the little shuffle to be the last person to file, because, rightly or wrongly, people believe that there is merit to being first on the ballot or last on the ballot in terms of human nature when folks go into the ballot boxes. And it's become very problematic in my county. This was an idea of Representative Michael Fortner, who is somewhat of an election law expert in the House. It passed the House unanimously. Which -- which we -- I took this bill, and I told the Executive Committee, for a couple of reasons: number one, my respect for Representative Fortner and his work on election law. But from your side of the aisle's perspective, as we know, no bill's going to pass the House unanimously without the approval of the Speaker, who happens to be the head of the Democrat Party in Illinois. And, you know, I just -- we have a lottery system for those of us who file at eight in the morning on the first day because that spot is coveted. But I don't think that you should game the election law system in the State of Illinois. So, this bill simply says, if you file in the last one hour of the filing period and there's more than one person that files, the clerks and the election authorities will have a lottery. And I think it's an unfair position to put some clerk in, where you've got multiple people shove -- you know, shoving papers in their face one minute before they close. And we shouldn't put people in

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that position. We shouldn't allow people, politicians or others, to game the system. And we have a lottery for those of us who get there at the crack of dawn to file on the first day and, I would submit, we ought to have one for the sunset of the filing period as well. I'd be happy to answer any questions. And, again, the House passed this unanimously. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR HARMON:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I want to thank the sponsor. Senator Dillard was kind enough to hold this bill for several days while we wrestled with whether there was any sort of political intrigue involved in this. And I -- I can report to the members of the Democratic Caucus that there is, in my view, no partisan advantage to be gained in this. It does seem to make sense to have a lottery at the end. It was approved by the Executive Committee. I applaud the sponsor and thank him for his patience as we considered whether there was a better way to build this mousetrap. I don't think that there is. So I urge an Aye vote on the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Ladies and Gentlemen, the question is, shall House Bill 5203 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 2 voting Nay, 0 voting Present. House Bill 5203, having received the required constitutional majority, is declared passed. Jim Mastri with WLS-TV Chicago requests permission to videotape. Seeing no objection, leave is granted. Next up on the Calendar, we have House Bill -- actually, Ladies and Gentlemen, we're on page 12 of the Calendar. Turn to the top of page 12. We have House Bill 5210. President Cullerton. Out of the record. House Bill 5248. Senator Lightford. Senator Lightford. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Committee {sic}. This is an initiative of the Lieutenant Governor's Office and the Illinois Community College Board and Women Employed. I was brought into this issue by this organization, concerned that our college institutions were not providing adequate information that would allow students an opportunity to make an informative decision. We created the report card for our grammar schools and high schools. This is an initiative to create a -- a report card for our universities. We would create a commission first to check into this issue, a consortium of the Illinois higher education community. And over

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the next two years, we will work to produce consumer report cards to show trends in college access, dropouts, and completion. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MALONEY:

Just to the bill, Mr. President. I would urge its passage. Senator Lightford's worked very hard on this. And this is - if I may make the analogy - somewhat the same issues that we're going to face relative to the performance-based funding. In other words, we want a report card that's fair, that's going to recognize the uniqueness of each community college, their enrollments, and -- so -- so there will be further participation in making sure this is a fair and open process. And I would urge passage of this.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Seeing no further discussion, Ladies and Gentlemen, the question is, shall House Bill 5248 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5248, having received the required constitutional majority, is declared passed. President Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Thank you, Mr. President. I have an announcement.

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Please state your announcement.

SENATOR CULLERTON:

Well, I want to welcome some folks to the Senate Chamber. I can't say that we're welcoming them to Springfield because they live in Springfield. But we have Jack, Audrey and Greta Madiar, the daughter {sic} and son of Eric Madiar. And I'm told that Jack is five years old and he's interested in becoming a constitutional law lawyer. So let's welcome 'em to the Senate Chamber.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Senate Chambers, to the entire Madiar family. President Cullerton.

SENATOR CULLERTON:

And I think we should really give even a bigger round of applause to Jennifer, the mother of these three..

PRESIDING OFFICER: (SENATOR SULLIVAN)

Jennifer, you get your own introduction, as you well should. Welcome to the State Senate. Ladies and Gentlemen, we are still on page 12 and we have House Bill 5288. Senator Muñoz. Senator Muñoz. Out of the record. House Bill 5289. Senator Schoenberg. Out of the record. House Bill -- oh, I'm sorry. My apologies, Senator Schoenberg. Mr. Secretary, please read House Bill 5289.

SECRETARY ANDERSON:

House Bill 5289.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

We need to get some shorter staff in front of me so I can

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see you. Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President. I just assumed that because you did not have a lawyer standing next to you at the time, that you were totally exposed. And -- and speaking of lawyers, and good lawyers, I should say, Mr. President, Ladies and Gentlemen of the Senate, one of the finest lawyers in the State, the Attorney General, Lisa Madigan, has proposed this initiative, House Bill 5289, which creates the -- it creates the new offense of sales tax evasion. This new offense will be used to prosecute more determined, methodical, and serious offenders who've been willingly evading paying sales taxes. This is the direct byproduct of an ongoing investigation that the Attorney General's Office and the Department of Revenue's Bureau of Criminal Investigations has been conducting, which has been very successful. It establishes new thresholds for the -- the penalties, thresholds that -- some of which haven't been changed since 1992. The Chamber of Commerce supports this measure, as, I believe, the administration. And there's no known opposition to it. I'd be happy to answer any questions and urge your support.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR SANDACK:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Sandack.

SENATOR SANDACK:

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Senator Schoenberg, I -- I -- I notice this came out of Criminal Law rather than Revenue, and I -- it just -- was there a reason why that's where it was initiated?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

I think what drove that decision was the -- the -- addressing the criminal penalties and some of those thresholds. Many of -- many of them hadn't been addressed since 1992.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sandack.

SENATOR SANDACK:

Our analysis says that the -- the term "sales tax evasion" is not a defined term, or maybe not defined nearly enough. And can -- in comparison to the retailers' occupation tax, what does the new law propose to do that already isn't in existing law?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

There are -- as I understand it, there are -- in -- there are penalties associated with the destruction of records, which point directly to the extent to which this sales tax evasion was knowingly conducted.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sandack.

SENATOR SANDACK:

Well, I'm -- I'm not entirely certain. Our analysis shows that the Attorney General has been very successful in collecting under the existing law. So, what I guess I'm trying to get at,

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Senator, is what will this bill do that the Attorney General says is -- or, thinks is missing, and that will fill the gap? That would help me out very much.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

The reason why this success -- why this -- why this investigation -- why the Gas Station's project has been so successful has been the overwhelming majority of the amount that -- that's been collected thus far has been done through voluntary amended returns. What this investigation has shown is that -- the need to have proportionate penalties, a -- a further demonstration of what is knowingly evasion. And the destruction of -- there's a distinction between when a gas station owner, for example, hits upon a tough economic time or has some personal circumstances, which mean that their recordkeeping isn't quite up to what it should be. The fact that there's destruction of records that goes into this means that we need to remedy the law, because this -- this investigation between the Department of Revenue and the Attorney General is not going to go on indefinitely. So this would essentially take the lessons of that investigation and make further adjustment into the law.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Lauzen.

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SENATOR LAUZEN:

Senator, can we go back to the definition question? You and I are familiar with retailer occupation tax. We're familiar with the term "use taxes". But this has, I believe, in the language of the law, "sales tax evasion". Sales tax -- where is that in -- in our system -- in our statutes?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

On -- on page 6 of the bill, at the very beginning, it makes a specific reference to how the retailers' occupation tax is changing Section 13.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Senator, I know that you're referring to it in your bill, but I'm wondering how that plugs into our existing retailer occupation and use tax laws. I mean, I know that that's what it's referring. That's my question and my concern. So, can you clarify how this new language -- this new title -- I mean, I know in the vernacular, we refer to it as sales tax, but where in the statutes -- the -- the occupational use and -- occupational retail -- or the retailer occupation and use taxes, where -- where does it talk about a sales tax?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

This is specifically amending that -- this is amending that Act to incorporate the definition of sales tax evasion. I --

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Senator Lauzen, I understand also that the Taxpayers' Federation of Illinois has indicated that they would wish to address some other portions of the Act. I -- I think what this does is establish a template for how we can build upon that, based on the experience that we've had with the Attorney General's investigation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Okay. How -- is there language in this bill that narrows how this new enforcement device - and with legal serious penalties - how it wouldn't be applied to folks, where, I've heard an example of, you know, a person buying something from out of state, bringing it back and then having -- is -- is -- have you narrowed the applicability of what you're passing today to only the target that you've outlined - and those are the -- those gas stations?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

Because it -- it only -- it only addresses the Retailers' Occupation (Tax) Act and not the use tax, that's -- that's how we know that -- that distinction.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Two other questions. Why -- why -- why do we want another agency doing what is basically the charge of the Department of Revenue? Folks back home are really terrified by the IRS,

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Illinois Department of Revenue, as fairly as those agencies try to do their work - but they are terrified of enforcement. Why is it that you want to expand more agency, more power, and -- and now, you know, Criminal Law Committee out of the Senate. Why is it that we need to expand -- you know, get another agency involved in primarily what's the Illinois Department of Revenue's responsibility?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

I think the key to answering this question, Senator, is the knowing and systematic approach taken to evading the taxes, which we have seen through this joint investigation that's been conducted by the Attorney General's Office and the Department of Revenue. Instead of seeking to apply penalties on a month-to-month basis, because the nature of the crime -- the nature of the evasion is systemic, namely that it -- there's a deliberate and knowing intent through -- which is demonstrated through the destruction of records, not the misplacement or adverse personal circumstances of the owner, but because of that level of deliberate action, that's precisely why we've -- we've tailored this accordingly.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. One other question, but I -- I would like to respond to that. You know, the definition of fraud -- tax fraud does include that knowingly and willful, so that is really already covered when someone's committing fraud. So I don't see

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the need for that expansion. One last question. On the moving the period of prosecution and enforcement from three years to half a decade, five years - if we don't get our job done in enforcing a law in three years, why, again, do we want to expand it to half a decade?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Lauzen, when -- when a gas station owner or operator destroys records, the destruction of that -- records is a deliberate attempt not just to obstruct the -- the collection of taxes, which are rightfully owed, but it also creates severe impediments to the overall prosecution of something that is systemic and knowingly done. So that's why -- because we're -- you're looking to address a systemic problem, something which is occurred over a -- a consistent period of time, that's why the expansion from three to five years.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. To the bill: There is already, in the statutes, penalties, serious penalties, for obstruction of justice, for destroying tax records. Those are already here. What we have in this bill is another hammer. It's another agency. It's an ambiguous definition that could expand in its implementation. And it's more fear for taxpayers. I'd advise a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further Senator seeking recognition, Senator

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Schoenberg, to close.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, and thank you for the questions that gave me the opportunity to provide further clarity of what -- on what the Attorney General is seeking to accomplish. I want to highlight that these -- this bill and this change in the law is specifically designed to charge an appropriate crime, where the sales tax is already collected, for far more egregious instances of fraud, so that prosecutors will now be able to charge both sales tax evasion and fail to file -- or -- for fraudulent filing in the same case. I think we've seen from this investigation why this change in the law is necessary and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 5289 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 33 voting Aye, 23 voting Nay, 0 voting Present. House Bill 5289, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, with leave of the Body, please turn to page 6 of your printed Calendar. We are now on the Order of Senate Bills 3rd Reading and we have Senate Bill 2534. Senator Mulroe. Senator Mulroe seeks leave of the Body to return Senate Bill 2534 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2534. Mr. Secretary, are there any Floor amendments

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approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Mulroe.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe, on Amendment 3.

SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. On -- table -- I would ask that Amendment 3 be tabled. There's been a subsequent amendment; it will become the bill. That'd be Senate Amendment 4.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Senator Mulroe wishes to withdraw Floor Amendment No. 3. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Mulroe.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe, on Floor Amendment 4.

SENATOR MULROE:

Thank you, Mr. President. Senate Amendment 4 becomes the bill. I'd be happy to explain it on 3rd.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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3rd Reading. Now on the Order of 3rd Reading, we have Senate Bill 2534. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2534.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. Senate Bill 2534 addresses abandoned homes in the foreclosure process. We all know, and generally speaking, the foreclosure crisis is very complicated. This bill is not a cure-all to the entire foreclosure process. Some people might even argue that it's not a perfect bill, but I believe it's a good, sensible solution to a crisis that exists or is facing every community within our State. I want to make it clear that this only applies to abandoned homes in the foreclosure process. This does not apply to homes where people are staying in their homes during the foreclosure crisis -- or process. It does not apply to someone who's working on a short sale. It does not apply to someone who is entering some type of loan modification. It also does not apply to someone that enter -- or, signs a deed in lieu of the foreclosure because they're not able to make their payments. This applies when someone chooses to walk out of their home and -- giving up their responsibilities that they entered on the day they went to that closing and agreed to repay their mortgage. This applies when someone not only walks out on their home, they walk out on their neighbors and they walk out on their -- the

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neighborhood. This -- this will -- the intent of this bill is to get abandoned homes back into the lenders' hands sooner than exists right now. The foreclosure process right now is up to six hundred, sometimes seven hundred days. This is designed to get the homes - these are abandoned homes - back into the lenders' hands so it maintains -- or, retains value and doesn't deteriorate anymore. When that occurs -- or, in turn, it also does not adversely affect the neighbors' homes, if the lenders get the homes back. It will also save municipalities or -- the cost that they incur to take care of, maintain and, in some cases, demolish these homes that have gone through a winter - pipes exploding in the homes, mold occurring - that they have to knock the homes down. Before I get into specifics of the bill, I just would like to thank everybody that was involved in this process. We've met and negotiations have been pretty meaningful and intense. The Governor's Office has been involved. The City of Chicago has been involved. IHDA's been involved. Housing advocates have -- have been involved. I'd especially like to thank Sam Tuttle. She worked out an agreement to the language. There's a -- I'll explain the bill in more detail later, but we have an agreement on the language that is in the bill that -- what it takes to describe what's abandoned and what it takes to accelerate the process. I'd also like to thank Senator Collins, who I know has been interested in -- in this issue for some time now. Representative Yarbrough has also been involved in the process. And I'd also like to thank the representatives from -- the speakers that were -- were there as well. But most importantly -- and I want to express special thanks to Senate President Cullerton. This is obviously very complicated. It's

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not easy. It's one of those tough bills. He convened five meetings with over twenty people involved. And I believe he's instrumental -- or, got us to this point. He's been very instrumental to get us to where we are today. This idea came to me probably in the fall of 2010. I had some constituents within my district. There was a home within a mile of my home that was clearly abandoned, boarded up. The neighbors on that block complained to me, "Why is that home sitting there and not getting through the process?" Other neighbors were trying to sell their home on that block and the -- the fact that that eyesore was on that block depreciated the value of their home. So that's how this idea came to me. And I thought, as a legislator, I should do something about it. So, last year, I filed a bill to accelerate the process in a -- in cases of abandoned homes. Well, as we all know in Springfield as a relatively new legislator, there are other people interested in this -- this idea as well, that -- we actually didn't see eye to eye on every issue. So, last year, nothing occurred. To me, that was unacceptable. Today, we have an opportunity in the Senate to present a reasonable solution to a crisis that has been existing for some time now. The -- so I'm going to go to the components of the bill. The components of the bill -- bill deals with a fast-tracking process when the home is abandoned. It provides safeguards to owners, tenants, and any other lawful occupants that might be in the home in -- just in the event that we -- we -- the process starts. It provides safeguards for a lawful occupant, owner, or tenant to just raise their hand and come into court and say, "Hey, the home is occupied." It then is derailed from the fast-track process and goes back to the

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regular process and on its way for another hundred -- you know, six hundred days or so. This is designed to deal with abandoned homes. And we hope that it accelerates the process up to a hundred and twenty days. So I want to make it clear that the language on the process has been agreed to. Sam Tuttle, a housing advocate, Steve Baker and Bruce -- I'm sorry, Steve Olson and Bruce Baker have been instrumental in crafting that language as well. The other component of the bill, which is the subject of, still, some debate, is funding a fund that was created two or three years ago. It was the -- it's Municipal -- Abandoned Municipal Relief Fund {sic} (Abandoned Residential Property Municipality Relief Fund). The idea of that fund was to put money into it and to reimburse cities that were taking care of these abandoned homes. And this was -- as I said, I didn't -- this is not created under this -- this bill; it was created two or three years ago. The problem was, there was no money -- no money ever got into the fund. This bill, by agreement of the financial institutions, will generate, based -- in the next twelve months, based on a -- a number that's in agreement - a hundred thousand foreclosures - will generate twenty-five million dollars that will get distributed throughout the municipalities within our State that have been affected by this crisis. Others would like more. There was a negotiation process on the fees. We can get into details if you'd like. But the -- what -- basically, what it comes down to is, the -- the financial institutions have agreed to pay two hundred and fifty dollars for every foreclosure that they file that will go into this fund for purposes of reimbursing municipalities that have incurred cost taking care of these abandoned homes. And

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when the municipalities take care of these abandoned homes, it's the taxpayers that take care of the -- the abandoned homes. So they've stepped up. It's not exactly where some people might want that number to be, but I think it's a very reasonable solution to this foreclosure crisis, especially involving abandoned homes. And to my friends in Chicago - there's an ordinance that exists in Chicago right now that will not be affected by this ordinance. If -- there's another bill, in the House right now, that's trying to codify the -- the existing ordinance in Chicago to make it go statewide. I just want to tell you, zero dollars will -- will be added to Chicago if that bill, in its current form, gets -- gets out of the House and passes here. This bill, based on a formula that -- from the -- the law that was passed two or three years ago, will generate six million dollars, or more, to Chicago to deal with this process. So I just want to keep -- have that -- you keep that in mind when you're deciding your vote. I will also point out that on Senate Amendment 4, in committee, the Governor's Office did not file in opposition and neither did the City of Chicago. So I'd be happy to answer any questions. And after our discussion, I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Hunter.

SENATOR HUNTER:

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Senator Mulroe, parts of my district is very heavily impacted with foreclosures, such as the Englewood and, especially, the Marquette Park area. And I have a map here with all of the red dots and it displays very clearly thousands of -- of homes in my district that is heavily impacted. So I have a question. Is there anything in this bill that would keep the banks from passing these fees on to the homeowners?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Well, the -- first of all, the banks don't want homes. They're not in the business of owning homes. They're in the business of lending. They're going to do everything they can to work with people to prevent a foreclosure from being filed. And, we all know, you have to miss at least two or three payments before they even start the process. So I'm not quite sure of your question. But in every foreclosure that's initiated today, the banks have to hire attorneys, who they pay, to file a foreclosure complaint; there are certain fees and costs involved. And, you know, these -- the people that are in this state -- you know, the foreclosure state, for what -- whatever the reason, whatever the circumstances, the fee that the banks have agreed to pay of two fifty is probably the -- the least of their concern. They're behind three -- three payments. And I think, in reality, if the banks take back the property, they're -- they're taking a substantial loss. I mean, the -- the loan that they made, if it's a hundred thousand, they're probably losing forty percent after they sell the home. So they're losing forty thousand dollars, just in my example, out

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of a hundred-thousand-dollar loan. They will have to incur the fee. This is a -- a fee that is paid by the bank. Just wanted to make sure that's clear.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Most mortgages say that filing fees can be passed on to homeowners. That means that the bank will pay the fee if a property is lost to foreclosure; but if it isn't lost to foreclosure, the homeowners could pay. Over the last five years, two-thirds of the foreclosure cases have ended with the homeowners losing their homes to foreclosures. In all of those cases, the homeowners could have had the fee -- could have to -- could have paid the fee, not the banks. So, my question there, are the filing fees. Will this filing fee be passed on from the banks to the homeowners?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I guess that situation potentially exists, but you got to keep in mind, these are -- that would be the case if they regained their home, after they've been missing their payments for three months. And I would hope there's a negotiation process. If they're going to come back into, you know, into good graces with the bank because they missed three, six months, two years of payments, there's going to have to be some communication between the banks and the person who hasn't paid their mortgage for three months or two years. So there's going to have to be something to -- to work out to get them back on

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the right track. So, yes, potentially, it could be incurred -- or, passed on to the -- the homeowner. But I can tell you right now, the fee -- or the -- the amount of money that we're paying to take care of abandoned homes is being incurred by the citizens of every community in our State. That's being passed on to them.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR LIGHTFORD:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Lightford.

SENATOR LIGHTFORD:

Thank you. Senator Mulroe, I see here that you've really taken time out to reduce the opponents that were originally against your first amendment and you've worked your way all the way up to Amendment No. 4. There's still a couple opponents showing - the Chicago Rehab Network. Curious to know what is still their opposition?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I'm sorry, Senator. Can you repeat that question?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

No problem, Senator. I recognized here that you've had four amendments filed, and in each amendment, you were able to

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capture some of the opponents off of the bill and in either neutral status now or as a proponent. But, in this final amendment, there are still a number of opponents - being, the Chicago Rehab Network as being one, the South Suburban Mayors and Managers Association, and the Business and Professional People for the Public Interest. Wanting to know why are they still in opposition to this legislation?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Thank you for your question. I -- I should point out, Sam Tuttle, who is part of the housing advocates, she's not a proponent of the bill. She's neutral. She's the person who worked hard to -- to identify -- or, put the language together regarding the process. She is philosophically opposed to fast track. So, some people are just against fast-tracking overall. I don't know that they'd ever become a proponent. Some of the other opponents -- I'm speculating, Senator. There was some discussion in -- and at one point, the Governor's Office wanted a six-hundred-dollar filing fee, rather than the two fifty that we've -- we've come to -- arrived to. So, it partially could be that they just wanted more money into -- that would go into this fund.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Well, I guess it concerns me that there would be mayors still opposed to this problem, because we know that within our smaller municipalities, where our property tax values are really

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low, especially in the south suburbs, the mayors, I would imagine, would be more than pleased to have assistance with foreclosed and abandoned properties. So, can you elaborate on their opposition? I can't really wrap myself around it being the dollar amount. There has to be another reason why they're opposed to this legislation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I -- you know, I'm having trouble. I'm a -- a bit mystified by their concerns. Municipal League is neutral on this -- on this matter. This will get homes that are abandoned back into the lenders' hands quicker, which will reduce or decrease the costs on municipalities that they're currently incurring taking care of these abandoned homes. So, I'm sort of at a loss why any municipality would be against this bill, 'cause they are going to get money from this fund, provided they take care of the abandoned homes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Senator. And one final question. So, for the past, at least ten years, as we've been addressing foreclosure issues, the bill has come through the Financial Institutions Committee and our Chairman has been the sponsor of a lot of that legislation. I'd like to know why the bill didn't come through Financial Institutions. It's addressing a problem that has always flown through the Committee. It deals with the banking industry. And I can't see, for the life of me, why it went to

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Judiciary. Can you tell me why it didn't come to Financial Institutions, as it has done for the past ten years?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I cannot answer that question. I would tell you, though, that this involves civil procedure and that would normally go to Judiciary, if it was a -- a bill that was going to affect some civil process. So, I think it's okay to be assigned to Judiciary versus Financial Institutions. It's probably a -- maybe a balance. But, a lot of this focus is on the process that -- how you get into court, and the notices, the postings, the motions, what it takes to expedite the judgment. So I think it's fair to put it in Judiciary.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you -- thank you, Senator Mulroe, for your explanation. To the bill: Ladies and Gentlemen of the Senate, foreclosure is a huge problem in not only my district, but many of ours, and the rise of foreclosure is continuing across the State. I know that this is a very important initiative to many of us. Some of us feel that there should have been more funding added to this program than what currently is in this legislation, but I think it's a good first step. I think it's something that we definitely have to do. We have to begin to continue the journey that Senator Collins started some years ago and wrap ourselves around how do we prevent foreclosure from expanding in our communities and, when it does, how to safely

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secure the property right away so that additional loss will not take place and it begin to affect neighboring homeowners in the same vein. I'm a little lukewarm on whether or not I should be a Yes or a Present vote. Of course, we want to do more than this initiative does, but it's also a healthy start. So I ask Members just to continue to listen to the debate. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR DELGADO:

Thank you, Mr. President, Members of the Senate. Questions of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Delgado.

SENATOR DELGADO:

Thank you. Senator Mulroe, my great neighbor and friend, can you help me understand where title searches are not sufficient? In my tenure, and my predecessor, my mentor's tenure, as his assistant, I've done literally hundreds in Humboldt Park and Hermosa Park, and every time - a matter of fact, in my home, where I've been eighteen years - and once the foreclosures occur, it's the banks, where -- once I contact them, find them, I'm a nuisance. They create blight; they do not keep the properties up. But a title search team, through my district, we continue to use as an effective tool. Can you help me understand, once - because it becomes a public health issue also in our community, as we have other elements in the community that -- that might find it appealing - but can you help me understand why we haven't been addressing it through --

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what Senator Collins has so well done, and, also, just in case of the title searches. Can you help me understand that?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Senator, thanks for the question, but I'm -- I'm not sure I may understand it completely. The title searches would identify who's in title, presumably the owner. And let me just tell you what this bill does, and I told you there's a lot of safeguards and protections. The initial motion, if there was a motion to -- you know, have the building determined abandon, would be sent to the owner, or the borrower. But there's also going to be posted, on the building, a -- a posting that identifies or tells people -- advises people that anyone that might be in the property that -- to come forward, if there is anyone there. But I don't think the likelihood of that happening is. I would -- I'm -- I'm not quite sure, Senator, how the banks have made this building blighted. I want to make it clear that somebody walked out of this building not holding up their responsibility to the note that they signed at the closing. So, when they walked out of that building, they walked out on the neighbors and they walked out on the neighborhood. And they're not being held responsible under these situations.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Delgado.

SENATOR DELGADO:

Senator Mulroe, are you suggesting that these are -- the -- bad people who are walking out of these homes, or are these people who have been affected by the economy, people who have

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been affected by gentrification, people who have just been divorced, someone passes away? In Humboldt Park -- to the bill, Mr. President. It's very unusual, for me, that we can relate to this in the terms of how -- once we -- they do take it. And my friends in the banking industry, I have, I mean, fifteen years of proof, where Humboldt Park and in Hermosa, where we - and where I live in Hermosa West - where we see buildings every day. They're owned by the banks. We can't get 'em to come even to cut the lawn. We've gone through friends who've used their lawn mowers, snow blowers. They don't respond to the community and they keep us blighted. And I just can't relate to the sociology -- or, the lack of understanding, why these -- some of these communities look like they do. Mine is very eclectic. And one end is -- is beautiful, with even fireplaces, if you go into the 36, where you're at and where I love, and as my community keeps moving further north. But at the same time, we come over by me, where I have the oldest housing stock in the City, in the 31st Ward. I live in an A-frame that's ninety years old, rehabbed. But down the street, there was one owned by a major bank, where a lot of activity was going on, that I stopped, where a young man was killed in. But at the end of the day, the bank was never present. We have been -- we finally got it out of their hands and into a family, but with no help. But, to the bill, Mr. President. I need to point out that they do leave 'em in these dire times, and they have been doing it historically since I came in, in '99. But to suggest that people are walking out and putting the burden, once again, on our constituents and those -- those folks who live in our communities, I grant you those bad elements -- oh, heck, I was in law enforcement, let's

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get 'em. But at the end of the day, I believe that after everything I've been seeing here in this Chamber, we are becoming very parasitic in terms of our society. We are beginning to feed off of each other, and continue to put the burden and the blame -- and with all due respect to the sponsor, he's a dear friend, but we have to be careful because we're talking about our own constituents and our friends and family. And those who walked out, then let's get 'em, but it still doesn't mean that once the borrower -- or, once the banks take possession of 'em that they should keep 'em up and they should respect our community and don't believe that that's just the way we live. I would suggest a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator McCarter.

SENATOR McCARTER:

I -- I just want to say to the sponsor, I think this is -- I know you've worked hard on this. I think this is a reasonable compromise, 'cause I know there's others that wanted a different plan, but I think it's a sensible solution to dealing with abandoned properties. It's -- it's good for neighborhoods, municipalities, lenders, and consumers. Going from six hundred and twenty-eight days on average to a hundred and twenty days is a good thing. And it does address that blight that -- that one of the other speakers spoke about. It's a fast-track process

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that allows lenders to file a motion requesting to utilize and expedite a judgment and sale procedure. The fees were agreed to by the lending institutions and will result in an opportunity for municipalities to deal with the blight that we're talking about. So I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR CROTTY:

To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Crotty.

SENATOR CROTTY:

I rise in strong support of the bill and I think I'm going to take it back to probably your very first remarks. And -- and that is, it's not -- it's not about whether a person was bad or good in leaving the home, but when they leave the home and there's no one to maintain it. On my court, we have nine homes. One has been vacant for three years. And the very first two years, the neighbors were cutting the grass. And we couldn't have -- we didn't have access to the backyard. And it caused -- it caused us major problems in the neighborhood, not just my court, 'cause if you drove through the court, it looked nice, but in -- the neighbors behind, when the grass got so tall, they were very afraid of the rodents that it would bring. So we -- we do have now the bank maintaining it, but until then, these homes can be boarded. They can be eyesores. And it's really our constituents that are still living there. And when you do put your home up for sale, it's very hard to sell it when you

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have a home that is boarded up or not maintained. So, for that reason, I'm -- I'm really looking at the people that are left there in the neighborhood or on that block and making sure that -- that those homes are kept up so that they have a quality of life also. So, thank you very much for all your work. I know, by looking at all the amendments, there were many discussions and a lot of thought put in this. But I'm thinking about the people that are still living in the neighborhoods that really need our help to make sure that their quality of life is still maintained. Thanks.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR RAOUL:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Raoul.

SENATOR RAOUL:

Is the City of Chicago supportive of this bill?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

They've been involved -- the City of Chicago been -- has been involved in negotiations, but they did not file a slip in opposition on Senate Amendment 4. They were opposed to it. I think they preferred to codify their existing ordinance to make it statewide, rather than just apply to Chicago. But I -- I can't answer that as of right now. I can only assume they're not opposed to it if -- if they did not file a slip in

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opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Raoul.

SENATOR RAOUL:

It's been indicated during the debate that this bill will go a long way for helping blighted areas. Is that your position on this?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Well, I think it'll -- or, it'll be good for every neighborhood. And it's not a matter of good or bad people. People come into financial situations, especially in our current economy. It's not about that. It's about an abandoned home. Do I think it's going to help blighted areas? Yes. It'll probably, actually, disproportionately benefit those areas that have a higher concentration of abandoned homes, 'cause the money's going to be sent to a municipality; they're going to use it to reimburse the city for taking care of abandoned homes. If there's more abandoned homes in a certain area, they'll receive a -- a better -- a higher benefit than others that may not have..

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Raoul.

SENATOR RAOUL:

What would you say to those who would say that the banks will likely cherry-pick and focus on properties in high-property-value areas, and in the blighted areas, not prioritize those areas because of the inability to rapidly resell those properties?

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Well, there's nothing that we can do to force a bank to foreclose on a mortgage. You know, under the current situation, there's -- you know, you could be waiting six hundred days, seven hundred days to get through the court process. This will accelerate the process. It will give them more, I guess -- not -- not consistency - I'm at a loss for words - but it's going to allow them to get the -- regain the property quicker. It'll probably encourage them to file more foreclosures because it's going to be in -- their incentive to maintain value, rather than a disincentive, because they know they can get the property back sooner. If you -- my only concern -- you know, the banks, if you put their -- their backs to the wall, and a property has no value, for whatever the reason, they have a mortgage on the property that -- they can simply file a release. Then they don't have to go after anything. Then it's the city's responsibility again to take care of it, and if it's the city's responsibility, it gets passed onto the taxpayers.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Raoul.

SENATOR RAOUL:

To the bill: This crisis that we have been in, you know, a lot of people have characterized homeowners as being irresponsible, but we have to realize there's culpability to go around. Property values were artificially inflated, leaving many homeowners owing much more, sometimes double, than the value of their property. And I -- I can't necessarily say

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that's a homeowner's fault. With regards to the City of Chicago, I mean, I'm informed that they are not supportive, because their concern is that this money that so -- will "so call" help them is arduous to -- to -- to access and the cherry-picking that may go on. I -- I represent a very diverse district. I have some of the Gold Coast in Chicago, which will have some condominiums that have been foreclosed on, and I imagine that'll be high priority to foreclose on those properties because you can sell those. But then I have neighborhoods like South Chicago, South Shore, Grand Crossing, Woodlawn, that -- and I myself live on the borderline of an affluent neighborhood and a not-so-affluent neighborhood. And on my very block, I have two foreclosed properties that are probably not high priority. So my concern is that there were ongoing negotiations that probably should go on such that we have a solution that touches all neighborhoods and that we can deal with this problem comprehensively.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR SANDACK:

A few questions of the sponsor, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Sandack.

SENATOR SANDACK:

Senator Mulroe, in the amendment, there is a two-hundred-and-fifty-dollar filing fee. In your estimation, will that filing fee hurt homeowners?

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Mulroe.

SENATOR MULROE:

No. In my opinion, it's actually going to help homeowners, because the quicker we get abandoned homes back into the hands of the banks, the sooner we decrease the cost to the municipalities that have been taking care of them. And that cost to those municipalities or communities gets passed on to the taxpayers, the entire taxpayers. So it actually will, in my opinion, benefit all homeowners.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sandack.

SENATOR SANDACK:

There was some discussion in committee about application of the -- the dollars -- the filing fee, potentially, to -- to counseling -- to foreclosure counseling. Why isn't these dollars designated in that realm -- or, in that way?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

As I, you know, stated from the beginning, it's a very complicated issue. This is not the cure-all. There is another fund. This -- this bill deals with abandoned homes. There is another bill that passed into law a few years ago that created a prevention fund for counseling. Currently, there -- from the fees that have been generated over the last two or three years, there are 4.5 million or five million dollars sitting in that fund for purposes of counseling. This fee of fifty dollars is separate from the two fifty. So it'll continue to rise to help people in prevention or counseling. And I want to also point

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out, there's -- there was that settlement that we should all be familiar with, that Illinois got a hundred million dollars. It's sitting with the Attorney General right now. And it's my understanding that a portion of that will go to counseling as well. So there -- it's separate matters.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sandack.

SENATOR SANDACK:

The dollars in the abandoned property fund contemplated with this fee and to be administered by IHDA, is it a loan or is it a grant to municipalities dealing with the difficulties of having abandoned homes?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Thank -- thank you for that question, Senator Sandack. In the committee, there was a person who testified on behalf of housing advocates and he described 'em as a loan, which was a mischaracterization of the existing law. A few years ago, when we -- this was being discussed back then, there -- it's Section 7.31 of -- the Abandoned Residential Property Municipality Relief Program. It specifically defines that "any other funds appropriated for this purpose, to make grants to municipalities to assist with removal costs and securing or enclosing costs incurred by that municipality". So, they're grants. It's not defined as a loan. The purpose is to reimburse cities who have expended money taking care of abandoned homes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sandack.

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SENATOR SANDACK:

...bill, Mr. President. Ladies and Gentlemen of the Senate, this is a good bill. I know it's not perfect and I know some folks have some concerns about how it is residents, friends in their neighborhoods, got into foreclosure situations. That needn't be addressed, nor is it relevant for purposes of where we are right now. Where we are right now is a bill that's discrete and specific to abandoned properties. The statute -- or, the proposed bill that would be a statute sets forth a number of objective reasons why a judge could say, "Wait a minute. Stop. I'm going to take it off the fast-track line and put it back on the typical foreclosure track." As a reminder, these cases typically exceed six hundred days in length. On fast-track abandoned property, when it's truly abandoned, it could be as quick as ninety to a hundred and twenty days. The beneficiaries of that are not the folks who may have been victimized by a bad loan - are, frankly, the neighbors of the properties that are sitting abandoned and blighted. The beneficiaries are those neighbors and the communities that have stepped up to cut the lawn, to fix any windows, board windows, and otherwise secure the property. This is a good bill. This helps every neighborhood and should be a -- something that we can tell our constituents, it's been a good law to pass, that's been passed, that will help every neighborhood, whether it's Englewood or Downers Grove. So I -- I request a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, our last speaker seeking recognition, Senator Collins. For what purpose do you rise?

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SENATOR J. COLLINS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to give a little historical perspective for the Members that are new to the Chamber, including Senator Mulroe, and then -- I would like to also thank President Cullerton first, for bringing the parties to the table to try to reach an agreement. A comment was made in reference to the fast-track foreclosure language. It is very well constructed. And the reason it's very well constructed is because my person at the table, Samantha Tuttle, this is our language to ensure that the tenants and the homeowners were protected. But she is not supportive of the bill. She only supported the first part of the bill that dealt with the fast-track foreclosure language. I do want to thank the IBA representatives who did sit at the table, Steve Olson and Bruce Baker, in working to agree to amend the fast-track language. The City is still opposed to the bill, and it's not necessarily because they have a bill over to the House. I came to the table because I did not want, as it existed, 2534 or Senate Bill 16. And so we were trying to get some kind of remedy that would address all the needs of all the parties involved. So, let me just tell, or say, or explain, or give some kind of context. Foreclosure prevention is an issue I have been engaged in since 2005, when bankers, brokers, and borrowers were riding the housing bubble with risky loan products, like interest-only, prepayment penalty, negative amortization, and adjustable-rate mortgages. But when I sponsored House Bill 4050 in 2005 to provide oversight for certain targeted communities, I was accused of reverse redlining by the mortgage brokers and mortgage bankers. But when you look

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over the map of my district - I have a sample that I passed out - you have a visual evidence of how foreclosures decimate communities, destabilize families, and de-incentivize economic development. So, when Senate Bill 2534 was presented by the banks - and I do also have a question why it went thru Judiciary, because some of the same issues addressed in this legislation was in the legislation referred to by Senator Mulroe in reference to the foreclosure prevention fund which I sponsored, that came thru Financial Institutions - but when this bill, Senate Bill 24 -- 2534, was presented, I was eager to find a solution that would, one, provide fast-track foreclosure tools that would protect tenants and homeowners and, two, provide municipalities with much needed financial resources to clean up and maintain vacant properties and fund house counseling. In negotiation with the banks, we succeeded on the first objective, but came up short on the last point. And this is why: Fast-track will reduce the time that homes are out in the communities sitting abandoned and causing blight by somewhat, seventeen or eighteen months. And I have no problem with that. That is what I agreed to as well. But when you reduce, by eighteen months, the time in which property sits idle, the banks will save on property taxes, insurance, and maintenance. So according to the Woodstock Institute, fast-track will save banks at least three hundred and forty-two million dollars per year. In this legislation, they have offered the two hundred and fifty million to clean up vacant properties. But, it is true that - I think Senator Hunter raised the question - banks will more than likely pass on that fee to a homeowner -- or, the purchaser of that property -- of the property. Last year, I think, seventy-six

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thousand foreclosures filed in Illinois; twenty-one foreclosures were completed. So that meant fifty-five thousand cases where homeowners will pay the fees and only twenty-one thousand where banks would pay. So the other issue I dealt with was -- or, wanted to deal with, why is housing counseling money important? Housing money is important because, if we had housing counseling, it would allow people to stay in their homes longer and to prevent vacant properties from even occurring. So the other question was, in reference to -- the question was raised, "Well, are we going to get more money from the Attorney General's settlement?" Well, let me just say that the settlement was required because of robo-signing - criminal activity on the -- on the side of the banks that led to many of the foreclosures that we're trying to clean up at this point. So, in talking with the AG's Office, they have not designated what amount would go towards counseling, but the bulk of the money - in which I was told from the AG's Office - the bulk of the money would go for legal services, not counseling. And so if you want to ask why counseling is so important - in Lake County, there are two housing counselors, but you have five thousand six hundred and ninety-six filings in Lake County. The average counselor can only see between one hundred and two hundred people per year. That's why we need more money for housing counseling. In DuPage County, you have only seven counselors, and you had, last year, five thousand three hundred and sixty-two foreclosure filings. And there, you can only see - a housing counselor - between five hundred and seven hundred people per year. So we do need more money for housing counseling. And my greatest concern is that fast-tracking will

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not help my district. Banks -- and it was said in the negotiation process, that we cannot prevent banks from cherry-picking. So that's my concern here. Banks will cherry-pick the best and most profitable properties and avoid taking responsibility for loans in distressed communities. So the question is, is this better? Well, it depends on your perspective and your reality. As you can see, communities like mine -- and this is -- the map that I passed out, were just four zip codes on the southwest side of Chicago. In those four zip codes, there were ten thousand six hundred and ninety-five foreclosures. And when you look at two hundred and fifty million dollars - to demolish vacant property, it takes between eighteen thousand to thirty-four thousand dollars - so, if you had two hundred and fifty million dollars and you wanted to, let's say, go into demolition -- or, demolish buildings, at the low end, you can only demolish one thousand three hundred and fifty-seven, and at the high end, at thirty-three thousand, where -- you would only be able to demolish seven hundred and forty-two. And in my district, in just four zip codes, I have ten thousand six hundred and ninety-five. So, the question again, is this better? I'll put it like this, in communities like mine, which are bleeding red from a gaping wound inflicted by a knife of subprime loans thrust eight inches deep, if you pull it out four inches, which Senate Bill 2534 does, the community is still bleeding and will eventually die. For that reason, I, the housing advocates, municipalities -- I'm sorry. Let me just say about the municipalities. You're saying they would help the municipalities. Some of the municipalities do not like the way this is structured, and let me tell you why.

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The way it's structured is that, and the debate about whether it's a loan or a grant, municipalities would put the money up front. They have to put the money up front to do whatever is necessary to the vacant and abandoned property. Then, when the property sells, they'll probably get a priority lien. But once they get their money, they have to remit that money back to the State Treasurer. That's why it's considered a loan. So I feel there's more work needed. I will be voting Present. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Senator Mulroe, to close.

SENATOR MULROE:

Thank you, Mr. President. As I stated in the beginning, this may not be a perfect bill, but I think it's a good bill. It's a -- a -- a good solution -- or a reasonable solution that provides sufficient amount -- a significant amount of money - twenty-five million dollars - towards -- to be distributed amongst the various municipality, towns and villages. I would actually like to thank Senator Collins for being involved in the -- the discussions. With her help, that money -- that's how we arrived at that twenty-five million. I believe it's through her -- her help in the negotiation process that we got to there. She may want more, but I don't -- I'm very uncomfortable with saying twenty-five million or nothing. So, most of the bills we deal with, it goes through this uncomfortable negotiation process. While this may not be a hundred-percent-agreed bill, I still believe it is a good bill. I look forward to working with Senator Collins in creating -- or, helping out that prevention fund and providing more funds for counseling. I thank you all for your questions and your comments regarding the bill. I

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would ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill -- excuse me, Senate Bill 2534 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 38 voting Aye, 3 voting Nay, 13 voting Present. Senate Bill 2534, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if I could have your attention for an announcement. If I could have your attention. President Cullerton has asked me to make the following announcement. As the result of our hard work this week, it's our expectation that we -- we will adjourn early this afternoon. We will cancel Saturday and Sunday Sessions and reconvene at 2 p.m. on Monday, Memorial Day. The Senate will then recess to committee and reconvene at 5 p.m. for Floor action. So we're canceling Session for Saturday and Sunday. We will reconvene at 2 p.m. on Monday; after which time, we will recess to committees, then reconvene to the Floor for Floor action at approximately 5 p.m. Ladies and Gentlemen, if you'll turn to page 11 of the printed Calendar. With leave of the Body, we will go to House Bill 5109. Senator Muñoz. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5109.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 5109 amends the Dental Service (Plan) Act. It hadn't -- been unchanged since 1965. And it amends the requirements for serving as a board director for Delta Dental, statutorily created Illinois corporation. The changes were made in consultation with the Illinois Dental Society. One, greater independence of the governing Body. Two, greater flexibility in selecting directors. And the other changes: removes a requirement that a majority of directors be dentists; removes the requirement that non-dental directors be members of the corporation; removes the requirement that non-dental directors be residents of Illinois. The bill passed out of committee unanimously and I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5109 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5109, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we're going to go back to where we left off with regard to House Bills 3rd Reading, and we have House Bill 5315. 5315. Senator Harmon. Senator Harmon, on 5315. Out of the record. House Bill 5337. Senator Bivins. Mr. Secretary, please read the bill.

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SECRETARY ANDERSON:

House Bill 5337.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Bivins.

SENATOR BIVINS:

Thank you -- thank you, Mr. President. HB 5337 states that any itemized voucher under five dollars is to be paid out by the Comptroller through electronic funds transfer. This is an initiative of the Comptroller's Office. This is a continuation of the direct deposit bill that we passed last year that saved the State millions. And this should save the -- save us hundreds of thousands of dollars in the State going forward. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5337 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5337, having received the required constitutional majority, is declared passed. Next up on the Calendar, we have House Bill 5342. President Cullerton. Out of the record. House Bill 5440. Senator Link. Out of the record. House Bill 5444. Senator Steans. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

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House Bill 5444.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff -- no, I mean, Senator Steans.

SENATOR STEANS:

Mr. President, Members of the Senate, House Bill 5444 amends the Unemployment Insurance Act to create an Economic Data Task Force to study the cost and benefits of giving the public access to State employment data that the Department of Employment Security currently holds. I don't know of any opponents to the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR McCARTER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield, Senator McCarter.

SENATOR McCARTER:

Senator, can you explain to us what kind of information we would be wanting to make public that is not already made public?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

There's wage and employment kind of information at a -- looking at doing it at a more micro-targeted geographic level, so that employers who are looking to locate someplace can get data at a more local level - that's really relevant to how they

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make their business decisions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

What kind of -- what kind of groups will be looking for that micro-targeted information?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

It could be researchers. It could be business location kind of entities. You know, there's a variety that may be interested in that kind of data.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

Has someone come to you or to the State asking specifically for this kind of information?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

This had been an initiative of Representative Daniel Biss in the House and there had been some folks who had come to him expressing an interest in being able to get this kind of data and wondering -- and thinking that there might be real use and - - when you analyze it, being able to help identify where people may go for greater economic development opportunities.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

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Were these -- these parties that came to him, asking for the information, were they private concerns, public concerns, profit, nonprofit?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

I'm not entirely sure. I believe it was public concerns. This, by the way, is just creating a task force to look at what could be made publicly available without creating any issues. The reason they also need to do it through a task force in law is because some -- some of the data is -- could be -- end up deemed confidential, not something you want to made available. So they needed the statutory authority to have access to the data to determine what could be made public, what couldn't. So that anything that should not be inappropriately made public is not.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

To -- to the bill, please. Ladies and Gentlemen, I'm not sure there's a great need for this. If it's a matter of locating businesses to an area, our local Chambers, typically, are more than capable of providing the information that is needed. I'm -- I'm just a little concerned when we start disclosing information like this to the public. I think it's just -- probably not the right direction to go. So I -- I encourage a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Ladies and Gentlemen, the

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question is, shall House Bill 5444 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 34 voting Aye, 19 voting Nay, 0 voting Present. House Bill 5444, having received the required constitutional majority, is declared passed. Next up on the Calendar is House Bill... Oh, excuse me. Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Thank you, President Sullivan - Sullivan, yes, it is. So, I would like to be recognized as voting Aye on House Bill 5337, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski, the record will so indicate your intentions. Ladies and Gentlemen, we have House Bill 5495. Senator Harmon. Out of the record. House Bill 5549. Senator Hunter. Senator Hunter. Out of the record. House Bill 5587. Senator Lightford. Senator Lightford. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 5587 requires the Department of State Police and the Law Enforcement and the -- and the Training Standards

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Board to conduct or approve training programs concerning Post-Traumatic Stress Disorders for police officers. This program should include training on how to indentify the symptoms and how to respond appropriately to individuals exhibiting those symptoms. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 5587 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5587, having received the required constitutional majority, is declared passed. At the bottom of page 12, we have House Bill 5602. Senator Millner. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5602.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. House Bill 5602 amends the School Code and the Juvenile Court Act. And this bill creates consistency between the School Code and the Juvenile Court Act by adding certain violent offenses through written records that are permitted to be shared by law enforcement with schools and only if the agency or officer believes there is an imminent

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threat or {sic} (of) physical harm to students, school personnel, or others present in the school or on school grounds. And this includes weapons, drug offenses, forcible felonies, violent misdemeanors, unlawful contact with street gang -- gang members. However, the information is not part of official school record and shall not be a public record. And in cases where the minor is the subject of a current police investigation that is directly related to school safety, this bill creates a sharing mechanism for oral information between law enforcement and the schools. I know of no opposition in this. This was from a number of situations that occurred over the years. And recently, a story in the Daily Herald about -- occurred, where an Elgin school teacher was stabbed, and the police and the school had information. Had they been able to share that, as they should have, this incident probably would not have occurred. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5602 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 52 voting Aye, 2 voting Nay, 0 voting Present. House Bill 5602, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if you'll turn to the top of page 13 of our printed Calendar, we have House Bill 5632. Senator Link. Out of the record. House Bill 5730. Senator Delgado. Out of the record. House Bill 5791. Senator Harmon.

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Out of the record. House Bill 5823. Senator Mulroe. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5823.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe. Think the amendments have been adopted. You bet. Senator Mulroe.

SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. I promise to keep this shorter than the last one. House Bill 5823 provides that if a subrogation claim or other right of reimbursement claim is made for payment of medical payments {sic} to an injured person from the proceeds of the claim, then the amount that may be recovered through the subrogation claim or other right of reimbursement claim may be reduced if there is not sufficient liability insurance available or if there's a reduction in the recover amount -- recoverable amount due to the comparative fault of the injured party. I just want to also state, this passed with leave in the -- the Judiciary Committee. Since that passed out of committee, though, Humana has voiced opposition based on a -- a federal Seventh Circuit case that is not consistent with the Illinois Supreme Court decision regarding application of the common fund doctrine to health care plans under ERISA. So I just wanted to make that clear. I'd ask for -- but that's the only opposition that I can see, so I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will, Senator Dillard.

SENATOR DILLARD:

Senator Mulroe, will this preempt ERISA?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Yes. It's -- that's predicated on the Illinois Supreme Court decision of Bishop versus Burgard, decided January 25, 2002. If I can just site from that case: The court held that ERISA does not preempt application of the Illinois common fund doctrine, stating in the course of the analysis that a claim for attorney fees based upon the doctrine is, "in substance if not in form," a "separate and distinct action," resting "upon equitable considerations of quantum meruit and the prevention of unjust enrichment"; an action "wholly independent of and related {sic} (unrelated) to the underlying benefit plan". There is also language in the Illinois Supreme Court decision, which is obviously the -- the law of Illinois land, that states: While we recognize that some federal circuits may have reached a different conclusion as to sections 514 and 50t -- I'm sorry, 502(a) preemption on similar facts, federal circuit court of appeals exercise no appellate jurisdiction over this court.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. -- another question, if I may. How can the Illinois Supreme Court usurp the decision of the Seventh Circuit since this is a federal ERISA issue?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I -- I cannot answer that with certainty. All I know is -- and I'm not really familiar with ERISA law either, but there's medical coverage that's government regulated by ERISA. The Bishop case was directly on point. And it said, notwithstanding the language in those plans, it's equitable to follow the common fund doctrine that's been in existence - and that case was decided in 2002. So it's been happening ever since 2002. This language would codify an existing practice.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Senator Mulroe, did Humana ask you to have a colloquy on this for purposes of legislative intent?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

They did subsequent to the -- coming out of Judiciary. It came out of Judiciary unanimously. They asked me to consider that. I asked them to -- to talk with the ITLA representatives. And I was happy to do that if they could come to an agreement on the terms of that language, but they could not come to an

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agreement on the -- the terms of the legislative intent.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Dillard.

SENATOR DILLARD:

Just to the bill, then, Mr. President. There is opposition. I know that Humana and some groups questioned this. Obviously, I -- I think, from at least my law school experiences, I'm not sure that our Illinois Supreme Court can usurp the Seventh Circuit, which is a federal court, one of the most highly regarded courts in the United States. You know, everybody can do what they want, but I'm going to vote No 'cause I don't think this bill is ready for prime time or been thought out well enough. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR JACOBS:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Are you worried at all about this bill causing higher litigation costs and those costs being passed on to groups such as -- private or public employee groups, such as the State of Illinois?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

No. This practice has been in existence since 2002. So I

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don't see it changing how the costs are allocated amongst people involved in a lawsuit.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

Some companies fear that with these higher litigation costs, plans like Medicare Advantage are going to increase and so are the premiums on senior citizens. It would just seem to me that with Humana being such a large part of Illinois' insurance business that we ought to slow down and maybe take a look at -- you know, Humana does a lot for consumers; they do an awful lot for seniors; they do a lot for military veterans; and they also do an awful lot for self-employed. And what I think we're doing is just increasing cost here. And I would like to ask you if you'd just pull it out of the record, work with Humana over the weekend, and see if we can't find some kind of agreement so everybody's on board and same page, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe, do you wish to respond? Senator Mulroe.

SENATOR MULROE:

I would just give the same response. It's been in practice since 2002. Generally speaking, in -- in my lifetime, insurance premiums generally go up. The -- and don't go down. This has been in existence since 2002, so whatever the increases or decreases in premiums, have been reflected in the market already.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

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SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

Thank you. I wanted to follow up on Senator Jacobs' question regarding -- with passages {sic} of this -- with increased uncertainty and the potential then of increased litigation costs, this -- will this not get passed on to the consumer or be -- or, increase added cost, especially when it comes to senior programs like the Advantage plan. So, the end result of this will -- or, could be higher costs, then, for senior health plans?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I -- I don't believe so. It -- it's been decided, back in 2002 by the Illinois Supreme Court, that the common fund doctrine is applicable to these plans that are regulated by ERISA. So it's been over ten years that this has been in practice. So I don't see it as being uncertain. This is not revolutionary. This has already been in existence for ten years under Illinois law. If there's an Illinois lawsuit filed, they have to follow the Illinois Supreme Court. It's not consistent with, you know, some of the federal court decisions. If it goes up to the U.S. Supreme Court and they say the Illinois Supreme Court is wrong, that will change things, but until then, Illinois law stands and the Illinois Supreme Court is the law of the land.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

So, Senator, what we're saying -- what you're saying is that, since 2002, this has been the practice and the passing of this legislation does not change any litigation standards or fees or costs at all that have been in place since 2002?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

I guess, then, my -- I guess, then, the question begs, why are organizations so opposed to this legislation and have the concern about increased costs, organizations like the State Chamber of Commerce coming out and opposed to this? If this has been the practice and this has been in place, what would be or why are they raising their -- such strong objections to this legislation?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I -- I was not aware that the State Chamber of Commerce opposed this. They did not file a slip in committee to oppose it. No one filed a slip in opposition of this bill in committee, which was heard three days ago. It was only after the bill came out of committee - after Humana had the bill, they

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consulted with someone - that they raised their opposition to it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

Well, as you know, down here sometimes things get passed through before people are made aware of it or before the fine print is -- is read. In this case, something dramatic has occurred since the time of committee and now that these companies would be concerned, that the Chamber would be coming out and being concerned. And if there is uncertainty, then we still have a few more days left in Session, if -- if that's -- if we're not sure about why there's such opposition, wouldn't it make sense to pull this out of the record, have a chance to talk with these business groups, have a chance to talk with these carriers, and find out why there is a big concern now versus the fact that, you've said, there wasn't a concern back when it passed committee?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe.

SENATOR MULROE:

I'm not aware of -- the only concern that I've received is from Humana. They're trying to carve themselves -- or, make an exception for their plans. And what I do have -- you know, in support of the bill: the Trial Lawyers Association, AARP, IFT, Illinois State Bar Association, the Chicago Bar Association, the Illinois Alliance of {sic} (for) Retired Americans. Those that are neutral, according to the records that I have: Illinois State Medical Society, the Illinois Insurance Association, the

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Illinois Property Casualty Insurers, Blue Cross Blue Shield, Farmers Insurance, and American Family Insurance. So I'm -- I don't have the same sense of a problem, I guess, as you do.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

Thank you and I'll -- and I'll just wrap it up. I think the -- the -- the reason is, is because, again, it's -- the concerns have been raised since those lists were done or since that time of committee was done, and which is why they're raising their concerns now. And that's why -- either something has come up which is making this thing more controversial maybe than it is, but until we can get somewhat of an answer, I guess that's why these groups have -- since that committee, have now raised these concerns. So, thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Seeing no other Members wishing to discuss, Senator Mulroe, do you wish to close? Senator Mulroe.

SENATOR MULROE:

Yes, thank you, Mr. President. Can -- can I just have a -- a minute?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Absolutely. Senator Mulroe.

SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. You know, as the way the -- the case law exists today, that's how it's going to exist in the future. If it's -- it doesn't preempt ERISA; it -- it's silent on that. That's some attorneys trying to interrupt or carve out exemptions into a bill to disrupt the

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-- the current state of -- of affairs under the Illinois law and how federal courts interrupt this common fund doctrine as it relates to ERISA. So I don't think this really does anything to disrupt the current status quo. It just codifies existing practice. So, I'm comfortable with it codifying the existing practice. And it does not -- if you read -- read the bill, it does not reference anything or preempt ERISA claims. So, whatever the case law is, it is. So I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 5823 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 25 voting Aye, 27 voting Nay, 1 voting Present. House Bill 5823, having not received the required constitutional majority, is declared failed. Senator Mulroe, for what purpose do you rise?

SENATOR MULROE:

Thank you, Mr. President. I'd ask that the matter be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Mulroe has requested House Bill 5823 be put on the Order of Postponed Consideration. Mr. Secretary, put House Bill 5823 on Postponed Consideration. Ladies and Gentlemen, next up on the Calendar is House Bill 5866. Senator Schoenberg. Mr. Secretary, Senator Schoenberg seeks leave of the Body to return House Bill 5866 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 5866. Mr. Secretary, are there any Floor amendments

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approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton. President Cullerton yields to Senator Schoenberg? President Cullerton.

SENATOR CULLERTON:

Yes, I'd like to ask the sponsor of the bill to offer the amendment, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg, to explain the amendment.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And thank you, President Cullerton. Floor Amendment No. 3 retains the underlying bill, which is an initiative of both the Department of Revenue and the Lottery, and would allow the Lottery to designate certain lottery drawings to benefit one of the Lottery's scratch-off beneficiary funds. For example, the Lottery could designate the Little Lotto game during the week of Memorial Day to raise funds for the Illinois Veterans Assistance Fund and any proceeds above the average weekly sales would be deposited in that special fund. This has elicited the support of the Department of Veterans' Affairs as well. And there's no known opposition. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

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SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading, we have House Bill 5866. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5866.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Schoenberg.

SENATOR SCHOENBERG:

...you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. This is -- this legislation incorporates what I just explained. And it -- as I said, it's an initiative of the Department of Revenue and makes a number of changes. For example, on revocation or refusal to issue permits or licenses, if the applicant fails to file a return, or pay any fee or tax, regardless of whether it's related to that permit or license, it gives them the authority to further issue a refusal on a license or a permit, under certain circumstances. And it enables the Department to also allow -- it enables them to maintain a petty cash fund of two thousand dollars, as opposed to one thousand dollars. I'd be happy to answer any questions at this time.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator John O. Jones, for what purpose do you rise?

SENATOR J. JONES:

Thank you, Mr. President. To the bill.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Jones.

SENATOR J. JONES:

I -- I just want to bring it to the attention of the -- of -- of everybody here in the General Assembly, I -- I voted against this in committee. And -- and I've got a real problem with -- with what Amendment No. 3 does especially, because we're turning over something that the General Assembly has always done in the past. We're turning it over to the Lottery Director. And -- and, quite frankly, the Lottery Director -- you know, we've passed legislation here to -- to allow certain games for cancer research and the like, breast cancer and so forth, but we're turning it over to the Lottery Director to allow the Lottery Director to, at any time they want to, to designate a scratch-off ticket for a certain event, or -- or -- or whatever, and to go into a -- to a fund. I just think we're going down a path here we don't want to do. You know, I -- I -- I don't know the Lottery Director that well, but I think the General Assembly needs to keep their hands on the Lottery as much as they possibly can in designating what we do and what we don't do in the Lottery. So, I -- I would advise a No vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Senator Schoenberg, to close.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This -- what Amendment No. 3 does is limited exclusively to those special funds which are already in existence, and this will further help the Lottery market, the

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growth of the lottery so that we can realize expanded revenues. I'd urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 5866 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 34 voting Aye, 19 voting Nay, 0 voting Present. House Bill 5866, having received the required constitutional majority, is declared passed. House Bill 5877. President Cullerton. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5877.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This bill was sponsored by Speaker Madigan in the House, myself in the Senate. It's a very important bill dealing with judicial privacy and supported by the Illinois State Bar Association, as well as the Administrative Office of the Illinois Courts. It creates the Privacy Act; prohibits a person, business, association, or government agency from publicly posting the personal information of a judicial officer if the judicial officer has made a written request asking that entity to refrain from displaying the personal information. And after an

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individual has received a written request from a judicial officer to protect the privacy, they'll have seventy-two hours to remove the information from the Internet, and a government agency will have five days. This is a bill that does provide for both criminal and civil enforcement of its provisions. Takes effect sixty days after the -- becoming law. And we are all aware, unfortunately, of some threats against the judiciary, some threats that have been carried out involving homicides. This is something which is in response to that. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 5877 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 55 voting Aye, 0 voting Nay, 0 voting Present. House Bill 5877, having received the required constitutional majority, is declared passed. House Bill 5914. Senator Righter. Out of the record. Ladies and Gentlemen, with leave of the Body, if you'll turn to page 6 of your printed Calendars, on the -- on the Order of -- of Senate Bills 3rd Reading, we have Senate Bill 2915. Senator Crotty. Mr. Secretary, Senator Crotty seeks leave of the Body to return Senate Bill 2915 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading, we have Senate Bill 2915. Mr. Secretary, are there any Floor amendments approved for consideration?

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Floor Amendment No. 2, offered by Senator Crotty.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Crotty, to explain Floor Amendment 2.

SENATOR CROTTY:

The amendment becomes the bill, so I'll entertain questions and discussion..

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading, we have Senate Bill 2915. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2915.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President. Senate Bill 2915 amends the Registered Surgical Assistant and Surgical Technologist Act. It prohibits an individual from practicing or attempting to practice surgical technology without a valid registration as a surgical technologist issued by the Department of Financial and Professional Regulation. It further streamlines the

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qualifications for a surgical technologist and makes provisions for thirty hours of continuing education for surgical technologist per registration renewal period. It also deals with the issue of unregistered surgical technologists and allows the Department to assess a civil penalty not to exceed ten thousand dollars concerning unregistered surgical technologists. There are nineteen hundred technologists that are employed in healthcare facilities. This bill will have no impact on those persons already employed as surgical technologists. And an estimated twenty states regulate surgical technologists or have pending legislation to require minimum education and certification standards. This bill is going to -- is -- has been worked on. It will continue to have discussions over the summer and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield, Senator Murphy.

SENATOR MURPHY:

Senator, I appreciate your comment, this will be worked on over the summer. I noted that there were some concerns raised by medical professionals down here. Do you know who's going to pick this bill up in the House and have you received a commitment over there that this bill will be held so that those negotiations can proceed?

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Crotty.

SENATOR CROTTY:

Both this Association -- and I've also discussed this with the Illinois Hospital Association and the other groups - this will be held. And over the summer, it needs to have some more discussion, and as soon as everybody can be resolved, then it'll be called.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

With that representation, Senator, I -- you know, I -- I will support this bill. I -- it would be a little bit more reassuring if we knew who the House sponsor was and that House sponsor had already committed to the same thing, 'cause once we vote it out of this Chamber, it's no longer in our hands and sometimes the House doesn't do what we think they should.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Crotty.

SENATOR CROTTY:

But, again, Sue Clark brought this bill to me and she reassures me that there will be -- there will be no movement on this in the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

To the bill: With that representation, Senator, I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Ladies and Gentlemen, the

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question is, shall Senate Bill 2915 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Aye, 2 voting Nay, 0 voting Present. Senate Bill 2915, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we're going to go to the top of the Order with regard to House Bills 3rd Reading. So if you'll go to page 7 of your printed Calendar, we're going to start at the top of the Order, House Bills 3rd Reading. First up is House Bill 196. Senator Muñoz. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 196.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 196 is an initiative of the State Police Merit Board. The primary duty of the State Police is to safely patrol our State's highways and support mutual aid to local law enforcement. But because of the chronic drop in number of sworn officers, that role has often been reversed. Local law enforcement agency now, and the sheriffs' offices, have been compelled to carry an undue burden. Since 2007, the Department's head count has fallen from two thousand one seventy-four to eighteen hundred officers. That's a 13.4

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decrease. The amendment -- this amendment -- legislation will assess an additional fifteen dollars for those persons who plead guilty to specific crimes and Vehicle Code violations. The revenue estimates will probably come in -- will raise approximately fourteen million annually to sustain cadet training for future years. The fund will pay all new applicant testing, physical and psychological testing, cadet's training for twenty-six weeks, and then upon completion of the Academy, an additional twenty-six more weeks. Right now, we don't have the money to hire additional State troopers or to put them in class. So this money -- with the fifteen-dollar increase, we'll be able to do that. I will tell you, though, in committee, the Sheriffs' Association and the Illinois Police Chiefs are against the bill. They feel that -- a bill was put in -- there was -- raised money before for patrol cars, and this fifteen-dollar increase would be for everyone. They want to just say it should only be for State troopers to do the bill. I will answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR DILLARD:

Thank you, Mr. President. I rise in support of the gentleman's bill. And as I said in committee to the sheriffs and to the chiefs of police, I will always take care of my local officers. The DuPage County Sheriff, in addition to being somewhat our responsibility, is that of the county, and I will always take care of those local law enforcement officials. But what makes this different is this is the Illinois State Police.

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Now, the Illinois State Police are our police force. We are State legislators and this is our group of law enforcement professionals. And it's not as if the State Police do not help and assist the sheriffs or local police officers on a daily basis. And, you know, with all due respect to the sheriffs and the local police, whom I greatly admire and respect, and they are my friends, this is a turf battle over money. But the State Police are our responsibility, our responsibility from Springfield. And I told the story, having watched the Chicago television coverage on Sunday afternoon, in hundred-degree-heat humidity index, right behind the Chicago police was an incredible line of Illinois State Police men and women in -- in black uniforms in hundred-degree heat. And I will always take care of all levels of law enforcement, but the State Police are our responsibility. I commend Senator Muñoz, who is a police officer himself at the local level, of trying to figure out a way, outside of the box, to make sure that the men and women of the Illinois State Police have the -- the proper cadet classes, in sizing, and staffing, and equipment that they need to protect our families every day, not only on the roads, but other things that they do, including running crime labs, DNA testing, and those kinds of services that I want as a father and as somebody who has a duty as a State Senator to protect our citizens. So this is a good way to do it. And I wholeheartedly rise in support of this gentleman's bill. And Tony and I will go to work, with Sheriff Bivins and others, looking at ways to make sure that our county sheriffs and local law enforcement officers have their funds in the future as well. Thank you, Mr. President.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR SYVERSON:

Thank you. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

Senator, I'm just looking at this now. Can you reiterate the -- the -- the issue regarding the -- the fifteen-dollar fee increase? Who all pays that?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Any person who's convicted of or pleads guilty to a violation of the Criminal Code or a similar provision of a local ordinance for a violation -- traffic violation, speeding violation.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

So, this will just add fifteen dollars more, then, on top of someone who gets a ticket with a -- a traffic offense, or if they are -- if they're going to do court supervision, they're going to pay another fifteen dollars on -- on top of that -- what they're currently paying?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

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Yes, that's correct. But it doesn't apply to the mail-in tickets, which is governed by the Illinois Supreme Court Rule 529. That will not be...

PRESIDING OFFICER: (SENATOR SULLIVAN)

I'm sorry, Senator. Were you done, Senator... Senator...

SENATOR MUÑOZ:

Yes. That's fine.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Yeah. Senator Syverson.

SENATOR SYVERSON:

I guess one of the concerns are, with -- these -- these fines become so high that individuals can't afford to -- to do that. They can't afford to take court supervision. I know, in -- in our county alone, I think they've got -- they're in excess of sixty million dollars of uncollected fines. At some point, I'm not sure where the fines get to be so high that they're just not achievable. What does this bring the -- the price up -- or the cost up for a -- for a -- a speeding ticket or for a -- the standard court supervision?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

I don't know what -- all the additional fees that they have in place now, but this will raise it an additional fifteen dollars more. It's up to the judge's discretion whether they put the fees on, if they were given supervision or not with the penalties. That's up to the judge, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Bivins, for what purpose do

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you rise?

SENATOR BIVINS:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Bivins.

SENATOR BIVINS:

Thank you, Mr. President, Members. Some of what we discussed in committee, we -- I think what I personally have issue with is -- is philosophical. I think we run into a danger when we use law enforcement to generate revenue. I used to have this argument with a good friend of mine who was a -- a police chief that liked to generate revenue for his department - and you can use your imagination. Revenue is a byproduct of what law enforcement does. It's not what they do. It's a byproduct. We have a lot of sheriffs' departments, city police departments - I have a sheriff's department in my district that lost a third of its department, up in Stephenson County - left. So where do -- where do we stop the -- the increases. Because they'll be next. They'll be in here for increases also, 'cause these fines just go to the State Police. And this isn't an issue of sheriffs versus State Police, or turf wars, or anything like that. As I said, I think it's more philosophical. This will generate about fourteen million dollars for one hundred troopers, which is approximately a hundred and forty thousand dollars per trooper. And keep in mind that we will have to pay for those going down the road and also their pensions, any other benefits. So I encourage a No vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Cultra, for what

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purpose do you rise?

SENATOR CULTRA:

To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Cultra.

SENATOR CULTRA:

Just -- just from observation, it seems to me that over the last ten or fifteen years, the -- the State Police have been replacing civilian employees that used to do clerical work at the State Police stations with sworn officers. So, now, we come to a point where we don't have enough sworn officers out on the road. There -- there's too many of 'em sitting behind desks. Do you realize the money that we could save if we take those sworn officers, put 'em back out on the road, and hire civilians to do that clerical work behind the desks? And that -- that was just a comment that I had. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Seeing no further discussion, Senator Muñoz? Ladies and Gentlemen, the question -- no. Excuse me. Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President. The only thing I can tell you, Ladies and Gentlemen of the Senate - I think my colleague Senator Dillard stated - you know, I support all police departments, whether they're sheriffs, the men and women -- local police departments. They all do a great job. And the -- one of the reasons is -- it's not about trying to pit them against each other. But one of the reasons why I took the bill - and then, when I found out, I kind of felt a little bad not

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having everyone on board - I just looked at it as a way of, if we can save fourteen million dollars from our GRF and be able to put on some troopers. Maybe it quite not -- it might not be quite the one hundred the first year, but it's -- it's somewhat of a start. I -- I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 196 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 30 voting Aye, 23 voting Nay, 1 voting Present. House Bill 196, having received the required constitutional majority, is declared passed. Next up on the Calendar is House Bill 506. Senator Muñoz. Out of the record. House Bill 1084. President Cullerton. Out of the record. House Bill 1157. President Cullerton. Out of the record. House Bill 1237. Senator Raoul. Out of the record. House Bill 1299. Senator Noland. Out of the record. House Bill 1447. President Cullerton. Out of the record. House Bill 1466. Senator Lightford. Out of the record. House Bill 1489. President Cullerton. Out of the record. House Bill 1605. Leader Harmon. Mr. Secretary, please read the bill. Senator Harmon seeks leave of the Body to return House Bill 1605 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 1605. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Harmon.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon, on Amendment 4.

SENATOR HARMON:

Thank you, Mr. President. The amendment becomes the bill.
I move for its adoption.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on Order of 3rd Reading, we have House Bill 1605. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1605.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1605, as amended, would amend the Downstate Police and Fire Articles of the Pension Code to permit retired police and fire personnel to return to work on a very limited basis while still drawing a pension. This is comparable to the provisions that are currently in law for the State employees and the teachers. It's especially important for the police and fire

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because of the unique nature of their pension funds. As you know, each department has its own local pension fund. So, this came from a district -- a community in my district, Melrose Park. The chief of police in Melrose Park can retire, draw his full pension, walk across the street, sign on as the police chief in Stone Park, and be paid a full pension and a full salary simultaneously. That doesn't work in any other system because all of the other locals pay into IMRF or all the teachers pay into TRS. So, this is important to eliminate brain drain, to preserve some institutional memory, and to save the taxpayers money. I'd be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1605 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 39 voting Aye, 11 voting Nay, 0 voting Present. House Bill 1605, having received the required constitutional majority, is declared passed. Next up, we have House Bill 1882. Senator Raoul. Out of the record. Let's turn to the top of page 8, and we have House Bill 1907. Senator Muñoz. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

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SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment 1 deletes all and becomes the bill. As the underlying bill, the amendment creates the Illinois Street Gang and Racketeer Influenced and Corrupt Organization {sic} (Organizations) Law, known as RICO, an Illinois-focused version of the federal Racketeering {sic} (Racketeer) Influenced and Corrupt Organizations. The amendment gives prosecutors a tool to target criminal enterprises and specifically target the organizers and leaders of those criminal enterprises by proving that individuals within the enterprise have engaged in a pattern of criminal list of -- predicate offenses consisting of Class 2 felonies or higher. It requires that a prosecutor must prove the existence of three predicate offenses within a three-year time span in order or {sic} prove that pattern of predicate -- creating an operation or management to -- test -- narrow the class of individuals who can be prosecuted under this Act. And there is -- we did place a five-year sunset on this Act. Ladies and Gentlemen, I will also tell you what this bill does not do. It does not create any new search and seizure powers for the government. Furthermore, this version of the RICO, House Bill 1907, has no application to white-collar crime, public corruption, no wiretapping provisions, no eavesdropping changes, and no forfeiture procedures. It simply relies on the existing forfeiture procedure already in the books and it was carefully tailored to target only street gangs and organized crime. In its current form, the Street Gang RICO remains an extremely effective tool, but has a specific focus. One of my colleagues, Senator Raoul, worked a lot of hours with the State's attorneys.

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There were a lot of concerns when this bill came about. The bill has been around probably since last Session, then it came back now. They've been working on it probably for the last couple of months. I want to commend Senator Raoul, who is not crazy about the bill, but he worked hard with the State's attorney. Our staff did a tremendous job. There was a lengthy explanation in committee, but I want to tell you one of the reasons why we need this bill. Chicago street gangs are responsible for the vast majority of the shooting violence that has taken place in the City. This year alone, with more than seventy street gangs operating with about three hundred factions across the City and an estimated seventy thousand active gang members that plague the City of Chicago, the county, and our great State, gangs, and violence that they bring, are not new phenomena in our City. As someone who has worked on the streets as a police officer, I can tell you the frustrations that I've had over the years. When I became a police officer, I worked in an area called the 11th District, which was known as the Wild, Wild West. Ladies and Gentlemen, it is unfortunate, but that district has the best dope in the City of Chicago - more heroin, crack, and the best cocaine in the City of Chicago. We had people coming from all over the State, as well as -- as Wisconsin. They come on 290 and they get off on Independence. And it doesn't matter what color you are - if you're a female driving in a beautiful Mercedes or an old beater - they will not bother you. Why? Because you are buying their drugs. As a tac officer, we would go out, set up stings, and lock up seventy to a hundred at any given time. And the frustrating part about it is, within two hours, they were up in operation. They have any

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where from thirty to forty dope spots just in the 11th District alone. And what do they do? They prey on our young kids. They go after the nine-year-olds, ten-year-olds as lookouts. Lookouts! It's truly a shame - when they should be in school, they're getting paid as lookouts from the police. Some of 'em are known as shorties. They just want to get paid. They don't know any better. The gangs recruit by intimidation, or they wave money in front of 'em, or they get 'em hooked on drugs. They've done it all these years. And guess what? It's hard to stop 'em. Well, this bill, this tool will help us to go after the leaders. The gangs are organized crime. Know, there's probably -- the Latin Kings are probably, just as an example, forty -- going on fifty years in existence, over ten thousand alone. And there's other gangs. They not only have just been plaguing the streets of Chicago now, they have been in the suburbs over the years. They are everywhere. They're preying on our kids, and it is truly a shame. This bill will -- will be utilized as a tool to go after the leaders. That's what we want to do. There has to be a pattern. It's focused on what we're trying to do with this bill. Ladies and Gentlemen of the Senate, I can only tell you this: If we don't utilize this tool -- there's thirty-one other states that have this bill already in place - some form of the RICO Act, they have. Thirty-one other states, Ladies and Gentlemen. I ask -- I will answer any questions right now.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR RAOUL:

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To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Raoul.

SENATOR RAOUL:

First off, I'd -- I -- I -- I'd like to sincerely thank Senator Muñoz for his patience, and also thank Cook County State's Attorney Anita Alvarez and Mayor Rahm Emanuel, who have -- I've had several conversations with, with regards to this bill. At times, they were a bit impatient, but they showed patience over time. As Senator Muñoz indicated, I'm not crazy about this. You know, you've heard me talk about RICO on multiple occasions and the potential dangers of putting a broad tool in the hands of not just the Cook County State's Attorney's Office, but the other hundred and one State's attorneys throughout the State who are politically elected, as opposed to the appointed U.S. Attorney. That said, with the help of Jeremy LaMarche, who has worked hours on this, we've been able to really narrow the reach of this particular RICO tool. And I want to just highlight some of the ways that has been done. We've limited the predicate activity to actual acts, actual acts, and deleted references to attempt, conspiracy, endeavor, and solicitation. We've raised the threshold of predicate activity to include Class 2 felonies or higher. Previously, there were a series of Class 4 and Class 3 felonies that could potentially be elevated to Class X felonies. That would be the mother of all sentencing enhancements. We -- we deleted several predicate offenses. We require that the prosecutor prove three -- the three predicate offenses, as opposed to two, and require that the predicate offenses take place within three years of

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each other, as opposed to ten years. So, we're -- it's a -- an extreme narrowing as -- from what it was initially proposed. The definition of enterprise was narrowed by creating a set of requirements that must be proven to determine the existence of an "association in fact". It created an "operation or management" test in order to limit the class of individuals who can be charged under RICO or who can be charged with conspiracy to commit RICO. We've removed a good faith provision which extended the statute of limitations. And as Senator Muñoz indicated, we set a five-year sunset on this, so we can -- we can -- we can have time to see how it works and evaluate it. And in committee, we -- we -- and the important thing about this sunset, which is not indicated in the bill - in committee, we received the commitment from the Cook County State's Attorney's Office that within that five years, as we often see in our Criminal Law Committee, we won't be seeing add-ons onto this RICO bill. Now, it was mentioned that the eavesdropping or wiretapping provisions are not in this bill, as they were initially when we saw -- subsequent to the arrest of our former Governor, when Pat -- Patrick Collins was down here offering a much broader RICO provision. That said, we have had, independent of this RICO bill, an expansion of eavesdropping - I -- I just want to note that - both in -- with regards to human trafficking and -- and drug offenses, a bill that my esteemed colleague from Madison County passed earlier this Session. I'd be lying to say that I'm comfortable today. But -- but I have to commend the sponsor and I have to commend the -- Anita Alvarez and Jack Blakey, from the State's Attorney's Office, and, of course, Jeanne Wrenn and Garvin Ambrose, for having the

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patience with me to work on this and ameliorate a lot of my concerns. And so, to that, I say thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR DILLARD:

Thank you, Mr. President. I, too, rise in support of this measure. Without - and it's an important tool - without characterizing this as an anorexic version of -- of the earlier introduced measure, this bill, as Senator Raoul has pointed out, has been carefully, carefully carved down, and -- to make it very narrow and to make it one that it works and protects people's constitutional rights. I think it's important to -- to, once again, stress, as a couple of previous speakers did, there's a five-year sunset provision here. So we will look at this. As you look at the other major states in this country, most of 'em have this type of provision. And I watch and see what happens on the streets of Chicago and throughout our communities, and I got to tell you, it's gut-wrenching when I see a little child shot inadvertently in -- in street gang horror, day after day after day, in places like Chicago. And sometimes, those of you on the other side of the aisle are for gun control and we on this side of the aisle have a different impression or view of the way to fight crime, but this will give the law enforcement community of Chicago the tools necessary to put away the biggest of the gang leaders. And when you do that and when you allow the State's Attorney and her great staff to put away the gang leaders, it helps you reclaim your neighborhoods and, hopefully, make them safe again for somebody

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to go to the store or for somebody's child to play on their front porch without being caught. And I -- I commend Senator Muñoz, as Senator Raoul did, for his patience on this. But this is a big, big tool for the Cook County State's Attorney, and other State's attorneys, to combat gang crime. And it's a scourge on our community. And for those of you who represent areas that have gang problems, this is a real good step forward to help you reclaim your neighborhoods for your law-abiding citizens. And I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Senator Muñoz, to close.

SENATOR MUÑOZ:

Thank you, Mr. President. I'd like to thank my colleagues for getting up and speaking on this. I really appreciate it. Thank the Mayor of the City of Chicago for making calls to all our colleagues here in the Senate; to our State's Attorney; Jeanne Wrenn; Billy Glunz, from the Mayor's office; and my colleague, Zalewski, who passed it in the House; and to everyone who worked really hard. Again, let's go after the gangbangers that are killing, the drug dealers, and the illicit gunrunning. Gunrunning is a multi-hundreds and hundreds of millions of dollars throughout the United States. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 1907 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 46 voting Aye, 1 voting

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Nay, 6 voting Present. House Bill 1907, having received the required constitutional majority, is declared passed. Next up on the Calendar is House Bill 1981. President Cullerton. Out of the record. House Bill -- excuse me. Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

I've been trying to get your attention, Mr. President. I know you're very quick. But, on -- on House Bill 196, I want the record to reflect that I intended to vote Aye, but my stuck -- my -- my switch got stuck.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The record will so indicate your intent. Senator Tom Johnson, for what purpose do you rise?

SENATOR T. JOHNSON:

I punched my button on the -- 1907 Yes. I'd like to be recorded as a Yes. For some reason, it didn't light up. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The record will so indicate your intent. Ladies and Gentlemen, we're on House Bill 2083. President Cullerton. Out of the record. House Bill 2557. Senator Forby. Out of the record. House Bill 2842. President Cullerton. Out of the record. House Bill 2891. Senator Raoul. Out of the record. House Bill 2896. Senator Harmon. Out of the record. House Bill 3076. President Cullerton. Out of the record. House Bill 3372. Senator Dillard. Out of the record. House Bill 3450. Senator Muñoz. Out of the record. House Bill 3499. Senator Haine. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

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House Bill 3499.

(Secretary reads title of bill)

3rd Reading of bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill now before you amends the drug-induced homicide statute, which Illinois enacted into law some years ago as the result of a number of -- of deaths from overdose of -- of -- purified cocaine and heroin that were -- that -- these items were cut with toxic substances, apparently. The local police and the State's attorneys came to the General Assembly and it was decided to pass a drug-induced homicide statute. The -- we had a recent court decision in Madison County where a judge decided that the sale of the drug that caused the homicide had to occur in Illinois. In this instance, the -- the -- the -- the person who -- who provided the drug bought it in Missouri and brought it over and administered it to -- either was self-administered or the -- the woman was given the substance by the person - that's unclear. But in any case, the judge acquitted the defendant. And one other drug-induced homicide had to be dismissed because of the judge's perception that the law required all of this to occur in Illinois. He's a good judge. I don't want to argue with the judge. So we're going to change the law to close this loop.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is,

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shall House Bill 3499 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 50 voting Aye, 0 voting Nay, 0 voting Present. House Bill 3499, having received the required constitutional majority, is declared passed. Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President and Members of the Illinois Senate. I'd like to just take a moment to welcome a woman that's very important in my life. She has joined me in the last couple of days. She's keeping me tamed, and some have suggested maybe she should be hired by the Illinois Senate Dems to keep Senator Sandoval on keel. I have been a little more calm over the last couple of days. But she is one of the -- one of my first two born to me and my wife, Marina. She is one of our first -- one of our twins, Angie Sandoval. And she is joining us. And she has just recently graduated from the University of Illinois at Chicago with a double major in political science and gender (and) women's studies. So, she is a Latina empowered. I'd like to welcome my daughter, Angie Sandoval.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Angie, welcome to the Illinois State Senate. Great to have you here today. Thank you so much for joining us. Senator

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Raoul, for what purpose do you rise?

SENATOR RAOUL:

Point of personal privilege. I -- I'd just like to suggest that we run Senator Sandoval's daughter for the -- for the State Senate.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there a second? Ladies and Gentlemen, we're up to House Bill 3611. Senator Koehler. Out of the record. The bottom of page 8, we have House Bill 3779. Senator Link. Senator Link. Out of the record. Let's turn to the top of page 9. We have House Bill 3801. Senator Raoul. Out of the record. House Bill 3804. Senator Silverstein. Out of the record. House Bill 3859. Senator Raoul. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3859 amends the Freedom of Information Act, the Counties Code -- the Counties Code, and the Municipal Code - - Municipality {sic} Code, and specifies which information is subject to FOIA with respect to sales tax rebate agreements that local governments enter into. Local governments that have entered sales tax rebate agreements must submit an electronic report to the Department of Revenue that discloses the names of the county and the businesses that entered into the agreement;

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the location of the business within county; whether the company maintains additional places of business in the State or -- or -- other than those disclosed; the terms of the agreement, specifically how the amount of the rebate is determined; and a copy of the agreement.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 3859 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 49 voting Aye, 0 voting Nay, 0 voting Present. House Bill 3859, having received the required constitutional majority, is declared passed. We have, next on the Calendar, 3865. President Cullerton. Out of the record. House Bill 3875. Senator Muñoz. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3875.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The bill extends the ability for the RTA to issue up to four hundred million in Working Cash Notes until July 1, 2014. And I know of no opposition.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 3875 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 36 voting Aye, 15 voting Nay, 0 voting Present. House Bill 3875, having received the required constitutional majority, is declared passed. Ryan Voyles with the Daily Herald requests permission to take still photographs. Seeing no objection, leave is granted. Ladies and Gentlemen, House Bill 3934. 3934. Senator Garrett. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3934.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Garrett.

SENATOR GARRETT:

Yes, thank you very much, Mr. President. House Bill 3934 amends the Economic Development for a Growing Economy Tax Credit Act and will require DCEO to post every EDGE Agreement it enters into, after the effective date of the bill, on its website.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 3934 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 3934, having received the required constitutional majority, is declared passed. House Bill 3969. Senator Murphy. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3969.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

Thank you, Mr. President. House Bill 3969, as amended - and I appreciate Senate Dem staff working with us on an amendment - deals with the situation where a former Member of the General Assembly goes on to public employment in another position. This applies to members of GARS who were in the System before August 22nd, 1994. And it says if an -- if you go on from your General Assembly service to another public employer, work there for less than two years, that public employer pays GARS for the difference in any pension spike. This was in response to a couple of examples where the GAR System took a big hit due to subsequent employment. Passed out of the Pensions Committee unanimously and appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR RAOUL:

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To the bill, and I want to..

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR RAOUL:

...commend the sponsor with -- for the bill. I think it's important to recognize what the amendment was. And the amendment recognizes that a former Member of the General Assembly can legitimately go on to another form of employment and stay there over a period of time and that legitimate employment ought not be penalized. And so I thank the sponsor for accepting that amendment.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any further discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 3969 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 54 voting Aye, 0 voting Nay, 0 voting Present. House Bill 3969, having received the required constitutional majority, is declared passed. All right, Ladies and Gentlemen, if I could have your attention. If you'll turn to page 2 of the printed Calendar, on the Order of Senate Bills 2nd Reading, we have Senate Bill 3362. Senator Lightford, do you wish to move it to 3rd? Senator -- Mr. Secretary, read the bill.

SECRETARY ANDERSON:

Senate Bill 3362.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford, to explain Floor Amendment 1.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 makes a technical change in nature, Mr. President. It adds the word "State".

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford, on Floor Amendment 2.

SENATOR LIGHTFORD:

I apologize, Mr. President. I don't recall a Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Okay. Hold on one second. We'll -- let us check some paperwork here. Senator Lightford, on Amendment 2.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 2 makes the legislation subject to

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appropriations, Mr. President. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on Amendment 2? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Senator Bivins, for what purpose do you rise?

SENATOR BIVINS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Bivins.

SENATOR BIVINS:

Thank you, Mr. President. Behind {sic} the President's Gallery, we have a group of students from the hometown of Ronald Reagan, and it happens to be my hometown, from Reagan Middle School. Please welcome our students and teachers from Ronald Reagan Middle School.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guests of Senator Bivins please rise and be recognized? Welcome to the Illinois State Senate. Great to have you here today. Ladies and Gentlemen, if I could have your attention, we will be continuing with substantive action here shortly. We're just waiting on some paperwork. Just want you to know that we will be going to substantive action here momentarily. Ladies and Gentlemen, the Senate will stand at

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ease for a few minutes to allow the Committee on Assignments to meet. Will all members of the Committee on Assignments please come to the President's Anteroom immediately - all members of the Committee on Assignments? Senator Schoenberg in the Chair.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will now stand at ease for a few minutes to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please come to the President's Anteroom immediately? Senate will stand at ease. (at ease) Senate will come to order. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Criminal Law Committee - Motion to Concur on House Amendment 1 to Senate Bill 2944, Motion to Concur on House Amendment 2 and 3 to Senate Bill 3258, and Motion to Concur on House Amendment 1 and 2 to Senate Bill 3349; refer to Education Committee - Motion to Concur on House Amendment 1 to Senate Bill 3374; refer to Energy Committee - Motion to Concur on House Amendment 1 to Senate Bill 2526 and Motion to Concur on House Amendment 1 to Senate Bill 3170; refer to Environment Committee - Motion to Concur on House Amendment 1 and 2 to Senate Bill 2867, and Motion to Concur on House Amendment 1 to Senate Bill 2882, and Motion to Concur on House Amendment 1 to Senate Bill 2950; refer to Executive Committee - Motion to Concur on House Amendment 1 to Senate Bill 758, Motion to Concur on House Amendment 2 and 3 to Senate Bill 1849, Motion to Concur on House Amendment 1 to Senate Bill 3201, Motion to Concur on House Amendment 1 to Senate Bill 3399, Committee

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Amendment 5 to Senate Bill 3773, Committee Amendment 6 to Senate Bill 3773, Floor Amendment 1 to House Bill 2083, Floor Amendment 2 to House Bill 20 -- 2083, and Floor Amendment 5 to House Bill 3779; refer to Financial Institutions Committee - Motion to Concur on House Amendment 2 and 4 to Senate Bill 1692; refer to Higher Education Committee - Motion to Concur on House Amendment 1 to Senate Bill 2929, Motion to Concur on House Amendment 1 Senate Bill 2949; refer to Human Services Committee - Motion to Concur on House Amendment 1 {sic} (2) to Senate Bill 278; refer to Insurance Committee - Motion to Concur on House Amendment 1 to Senate Bill 3240; refer to Judiciary Committee - Motion to Concur on House Amendment 1 and 2 to Senate Bill 1691, Motion to Concur on House Amendment 2 to Senate Bill 2545, Motion to Concur on House Amendment 1 to Senate Bill 3249, Motion to Concur on House Amendment 1 and 2 to Senate Bill 3287; refer to Licensed Activities Committee - Motion to Concur on House Amendment 1 to Senate Bill 3202, Motion to Concur on House Amendment 1 to Senate Bill 3279; refer to Local Government Committee - Motion to Concur on House Amendment 1 to Senate Bill 548, Motion to Concur on House Amendment 1 to Senate Bill 3184, Motion to Concur on House Amendment 1 to Senate Bill 3373, Motion to Concur on House Amendment 1 to Senate Bill 3406, Floor Amendment 2 to House Bill 3372; refer to Revenue Committee - Motion to Concur on House Amendment 3 to Senate Bill 409, Motion to Concur on House Amendment 1 and 7 to Senate Bill 1286, Motion to Concur on House Amendment 1 to Senate Bill 3314, Motion to Concur on House Amendment 1 and 2 to Senate Bill 3386; refer to State Government and Veterans Affairs Committee - Floor Amendment 3 to Senate Bill 351, Motion to Concur on House

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Amendment 1 to Senate Bill 2524; refer to Transportation Committee - Motion to Concur on House Amendment 1 to Senate Bill 2937; re-refer from Education Committee to Executive Committee - House Joint Resolution 79; re-refer from State Government and Veterans Affairs Committee to Executive Committee - Senate Resolution 752 and Senate Resolution 773; Be Approved for Consideration - Floor Amendment 3 to House Bill 3801 and Floor Amendment 4 to House Bill 5078.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Like to encourage Members to come to the Floor right away. We're going to continue on the Order of House Bills 3rd Reading. The Chair would also like to announce, Ladies and Gentlemen, at the risk of public stoning, that there will -- following committees will be meeting to take up concurrence motions or Floor amendments: the Agriculture and Conservation Committee will meet in Room 409 at 3 p.m.; Human Services -- today. The Chair stands mercifully in error. On Monday - Monday. Put -- put your rocks down. Right. On Monday, Ladies and Gentlemen, the Agriculture and Conservation Committee will meet in Room 409 at 3 p.m. On Monday, the -- the Human Services Committee will meet in Room 212 at 3:30 p.m. On Monday, the Judiciary Committee will meet in Room 400 at 3:30 p.m. On Monday, the Higher Education Committee will meet in Room 409 at 3:30 p.m. On Monday, the Transportation Committee will meet on -- in Room 400 at -- at 4 p.m. And on Monday, the Education Committee will meet in Room 409 at 4 p.m. Finally, on Monday, the Labor Committee will meet in Room 212 at 4:15 p.m. All of those were on Monday. Please note your calendar accordingly. Moving right

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along, on the top of page 9 of your printed Calendar, House Bills 3rd Reading, House Bill 3801. Senator Raoul. Senator Raoul seeks leave of the Body to return House Bill 3801 to the Order of 2nd Reading. Seeing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3801. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul, on Floor Amendment No. 2.

SENATOR RAOUL:

Floor Amendment 2 imposes a mandatory imprisonment -- it -- Floor Amendment 2 becomes the bill. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul, on Floor Amendment No. 3.

SENATOR RAOUL:

Floor Amendment 3 offers a technical change at the request of the Illinois Retail Merchants Association, which removes their opposition, to make clear that cigarette papers that are tobacco- or menthol-flavored are not banned.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. The Order of 3rd Reading, we have House Bill 3801. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3801.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We've heard on two previous bills today, both - a bill that Senator Haine sponsored and Senator Muñoz sponsored - about the proliferation of drugs that are targeting our children. And both mentioned heroin in particular, and the first part of the bill deals with heroin. And what the bill does, it imposes mandatory imprisonment for the manufacture or delivery of three or more grams of a substance containing heroin or an analog thereof, rather than five grams as provided in current law. The reason why we're reducing this is -- is because, by practice, heroin is being packaged in smaller packages and it takes -- it can take a small amount of heroin, when used, to -- to cause a

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overdose and heroin seizures. And there -- there have been -- there's been a problem highlighted in many of the suburbs with heroin creeping into our -- our schools. And this is often a "one and done" drug. That experimentation leads to death. We've heard -- we -- last year, we heard from a -- a thirty-year veteran of the Chicago Police Department that lost his son to a heroin overdose. The second part of the bill is a -- a bill that we've passed out twice out of the Senate unanimously, and it has to deal with the sale of what has been come -- come to be known as blunt wraps. And let me explain why they're known as blunt wraps. Historically, there was a cigar known as the "Phillie Blunt" that kids would take a razor blade to and slice open and empty out the tobacco in order to fill with marijuana, sometimes laced with cocaine and PCP, so they could have a larger marijuana cigarette, or marijuana crack cigarette, or marijuana PCP cigarette. Well, certain tobacco companies noticed this and they said, "Well, we'll make it easy for you. We'll sell it - the tobacco wrap - and we'll wrap it conveniently around a straw so you can put your drugs in here, and we'll flavor it for you." And the flavors are targeted towards our kids. And let me talk about some of these flavors: Cotton Candy, Chocolate Chip Cookie Dough, Grape-a-licious. Is there any confusion that these products are targeted towards our kids? And many people -- several folks raised the question as to why are these two issues in this bill coupled together. Because this is about drugs that are being targeted towards our kids and there ought not be any confusion. There was testimony that the cigar industry has been around for over a hundred years from a certain cigar manufacturer. But, in that same testimony,

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there was admission that they'd entered into the cigar wrap business just in the last couple of years. Why? Because the kids have been using these wraps to smoke drugs - marijuana, crack cocaine, and PCP. We've passed this bill out twice. For some reason, it has failed in the House. What we've done as a kind of compromise - before, it -- we -- we -- we made it a Class A misdemeanor; now it's a petty offense to be selling these -- these items. I have a series of these that were purchased right here in Springfield, just a few blocks away from Springfield High School. And I mentioned the flavors to you. Let's take this -- actually, this is not going to stop - I mean, I'm not naïve - this is not going to stop our kids from using drugs, but we ought not have products that make it easy for 'em. This -- these cigar wraps were previously determined to be drug paraphernalia by the U.S. Bureau of Customs. How the tobacco companies got around that is they -- they relabeled 'em from blunt wraps to cigar wrapping. So, to -- to -- to -- to suggest that these are actually going to be used to roll -- a cotton candy-flavored tobacco leaf is going to be rolled to smoke a cigar, that's disingenuous. And I urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Senator Millner.

SENATOR MILLNER:

Thank you, Mr. President. In addition to what the sponsor had just indicated to us, these blunt wraps are becoming increasingly popular and their flavoring just masks the -- the odor created from the burning marijuana and other drugs,

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including heroin. And so, that's one thing we just can't ignore. In November 2008, the federal Department of Customs and Border Protection ruled that blunt wraps are primarily intended for the use of marijuana, cannabis, and drugs. They classified the blunt wraps as drug paraphernalia and prohibited their importation - prohibited their importation - into the United States of America. But as an effort to avoid the ban, the blunt wrap manufacturers have subsequently relabeled their products as a "cigar wrap". And according to supporters for this bill, cities and counties have joined with law enforcement agencies, health groups, and religious leaders to enact their own restrictions on the sale of blunt wraps. Boston, Chicago, Washington, D.C. have implemented bans on the product, finding that "blunt wraps are frequently marketed and sold to youth and are also known to be used as drug paraphernalia". Another interesting point on the nexus to the heroin use, we know that a recent study found Chicago - and this is very interesting - had the most heroin-related hospital visits in the nation - our City of Chicago. And we also heard from one of our fellow Members just recently, before he left the -- Senator Hendon, that in his district, you could buy bags of heroin for ten dollars a bag. I mean, think about that. Recently, there have been numerous community forums to bring attention to the increased use of heroin amongst teenagers in Chicago suburbs - DuPage County, Kane County, Will County, et cetera. And in March, the Chicago Tribune reported a heroin epidemic in the suburbs, is their title, after there were six heroin deaths in 2011 in Naperville. Those who died were aged seventeen to thirty. And DuPage had an increase in heroin seizures from sixteen in 2008 to fifty-nine

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in 2011. And I strongly would urge an Aye vote on this bill.
Thank you so much.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...bill.

SENATOR MURPHY:

I -- I want to commend the sponsor for his diligence on trying to bring this matter into law. There's been a back and forth on what is two different pieces of legislation that have been wedded together in this, the blunt wraps/tobacco wrap issue and the enhanced penalty for heroin to address the epidemic Senator Millner referenced. And I'll be honest, I am not comfortable with the wedding of these two bills into one. I am not terribly comfortable, nor am I convinced on the tobacco component of this bill. That being said, there have been multiple attempts to pass this heroin sentence enhancement in the -- in the General Assembly, on both sides, in the last few years, and for one reason or another, it has been stymied. So, while I'm uncomfortable with the pairing and I'm not altogether convinced on the merits of the tobacco component, the epidemic referenced by Senator Millner - with his law enforcement background, this is the type of issue, he brings more credibility to - but this is an issue that we're seeing more and more in the suburbs. This is affecting more and more of our communities and it's something we need to be proactive on. And while I don't necessarily love the packaging of this particular

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bill, I do urge an Aye vote so that we can start to push back on a scourge that is expanding into more and more of our districts and snuffing out more and more young lives. So I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

There -- seeing no further discussion, Senator Raoul, do you wish to close?

SENATOR RAOUL:

Thank you, Mr. President. And I appreciate the sentiments of the -- the last speaker. And -- and the reason why the initial ban on -- on the blunt wraps started out in the City is 'cause oftentimes these drug problems start out in the City and they seep out in the -- into the suburbs and then downstate, as we're seeing with the heroin and other drugs. You may not have seen blunt wraps in Springfield, Illinois, several years ago, but I just bought these this week. The problems that are once isolated to the City of Chicago seep out to a neighborhood or a school near you, and that's why these two items are -- are together. And I urge a Aye vote on this so we can protect our kids from these drugs.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. The question is, shall House Bill 3801 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Senator Garrett? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 46 voting Aye, 1 voting Nay, 0 voting Present. House Bill 3801, having received the required constitutional majority, is hereby declared passed. With leave of the Body, we'll proceed to page

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11 on your printed Calendar, House Bills 3rd Reading. Toward the bottom of the page. House Bill 5078. Senator Harmon. President Pro Tem Harmon seeks leave of the Body to return House Bill 5078 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of House Bills 2nd Reading, 50 -- House Bill -- we have House Bill 5078. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Leader Harmon, on Floor Amendment No. 3.

SENATOR HARMON:

It's actually Senator Dillard's amendment, I believe, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank -- Senator Harmon.

SENATOR HARMON:

I apologize, Mr. President. I didn't realize we had not yet adopted Amendment No. 4. This becomes the bill. I move for -- 3? I move for the adoption of Amendment No. 3 and I'll defer to Senator Dillard on Amendment No. 4. I move for the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you, Senator Harmon. Is there any discussion? Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it, and Amendment No. 3 is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

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Floor Amendment No. 4, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Floor Amendment No. 4, Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. -- thank you, Mr. President and -- and Members. This amendment addresses a pension scam that was foist on the Village of Oak Brook, which leaves the Village of Oak Brook, a community of about six thousand people, holding the bill for about three quarters of a million dollars in pension funding. And there was an exposé done by the Chicago Sun-Times, the Daily Herald, and others about this scam. And just to -- to read from an editorial, it says, this type of pension scam "doesn't look good". It doesn't look good that the main sponsor of the legislation wound up being the five-thousand-dollar-a-month lobbyist later for that village. It doesn't look good that no one wants to take credit for the passage of this original pension sweetener. It doesn't look good that the Legislature approved a provision that benefitted just one individual. It doesn't look good and leaves people wondering how special deals like this out there happen. This individual has given a bill to a village of six thousand people for three quarters of a million dollars and yet, today, serves in a part-time position - a part-time position - in a village just a couple of miles away as its village manager for sixty-five thousand dollars a year. The Village of Oak Brook has asked me to sponsor this. They don't want to be on the hook for this three-quarters-of-a-million-dollar scam. And as long as we're grappling with pension reform here at the end of the Session, this would be a good place to start. And I'd move its adoption.

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Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. On the Order of 3rd Reading, House Bill 5078. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5078.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

President Pro Tem Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Frankly, I'm -- I'm surprised and a bit disappointed that I have to present House Bill 5078. It's -- it's my view that the law has been long settled that one person can serve as both a member of a county board and as a village mayor or president if the voters so choose to put him or her into office. That has certainly been the practice in Cook County, where at least one mayor served on the county board for eighteen years. There was a recent development in DuPage County in which the State's attorney offered a legal opinion that, based on common

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law principles, those offices were incompatible. In my view, that flies in the face of the statute that was amended as recently as -- or, as long ago as 1995 to say, notwithstanding anything else in this law, one may serve in both of those roles. So, this bill would correct it. The amendment that we adopted today is language from the Attorney General's Office. It does three things: Number one, it restores Section 1 of the Public Officer Prohibited Activities Act to its original intent, which was to preclude county boards from creating paid positions to which they would then appoint their own members. Second, it creates a new Section 2, which deals -- or, Section 1.4, which deals expressly with the compatibility of the offices of mayor and county board member and provides, again, clear evidence that it's the State -- it's the intent of the General Assembly that one person can serve in both roles if the voters so choose. It does provide, in very clear terms, that that one person cannot participate in any way, shape, or form in the negotiation of contracts or agreements between the two entities. And, finally, for the first time, it -- it makes it very clear that one person serving in both roles, who is first elected to a second office, cannot accrue pension time in both of those systems. So this bill is perfectly compatible on the pension reform front with Senator Dillard's amendment, which cures an egregious pension abuse, also in DuPage County. I -- I do want to just make one comment. This -- this bill has been -- I've been accused of doing some political mischief with this bill, and I think that's a grossly unfair characterization. The law was long settled. And I intentionally held this bill until after the primary election, at which the question was resolved in DuPage County.

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So, for folks who think that there's political mischief here, I would say, actually the political mischief is in the legal opinion that suggested that our laws were not clear. And so, I'm sorry we have to come back and make our laws even more clear yet again to remedy that -- that abuse. So I ask for your Aye votes. I'm happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any further discussion? Seeing none, the question is, shall -- I'm sorry. Senator Pankau.

SENATOR PANKAU:

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

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Indicates he'll yield. Senator Pankau.

SENATOR PANKAU:

I had previously come over and asked you, Senator Harmon - we -- we have two people right now, one is the mayor of Elmhurst, one is the mayor of Burr Ridge; they both ran in the primary for the county board and are both seeking, from two different districts, to now become county board members and mayors also - are there -- are there any prohibitions about anybody having two -- are there -- are there...

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Pankau, I'm sorry. I thought you were done. Could you finish that?

SENATOR PANKAU:

I'm sorry. Are there positions that you cannot serve in two places?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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Senator Harmon.

SENATOR HARMON:

Thank -- thank you, Mr. President. There are. And -- and I do want to elaborate on this. I'm glad that a question was raised, 'cause I -- I did want to explain this. There's a fairly tangled web of laws regarding compatibility of office. There are statutory laws; there are -- are court decisions. I've talked with Senator Haine. He has certainly experienced this as well. The Attorney General's Office, frankly, is the most interested in this because they are asked so often for legal opinions whether two offices are or are not compatible. And it's really a mess. And I've committed to the Attorney General's Office to work with them to try to rationalize all of those on a -- going-forward basis. We couldn't deal with it in -- in the time we had left in this Session, so we're dealing with just one particular question that, again, I think is eminently clear. So the answer to your question is, yes, there are other prohibitions on one person serving in two offices. But, know, in my view, it has -- there has -- it's long since been settled that one person can serve as both mayor or village president and on the county board.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Pankau.

SENATOR PANKAU:

Then your bill - I understand Senator Dillard's amendment that he just put on - but your bill would say that they can't collect two pensions?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator -- Senator Harmon.

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SENATOR HARMON:

Thank you, Mr. President. Yes, and I want to be very precise here. An individual who holds elective office in a unit of local government may not first enter into an additional elected office in another unit of local government if he or she is earning service credit under the Illinois Pension Code as a result of holding the first elective office and, two, will earn service credit under the Illinois Pension Code as a result of simultaneously holding the second office. So, to be clear, anyone elected to a second office after this law is signed has to make a decision: Am I going to earn service credit for office A or for office B? And they cannot earn service credit for both.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Pankau.

SENATOR PANKAU:

So, your bill really doesn't address the compatibility issue. Your bill addresses the pension issue?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senator, it does both. It states, in no uncertain terms, that the offices are compatible, prescribes certain restrictions on the behavior if you hold both offices, and insists that -- that you may not earn pension service time in both offices simultaneously.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Pankau.

SENATOR PANKAU:

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To the bill, Mr. President. I understand that the Senator is trying to clear up an issue here, and I do believe it is murky; however, something in this bill just doesn't feel right to me. And I also understand that my colleague Senator Dillard wants to clear up an issue in his local town. Honestly, I think we have time to do that in another bill, if we wanted to. But something in here just doesn't feel right to me, and for that reason, I'm going to be voting No.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any further discussion? Is there any further discussion? Seeing none, Senator Harmon, do you wish to close?

SENATOR HARMON:

Thank you, Mr. President. I -- I appreciate the sponsor -- or, the -- the last Senator's question. But I would say there's really nothing murky here. The law is long settled. One can hold these two offices. Because of the mischief in the last election in DuPage County, that's been thrown up in the air. There have been lawsuits filed challenging the ability of elected officials in Cook County to hold the offices to which the voters duly elected them. I am committed to solving this in a more holistic way going forward, but we need to settle this question that has been caused by this turmoil in -- in DuPage County and we need to do it quickly. I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

The question is, shall House Bill 5078 pass. All those in favor will -- will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On

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that question, there are 31 voting Aye, 18 voting Nay, none voting Present. House Bill 5078, having received the required constitutional majority, is hereby declared passed. Senator Schmidt, for what purpose do you seek recognition? My apologies. House Bill 5101. Senator Sandoval. Senator Sandoval? Senator Sandoval? Out of the record. Mr. Secretary, Consent Calendar. Senator Lauzen, for what purpose do you seek recognition?

SENATOR LAUZEN:

Do you know, Mr. -- Mr. President, is it possible - we haven't gone to the next order of business yet - could we get a verification of the positive votes on that?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Actually, Senator Lauzen, we did go to the next bill, House Bill 5101, Senator Sandoval. We had, so that's not timely any further. Thank you. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in -- in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it. The motion carries. The resolutions are adopted. There being no further business to come before the Senate, the Senate will now stand adjourned

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until the hour of 2 p.m. on Monday - Monday, May 28th, 2012, at
2 p.m. The Senate now stands adjourned.