

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

124th Legislative Day

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PRESIDING OFFICER: (SENATOR SULLIVAN)

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

PASTOR SHAUN LEWIS:

(Prayer by Pastor Shaun Lewis)

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 Monday, May 28th, 2012.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move 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, Resolutions.

SECRETARY ANDERSON:

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Senate Resolution 797, offered by Senator Haine and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Resolutions Consent Calendar.

SECRETARY ANDERSON:

Senate Resolution 795, offered by Senator Sandoval.

And Senate Resolution 796, offered by Senator Sandoval.

They are both substantive.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Martinez, Chairperson of the Committee on Licensed Activities, reports Motions to Concur with House Amendment 1 to Senate Bill 3202, House Amendment 1 to Senate Bill 3279, House Amendments 1 and 2 to Senate Bill 3685; and House Amendment 1 to Senate Bill 3792 be recommended Do Adopt.

Senator Hutchinson, Chairperson of the Committee on Revenue, reports -- reports Motions to Concur to House Amendments {sic} 3 to Senate Bill 409, House Amendments 1 and 7 to Senate Bill 1286, House Amendments 1 and 2 to Senate Bill 3241, House Amendment 1 to Senate Bill 3314, House Amendments 1 and 2 to Senate Bill 3386, and House -- House Amendments 1 and 2 to Senate Bill 3619 recommended Do Adopt.

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendment 3 to House Bill 1084, House -- Senate Amendment 1 to House Bill 2083; Motions to Concur to House Amendment 1 to Senate Bill 758, House Amendment 1 to Senate Bill 3201, House Amendments 1 and 2 to Senate Bill 3261, House

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Amendment 1 to Senate Bill 3399, House Amendment 1 to Senate Bill 3576, and House Amendment 1 to Senate Bill 3631 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 86.

Offered by Senator John Jones and adopted by the House, May 28th, 2012.

We have received a like Message on House Joint Resolution 92, offered by Senators Crotty and Muñoz, and adopted by the House, May 28th, 2012. Timothy D. Mapes, Clerk of the House. They are substantive, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the Senate will stand at 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 to the President's Anteroom immediately. The 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

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been assigned: Refer to Executive Committee - Motion to Concur on House Amendments 2 and 3 to Senate Bill 2194, Motion to Concur on House Amendment 1 to Senate Bill 3497, and Floor Amendment 3 to House Bill 2891; re-refer from Executive Committee to Gaming Committee - Floor Amendment 5 to House Bill 3779; Be Approved for Consideration - House Bill 1076.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Brady, for what purpose do you rise?

SENATOR BRADY:

Thank you, Mr. President. For purpose of an announcement.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your announcement, Senator Brady.

SENATOR BRADY:

Yes, I'd like to announce my guest, Collin Pochel, who's from Bloomington, Illinois. He's in fifth grade at Bloomington {sic} Elementary School and going to BJHS in the fall. He enjoys reading. He also is a member of the science club, mixed martial arts. His parents are Anne and Matthew Pochel. And he looks forward to going to college.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, let's welcome Collin to the Illinois State Senate. Great to have you here today, Collin. Thanks for joining us. Ladies and Gentlemen, if I could have your attention, have some committee announcements. The following committees will be meeting to take up Floor amendments and/or concurrence motions: Executive Committee will meet in Room 212 today at 1 p.m. or immediately after the Senate Democrat Caucus - so, Exec at 1 p.m. in Room 212, either at 1 o'clock or

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immediately after the caucus. The following -- in -- in addition, the following committees will meet to take up Floor amendments and/or concurrence motions: Human Services will meet today in Room 212 at 6 p.m. - Human Services, 6 p.m., in Room 212. Judiciary will meet in Room 400, also at 6 p.m. - so Jud at 6 p.m. today as well. Environment will meet in Room 400 at 4 p.m. - Environment at 4 p.m. today. Local Government, in Room 409, also at 4 p.m. today - Local Government, 4 p.m. Insurance will meet in Room 400 at 4:30 today - Insurance at 4:30. State Government and Veterans Affairs will meet in Room 409, also at 4:30 today. Energy will meet in Room 212 at 5 p.m. - Energy, 5 p.m. Financial Institutions, in Room 400, also at 5 p.m. today. And then tomorrow -- excuse me. Also Criminal Law will meet in Room 212 - that's today at 4 p.m. So let me run through those again. First of all, Exec, 1 p.m., Room 212 or immediately after the Senate caucus. I'll try to get these in order. At 4 o'clock -- here's the 4 o'clock committees: Criminal Law, 4 -- 4 o'clock; Environment, 4 o'clock; Local Government, 4 o'clock. Insurance, 4:30; State Government and Veterans Affairs, 4:30; Energy, 5 p.m.; Financial Institutions, 5 p.m.; Human Services at 6 p.m.; and Judiciary, also at 6 p.m. Senator Frerichs, for what purpose do you rise?

SENATOR FRERICHS:

For a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Frerichs.

SENATOR FRERICHS:

It is my honor today to welcome to Springfield and to our gallery today - would ask you to join me in welcoming -

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Christian Cunningham. You may have heard about him recently. Christian was the winner of a national -- national competition on The Today Show, "The Voice" talent show {sic} for young people. He's up there in the red sweater here today, joined by his parents, Derrick and Alicia Cunningham - really the pride of Danville. He's -- he's going to be going back out to New York later next month to meet with the people from -- from "The Voice" show. Please join me in giving a warm Springfield welcome to Derrick -- to Christian Cunningham.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Christian, welcome to the State Senate. Great to have you here today, and congratulations. Senator Steans, for what purpose do you rise?

SENATOR STEANS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Steans.

SENATOR STEANS:

Yes, I just want to announce that there's going to be a reception this evening at the Governor's Mansion for the new Director of the Illinois Department of Public Health, Dr. Hasbrouck. It'll be from 6:30 to 8:30. All legislators and folks are welcome. 6:30 to 8:30 in the Governor's Mansion. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Steans. Ladies and Gentlemen, can I have your attention for just a minute, please? Could everybody give us your attention for just a minute? President Cullerton has some special guests here, would like to make an

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introduction. President Cullerton.

PRESIDENT CULLERTON:

Thank you, Members of the Senate. I'd like to make an introduction. This year, the City of Chicago hosted the NATO summit, but we've done quite well ourselves in terms of international representation here in Springfield. This year, we've heard from the Consul Generals from Australia, Ireland, and Italy, and today we are joined by even more. I'd like to welcome dignitaries to the Senate Chamber. We are joined by members of the IberoAmerican Consular Association of Chicago. I'd like to recognize these individuals: The Consul General from Guatemala, Hugo Hun; Honorable Marcelo Suarez, Consul General of Argentina; Honorable Paulo Camargo, Consul General of Brazil; Honorable Raúl Fernández Daza, Consul General of Chile; Honorable José Gomez, Consul General of Colombia; Honorable Patricia Maza-Pittsford, Consul General of El Salvador and the Vice-President of the Association, ACIC; Honorable Eduardo Arnal, Consul General of Mexico; Honorable Carmen Fontes, Consul General of Spain; Honorable Nury Bauzan, Consul General of Uruguay; Honorable Jesus Rodriguez, Consul General of Venezuela. Let's give them all a warm Senate welcome, please. This delegation is led by Gisselle Castillo Veremis, Consul General of the Dominican Republic and President of the IberoAmerican Consular Association of Chicago. This Association has existed for fifteen years and works together to address issues affecting their constituencies. Consul General Veremis became President of the group in 2009 and has been Consulate General of the Dominican Republic since 2007. Their trip to Springfield is part of their ongoing effort to build relationships with the

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State of Illinois. And to that end, I'd also like to note that Illinois ranks first in the Midwest as a destination for foreign investment. At last count, Governor Quinn stated that we've attracted nearly sixteen hundred foreign firms with six thousand four hundred and sixteen locations, employing over three hundred and twenty-three thousand Illinois residents. So, Ladies and Gentlemen of the Senate, the Consulate General of the Commonwealth of Dominican Republic and the President of the IberoAmerican Consular Association of Chicago - Gisselle Castillo Veremis. Gisselle.

CONSULATE GENERAL GISSELLE CASTILLO VEREMIS:

(Remarks by Consulate General Gisselle Castillo Veremis)

PRESIDENT CULLERTON:

Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Mr. President, for purposes of an announcement.

PRESIDENT CULLERTON:

State your point.

SENATOR TROTTER:

Immediately upon recess, the Senate Democratic Majority will be meeting in the President's Office for a caucus, for approximately sixty to ninety minutes.

PRESIDENT CULLERTON:

Senator Murphy.

SENATOR MURPHY:

Mr. President, the Republicans will caucus at the same time, but would ask if we could negotiate that down to a mere forty-five minutes. We want to get the agenda moving forward.

PRESIDENT CULLERTON:

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I'm glad you're making progress in lowering those numbers, Senator Murphy. So, Senator Trotter and Murphy move that the Senate recess for the purposes of the Senate Democrat and Republican Caucuses, lasting ninety minutes total. Seeing no objection, the motion is granted. The Senate now stands in recess to the call of the Chair. After the Senate Democrat and Republican Caucuses, Senate committees will meet. The Senate will reconvene after committee meetings for the purposes of reading committee reports and Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR CROTTY)

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

SECRETARY ANDERSON:

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendment 3 to House Bill 2891; and Motions to Concur on House Amendments 2 and 3 to Senate Bill 2194, House Amendment 1 to Senate Bill 2578, and House Amendment 1 to Senate Bill 3497 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR CROTTY)

All Members at the sound of my voice please come to the Senate Floor. We're going to begin 3rd Readings. Will all Members please come to the Senate Floor? We are going to start with House Bills 3rd Readings. Now, on page 7 are House Bills 3rd Reading. House Bill 506. Senator Muñoz. Out of the record. House Bill 1084. Senator Cullerton. Out of the

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record. House Bill 1157. Senator Cullerton. Out of the record. House Bill 1237. Senator Hutchinson. Out of the record. House Bill 1299. Senator Noland. Out of the record. House Bill 1447. Senator Cullerton. Out of the record. House Bill 1466. Senator Lightford. Out of the record. House Bill 1489. Senator Cullerton. Out of the record. House Bill 1882. Senator Raoul. Out of the record. Now on the top of page 8. House Bill 2083. Senator Cullerton. Senator Cullerton. Out of the record. House Bill 2557. Senator Forby. Out of the record. House Bill 2842. Senator Cullerton. Senator Cullerton. Out of the record. House Bill 2891. Senator Raoul. House Bill 2891. Senator Raoul. Out of the record. House Bill 2896. Senator Harmon. Senator Harmon. Out of the record. House Bill 3076. Senator Cullerton. Senator Cullerton. Out of the record. House Bill 3372. Senator Dillard. Senator Dillard. Out of the record. House Bill 3450. Senator Muñoz. Senator Muñoz. Out of the record. House Bill 3779. Senator Link. Senator Link. Out of the record. House Bill 3804. Senator Silverstein. Out of the record. On the top of page 9, House Bill 3865. Senator Cullerton. Out of the record. House Bill 3985. Senator Steans. Out of the record. House Bill 4050. Senator Harmon. Out of the record. House Bill 4136. Senator Cullerton. Out of the record. House Bill 4139. Senator Harmon. Senator Harmon. Out of the record. House Bill 4148. Senator Cullerton. Out of the record. House Bill 4513. Senator Cullerton. Out of the record. House Bill 4521. Senator Jacqueline Collins. Senator Collins. Out of the record. House Bill 4568. Senator Cullerton. Out of the record. House Bill 4666. Senator Cullerton. Out of the

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record. Now we're on the top of page 10, House Bills 3rd Reading. House Bill 4682. Senator Harmon. Senator Harmon. Out of the record. Senate {sic} Bill 5071. Senator Steans. Out of the record. House Bill 5201. Senator Harmon. Out of the record. House Bill 5210. Senator Cullerton. Out of the record. House Bill 5288. Senator Muñoz. Out of the record. House Bill 5315. Senator Harmon. Out of the record. House Bill 5342. Senator Cullerton. Out of the record. House Bill 5440. Senator Cullerton. Out of the record. House Bill 5495. Senator Harmon. Out of the record. House Bill 5549. Senator Hunter. Out of the record. House Bill 5730. Senator Delgado. Senator Delgado. Out of the record. House Bill 5791. Senator Harmon. Out of the record. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR HUNTER:

In the President's Gallery, we have some of my constituents here in town, as well as some out-of-state guests - Dr. LaMar Hasbrouck, our new Public Health Director. His in-laws are in town to attend the reception in his honor this evening in the Governor's Mansion. So we'd like to welcome his -- his mother, Beverly Tolbert; and his in-laws, Barbara and Calvin Powell - Calvin Powell is originally from Chicago; and his wife -- Zuleika; and his three daughters, Baele, Maysa and Lalah. Could you please welcome them to the Senate Chambers?

PRESIDING OFFICER: (SENATOR CROTTY)

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Will our guests in the gallery please rise? And welcome to the Senate. Now, with leave of the Body, we'd like to return to page 8, on House Bills 3rd Reading. House Bill 3372. Senator Dillard. Senator Dillard wishes to proceed. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 3372.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Dillard. Senator Dillard.

SENATOR DILLARD:

Yes. Apparently, there's an amendment filed, so we need to take it out of the record. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Out of the record. Senator Brady, for what purpose do you rise?

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR BRADY:

Yes, in the Senate Democrat gallery, I have the pleasure of introducing Corporal Brandon McCreight of the United States Marines, who's accompanied by his wife, Lindsey. Brandon's a constituent of mine, but will also be promoted to Sergeant on June 1st and is set to redeploy in June to Afghanistan. They're expecting their first child in early July, and he is the son and

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daughter-in-law of one of our LIS individuals, Kevin McCreight, who's here with us today. If you'd please join me in welcoming and thanking them for their service to our country.

PRESIDING OFFICER: (SENATOR CROTTY)

Thank you, Brandon, for your service and welcome to the Senate Floor. But, thank you very much for your service. Senator Annazette Collins, for what purpose do you rise?

SENATOR A. COLLINS:

A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR A. COLLINS:

I would like to welcome my daughter, Angelique Collins, to the Senate today. She's my oldest -- well, she's my first, oldest biological daughter and we want to welcome her to the Senate. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Welcome to the Senate Floor. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR LAUZEN:

I would like to take a -- just a few moments right now to say a few words of one of our former colleagues who has passed away, Senator Bob Mitchler. So, with your permission, I'd proceed.

PRESIDING OFFICER: (SENATOR CROTTY)

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Please proceed, Senator.

SENATOR LAUZEN:

Okay. Madam President, Ladies and Gentlemen of the Senate, one of our former colleagues has died. Senator Robert W. Mitchler served in the Illinois Senate from 1964 to 1981. Bob led a full and happy life as a citizen and soldier, husband and father, Senator and community public servant. For those of you who didn't have the pleasure of knowing Senator Mitchler, he lived nearly 92 years. To say that Bob was healthy and physically active his whole life is a tremendous understatement. Just last summer, he and his son competed in the MidAmerican Canoe Race. He continued to chop wood and cut acres of grass around his home along the Fox River in Oswego, Illinois, and organized our Memorial Day and Veterans Day parades in Aurora, as he had done for decades in Aurora. He was born in 1920. Senator Mitchler graduated from East Aurora High School; served in the Pacific in the U.S. Navy during World War II; married his lovely wife of sixty-one years, Helen; was recalled to active duty in the Korean War as a Chief Petty Officer under Admiral Allen Smith; assigned to translation and stenographer duties for the U.N. at the Panmunjom armistice talks; came back home to complete his Bachelor's of Science degree in 1953; was blessed with three wonderful children - John, Kurt and Heidi - and eventually nine grandchildren. Bob worked for Northern Illinois Gas before entering the Senate. He set a good example as a Republican precinct committeeman for sixty years and was appointed by three separate Governors as legislative liaison for the Department of Veteran Affairs and Permanent Captain in the Illinois Naval Militia. He was elected as National Director of

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the Navy League and was one of the driving forces behind the initiation of the Naval Junior ROTC Program that has helped to positively transform East Aurora High School. For those of you who knew Bob, yes, he was still sending detailed e-mail instructions to his Members of the General Assembly, until recently, that started, "Ahoy, Chris, Kay, or Linda" and always ended, "Full Speed Ahead, HSOBob". And, Senator Dillard, Senator Bob still had his follow-up chronological index card file catalog and nothing got past him. My wife Sarah and I visited our dear friend at his deathbed and he assured us, "I am not afraid to meet my Maker". Actually, he seemed naturally curious. He said, "I'm prepared. This dying really is a once-in-a-lifetime experience." His wife and children were at his side when he peacefully passed away a couple of weeks ago. We should all be so disciplined and blessed to live such lives of service to God, country and constituents as Senator Mitchler did. It was fascinating to attend Bob's funeral ceremony, which Bob organized himself. His lifelong friend, Ken Olsen, officiated as hymns were -- he selected were sung, waves of veterans stood as martial tunes of various branches of armed services were played, salutes were given, prayers were said. But, Senator Mitchler's legacy of love and respect for others' self-sacrifice was most evident when the litany of his grandchildren's names was read off. It was like a ship's roll call and all of us watched the children's posture stiffen, their eyes gleaming with obvious pride at the recognition that they were members of an honorable family, because of the personal conduct and sparkling individual examples of his -- of -- of their honorable grandparents and parents. They -- they will

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live good and generous lives because they have been shown the way - God, Family and Country. Some of Bob's last words to his beloved children were "Be sure to take care of Mom." Above all, our former colleague, Bob Mitchler, was a generous, constructive man, who taught others by example to create opportunities and nurture relationships, with not just some, but everyone he met. One of his favorite poems went:

Isn't it strange how princes and kings,
Clowns that caper in sawdust rings,
Even common folks, like you and me,
Are really builders of eternity?

Each is given a list of rules,
A shapeless mass, a bag of tools.
And each must fashion, before life has flown,
A stumbling block or a stepping stone.

"Senator Bob" fashioned, with his life's experiences, stepping stones. May God rest his soul. He cherished his service among all of you in this Illinois State Senate.

PRESIDING OFFICER: (SENATOR CROTTY)

Will all Senators please rise? A moment of silence for Senator Bob Mitchler. (Moment of silence observed) Thank you, Senator. Casey Lund from WAND-TV requests permission to video and audio. There being no objection, leave is granted. Ladies and Gentlemen, we're going to proceed to the -- to page 12, on Secretary's Desk, Concurrence of Senate Bills. Mr. Secretary -- on Senate Bill 278, Senator Steans, do you wish to concur? She says she would like to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

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I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 278.

Signed, Senator -- Steans.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Steans.

SENATOR STEANS:

Thank you, Madam President, Members of the Senate. I would like to concur with the House amendment to Senate Bill 278. The underlying bill creates -- makes permanent the Human Services Commission. The amendment in the House just adds a representative from a maternal and child health training program to the Commission.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall Senate -- the Senate concur in House -- in Senate Bill -- 278, I'm sorry. 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 36 voting Aye, 13 voting Nay. Senate Bill 278, having received the required constitutional majority, the Senate does concur with the House Amendment No. 2 to -- to the Senate Bill 278, and the bill is declared passed. Now, on Motion to Concur on Senate Bill 1691, Senator Silverstein. Senator Silverstein. Out of the record. Senator Schoenberg, for what purpose do you rise?

SENATOR SCHOENBERG:

Thank you, Madam President. Could you please have the record reflect that on the concurrence for Senate Bill 278, my intention was to have voted Aye? Thank you.

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PRESIDING OFFICER: (SENATOR CROTTY)

The record will so reflect. We're going to return to the motion to concur on Senate Bill 1691. Senator Silverstein. Senator Silverstein wishes to proceed. Mr. Secretary, read that motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1691.

Signed by Senator Silverstein.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Madam President. House Amendments No. 1 and 2 are initiatives of the Secretary of State to make provisions uniform across the -- the different State -- of different Illinois business Acts. House Amendment 1 requires that foreign limited partnerships obtain their certificate of authority from the Secretary of State prior to transacting business in the State. However, House Amendment 2 was deleted and became -- everything and became the bill. House Amendment No. 2 amends the General Not For Profit (Corporation) Act, Limited Liability Corporation {sic} (Company) Act and the (Uniform) Limited Partnership Act, creating uniformity in fees, electronic filings, reinstatement procedure -- and reinstatement procedures. I'll take any questions.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1691. All those in favor will vote Aye. Opposed,

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Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 voting Aye, 14 voting Nay. Senate Bill 1691, with Amendments 1 and 2, having received the required constitutional majority, the Senate does concur in those House Amendments 1 and 2 to Senate Bill 1691, and the bill is declared passed. Now, on concurrence to Senate Bill 2545, Senator Silverstein. Senator Silverstein wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2545.

Signed by Senator Silverstein.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, again, Madam President. House Amendment No. 2 is an agreed amendment that narrows the definition of "Internet dating service" to mean a person or entity in business, for a fee, of providing dating, romantic relationships, or -- matrimonial services.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendments {sic} 2 to Senate Bill 2545. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 voting Aye, 14 voting Nay. Having received the required constitutional majority, the Senate does

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concur in House Amendment 2 to Senate Bill 2545, and the bill is declared passed. Senator Meeks, for what purpose do you rise?

SENATOR MEEKS:

Point of personal privilege, Ms. President.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR MEEKS:

Well, first of all, you look mighty lovely today, Madam President, in the Chair. It's always a pleasure to see you. I'd like...

PRESIDING OFFICER: (SENATOR CROTTY)

I need to call on you more often, Senator Meeks.

SENATOR MEEKS:

Thank you so much, ma'am. I'd like the Senate to join me in welcoming -- before you guys leave. All the way from South Holland, Illinois, this is a school in our district. And they were getting ready to leave, but before they leave, I'd like to welcome them to Illinois General Assembly. Calvin...

PRESIDING OFFICER: (SENATOR CROTTY)

Our guests are already standing, so welcome to the Senate Floor. Enjoy your visit to Springfield. Senator Forby, for what purpose do you rise?

SENATOR FORBY:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point. Was -- was that your point? No. Senator Forby.

SENATOR FORBY:

I want to make sure -- I want to make sure everybody hears

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me. I've got a big announcement today. My Secretary, Bobbie, has just turned...I think thirty-nine. I'm not for sure. But it's not her birthday. But what she's doing this week is retiring. She's been here for several years. She's worked for me since I been here. Anybody that can work for me for twelve years has got to be good, because I've done a little bit of everything. I've been loud, noisy, said bad words, and done all kinds of stuff, but she's always there to hold my hand. And what Bobbie's always said, and I, we'd always retire together, but for some reason, she looked at me the other day, said, "Gary, I don't think you're ever going to retire, so I'm going to retire." So today -- this is Bobbie's last week, retiring. But one thing she's going to do after retiring, she's going stay around and make sure I come back next year. So I really appreciate that. So, Val, her husband, retired last year. He worked for the State too. So now then, a thirty-nine-year-old lady and a forty-nine-year-old guy - I'm not sure exactly what they're going to do every day when they retire, but you can only imagine - a pretty girl like this. Let's give Bobbie a great big hand.

PRESIDING OFFICER: (SENATOR CROTTY)

Bobbie, we wish you a -- best wishes in your retirement. Okay, on your desks -- being passed out is the Senate -- the Supplemental Calendar No. 1, Concurrences on our Senate Bills. On the top of the page is Senate Bill 409. Senator Link. Senator Link wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 409.

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Signed by Senator Link.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Link.

SENATOR LINK:

Thank you, Madam President. All House Amendment 3 does is remove the provision regarding special services {sic} (service) area from the energy conservation, which was added on Senate Amendment 3.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 409. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye and none voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendments -- House Amendment No. 3 to Senate Bill 409, and the bill is declared passed. Senate Bill 758. Senator Trotter. Senator Trotter wishes to proceed. Mr. Secretary, read the concurrence {sic}.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 758.

Signed by Senator Trotter.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. -- Madam President, Members of the Senate. This is the "sip and spit" bill that we passed out of

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here and it passed over to the House, where they just gave some clarifying languages {sic} to the bill, changing "course" to "class", and also saying how many sips that a culinary student can have in that class.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendment 1 to Senate Bill 758. 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 41 voting Aye, 11 voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 758, and the bill is declared passed. Senate Bill 1286. Senator Jacobs. Senator Jacobs wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 1 and 7 to Senate Bill 1286.

Signed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam Chairman {sic}. This is a bill that originally passed out of the Senate 56 to nothing. Went over to the House - and very rarely does this happen, but it actually happened - they made the bill better. They tightened it up and made some stronger restrictions. I know of no opposition.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question

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is, shall Senate -- concur in House Amendment No. 1 and 7 to Senate Bill 1286. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendment 1 and 7 to Senate Bill 1286, and the bill is declared passed. Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you, Madam President. Might the record reflect that on Senate Bill 758, if I would have been close to my switch, I would have voted Yes. I was engaged a very serious conversation with Senator Harmon on a piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

The record will so reflect. Now, on Senate Bill 2194, Senator Schoenberg. Senator Schoenberg -- wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 2194.

Signed, Senator Schoenberg.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to concur with House Amendments No. 2 and 3 to Senate Bill 2194. Doing so will accomplish three major objectives. The first is an increase of one dollar per pack on

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cigarette taxes, with other increases on tobacco -- tobacco-related products, all of which will generate three hundred and fifty million dollars that will correspond with an additional three hundred and fifty million dollars in new federal Medicaid matching funds for health care. The second is to finally achieve some success in addressing the elusive issue of charity care. Hospitals need a far greater degree of certainty and stability for what's necessary to earn their tax-exempt status. There is a -- there are six criteria for a property tax exemption. There's a new sales tax exemption. And then, finally, there's something -- a new income tax credit for for-profit hospitals to ensure that they are -- they, too, are meeting their obligations to those who lack health insurance and require health care. Finally, there is an enhanced hospital assessment program. All of you are very familiar with the dynamics on how this works. We annually bring in about nine hundred million dollars without this. We have the opportunity to bring in even more through a supplemental revision to the formula around outpatient care that essentially redistributes resources into those communities for individuals with the greatest need. I have -- Madam President, Ladies and Gentlemen of the Senate, in my closing, I have some legislative intent that I need to read into the record, but for now, I'm happy to answer any questions on a package that could bring in eight hundred million dollars in new funding. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Garrett. Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. To the motion.

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PRESIDING OFFICER: (SENATOR CROTTY)

...motion.

SENATOR RADOGNO:

Well, thank you. Well, this bill, as the sponsor explained, really has three parts to it. It's unfortunate, in my view, that the tobacco taxes are included with two other parts of legislation that I really think are good pieces, and that is the framework for charity care to allow hospitals to deal with the property tax exemption and the hospital assessment, which we have supported in the past. As I mentioned in committee, it's not so much that we're opposed to -- or, wanting to protect tobacco use - it's not healthy; we all know that, and maybe one approach is to just ban tobacco products - but rather the continuing pattern that we see here in the Senate, and the -- the Capitol in general, of always looking for more revenue. We just had a seven-billion-dollar tax increase and yet the taxes contained in this bill are just a few of the many that are still on the table. So what we're objecting to, philosophically, is an approach that continues to look for revenue, revenue, revenue, as opposed to tightening up on the spending end. And I understand that even if we couldn't get to the 2.7 billion in cuts, there's other approaches. One of them that we used last year, in fact, was suggested by Senate Democrats, was to reallocate within the existing budget from other areas. We would be happy to participate in that effort, have made suggestions and will continue to do that. But we are not in favor of continuing to tax, and particularly with tobacco products. It's well known that those are, generally speaking, more used by lower income and minority folks. It's a very

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regressive tax. So we will be voting No because of that. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President. With all due respect to my dear friend, the Republican Leader, who has supported an increase in the tobacco taxes previously, I want to point out, on the savings end - because we, too, are sensitive to that - we -- it's estimated that we will save over fifty million dollars in Medicaid as the result of not having - in the first year of these taxes being in effect - as the result of not having to treat tobacco-related illnesses in high-risk individuals. That -- the tax does serve the purpose of pricing some people out of the market, indeed, and that in turn reduces the cost overall to all of us, who have to make up the difference for providing health care for these high-risk individuals who don't have it otherwise.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR CROTTY)

Says he'll yield.

SENATOR McCARTER:

Senator, you -- you mentioned that the revenue expected from this new tax on the cigarettes is three hundred and fifty million. In that estimate, have you -- have you considered those -- those folks that will quit smoking because of the price

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barrier and then the reduction in taxes from that?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Senator McCarter. The formula does indeed consider that. This is consistent with the methodology that the Commission on Government Forecasting and Accountability and others have applied previously, acknowledging that there would indeed be some falloff as a result of the tax increase.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

In -- in that number, have you considered as well what the unrelated product sales revenue -- tax revenue decrease would be? And I'm -- and I'm talking about on border communities, like mine going into Missouri, these -- these folks that cross the border to buy their cigarettes for less, most likely will fill up with gas, most likely will buy other items at the same convenience store. Does that three hundred and fifty million factor in the decrease in tax revenues on unrelated goods?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President. The -- the tax rates vary by our -- even with this adjustment, the tax rates will vary with some of our neighboring states. With the tax increase, it would still result in having a lower rate than some of our neighbors and a higher rate to others in the Midwest. You know, I want to point out -- so I can't quantify what the loss to convenience

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stores will be, but one thing I can quantify is that the opponents testified in committee that there were approximately twenty-five to thirty thousand people who are employed by convenience stores. The overwhelming majority of them - my guess is nearly all of them - are hourly employees who are not part of any healthcare plan, which means you can probably count on both hands the number of people who actually get their health insurance through their employers, but rather that they are in turn benefitting from -- directly benefitting from the health care that's being provided through the hospitals as a result of these increased tobacco taxes.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter.

SENATOR McCARTER:

To the bill: I asked a question and the answer could have been yes and the answer could have been no, neither of those words were used. And because you can't quantify it, it hasn't been factored in. Because if you had've quantified it, you could have said yes or no. So, I'm -- I don't think we're looking at the real situation here. We are going to lose revenue, most likely, because of unrelated goods that are going to be purchased across the borders when people go there to buy their cigarettes. It already takes place right now with the -- the ten cents a gallon difference in the price of gasoline. When people go, in my area, into St. Louis to buy their -- their gas, they fill up; they also buy other things at the convenience store. Just like -- we don't even know how much -- revenue we're losing from that. I'm not sure we know how much revenue we're going to lose from this as well. On -- there -- there's

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another side of this too. This is -- the promise was to come up with 2.7 billion in reductions in the cost of Medicaid. Perhaps this would -- this bill still would have been put forward even if we had met that challenge, but the reality is we didn't meet the challenge. We stopped short at 1.36. We then went to a provider cut for another two hundred and forty million. And so we're 1.1 billion short and we choose to fill it with another tax increase. For that reason, I'll be voting No.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Madam President. To the bill.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR KOTOWSKI:

Thank you very much. I was contemplating and thinking about this piece of legislation over the weekend and thinking about all the -- the different pros and the cons of the bill. And it became really evident to me as to why I would support this legislation after my son, Cooper -- he turned nine yesterday and we brought him a -- you know, just a piece of ice cream and he had a -- a little candle on it, and he blew it out, he ate the ice cream. Then, after eating the ice cream, he put the candle in his mouth -- put it in his mouth and blew it out like a cigarette, and he looked at me and he said, "Don't I look cool, Dad?" And I looked at him and I said, "No, you don't look cool." He said, "No, no, but I am cool." I said, "Son, you're not cool because of that, you're cool 'cause you're smart, you're a good athlete, you're a good kid. And cigarette smoking

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kills and it's hurt a lot of people that we know in our family, a lot of people that we know throughout the communities, and it costs a lot of lives and it costs the State a tremendous amount of money." And because of my son, and because of so many kids like that throughout the State, and because the American Cancer Society says this will reduce smoking among teens by one-quarter - by one-quarter - I'm voting for this bill. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR CROTTY)

He says he will.

SENATOR RIGHTER:

Thank you, Madam President. Senator Schoenberg, we discussed a little bit in committee, and I'd like to elaborate on that discussion, your decision to put into this bill the provisions with regards to -- I think Senator Link's "roll your own" tax increase proposal that was Senate Bill 2194 {sic}. Can I assume by your actions in doing so that you were a proponent of his stand-alone legislation?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Righter, that's self-evident. I voted for that bill in committee and when this would become -- by making this part of the larger overall package, I would expect that we would be able to tax it, so as to maximize the federal matching money

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for health care as well.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

One of the issues we didn't get a chance to talk about in committee, Senator Schoenberg, which I have had the opportunity to discuss with Senator Link when we've discussed this issue three or four times, is the issue of these fire-safe tubes that your legislation will now require, that people who use the roll-your-own machines can only use them if they have fire-safe tubes. Do you know, at this point, whether or not those tubes are available anywhere in the American market?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President. On page 15 of the bill, Section 1-30, lines 1 through 8, it points that the Attorney General will dictate the provisions to reduce the likely -- quote, "to reduce the likely ignition propensity of cigarettes made by those tubes". And then it continues further, in lines 9 through 13, that this -- these rules will be promulgated no earlier than January 1st of 2014.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Well, now, Senator, how do you read that? Does that mean that the -- that the people who use these machines can use any tube they want until that date? Or, at that date, they can't use them anymore? Or, by that date, the Attorney General's

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going to tell 'em what tubes they can or can't use? I mean, what -- what is that -- what is that language you just read me?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

In that Section which I just alluded to, that the compliance isn't required until the Attorney General promulgates these rules and it -- and the -- by date certain. And I think we all have confidence in the Attorney General's judgment and that they have already given thought to this as part of the larger overall legislative package wrapped up in this bill.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Well, I -- I appreciate that I think that many, if not all, Members of this Chamber have at least some measure, if not a great measure, of confidence in the Attorney General in terms of her execution of her duties. But I'm not sure how much confidence I have in her insofar as someone who will manufacture fire-safe tubes. Explain to me the rationale of putting that provision in this bill. If it's not available in the American market, Senator Schoenberg, how is the Attorney General writing a rule by a certain date going to fix that for the people who, under your statute -- or, under your bill, will have to use those tubes?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Righter, I -- I have every confidence the Attorney

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General has already and her staff have already begun researching the implementation, not just of this provision, but throughout the balance of the legislation. So, I think that she's war-gamed it out under every conceivable scenario and -- and I am confident that she'll be able to promulgate those rules in a timely fashion.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

To the motion, if I might, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

To the motion.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen of the Senate, this is, unfortunately, the time of Session when the logrolling begins - when we have an idea, an idea that doubles the tax on a certain product, an idea that couldn't pass the Senate on its own, gets rolled into something else that your Leaders say, "We got to have this, so this is the only way to get it done." And that's exactly what's happening under the roll-your-own provisions in Senate Bill 2194. This will put these people out of business. The retailers who use this, if this becomes law, it will put them out of business. The Attorney General writing rules on any subject doesn't solve a retailer's problem if they are now required by State law to use a certain product which is not available, unless the Attorney General is going to go into the business of manufacturing that product that State law says they have to use. That's not an answer to their issue. This is more than doubling the tax on these cigarettes that these retailers

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sell. And if that's what you're for, then this bill is for you. Like many others, I stand in support of the assessment. I stand in support - and have for years - in support of the hospitals defining for themselves what charity care would be. But to bring even more revenue into this building to fuel even more spending and, to top it off, to put these people out of business is not the right thing to do. I would urge a No vote. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Jacobs.

SENATOR JACOBS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR CROTTY)

Questions to the sponsor, he'll yield.

SENATOR JACOBS:

Senator, I'm just curious. Living on the border, I've noticed that Illinois cigarette tax is ninety -- ninety-eight cents. And if we increase this to a dollar ninety-eight, how do you think we'll compare with Missouri, whose tax is seventeen cents? But will people go across the river to get their cigarettes, or will they leave that buck seventy-one on the table and just say, "I don't want that"? How -- what do -- what do you think they'll do for Senator Forby, Senator Haine's districts?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator, while on the Missouri or Kentucky border, people may come to a different -- my guess is, people may come to a

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different conclusion than they'll come to closer to my area. This will still be less than the Wisconsin -- than the Wisconsin tax, even with the increase, and they'll still be less than the Michigan tax. So, in some instances, it'll be beneficial. Some instances, it won't. But let me add one other thing, and that is, the fundamental premise behind this bill is to redistribute resources from areas and communities which have to those which do not. So the hospital assessment component of this, like all its predecessors, is taking millions of dollars out of the healthcare market in my area and it's redistributing it to Senator Haine's area, to Senator Forby's area, and others.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Jacobs.

SENATOR JACOBS:

I think your point's a good one, Senator. I would just point out that the great State of Wisconsin does have a two-dollars-and-fifty-two-cent tax on cigarettes. Can you believe that? That's almost hard for me to believe that Scott Walker would allow that to go on. It's just surprising. But, you know, I have to contend with Iowa. I don't have to contend with Wisconsin. And Wisconsin {sic} (Iowa) has a tax rate of a dollar thirty-six, so we'll be a full sixty-two cents higher. I'm just a little concerned. And I also -- also, what else concerns me, Senator, not only price, 'cause I don't know how many -- how long people will continue to go back and forth for the price, but I think we have focused on these -- on cigarette smokers too much. And I think that it's kind of disingenuous of government to say, on one hand, we want to subsidize tobacco industry, we want to help the tobacco industry, yet we don't

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want people to sell their products. I think that there's a lot of other things we can look at, a broader, wider tax, and I'm sure that there's some taxes the -- the Republican Leader might mention that she could support.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. I rise in favor of this bill. A little background perhaps might be helpful. The -- the bill is a concurrence motion. The bill was assembled over in the -- in the House. And from what I understand, the goal was to achieve a total amount of revenue of three hundred and fifty million dollars from the tobacco tax provisions. And the roll-your-own provision was added so as to not lose revenue from the increase in the cigarette tax. So this -- this roll-your-own concept was viewed as a tax avoidance concern, and I think that the eighteen Republicans who voted for it over in the House, those eighteen Republicans were the ones that insisted that there be this provision in there so that the revenues would still come in to the total of three hundred and fifty. And I want to thank the eighteen Republicans for sending this bill over, 'cause it only passed by a bare minimum - sixty votes. The other point that was made concerns the -- the idea of not cutting, instead raising taxes. Now let's put this in perspective. This is part of the component of the Medicaid reform. Our goal and our task was to reduce the unfunded liability in Medicaid by 2.4 billion. And the people that worked so hard on this came up with 1.6 billion dollars' worth of cuts and then and only then did they say the remaining eight

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hundred million should be done through the cigarette tax. So the cigarette tax raises three fifty, it's doubled by Medicaid matching, and the hospital assessment is the final one hundred - so that we will have completed an effort to reduce our unfunded liability by a total of 2.4 billion dollars. This is going to result in a true balanced budget as a result. And I would say that the idea of voting for the cigarette tax -- just so people know where I'm coming from, I would vote for it if it didn't bring in a penny. I would vote for this tax if it didn't bring in a penny, because the idea that we'll have seventy-seven thousand six hundred kids who won't start smoking just because you push a green button, or fifty-nine thousand adults who quit. How about the fifty-nine thousand people who will be saved from premature death because you've pushed the green button? That alone is a reason to vote for this and I would really urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Garrett.

SENATOR GARRETT:

Yes, thank you. Will the sponsor yield? I have some questions.

PRESIDING OFFICER: (SENATOR CROTTY)

He says he will.

SENATOR GARRETT:

Is this a proportionate increase in the tax on moist snuff as on all other tobacco products?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

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No.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Garrett.

SENATOR GARRETT:

Why would we not increase the tax on moist snuff just as much as on cigarettes and other tobacco products?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Garrett, right now, moist snuff is lump -- lumped in with several different types of -- of products for the purpose of the State tobacco tax. They're also referred to as an, quote, "other tobacco product", end quote, as are cigars, chew and loose tobacco, just to name a few. These are all completely different types of products, but they're currently taxed as though they're the same. I have to add that this isn't unusual. There are twenty other states where moist snuff tobacco is based on weight or unit. In fact, the tax of thirty cents per ounce, as this tax provides, will put Illinois in line with some of our surrounding states, like Kentucky, which is nineteen cents per can, Indiana, forty cents per ounce, or Iowa, which is a dollar nineteen per ounce. So, really, this change would tax the product very much the same way we tax cigarettes, which is a fixed price per unit - in this case, a dollar ninety-eight per pack versus thirty cents per ounce.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Garrett.

SENATOR GARRETT:

Thank you. Yes. Senator Schoenberg, is it your intention

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that the income tax credit to hospitals, based on their property tax or charity care, applies to nonprofit hospitals, as well as for-profit hospitals?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

I've been in contact with the sponsor in the House, Majority Leader Currie, and she and I agree that it's our intention that only for-profit hospitals should be allowed to invoke this income tax credit. Any hospital that is eligible to apply for a property tax exemption, even if their application is denied, should not be allowed to obtain this income tax credit. I hope that answers your question, Senator Garrett. I have some additional comments to make for legislative intent when the question/answer period is over.

PRESIDING OFFICER: (SENATOR CROTTY)

There's no one else recognized to speak, so, Senator Schoenberg, to close.

SENATOR SCHOENBERG:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I want to extend my thanks, first of all, to President Cullerton for his leadership on this issue long before I picked up the baton. And one matter that he neglected to mention that I think bears sharing with all of you is that this Chamber last passed the cigarette tax increase in April of 2009. If that bill had become law at the time, Illinois would have received a billion dollars -- over a billion dollars more in federal money for health care than -- than we've received thus far. And that was only because of the inaction of the General Assembly, the

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failure to put this bill on the Governor's desk beforehand that we have denied ourselves and, more importantly, have denied thousands of Illinois residents vital, essential healthcare services that they could have received otherwise had we put this bill on the Governor's Desk several years ago. On this issue, we're dealing here with healthcare related taxes. We're raising taxes on tobacco products specifically for the purpose of raising money for our State's healthcare system. We're placing an assessment, which is another word for a tax, on our hospitals, as we have several times before, again, for the purpose of pumping more money into our State's healthcare system. The third prong of the bill relates to the possible tax exemptions for hospitals. Hospitals, as we all know, are -- are the largest provider of health care in the State and they're being taxed through this new hospital assessment contained in this legislation, which enhances the existing hospital assessment. Now, some of these hospitals are indeed being hit hard by this assessment. I know in my area that's a case in point. And these tax exemptions will in turn help blunt the financial impact on many of the hospitals that are in this State. Obviously, the tax exemptions are something that the hospitals will have to earn and the bill lays out six specific criteria to provide that greater degree of certainty and stability for hospitals on how they can earn them. And if they can earn them, we certainly want to give them that -- every right to do so. So, in this bill, we're, number one, raising money for health care through a tobacco tax; two, we're taxing hospitals directly to raise more money for health care; and three, we're giving hospitals an opportunity to obtain tax

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exemptions to help lessen the impact of that very hospital tax. For this reason, it's my belief, as well as that of Majority Leader Currie, that these three items are completely related and deserve your support. I'd like to make an additional observation, separately, about the property tax exemption for hospitals. We recognize that the issue of a property tax exemption is a constitutional issue and that the Supreme Court has spoken many times on this very subject. We've done our best to work with the hospital industry and other interested parties to craft a bill that specifically meets the dictates of the Supreme Court holdings. We hope we have done so, but we recognize that the decision ultimately is going to be up to the courts. And I want to say, very clearly and emphatically, that it's my intention, as the sponsor of this bill, that the language related to property taxes should be considered severable from the other provisions. That is to say, if the courts determine that our best efforts to comply with the Supreme Court precedent have failed, it's my clear intention and that of the House sponsor that the remainder of the legislation still go into effect. It would be a terrible result if the cigarette tax and the hospital assessment, which would also make it possible for the State to access hundreds of millions of dollars in matching federal healthcare resources annually, were to end if the courts invalidated the property tax exemption. I alluded earlier that Illinois has lost out on the opportunity to collect an additional billion dollars in new matching federal healthcare funding since we last considered the cigarette tax increase. I certainly hope that we'll make every effort to meet whatever public notice requirements exist to maximize as soon as

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possible, even in the month of June, to attain additional matching federal funds. Let's not squander this opportunity again. It's my belief we're also taking a step forward in resolving the longstanding dispute over hospitals and charity care, so that institutions will be able to operate with greater certainty that they are indeed fulfilling the spirit of the law. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

The question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 2194. 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 31 voting Aye, 27 voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendments 2 and 3 to Senate Bill 2194, and the bill is declared passed. Mike Flannery with WFLD-TV requests permission to record the proceedings. Leave is granted. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

A point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR MALONEY:

I would like the gallery {sic}, if they could please pay attention -- directly behind the President's Rostrum is a -- basically, a lifelong friend of mine and one of my legislative assistants in the district, Rose Bilecki, who is down in Springfield visiting today with her grandson, Thomas, who last

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week just graduated from the finest high school in the City of Chicago, Brother Rice High School. I would like the Senate to welcome 'em.

PRESIDING OFFICER: (SENATOR CROTTY)

Will our guests in the galleries please rise? And, Rose and Thomas, welcome to the Senate. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR CLAYBORNE:

Behind me, I have my Congressman from the 12th Congressional District, Jerry F. Costello.

PRESIDING OFFICER: (SENATOR CROTTY)

Welcome, Congressman Costello, to the Senate. Now, on Senate Bill 2578, Senator Cullerton. Senator Cullerton wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2578.

Signed by President Cullerton.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Cullerton. Senator Cullerton, to the motion.

SENATOR CULLERTON:

Yes, thank you, Madam President. We have already passed a Senate bill, 3146, which is identical to this House amendment. We passed it 53 to nothing. It would require that the Director of Public Health be either a physician licensed to practice

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medicine or a person who's had administrative experience in public health at the local level. And it also indicates that the Director -- if the Director is not a physician, that the -- that the Medical Director would have to be a physician. This has the approval of the Illinois State Medical Society. And, again, it's a bill that we've already passed out of the Senate. They did not pass that bill, but took that bill and put it on as an amendment to this bill, so I would ask that we concur.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2578. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 2578, and the bill is declared passed. Senate Bill 3201. Senator Dillard. Senator Dillard wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3201.

Signed by Senator Dillard.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Members. The House's amendment does two things to a bill that regulates the recycling

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of -- of -- of big plastic pallets and -- and plastic in -- in bulk. It says, if you have more than five thousand dollars of -- of plastic you are presenting to a recycler, you've got to prove that you are the actual owner. And their amendment also, as it should, made criminal penalties consistent with other parts of the Criminal Code. And I would recommend to the full Body we concur with the House's action. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3201. 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, 1 voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendment 1 to Senate Bill 3201, and the bill is declared passed. With leave of the Body, we'll go down to Senate Bill 3261. Senator Martinez. Senator Martinez wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 3261.

Signed by Senator Martinez.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Madam President and Members of the Senate. I -- I wish to concur with Amendments No. 2 and 3 {sic} on Senate Bill 3261. As amended, it addresses the "free care" component

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to the hospital charity care/property tax exemption debate. This legislation requires Illinois hospitals to provide a charitable discount of a hundred percent of charges for all medically necessary healthcare services exceeding three hundred dollars in any one visit to any qualified uninsured patient who applies for a discount and also meets the federal poverty income guidelines. Specifically: Hospitals, other than a rural or critical access hospital, must provide this discount to patients with a family income of not more than two hundred percent of the federal property -- poverty income guidelines. For 2012, twenty {sic} percent FPL is equal to an annual income of twenty-two thousand three hundred and forty dollars for a single person and forty-six thousand one hundred for a family of four. For a rural or critical access hospital, must provide this discount to patients with a family income of not more than a hundred and twenty-five percent of the federal poverty income guidelines. For 2012, a hundred and twenty-five percent FPL is equal to an annual income of fourteen thousand for a single person and twenty-eight thousand eight hundred and thirteen for a family of four. It also requires the Attorney General's Office to create, by administrative rule, standards for financial assistance applications and methodologies for the determination of presumptive eligibility for persons seeking services at Illinois hospital. This legislation also allows the Illinois Hospital Association to submit recommendations on the -- on the financial assistance application and presumptive eligibility rules to the Attorney General's Office. This has been an ongoing process for the past almost year and a half. We've been able to come together and really just make sure that the charity care part of

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this -- of the bill talks about the actual eligibility that it is requiring here. So I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR CROTTY)

She says she will.

SENATOR RIGHTER:

Thank you, Madam President. Senator Martinez, we discussed this a little bit in committee. I'd like to elaborate a little more on this - what has been coined as this "free care" proposal. Right now, it's my understanding that most hospitals have some kind of free care or charity care policy in their individual hospitals and that those hospitals design those policies on their own. They make the decision on how often maybe someone can utilize the services, what -- what services they can utilize, what discounts will be offered based on income. Your legislation would take that discretion away from them and give it to the Attorney General to promulgate by rule. Is that correct?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

No, Senator Righter, that is not what this bill is doing. I think, right now, when you look across, about seventy-five percent of these hospitals are already doing this. We still have other hospitals that are still trying to do the best they

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can. I have to say that the -- what we're trying to make sure is -- the application process is something that needs to be very clear. I think that's been something that we have not -- they - - they have not been able to do across the State. They all have standard applications, but we want to make sure that these applications that are being filled out by these patients that are uninsured really asks the questions and makes sure that they qualify. If they don't qualify for Medicaid, then they qualify for this discount.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

Well, Senator Martinez, I guess that's -- that's part of my point, is that, you're right, it's not uniform now because the hospital in my community sees needs differently than the hospital in your community, as it should, because my community and your community are not alike in every way. So, that's the issue I want to ask you first about. Is -- is it not appropriate to allow the hospitals to design their own policies to fit the needs of their own communities?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Not when it comes to charity care. I think -- you know, I think there is a misconception out there that -- again, when we talk about -- about a property being exempt for charitable purposes, we want to make sure that every hospital is doing just that, providing charity care for the uninsured.

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Righter.

SENATOR RIGHTER:

Well, but, Senator, the charity care legislation's already passed. It just passed. I mean, this isn't -- this isn't necessary in order to accomplish the charity care definition that's in the legislation that just passed. This is a way for the hospitals to achieve that, but it's not -- they don't -- they -- up for this State -- but for this State law, they could still achieve that charity care standard. You agree with that, correct?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Senator Righter, this is the -- this addresses the free care component of the hospital charity care and property exemption. So this is just the component. This addresses the issue about the hospitals in the urban area and in the rural areas when it comes to the federal poverty level.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Righter.

SENATOR RIGHTER:

To the motion, if I might, Madam President. Thank you. Ladies and Gentlemen of the Senate, the charity care issue has been dealt with. You just passed the bill. There is some -- misconception out there that the charity care proposal, in fact the whole Medicaid proposal, won't work unless you have this free care component. That is absolutely false. That is absolutely false. You have just passed legislation, a few bills ago, that requires the hospitals to meet a certain standard, a

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certain definition in order to qualify for the property tax exemption. This is now Springfield and the Attorney General saying, by the way, we're going to tell all of your local hospitals - all of them - who have advertised for years that they know their communities best, that Mattoon and Chicago and Peoria and Cahokia and all the communities across our State are different, they all have different needs, that the hospitals in those communities know those needs best - you are now going to say, they don't know best. The Attorney General and perhaps a handful of members on the Joint Committee on Administrative Rules knows best. That's not right. That's not right. If we're going to make a decision about the welfare of people in Chicago who are uninsured, or Mattoon or Peoria or Cahokia or anywhere else, I trust the board members of the hospitals in those communities, who live in those communities, who have neighbors in those communities, who shop in those communities and get their health care in those communities, to know better what those communities need than a handful of people in Springfield. One more point, Madam President. We have done so much work here and we passed, last week, legislation that attempts to rein back in the mess that's been created in this Medicaid program for more than a decade and the unlimited use, almost, of the emergency room as a place of primary care. This is a huge step backwards to doing just that. There's no medical home in here. There are no incentives in here. This is opening the door and saying, as long as you're under two hundred percent of federal poverty level in an urban area or a hundred and twenty-five in a rural area, the door is open. Don't worry about copays. Don't worry about how many times you go. That is

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going to be decided by State law and the Attorney General. This is a step backwards from what we did just last week. Let's defeat it here and let's let the rest of the proposal go forward as it's already passed. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. To the motion: First of all, I want to make it clear that I am in favor of hospitals providing charity care and I think that the piece of this bill that directs the -- us to develop a uniform form is a very good thing to do. I've been involved in these hearings for a number of years. So there's some good pieces in here. Unfortunately, I think there's a lot of problems with this two hundred percent threshold in the urban areas and a hundred and twenty-five in the rural areas, and, again, being imposed from the top down. First of all, it was stated in committee that this is the way states are going. Well, there are nine states that have done this, and right out of the box, Illinois is, again, going to be one of the most generous. We're there with Massachusetts and Rhode Island and Washington, D.C. States such as New York and Ohio, that are more of our peer states, are at a lower level. That would provide -- they're actually at a hundred percent. That would provide hospitals more discretion on doing things like imposing a copay. So, if you have someone that the locals assess that they could participate in their care, this prohibits the hospital from asking them to pay one penny. That's a disincentive for people to participate in their own health care. Similarly, for those -- for that group of individuals that, a

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year or so ago, we passed a law to allow parents to keep their adult children on their policies until they're twenty-seven or so, why would a parent do that? A parent who's struggling would be much more likely to tell their child, "I'm going to help you out if you get sick and have to go to the doctor and buy some medicine. But if you're in a car accident or get really sick, we don't need to worry anymore, you can go to the emergency room." Now, someone in committee criticized us -- criticized that statement and said, "Who would do that?" I know a lot of people that would do that. And, again, we're creating an incentive for people to not take care of themselves and what that does is cost shift on to the rest of us. It definitely encourages more use of the emergency room. Why would I go to the CVS quick care for forty dollars, if I have strep throat, when I go to the emergency room for free? And those are decisions that are being managed locally now. We don't need to do this. In fact, some hospitals treat people free up to three hundred percent of -- of the poverty level. This is an unnecessary bill that is going to adversely impact health care here. And I would urge a No vote on this and let's continue to try to work on that form and encouraging all hospitals to get to a reasonable level and have discretion within their communities. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Murphy.

SENATOR MURPHY:

To the motion.

PRESIDING OFFICER: (SENATOR CROTTY)

...the motion.

SENATOR MURPHY:

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Let's be -- let's be real clear what this is. The hospitals were dragged to this due to the need to address the charity care issue. They are grudgingly for this. They did what they had to do to get the charity care. But the truth of the matter is, this is the price they paid. If everybody's doing it already and we're all -- you know, this isn't going to have any impact, why do we need the bill? The reality is, it goes beyond that. This is, yet again, an expansion of this government here in Springfield telling private entities, "you'll do what we tell you to do, when we tell you to do it, how we tell you to do it, otherwise the Attorney General's coming and she's got the ability to drag you into court and assess civil penalties and fines" - all for the right and privilege to actually get the eighty-two cents on a dollar that we pay 'em for Medicaid. This whole thing reminds me of a couple years back when your Governor Blagojevich pushed the gross receipts tax. And I -- I -- I found it fascinating, sitting in committee at the time, listening to then President Jones say, "We all know who's going to pay this tax. The people are going to pay this tax." Well, you know who's going to pay this tax that you're forcing on to the hospitals with this unnecessary power grab? You got it, the same people Senator Jones said back then, the people, because these hospitals have to stay in business somehow and you keep taking more and more blood out of that rock. Well, the only place it gets replenished is through private pay and health insurance people. You know who they are? They're the lifeblood of the country, the middle class that's getting squeezed left and right, and you're doing it again with this bill. Think about this. The charity care issue has already

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been addressed. The hospitals are going to do their part on charity care in accordance with the previous bill that was passed out of here. Why the extraneous burden? You know, once they are done meeting their property tax obligation under the previous bill with charity care, this bill is going to make 'em continue to give their product away for free for the whole rest of the year. So this is the government here in Springfield telling private entities they are forced to give away their product for free just for the right of breathing. If they don't, the Attorney General will be knocking at their door. Yet another in a long line of government-centric solutions out of -- this Majority. I strongly urge a No vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Schoenberg.

SENATOR SCHOENBERG:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill.

SENATOR SCHOENBERG:

You know, with all the -- with all the criticisms that we've heard from those on the other side of the aisle, most prominently the previous speaker, you wouldn't think that the Illinois Hospital Association has actually taken a formal position in favor of this. They understand that the definitions were provided in 21 -- in Senate Bill 2194, but that the framework for actually making it happen also occurs in Senate Bill 3261. I -- I couldn't help but be amused listening to the previous speaker talk about the onerous burden that we're creating on private entities. Well, you know, that may be fine

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and good at the cocktail parties for the Illinois Policy Institute or the others from the Flat Earth Society, but the reality is that you've missed the whole point. The whole point is we want not-for-profit institutions to earn their tax exemption. That doesn't mean we sponsor the Fun Run and you've got it covered. It doesn't mean you sponsor the science fair exclusively at the junior high school and you've got it covered. It means providing a fundamental right - the right to quality health care - regardless of what community you live in, in the State, whether you live in Evanston, whether you live in Decatur, whether you live on the Northwest Side of Chicago, whether you live in the southern part of the State in Alton. No matter where you live, where there are poor people, as part of providing charity care, this bill works hand in glove with the one we've considered before, and the Illinois Hospital Association, they understand this. This issue's been going on for ten years here in Illinois. And you know what? Nationally, it's been going on even more and it wasn't some radical liberal who first brought it up nationally. It was United States Senator Charles Grassley, a Republican from Iowa, who first set the table on the charity care issue. This provides a template for making a ten-year dispute go away and to serve as a model for other states in the nation, so that hospitals and the people who they serve, regardless of their economic status, will have certainty and security, both financially and with their access to quality health care. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

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Thank you, Madam President. Questions of the sponsor.

PRESIDING OFFICER: (SENATOR CROTTY)

She says she'll yield.

SENATOR SYVERSON:

Senator, just to follow up the previous speaker's comments, where it was mentioned that we just want them to earn their exemption. Under this legislation, once a hospital exceeds that limit of earning that exemption, does the free care go away or will hospitals be required to exceed that exemption and continue to cover for the rest of that year?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

No, it doesn't -- it doesn't. I -- I just have to say that, you know, this -- this bill is about making sure that all hospitals are providing care. And for those folks that are uninsured, for them to go there and receive that care, this bill is about making sure that a application process is -- is followed, that a -- a -- that the hospital determines whether they can afford it, but more important, if they qualify for Medicaid, then they will go over to Medicaid. These are the -- for the folks that are under the federal poverty level. These are for the folks that are uninsured, and we have many of those thanks to the fact that we have lost many jobs, you know, here. But I think the most important thing that -- Senator Schoenberg said it the best, this is about making sure that these hospitals are earning their status for remaining tax-exempt. This is about making sure that -- that charity care is at the forefront of the service they provide for the State.

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PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

Well, I guess that was my question. We want them to earn their -- and make sure that they do their charity care, but what happens when they exceed that level or if it becomes a hardship for that hospital? You had mentioned that it's important that we provide access to those who are under the poverty level, but doesn't this provide coverage up to two hundred percent of the poverty level?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

In the -- in the urban area, two -- two hundred percent. In the rural areas, a hundred and twenty-five percent.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

If a person lives in a rural area or adjacent to an urban area and they go to a hospital that's in an urban area, is -- are the guidelines based on where they live or the guidelines based on the hospital that they visit?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

It's based on their income. It's about how much are they making as a family - a single, a family of four. You know, what percentage do they qualify under? It's about providing that service to them -- regardless of where they go. It's based on

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their income.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

It was my understanding, although, is it covers up to a hundred and twenty-five percent if you're in a rural area and two hundred percent if you're in an urban area. If you live in a rural area and you visit a urban hospital, what guideline is utilized for that individual? Is it the hospital's guideline or is it the individual where they live guideline?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Hospital that they visit.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

So, all those families that may be living in a rural area that -- they will be covered up to two hundred percent, then, if they go to a -- an urban hospital, as opposed to their own hospital. So if you live in a community that has a hospital that only covers up to a hundred and twenty-five percent, if they travel, to example, for -- to Rockford, which would be twenty/thirty minutes away, they'll now be covered at two hundred percent, as opposed to if they stay in their own community, it would be a hundred and twenty-five percent. Is that correct?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

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SENATOR MARTINEZ:

The -- the intent of the bill is to make sure that when you look at the poverty level in the urban areas, you know, it's at two hundred percent; in the rural, a hundred and twenty-five. I would hope that if this is an emergency, they're going to go to the nearest hospital in their area. So I -- I don't see -- you know, a person living in a rural area who will have to travel into an urban area, you know, I think, you know, he will want to make sure he'd get the services right there at the hospital that is closest to him.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

Well, that would be true if it was for emergency care, but this policy and this new plan isn't for emergency care. This is for all health care. And so, if a person that wants to have testing done or other procedures done -- you're saying, no, this is only for emergency care?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Medically necessary care.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

Can you define what "medically necessary" is? I...

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

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As defined in the legislation, it's defined as any inpatient or outpatient hospital service, including pharmaceutical supplies provided by a hospital to a patient, covered under Title -- XIX {sic} (XVIII) of the federal Social Security Act for beneficiaries with the same clinical presentation as the uninsured patient. A medically necessary service does not include a non-medical service such as a social and vocation services or -- or elective cosmetic surgery, which is plastic surgery -- correct disfigurement caused by an injury, illness, or any kind of defects -- congenital defects.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

That's what I thought, 'cause it says -- says any medical care, so that means if a person wanted to or needed to have a MRI done or a CAT scan done or other procedures done. It's not just for emergency care. They'll be allowed to commute to a hospital that will give them two hundred percent coverage. Even though they wouldn't qualify in their own community, they'll be able to travel. Again, putting more undue burden on those hospitals that are sitting in an urban area that are surrounded by rural areas, for example, like Rockford, where you're going to have large numbers of populations from the area that are close enough to drive, that are going to have their procedures all done at a -- at a hospital that they can get the higher coverage. So have we thought about amending this or looking at a way to tighten those restrictions up so you wouldn't have magnet hospitals out there throughout Illinois?

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Martinez.

SENATOR MARTINEZ:

A doctor will have to determine right then and there if it's medically, you know, necessary for them to be treated as an emergency, but more important, if they will be covered under this -- this Act. This -- we wanted to make sure when we outlined it that the "medically necessary" is defined as what it is. So this is -- they will determine if that is medically necessary or not. A doctor will determine that.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Syverson.

SENATOR SYVERSON:

I'll wrap it up with this. But -- and maybe you don't -- we don't fully understand. "Medically necessary" has nothing to do with emergency care. "Medically necessary" just means, as -- as you just mentioned, that it's not cosmetic surgery. It is something that is medically necessary, not emergencies. So the concern with this legislation is that we have set such dramatic income guidelines that those urban hospitals that are already struggling, that -- will now be serving -- like I said, in the -- in the example of Rockford, where over half the population of the city will now get free health care. Not only that, but all the rural areas around Rockford will now know, because of published accounts, that they can now go to Rockford because they will be able to get much better coverage at -- I mean, get coverage at a higher income level than they would get in their own hospitals. So that's a concern. I think that's going to happen for hospitals. So, I -- again, I'm disappointed with how broad this legislation is. I think the end result is going to

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be, it's going to create significant hardship for families. There's going to be cost shifting to the -- the -- the individuals who are trying to pay high insurance premiums, whose clearly their cost will go up because hospitals can't afford to handle this much added free care without shifting it on to somebody. So, thank you for your time on this matter.

PRESIDING OFFICER: (SENATOR CROTTY)

Terry Martin with Illinois Channel requests permission to videotape. Also, Stephen Bourque from WICS-TV would also request permission to shoot some video and Mary Ann Ahern from NBC Channel 5 also requests permission to videotape. There being no objection, leave is granted. Senator Brady, for what purpose do you rise?

SENATOR BRADY:

Will the sponsor yield, Madam President?

PRESIDING OFFICER: (SENATOR CROTTY)

She says she will.

SENATOR BRADY:

Senator, like - excuse me - like you, I -- I believe hospitals have a role to play in providing charity care for those who can't afford to pay for their own health care. I serve on a -- my hospital's local board and we -- we take that very seriously. It's unfortunate, though, that the hospital community has come to a position where in order to feel that they will be defended constitutionally and that they can continue to receive the property tax status that they feel threatened enough to support something like this. And I'm disappointed that that has come to this. But I do have a question for you. Most recently, the United States government

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implemented a rule that'll force the very fabric of much of our medical network, the religious organizations who provide -- who provide services, to compromise their conscience and, in fact, force many of them to go out of business if -- if they're forced to live within the most recent ruling. In fact, several of those religious organizations have filed lawsuit protecting their constitutional rights. My concern is that, in addition to other things that this bill does, is there any way, shape or form that this bill would require a medical provider in the State of Illinois to provide services that they don't provide due to their religious or other conscious beliefs?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Senator Brady. And in Illinois, we have a law called the Health Care Right of Conscience Act, which permits a hospital or physician to not participate in or provide service that violate their religious or ethical beliefs. So they are covered under this Act.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Brady.

SENATOR BRADY:

So -- so, just to confirm, in no way, shape or form does this bill alter that protection and the Attorney General could not require an institution that provides medical care to provide a service, even though it might be deemed by some to be a necessary and needed service, if that service didn't comply with their religious beliefs or their conscience?

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Martinez.

SENATOR MARTINEZ:

No.

PRESIDING OFFICER: (SENATOR CROTTY)

Our last speaker, Senator Steans.

SENATOR STEANS:

First, a question of the sponsor.

PRESIDING OFFICER: (SENATOR CROTTY)

She says she'll yield.

SENATOR STEANS:

Just for a -- purposes of legislation intent, I want to ask: Many community groups and patient advocates have been working for years to improve access to hospital financial assistance for uninsured people in need -- needing hospital care. Will they be involved in developing the recommendations and rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Yes. The Attorney General's Office and Illinois Hospital Association know that community organizations and patient advocates have crucial knowledge about making the process work. In fact, the Hospital Association board passed a resolution on May 18 in support of developing a process and committed itself to seeking input, information, and advice from organizations that work with individuals in need of financial assistance. Community organizations' and patient advocates' voice will be heard in the recommendation and rules in the rule process.

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Steans.

SENATOR STEANS:

Then, to the bill: So, as folks have noted on this bill, the -- the State provides property tax exemption status to our hospitals. This bill, along with the one we just passed, Senate Bill 2194, are going to provide clarity around what - and much needed clarity, I might say, with Supreme Court decisions that have been coming down in Illinois to hospitals - on what constitutes that charity care. I think many of the suggestions from the opponents that have risen up to speak around the logic on perverse incentives is absurd. I do not believe that, in any way, shape or form, this bill is going to create a disincentive for people to keep their own insurance or get coverage elsewhere. This bill does not provide coverage for any care that's three hundred dollars or less. So that forty-dollar issue that you go to CVS for, you're not going to go to the hospital for; it's not covered under this bill. It does not cover going to your general doctor for checkups or for any other regular preventative kind of care. It's only for medically necessary care in a hospital, if you don't have coverage and can't afford it elsewhere. Many hospitals have already been applying this standard and they've not seen any perverse incentives getting created around these policies that already exist that they've been doing for years. Unfortunately, we do have outliers out there. Some hospitals are not providing the level of charity care they should be. This will rein in those outlier situations. I think it's very important to note that not a single person has filed in opposition to this bill. There was none. The hospital community supports this bill. It was

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passed in our other Chamber 112 to 0. I think this creation of an issue is false and I would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez, to close.

SENATOR MARTINEZ:

Thank you, Madam President. I just want to thank everyone who has -- rose today and debated this issue. I know it's an important issue. I've been at this, personally myself, for the past almost two years, trying to make sure that we can get the best that we can out of our hospitals. They provide a critical service, no doubt, you know, but there's also a -- a community outcry out there about some of the things that have not been done as far as parity across the State, making sure that hospitals -- they have the -- the wonderful -- I think that -- I think many of us would love to get -- having a property exemption -- they -- because they provide a critical care. We want to make sure they continue to provide that critical care. We don't want to see hospitals close. We want to make sure they continue to provide that critical care. I want to thank the Hospital Association, who was at the table all the time and -- and took our input; the advocates that were there making sure that we could tell the stories about people that went to hospitals looking for care and some of the things that happened. I think that this is a good bill. I think that, you know, we are bringing more clarity to what exactly it is that needs to be done in these hospitals. Many of them are already doing that. I just want to make sure that -- that all hospitals are providing that care for everyone. Like I think Senator -- my -- my neighbor here said - I almost forgot your name - Steans - I

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think - and Kotowski - one of the things that she did say is this bill did pass the House 112 to nothing. There's been a lot of work put into this. I think when it comes to the rulemaking, many of you that belong to JCAR will be part of that process, making sure that the right things are happening. This is part of the overall Medicaid. We have to make sure we protect so many folks that are out there that are uninsured and they are because of the unemployment that we have. I just want to make sure -- we want to make sure that at the end of the day, it's about charity care. It's about providing services to our community and making sure that the hospitals are part of the community. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 3261. 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 34 voting Aye, 23 voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendments 1 and 2 to Senate Bill 3261, and the bill is declared passed. Steve Staeger with WCIA requests permission to shoot video. There being no objection, leave is granted. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

Point of an announcement.

PRESIDING OFFICER: (SENATOR CROTTY)

State the announcement.

SENATOR CLAYBORNE:

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I move to waive all notice and posting requirements on the following bills so they can be heard in the following committees: House Bill 4320, to be heard in the Senate Gaming Committee tonight at 5:30; House Bill 5865, to be heard in the Senate Pensions Committee tomorrow at 9:30 a.m.; Senate Bill 3773, to be heard in the Senate Executive Committee tomorrow at 10 a.m.; House Bill 4239, to be heard in the Senate Revenue Committee tomorrow at 10 a.m.; and House Bill 5192, to be heard in the Senate Revenue Committee tomorrow at 10 a.m.; and House Bill 4074 to be heard in the Senate Licensed Activities Committee tomorrow at 10 a.m.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Clayborne moves to waive all notice and posting requirements on the following bills so they can be heard in the following committees: House Bill -- 4320, to be heard in the Senate Gaming Committee tonight at 5:30 p.m.; House Bill 5865, to be heard in the Senate Pensions Committee tomorrow at 9:30 a.m.; Senate Bill 3773, to be heard in the Senate Executive Committee tomorrow at 10 a.m.; House Bill 4239, to be heard in the Senate Revenue Committee tomorrow at 10 a.m.; House Bill 5192, to be heard in the Senate Revenue Committee tomorrow at 10 a.m.; and House Bill 4074, to be heard in the State Licensed Activities Committee tomorrow at 10 a.m. Is there any discussion? Seeing none, all those in favor of the motion will say Aye. Those opposed, say Nay. The Ayes carry, and the motion is granted. Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

Thank -- thank you, Madam President. Point of order.

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PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR SANDOVAL:

Madam President, I move to waive all notice and posting requirements so that House Bill 4466 can be heard at -- today at 5:30 in the Senate Gaming Committee.

PRESIDING OFFICER: (SENATOR CROTTY)

That is a motion, correct, Senator? President {sic} Sandoval moves to -- Senator Sandoval, for what purpose -- Senator Sandoval moves to waive all notice and posting requirements so that House Bill 4466 can be heard today at 5:30 p.m. in the Senate Gaming Committee. All those -- is there any discussion? There being -- oh, Senator Radogno, I'm sorry.

SENATOR RADOGNO:

Thank you, Madam President. We actually do have a concern about waiving the posting on this particular bill. This is one that we haven't had much discussion about. The point of posting a bill is so that people out there in the rest of the State know we're going to have a hearing. So I think that unlike the other bills that are not controversial, or have been around, this one is different and we object to it. So I would request a roll call on waiving this hearing. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there another Senator seeking a roll call? Senator John Jones.

SENATOR J. JONES:

Thank you, Madam President. I would just ask for a roll call on the motion.

PRESIDING OFFICER: (SENATOR CROTTY)

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The motion has been seconded. On the motion, a roll call has been requested. And the voting is open. I'm sorry. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Yes, thank you, Madam President. I would urge an Aye vote. All we're trying to do is post this bill to the Gaming Committee tonight. The Gaming Committee hasn't had meetings for a number of weeks, and as a result, this bill wasn't posted. It's been introduced. The public's aware of what it is. We just want to have a hearing on it tonight, so I urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

The motion was made, so the question is to waive all notice and posting requirements so that House Bill 4466 can be heard today at 5:30 p.m. in the Senate Gaming Committee. 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 33 voting Aye, 21 voting Nay. The motion is adopted and the notice and posting requirements are waived. Now, with leave of the Body, we'll go to page 18 on Consideration -- Postponed Consideration. House Bill 5290. Senator Mulroe. I'm sorry, it's Senator Steans. On page 18 of the Calendar is the Order of Consideration Postponed. This is final action. As the bills on this order have already been presented and debated on the Floor, debate on each bill will be limited to one proponent and one opponent, each speaking to the bill. Senator Steans. She wishes to proceed. Mr. Secretary, read the bill.

SECRETARY ANDERSON:

House Bill 5290.

(Secretary reads title of bill)

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PRESIDING OFFICER: (SENATOR CROTTY)

Senator Steans.

SENATOR STEANS:

Yes, thank you, Madam President, Members of the Senate. This is the bill that's basically a trailer bill to a bill we passed several years ago that created a policy -- an anti-bullying policy - required every school to have an anti-bullying policy. It was a recommendation of the Illinois School Bullying Prevention Task Force that we define what needs to be included in a policy, because some schools, in fact, were not very well defining that. So this just requires that there's procedures put in place for reporting bullying, including anonymous reporting, investigating and addressing bullying, interventions that can be taken to address the bullying, and procedures for posting and distribution, so that a student knows, in fact, how they can get their issue of bullying addressed. We've had rising incidents of bullying across the State. This is critical to provide a safe school environment for all of our kids. Very much urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? Senator McCarter.

SENATOR McCARTER:

No, I'm sorry. If you -- if you would go to Senator Dillard first.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Dillard.

SENATOR DILLARD:

It's a parliamentary inquiry. I'm not the speaker on this bill; Senator McCarter will be. But, Madam President, has the

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posting requirements or 3rd Reading deadline been waived on this bill?

PRESIDING OFFICER: (SENATOR CROTTY)

Out of the record. With leave of the Body, we're going to go back to Supplemental Calendar No. 1. Again, we're at -- we're on the Supplemental Calendar No. 1. Senate Bill 3202. Senator Maloney. Senator Maloney? Senator Maloney wishes to proceed. Mr. Secretary, read the bill -- read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3202.

Signed by Senator Maloney.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Maloney.

SENATOR MALONEY:

...you, Madam President. This bill originally had to do with condo association fees. The amendment simply says that all the information gathered by the Department of Financial and Professional Regulation will remain confidential. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3202. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, none voting Nay. Having received the required constitutional majority, the Senate does concur with House Amendment No. 1 to Senate Bill 3202, and the

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bill is declared passed. Now, on Senate Bill 3241, Senator Sullivan. Senator Sullivan wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 3241.

Signed by Senator Sullivan.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam Chair -- or, Madam President, excuse me, and also Members of the Senate. The -- the original bill that was on -- the original bill that passed this Chamber and went over to the House has come back. It's not changed and that dealt with the tax credit to hire an -- an unemployed veteran. That has not changed, but the House added two other provisions to it, both provisions that had passed this Chamber with unanimous support. The first one is the -- it allows the counties and municipalities to abate any percentage of property taxes levied on a property owned by the spouse of a fallen soldier if that soldier had been killed in -- during action in Iraq and Afghanistan. And then the second thing that they added to it, it restores a specific sales tax exemption for the mining industry with regard to roof bolts used in -- in coal mines. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 3241. All those in favor will vote Aye. Opposed,

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Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay. Having received the required constitutional majority, the Senate does concur with House Amendments 1 and 2 to Senate Bill 3241, and the bill is declared passed. Now, with leave of the Body, we're going to page 18 on Consideration Postponement {sic}. There has been a letter filed, so we -- so we will proceed with House Bill 5290. Senator Mulroe. No. Senator Steans. Sit down, Senator Mulroe. Senator Steans. Do you wish to proceed? She says she does. Mr. Secretary, read the motion {sic}.

SECRETARY ANDERSON:

House Bill 5290.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill, Senator Steans.

SENATOR STEANS:

First, I guess I just need to note that I'm clearly not making a mark in this Chamber, as I'm called so many different names. I'm very honored to be called Senator Mulroe. So... I think we know what this bill is about at this point. The -- the goal of this bill is to simply put in place recommendations -- following up recommendations of the group -- the School Bullying Prevention Task Force to fully define what needs to be included in a school bullying policy. We've had numerous incidents of bullying. It's a growing issue. It leads to not just physical and verbal abuse, but can really lead to depression and many incidents of suicide that have been occurring as well around the State. Very much urge an Aye vote. The schools need as many

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tools as they can to help put in place good policies to prevent school bullying.

PRESIDING OFFICER: (SENATOR CROTTY)

And, again, we will hear from one opponent. Senator McCarter.

SENATOR McCARTER:

Thank you. I have just a -- a couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR CROTTY)

She says she'll yield.

SENATOR McCARTER:

Thank you. There was a -- what I thought was a simple request the last time we debated this bill, and that was, will you pull this out of the record and adopt the amendment put forth by Senator Dillard for an opt-out for those children or parents who might find one of these selective programs against their sincerely held religious belief in any way. Will you do that now?

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Steans.

SENATOR STEANS:

We -- when I've been able to, I've done opt-out. When we had it around, for example, comprehensive sex education curriculum put an opt-out to opt out of that curriculum. In this case, it's a schoolwide policy. There's not a particular item in which we can opt out. So, the Illinois State Board of Education said that this is not something they could support if we did that. We already have the ability -- any individual student, if there's going to be some sort of an assembly or

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something that they have religious feelings against participating in it, they're already allowed to do that by their own protected interests of their own religious freedom and personal speech freedoms. They can already opt out of a school assembly if they have a concern.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator McCarter, could you just speak to the bill?

SENATOR McCARTER:

Okay. All right.

PRESIDING OFFICER: (SENATOR CROTTY)

Thank you.

SENATOR McCARTER:

Well, last time - I'll -- I'll remind you what was said - the sponsor said that we didn't need an opt-out because there was federal law that covered this. The truth is, she was incorrect. What she was referring to was the Hatch Amendment and the Hatch Amendment only protects students' rights to opt-out when a program is being funded by the Department of Education. The request was very simple. The objections to the bill weren't all the things that you -- you saw in the news. The objection was simple. We asked for the opt-out to protect those students and parents who had an objection to what might come about as being the selected program for -- anti-bullying. We're all against bullying. If you want me to tell you a real sad story about the bullying of my daughter, I will. So, don't -- don't accuse anyone who has simply asked you for an opt-out of being against -- I mean, not being against bullying. That's ridiculous. It's a simple request, and if you had've agreed, I think you would've seen a lot more votes on -- on -- in favor of

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your bill. Two years later, I don't consider a trailer. I mean, I don't know what -- what it -- I guess we think that trailer bills are, you know, things that we -- we found a -- we found a word misspelled, so we bring up a trailer bill to correct it. Now, we had two bills previous. We -- we -- we identified the problem and then another Senator explained what the issue was. That was enough. Let local schools decide what program is best for them. They can do this. They're capable of doing it. I wish you would have agreed to the opt-out. Even myself, I would have been in favor if you had've. I urge a No vote.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Steans, to close.

SENATOR STEANS:

Thank you, Members of the Senate. You know, opponents have been trying to paint this bill as an attempt to force kids to embrace homosexuality. It's patently absurd. In fact, nineteen percent of kids who say they've experienced bullying is because of religious freedoms being imposed upon, because of their religious beliefs. This would provide every protection to those kids, as well as to any reason that somebody's getting bullied. Individuals can opt out of individual assemblies or anything like that that they feel uncomfortable with because of their religious beliefs. What we're trying to do here is make sure that -- over fifty percent of the kids in Illinois schools say they've experienced bullying in one shape -- one way or another. Twenty-five percent of kids say they've been physically abused. Our students, our parents, our school communities need every tool they can to make sure that we're putting in place

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environments that protect our kids, keep them safe. And having strong anti-bullying policies is one critical element of that. Very much urge an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

The question is, shall House Bill 5290 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 -- have all voted who wish? Take the record. On that question, there are 29 voting Yes, 21 voting Nay. House Bill 5290, having failed to receive the required constitutional majority, is declared failed. Now we'll go back - this is keeping us attentive today - we'll go back to Supplemental Calendar No. 1. Senate Bill 3279. Senator Martinez. Senator Martinez wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3279.

Signed by Senator Martinez.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Madam President and Members of the Senate. I motion to concur with House Amendment No. 1 to Senate Bill 3279. It was added in the House by the request of Representative Rose {sic} (Rita), who represents an Amish population, to allow building departments {sic} the flexibility of requesting a government-issued ID without a photo when applying for a roofing permit, while still protecting legitimate roofing contractors from identity theft. The Secretary of State issues IDs to the

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Amish without photos to accommodate their religious beliefs.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, shall the Senate concur in House -- in Senate bill -- in Amendment 1 to Senate Bill 3279. All those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, none voting Nay. Having received the required constitutional majority, the Senate does concur in House Amendments {sic} 1 to Senate Bill 3279, and the bill is declared passed. All right. We're going back to today's Calendar on page 18, on the Motions to Consider Postponed -- on -- on the Order of Postponed Consideration is House Bill 5823. This is really Senator Mulroe. Senator Mulroe wishes to proceed. Mr. Secretary, read the motion.

SECRETARY ANDERSON:

House Bill 5823.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR CROTTY)

To the bill, Senator.

SENATOR MULROE:

Thank you, Madam President, Members of the Senate. This matter -- we're trying to codify the common fund doctrine. It may sound complicated. I'll try to put it as simply as I could. Under the common fund doctrine, it allows -- a lawyer who recovers a sum of money for the benefit of others besides his or her client is entitled to reasonable attorney fees for the fund as a whole. That's a decision by the Bishop case - that's an

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Illinois Supreme Court case. So, for purposes of legislative intent, this bill codifies the common fund doctrine for actions/claims arising in State court, consistent with Illinois Supreme Court decision. And I want to make it clear, it does not interfere or change the way that federal courts have decided or will decide issues or claims with respect to ERISA. ERISA is Employment Retirement Income Security Act of 1974. I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

And now we'll hear from one opponent. Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. This is a bill -- this is a bill that we've addressed before and we have addressed the concerns with it. Couple of the -- the concerns are: Last time, we had mentioned that it's the practice now to -- the way they do the billing, but that's not true. Currently under ERISA, this is not the way they bill that. Second, if this does not affect ERISA, then the question, as we mentioned before, is why would you not accept language that would clearly, for legislative intent, address the issue of ERISA. Lastly, and -- and maybe most importantly, the biggest concern being raised is, this clearly will drive up the cost of health care in Illinois, especially for seniors who are on Medicare Advantage plans. The biggest group affected by this is going to be seniors. And so I would urge that we have a No vote on this until we can get legislation that clearly addresses the concerns that -- that we have that'll make this bill better when it comes to the -- to cost. So, thank you very much, Madam President.

PRESIDING OFFICER: (SENATOR CROTTY)

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Senator Mulroe, to close.

SENATOR MULROE:

I just want to make it clear - this is not changing the way State court claims or actions are -- how they're being ruled on today and it won't affect federal court cases. If they -- if the federal courts deem it's a federal question, they will deal with those ERISA claims. So we're not changing anything like that. It is not going to affect seniors any different than what's happening today. There's -- the insurance companies actually have a right, under the Tenney Appellate Court case, to preserve their right in the subrogation cases as long as they follow certain procedures today. We are not - I want to make it perfectly clear - not disrupting anything in terms of the -- the laws today, whether it's filed in State court or federal court. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR CROTTY)

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? Take the record. On that question, there are 35 voting Aye, 20 voting Nay. House Bill 5823, having received the required constitutional majority, is declared passed. Now we'll go to page 12. On the top of page 12, we have Senate Joint Resolutions. Senate Joint Resolution 65. Senator Hutchinson. Out of the record. Senate Joint Resolution 77. Senator Link. Senator Link wishes to proceed. Read the resolution, Mr. Secretary.

SECRETARY ANDERSON:

Senate Joint Resolution 77, offered by Senator Link.

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PRESIDING OFFICER: (SENATOR CROTTY)

Senator Link.

SENATOR LINK:

Thank you, Madam President. Senate Joint Resolution 77 resolves that the General Assembly adopts the findings of the Toll Highway Authority Blue Ribbon Advisory Council in report entitled the Illinois Route 53/120 Project: Blue Ribbon Advisory (Council) Draft Resolution (and) Report. This also resolves the Illinois General Assembly approves and supports the construction of the Route 53/120 corridor; that the General Assembly requests that the Toll Highway Authority continues to search for funding mechanisms that are consistent with the -- described in the report. And as I told Senator Sullivan, this only took forty years to get this done. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, as this resolution requires the expenditure of State funds, a roll call vote will be required. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Aye, none voting Nay. Senate Joint Resolution 77, having received the required constitutional majority, is declared adopted. Ladies and Gentlemen, we have finished our -- the business for today. At this time, we would like to stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. And don't forget, we have committee meetings that will be starting shortly. So the Senate will stand at ease. (at ease) The Senate will come to order. Mr.

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Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Pensions and Investments Committee - Committee Amendment 1 to House Bill 5865.

Signed, Senator James F. Clayborne, Chairman.

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Criminal Law Committee - Floor {sic} (Committee) Amendment 3 to House Bill 1263; refer to Executive Committee - Floor Amendment 2 to House Bill 1447, Floor Amendment 2 to House Bill 3076 and Floor Amendment 3 to House Bill 3865; refer to Gaming Committee - House Bill 4320; refer to Pensions and Investments Committee - House Bill 5865; refer to Revenue Committee - Floor Amendment 2 to House Bill 1076; Be Approved for Consideration - Floor Amendment 4 to House Bill 2891, House Joint Resolution 83 and House Joint Resolution 92.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR CROTTY)

Ladies and Gentlemen, the following committees will be meeting to take up concurrence motions or Floor amendments. Transportation will meet in Room 400 at 9 a.m. tomorrow. Criminal Law will meet in Room 212 at 8:01 a.m. tomorrow. Pensions and Investments will meet in Room 400 at 9:30 a.m. tomorrow. Tomorrow, Executive will meet in Room 212 at 10 a.m. Also at 10 a.m. tomorrow, Revenue will meet in Room 400. And Licensed Activities will meet in Room 409 at 10 a.m. tomorrow. The Senate will reconvene tomorrow at 11 a.m. The Senate stands

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in recess until the call of the Chair -- until the call of the Chair. After committees, we will be here to just receive paperwork. The Senate is in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ANDERSON:

Senator Noland, Chairperson of the Committee on Criminal Law, reports Motions to Concur on House Amendment 1 to Senate Bill 2944, House Amendments 2 and 3 to Senate Bill 3258, House Amendments 1 and 2 to Senate Bill 3349, House Amendments 1 and 3 to Senate Bill 3638 recommended Do Adopt.

Senator Garrett, Chairperson of the Committee on Environment, reports Motions to Concur: House Amendments 1 and 2 to Senate Bill -- 2867, House Amendment 1 to Senate Bill 2882, House Amendment 1 to Senate Bill 2950 recommended Do Adopt.

Senator Koehler, Chairperson of the Committee on Local Government, reports Senate Amendment 2 to House Bill 3372, and Motions to Concur with House Amendments {sic} 1 to Senate Bill 548, House Amendment 1 to Senate Bill 3184, House Amendment 1 to Senate Bill 3373, and House Amendment 1 to Senate Bill 3406 recommended Do Adopt.

Senator Haine, Chairperson of the Committee on Insurance, reports Motions {sic} to Concur: House Amendment 1 to Senate Bill 3240 recommended Do Adopt.

Senator Holmes, Chairperson of the Committee on State

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Government and Veterans Affairs, reports Senate Amendment 3 to Senate Bill 351, Senate Amendment 2 to House Bill 1882, and Motions to Concur: Senate Amendment 1 to Senate Bill 180, House Amendment 1... Starting back on Senator Holmes, Chairperson of the Committee on State Government and Veterans -- Affairs, reports Senate Amendment 3 to Senate Bill 351, Senate Amendment 2 to House Bill 1882, and Motions to Concur on House Bill -- House Amendment 1 to Senate Bill 180, House Amendment 1 to Senate Bill 2524, House Amendment 1 to Senate Bill 2837, House Amendment 1 to Senate Bill 3746 recommended Do Adopt.

Senator Jacobs, Chairperson of the Committee on Energy, reports Senate Amendment 1 to House Bill 5071 and Motions to Concur: House Amendment 1 to Senate Bill 2526, House Amendment 1 to Senate Bill 3170 and House Amendment 1 to Senate Bill 3591 recommended Do Adopt.

Senator Collins, Chairperson of the Committee on Financial Institutions, reports Motions {sic} to Concur on House Amendments 2 and 4 to Senate Bill 1692 recommended Do Adopt.

Senator Link, Chairperson of the Committee on Gaming, reports House Bills 4320 and 4466 Do Pass; Senate Amendments 5 and 6 to House Bill 3779 recommended Do Adopt.

Senator Hunter, Chairperson of the Committee on Human Services, reports Senate Amendment 4 to House Bill 1489 and Motions to Concur: House Amendments 1 and 2 to Senate Bill 1351, House Amendment 2 to Senate Bill 2934, House Amendment 1 to Senate Bill 3601, House Amendment 1 to Senate Bill 3718 recommended Do Adopt.

Senator Silverstein, Chairperson of the Committee on Judiciary, reports Motions to Concur: House Amendment 1 to

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Senate Bill 3171, House Amendment 3 to Senate Bill 3572, House Amendment 1 to Senate Bill 3593, House Amendment 1 to Senate Bill 3594, House Amendment 1 to Senate Bill 3602 and House Amendment 1 to Senate Bill 3726 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HARMON)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

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

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

Senate Bill 1338.

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

House Amendments 3 and 4 to Senate Bill 1338.

We have received like Messages on Senate Bill 1967, with House Amendments 4 and 6; Senate Bill 3458, with House Amendment 2; and Senate Bill 3727, with House Amendment 1. Passed the House, as amended, May 29th, 2012. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 798, offered by Senator Harmon and all Members.

It is a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Resolutions Consent Calendar. There being no further

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business to come before the Senate, the Senate stands adjourned until the hour of 11 a.m. on the 30th day of May, 2012. The Senate stands adjourned.