

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

16th Legislative Day

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PRESIDENT JONES:

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Reverend David Hultberg, Sherman United Methodist Church, Sherman, Illinois. Reverend Hultberg.

THE REVEREND DAVID HULTBERG:

(Prayer by the Reverend David Hultberg)

PRESIDENT JONES:

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal. Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journals of Thursday, February 27th; Friday, February 28th; Tuesday, March 4th; and Wednesday, March 5th, in the year 2003, be postponed, pending arrival of the printed Journals.

PRESIDENT JONES:

Senator Woolard moves to postpone the reading and approval of the Journal, pending the arrival of the printed transcripts. There being no objections, so ordered. Senator Syverson, I'd like to invite you and your guests to the Podium.

SENATOR SYVERSON:

Good afternoon. It is my pleasure and honor today to introduce to you the Class 1A Football Champions from South Beloit, Illinois, far north as you can get in the State. This is a great team that fought for many years to get where they -- where they are. They're a team that comes from a economically depressed area, but a team that has worked hard and is filled with spirit and drive. And if you look back at their history, over the last ten years, in the nineties, they had -- they struggled to win just a few games, but over the last few years, with this current mix of individuals, they have worked hard to get where they are today. In fact, many of these kids played on

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the same junior high teams and worked their way up now to the State Championship. And not only have they -- not only did they win a decisive State Championship, but every, single game they had in the playoffs, they defeated their opponents by a better than two-to-one score. In fact, the finals, beating El Paso 50 to 22. They're a great team, and I'd like to also introduce the Superintendent of the schools, Mike Duffy; the Coach is here, Drew Potthoff; Assistant Coaches Todd Martens, Chris Marshall, Jason Weber and Brett Gerue; also the Mayor of South Beloit, Bill Frisbee, is here. And we also have to introduce the -- the spirit of the team, the cheerleaders, who, without their encouragement and urging this team along every step of the way, they wouldn't have had the victories they had. So we appreciate the cheerleaders being here as well. I'd like to turn it over to the Superintendent, just to send a greeting from South Beloit.

SUPERINTENDENT MIKE DUFFY:

(Remarks by Superintendent Mike Duffy)

SENATOR SYVERSON:

Thank you. We'd also like to hear from the -- the coach, Coach Potthoff, who actually got his start down in Effingham. So -- but then got smart and came from the most southern tip up to the most northern tip to -- to win his championship. Coach.

COACH DREW POTTHOFF:

(Remarks by Coach Drew Potthoff)

SENATOR SYVERSON:

Thank you. And, again, we are very honored to have these great, bright students who are the -- are our future. They had a great year, and congratulations to you, the team, and to all the cheerleaders. And thank you for allowing us to come up here and -- and show and illustrate the success that we have in Winnebago County and the great team that we have up there as well. So, thank you, everyone.

PRESIDENT JONES:

The following members of the media seek leave to photograph or videotape the proceedings: the Illinois Information Service. Is there any objection? Leave is granted. Point of information for all the Members if you're not on the Senate Floor: We will be going to 3rd Reading - 3rd Reading - today. So if you're in your offices, kindly come to the Floor. This will be final

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passage for many bills. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

House Bill 60.

Passed the House, March 5th, 2003.

PRESIDENT JONES:

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 75, offered by Senator Demuzio, President Jones and all Members.

Senate Resolution 76, offered by Senator Harmon and all Members.

And also Senate Resolution 77, offered by Senator Harmon and all Members.

They're all death resolutions.

PRESIDENT JONES:

Resolutions Consent Calendar. Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2011, offered by Senator Cronin.

(Secretary reads title of bill)

1st Reading of the bills -- the bill.

PRESIDENT JONES:

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 60, offered by Senator Munoz.

(Secretary reads title of bill)

House Bill 275, offered by Senator Martinez.

(Secretary reads title of bill)

And Senate {sic} Bill 469, offered by Senator Cullerton.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT JONES:

Madam Secretary, Committee Reports.

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SECRETARY HAWKER:

Senator Obama, Chairperson of the Committee on Health and Human Services, reports Senate Bills 99, 130, 200, 319, 880 and 1067 Do Pass and Senate Bills 59, 61 and 252 Do Pass, as Amended.

Senator Woolard, Chairperson of the Committee on State Government, reports Senate Bills 185, 680, 812, 915, 1069 and 1075 Do Pass.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports Senate Bills 186, 190, 1110 and 1749 Do Pass.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, reports Senate Bills 461, 1212, 1360 and 1855 Do Pass and Senate Bills 73 and 248 Do Pass, as Amended.

Senator Lightford, Chairperson of the Committee on Financial Institutions, reports Senate Bills 683 and 1116 Do Pass and Senate Bills 235 and 1500 Do Pass, as Amended.

Senator Link, Chairperson of the Committee on Revenue, reports Senate Bills 315, 392, 529, 615, 881, 1044, 1101, 1102, 1126, 1401, 1498 and 1864 Do Pass and Senate Bills 179, 466, 606, 1373 and 1765 Do Pass, as Amended.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Bills 1, 67, 324, 383, 405, 520, 521, 611, 620, 629, 875, 1047, 1415, 1477, 1789, 1865, 1872 and 1873 Do Pass and Senate Bills 75, 100, 218, 409, 565, 619, 1416 and 1586 Do Pass, as Amended.

PRESIDENT JONES:

Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee -- re-referred to Rules from Executive Committee - Senate Bill 10001 {sic} (1001); refer to Health and Human Services -- from Health and Human Services to Rules - Senate Amendment No. 1 to Senate Bill 307; refer to Appropriations II Committee - Senate Bill 1215; refer to Education Committee - Committee Amendment No. 1 to Senate Bill 307; refer to Environment and Energy Committee - Senate Bills 608, 1001 and 1066, 1324 and 1595; refer to Executive Committee

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- Senate Bills 20, 31, 32, 33, 34, 35, 36, 39, 42, 399, 539, 627, 973, 1456, 1462 and 1760; refer to Health and Human Services Committee - Senate Bills 882, 1026, 1202, 1331, 1398, 1502 and 1649; refer to Insurance and Pensions Committee - Senate Bills -- Senate Bill 333; refer to Licensed Activities Committee - Senate Bills 1750 and 1787; refer to Revenue Committee - Senate Bills 631 and 1791; and refer to State Government Committee - Senate Bills 1404, 1405, 1406 and 1862.

March 6th, 2003.

PRESIDENT JONES:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Like the record to reflect that Senator Clayborne is absent today and he'll also be absent -- he's absent today because of business.

PRESIDENT JONES:

The record will so reflect. On page 5 of the -- Calendar in -- is the Order of Senate Bills 3rd Reading, at the bottom of the page. This is final action. Senate Bill 21. Senate Bill 41 -- Senate Bill 40. Do you wish the bill to be called? At the top of page 6. Senator Walsh. Senate Bill 41. Senator Silverstein. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 41.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. What this bill does, this bill amends the Probate Act. Basically says that a court must have a standard of clear and convincing evidence before they adjudicate a person disabled. There's case laws on -- on this but there's some confusion of what the standard would be. This would protect the respondent if a proceeding did take place. There was no opposition and I ask for a favorable Aye vote.

PRESIDENT JONES:

Senator Winkel.

SENATOR WINKEL:

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

PRESIDENT JONES:

Sponsor indicate he will.

SENATOR WINKEL:

Senator, in committee, in your presentation, you talked about the need for this legislation. There was some -- some concern expressed by -- by families that this could actually, by creating a higher level -- a higher burden of proof, make it more difficult and perhaps more expensive for families in situations where they have legitimate need of a guardianship, that'll make it more difficult and more expensive to -- for them to accomplish this. Have you addressed those concerns with this legislation? Is that still a concern?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

If -- if you'll remember, during the committee, I -- I spent a -- a lot of time explaining to some of the people that were testifying. I think they had some -- they were misguided or their facts were not straight on what a guardianship proceeding is. This protects the ward because the person who wants to have somebody declared disabled has to show a greater -- greater amount of proof. Not necessarily it's going to cost more. In order to have somebody restored, the -- the standard of proof is clear and convincing. So, why should we make the standard lower when we're taking somebody's rights away and make it the same -- a higher standard when we're putting them back? But I -- I -- I've listened to those and I tried to distinguish and tried to help those individuals at committee. But I don't think this hurts anybody; this helps a ward in a proceeding like this.

PRESIDENT JONES:

Senator Winkel.

SENATOR WINKEL:

The standard of proof then is -- I mean, my understanding is that it's not currently uniform throughout the State, that there are differences between perhaps what Cook County might require in its probate courts and what downstate courts may be requiring. It's my understanding, from discussions with

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attorneys downstate, that they're held at a preponderance of the evidence; whereas, in Cook County, either by tradition or perhaps -- and I remember that you gave me two Illinois Supreme Court rules -- rulings on this, which are pre-Probate Act rulings, that there seems to be a difference, that Cook County does it by a clear and convincing standard, whereas many downstate courts seem to be operating, using a preponderance standard. So my concern is that we're not simply codifying some uniform practice, that there actually is no uniform or standard practice in the State right now.

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

Senator Winkel, let me address that. As you are -- I gave you two Supreme Court cases: In Re: Matter of Charles Stephenson, and the Loss versus Loss. If you read those decisions, does make reference to the fact that the standard of proof is clear and convincing. I don't know what goes on downstate; I don't practice downstate. But I think based upon the case law - and I think someone who is practicing downstate can make an argument to those judges that they're using the wrong standard of proof - I think there has to be some uniformity. This does not hurt a ward. This does not hurt anybody. This helps this individual. I have not heard any objections from any of the downstate judges or any of the downstate associations regarding this bill. So, I -- I understand your concerns. You can vote your conscience, but I think this -- this -- this helps. This is going to clarify, and that's what we need in this area.

PRESIDENT JONES:

Is there any further discussion? Senator -- Senator Winkel.

SENATOR WINKEL:

No, I -- I appreciate your efforts here. I'm -- I'm not trying to -- I'm probably going to vote for your bill, but I just want to make sure we're clear on the record because I think there are some differences in the way that this is currently being handled and that this is not simply a codification of some uniform practice. I just -- I think it's important for the

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record to be clear that this is a change, probably, for some downstate probate courts, that as they -- they need to be aware of this change in direction in the law, because I think this is a significant departure. If -- if -- by changing the standard from preponderance to clear and convincing, that -- that -- that's -- clearly makes a big difference in the way things will be handled as an evidentiary -- matter in these -- in these hearings. And so I think it's important to make that very clear in the record that this is a change in the law, not simply a codification of something that is uniformly already being done. So, I just wanted that -- wanted to bring that out today. Thank you.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

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

PRESIDENT JONES:

He indicates he will.

SENATOR RIGHTER:

Senator, I want to follow up a little bit on -- on Senator Winkel's questions. You've referenced two Illinois Supreme Court cases that have the clearing -- clear and convincing evidence language in them. Now, it's my understanding those cases were ruled on before the Probate Act that you're amending was put in law. Is that correct?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

That's -- that's correct.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Thank you. If it had been the General Assembly's intention at the time the Probate Act was -- was put in place to have a clearing {sic} and convincing evidence standard, then wouldn't they have put that in at the time?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

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I -- I would object to speculation. I -- I don't know. I -- I don't know what the intent was back in 1975, I think, when the Probate Act was initiated. But they might have missed it. They put -- they put clear and convincing for restoration, but for some reason, they might have missed this.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Well, I think that's important, though, Senator, because as you referenced a little bit earlier in your comments, this is not being done uniformly across the State, and you said that you haven't heard from any attorneys or judges from downstate on this issue. And I guess that troubles me a little bit, because if there is a section of the State that is using a preponderance of the evidence standard and those cases are proceeding along fine - and I'm sure the Cook County judges feel like their cases are proceeding along fine - wouldn't it be appropriate for us to get input from the entire State about how this is being done and which -- and then when you get that information, then you can really make a judgment about which standard of proof would best serve everyone, not just the ward but the families as well?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

Well -- and I respect your opinions. I understand there may be a -- or, some problems, but this matter was -- was put in committee on February 4th. It's been on 2nd for awhile. I have not heard from any -- anyone regarding any of the problems, neither the bar associations or anyone else. So, you've got to realize, I -- I don't know what goes downstate, but I can -- think one can argue before a downstate judge, if they knew these cases, that maybe they were doing the wrong standard. I'm just trying to bring everything into conformity. And again, this helps the ward. If someone wants -- if one of us, God forbid, wants to be declared disabled - and no one wants to be declared disabled - more evidence has to be brought in that that person is disabled. Normally it's a doctor's report and usually, if there's no objection, that's what does it. So, I -- I understand there's -- may be a problem, the first I've heard about it now.

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I haven't heard anything for the last four weeks or more than that. So, I have nothing else.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDENT JONES:

He indicates he will.

SENATOR GEO-KARIS:

Would you define for me the difference between clear and convincing evidence and a preponderance of evidence?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

If I'm -- have to go back to law school here. But preponderance is a lower standard of proof, just -- it's -- it's the judge's call, I mean, or a jury's call. I don't have a jury instruction in front of me, but it's a lower standard of proof. Clear and convincing requires more proof than normal. That's the next level.

PRESIDENT JONES:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you telling us, then, that clear and convincing evidence is a greater weight of the evidence than preponderance of the evidence?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

That's correct. That is correct. We have the -- we have clear and convincing to have somebody restored. Why shouldn't -- that -- that's correct. That's correct. It's a higher level.

PRESIDENT JONES:

Senator Righter, for the second time.

SENATOR RIGHTER:

Thank you, Mr. President. I'm sorry. I did not have my button clicked again. May I resume my questioning of the Senator?

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He indicates he'll respond.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, you made mention here on the Floor that there was no opposition to the bill. I'm looking at a record of the committee slips and I -- I see copies of three slips that were filed in opposition to this bill. One was the -- Earnest Jones, who is a parent and a member of the Lincoln Parent Association. The other two, though, come from groups that represent the people who you say that this change will help, and that is Rita Burke, from the Illinois League of Advocates for the Developmentally Disabled, and Jamie {sic} (Tamie) Hopp, an attorney representing the Voice of the Retarded. And I don't know, maybe the Chairman didn't get these slips read into the record or what it might be, but these are groups that represent the people who you say this change is going to benefit. Why would they be opposing it?

PRESIDENT JONES:

Senator Silverstein.

SENATOR SILVERSTEIN:

I apologize. I didn't have the analysis. But let me explain to you -- you're more than welcome, Senator, to look at the transcript. One of the individuals testified during the committee that he did not want this -- this bill to go into effect - and if -- please, if my memory -- you know, I'm -- I'm getting old here - that he is guardian of his -- of his -- of his child, he and his wife are co-guardians, and he was worried that if something, God forbid, happened to either him or his wife, his daughter would be the successor guardian and he was worried there would be a higher level that they'd have to go through the whole proceeding. And if you'll recall, I explained to them that under the Probate Act, that if something happened to either he or his wife, his daughter can file a petition as successor, and if the ward hasn't changed, it is -- normally is a matter of a right given to that individual. The other person that testified, if my memory serves me properly, is a woman who did not understand the difference of the -- the standard of proof, and I explained to her, and I think very -- in simple terms, how this would -- in effect, help a ward. So -- and I -
- I apologize for the opposition, but -- and I -- I deeply

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apologize for that. I didn't have that in front of me. But none of -- none of -- the objections that were brought in committee, I think I addressed. And I think there -- there was misunderstanding or they were misguided in the facts. There are -- no one opposing the -- the Chicago -- the Illinois State Bar Association did not oppose the bar -- the bill. I did not hear from anyone else other than these two groups, and I think I was -- I think I was -- I think I explained to 'em what their -- what their objections were and I think I explained their objections away. So, I mean, you're more than welcome to look at the transcript, or if anyone else in the committee can testify to that effect.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Well -- and -- and you've explained the -- the individual who was the parent from the parent group. But, again, my concern goes to the opposition from the groups who you say this bill protects and why they would slip a bill, be -- be opposed to it, if you are, by making this change, enhancing the protections for the people who they represent. Can you -- I mean, can you address those specific oppositions?

PRESIDENT JONES:

Senator Silverstein, let's move on.

SENATOR SILVERSTEIN:

I -- I'm trying to. I don't think they knew what the bill was. Let's look at the proponents: AARP, Equip for Equality, the Mental Health Association of Illinois - three credible organizations that, you know, deal with this issue on a day-to-day basis. And I assure you, if I'm not mistaken, last year, Equip for Equality came with a package of proposals to amend the Probate Act. They did not get heard, but this -- this -- this amendment was in their proposal. So, I would suggest you talk to these individuals, but I think there was enough proponents who support this bill who deal with this bill on a daily issue to know that it is a good bill.

PRESIDENT JONES:

Senator Righter, could you bring your remarks to a close?

SENATOR RIGHTER:

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I will. Thank you, Senator Silverstein. To the bill, Mr. President, very briefly.

PRESIDENT JONES:

Very briefly.

SENATOR RIGHTER:

Thank you. This bill changes the law. As Senator Winkel said, this is not a codification of current practice. This is being done differently all across the State. People who are for, groups that are in support of, the wards that this bill is supposed to protect have signed in opposition to the bill. It's my hope that this bill would not pass this Chamber today until we can get good information from all across the State about what is truly the appropriate standard of evidence on making these kinds of serious decisions. Thank you, Mr. President. Thank you, again, Senator.

PRESIDENT JONES:

Senator Welch. Senator Silverstein, to close.

SENATOR SILVERSTEIN:

I appreciate the lively debate, but I would -- I think this is a good bill. It's supported by a lot of good organizations. I'd appreciate an Aye vote, and thank you very much.

PRESIDENT JONES:

The question is, shall Senate Bill 41 pass. 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, 17 Nay and 3 voting Present. The bill, having received the constitutional majority, is declared passed. Senator Silverstein? Senate Bill 44. Senator del Valle. 64. Senate Bill 64. Senator del Valle. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 64.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and -- and Members of the Senate. We all know that Medicaid costs continue to rise and many of us

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are wondering how we're going to deal with that during this next fiscal year. The bill that is before you is a bill that makes a lot of sense in terms of trying to reduce Medicaid costs and, at the same time, improve the quality of life for people with chronic conditions. What the bill does is it permits the Illinois Department of Public Aid to establish a pilot disease management program. There's a ten-year effective date cycle for this pilot program. It would have to be done within a ten-year period. It is permissive and it is subject to appropriation. But what it does is that it sets the framework for a pilot program to be done by the Department of Public Aid. We anticipate that with this pilot program to manage chronic diseases, we will improve the patient's overall health in a more expeditious manner, lower costs in other aspects of the medical assistance program, such as hospital admissions, days in skilled nursing homes, emergency room visits, or more frequent physician office visits. There was a provision that was taken out of this bill because this bill was approved by the General Assembly last Session and then vetoed by the Governor. We took a provision that the Governor objected to out that, according to the Governor, would have limited the -- people participating in the project, from a marketing standpoint. We took that provision out. And so, I think that this bill now is -- is ready to go. I ask for your support.

PRESIDENT JONES:

Is there any -- any discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I, too, rise in support of this legislation. I was part of a Medicaid task force several years ago that talked about the problems we're having with funding of -- and the dollars that are being spent in the Medicaid line for pharmaceuticals, and part of what -- what we talked about was the very thing that Senator del Valle has here before us and it revolves a lot around drug utilization, trying to get people onto lower-cost medications so that, obviously, the Medicaid line would not be as pressured as it has been over the last decade and so. So, I -- I congratulate the Senator and encourage our support.

PRESIDENT JONES:

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Senator del Valle, close.

SENATOR DEL VALLE:

I ask for support.

PRESIDENT JONES:

The question is, shall Senate Bill 64 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, no one voting Present. The bill, having received the constitutional majority, is declared passed. Senate Bill 66. Senator del Valle. Senator Roskam, what purpose do you rise?

SENATOR ROSKAM:

I'll have a point of order, Mr. President, but why don't I defer to Senator del Valle till after the completion of his bill, if you could come to me at that time.

PRESIDENT JONES:

He will handle your point of order. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 66 codifies the implementation of the 21st Century Community Learning Center Grant Program..

PRESIDENT JONES:

Will you hold, Senator del Valle? She hasn't read it into the record yet. My fault. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 66.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Thank you. Senate Bill 66 codifies the implementation of the 21st Century Community Learning Center Grant Program. This is a federal program that's in place. It's part of the No Child Left Behind education -- federal Education Act. The State of Illinois is receiving dollars currently and the first round of grants have been approved. There'll be a second round coming late March. The difference between the federal law that we're

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codifying here and what is in this bill is that we also allow for, again, subject to appropriation, for the State to include dollars down the road for supporting after-school programs - high-quality, academically based, after-school programs that include family-centered education activities. I'll be glad to answer any questions.

PRESIDENT JONES:

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

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

PRESIDENT JONES:

He indicated he will.

SENATOR CRONIN:

Senator del Valle, you -- you stated in your opening remarks that this is a codification of the federal No Child Left Behind, and I would take issue with that. I -- I -- I would direct your attention to page 2, line 7 of the bill. You reference the use of State funds subject to appropriation, talking about other high-quality, academically based, family-centered education activities. Our reading of the bill, and -- and it seems pretty clear, that this goes beyond the federal No Child Left Behind, and that portion of the bill nobody has a problem with. But I think this is a problem because it puts additional fiscal pressure on the State Board of Education, and we keep passing bills that are putting more financial burden on -- on agencies like the State Board. I -- I just -- I don't know how we're going to pay for it. It would be irresponsible to vote Yes on this bill in its current form.

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Well, Senator Cronin, I did state that the difference between the federal law and what is in this bill is that we allow for the State to be able to, subject to appropriation, fund after-school program activities. So, I -- I want to make sure that -- that everyone understands that. But let me -- let me, at this point, state what I think will be stated time and time again around here. So, let -- let's get it out of the way

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right now, and I think it's -- it's the right time. It's the first day we're dealing with 3rd Reading. We're going to be seeing other bills that are going to be subject to appropriation. "Subject to appropriation" means that we have to make the decision as to whether or not we are going to include in the budget dollars for a particular activity. If we make that decision and the majority supports that decision, then the dollars are in the budget and the activities will be funded. If we don't make that decision, then the activity is not funded, but the activity reflects our public policy concerns. In this case, we're talking about after-school programs, and we're talking about after-school programs in schools that are under tremendous pressure to improve their test scores because of legislation that we have passed here. There's tremendous pressure. We talk about the need to extend the school day and to provide support - tutoring support, for example - for youngsters that are below norm in terms of their academic achievement. Here, what we're stating with this is that we support the federal program that's in place right now and recognize that the State - the State - has an obligation also, not just the federal government, to support after-school programs throughout the State. Now, if you don't want to support that, then that's -- that's fine with me, but this is a public policy statement that's being made in this bill and that's what I think we're going to be doing a lot around here with many pieces of legislation. We are going to make public policy statements. We are going to say: This is what's important to us. Whether you agree with that or not, it's up to each individual legislator. But it's a statement that we want to make in bills, and we'll make that statement time and time again, and that's why you'll continue to see "subject to appropriation". But I don't think that we should keep from promoting public policy, education policy in particular, that is good for the children of the State of Illinois and always say that the reason we can't support that policy is because we don't have money. Well, we'll never have enough money, but we can certainly set up the framework so that when the time comes for us to be able to make some decisions within certain parameters,

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that we will make the kinds of public policy/education policy decisions that make sense in the State of Illinois.

PRESIDENT JONES:

Senator Cronin.

SENATOR CRONIN:

Senator del Valle, no doubt you make -- you make many wonderful points. I just want everyone to remember when we're here in June and July and we're trying to figure out how to pare down the budget and permit the -- the Governor or your Party to fulfill his promises, these votes today that we take are going to be votes that you may -- may find a lot harder to undo at that late juncture.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I'm one of those folks that, in committee, have been voting against these bills because they are subject to appropriation, not necessarily because of the content. And -- and they are good programs and maybe we do need -- need to be making some of these policy decisions. But at the same time, what we're doing is building expectations that we cannot possibly afford to meet at this point, so you need to keep that in mind as you vote. And I would certainly encourage my -- my fellow Senators to either vote Present or No.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Thank -- thank you, Mr. President. You know, originally -- just a thought to the sponsor. Originally, had no problem with this bill because certainly we all agree that after-school programs are good. They're good for your kids; they're good for my kids. I mean, in all of our families, it's a good thing. But for -- I -- I hope that when the question is asked on this Floor in the future, "How's it going to impact the budget?", that all of us recognize that responsible public policy - not, you know, a dream in a wonderland - responsible public policy has to take into consideration the budget constraints. Because we want many things for our constituents and we share your concern, but I -- I don't think, in order to make your points,

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that you'll have to make it so forcefully that, "Well, this is going to be outside of a budget." Responsible public policy is going to have to take into consideration our -- our budget.

PRESIDENT JONES:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I appreciate the sponsor working hard on this bill. I think some of the successes that we've had in the transition from welfare to work was granting the Department of Human Services flexibility to do the Teen REACH Program, where we engage children in after-school activities. My fundamental concerns about this bill relate, in many ways, to states' rights. A lot of people on both sides of the aisle were very frustrated when Congress injected itself into writing school policy at the federal level. A lot of us think that maybe they ought to work on diplomacy and building aircraft carriers and meeting some of their other obligations for previous ideas. I just think it kind of sends a bad message to take a federal program and write it into state statute. And so, even if the federal government withdraws its mandates on education and sends us the money that they ought to be participating in rather than their -- their good, centrally thought of ideas that don't work in the fifty states, we'll have this program kind of lingering on our books. And at a time when we're unable, at this point, to answer the questions in our school districts of whether we can make the general State aid formula payment and when we can't get action from the House 'cause Members in this Body twice supported appropriation bills, supplemental bills, to pay the payment, I just think, you know, it may be a good time to hold bills like this until we can get some answers from the Executive Branch. What -- I don't know what kind of signal we send local school districts. We say we believe in -- in local governance, we trust our school boards, yet we mandate the programs. "If you're going to have this money, it's going to be spent this way." We tell 'em we want -- we're going to provide dependable school funding - in fact, Senate Bill 1, I think, is a continuing appropriation for -- for school funding - and yet, we can't seem to get a decision out of our colleagues across the

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Rotunda or the Governor's Office on the general State aid formula that -- that is hanging in abeyance. School districts across the State are trying to decide how they're going to make ends meet if we don't make that last general State aid formula. So, I appreciate the hard work of the sponsor. I think there's some good ideas in this, but, regrettably, at this time, I can't support it.

PRESIDENT JONES:

Senator del Valle, to close.

SENATOR DEL VALLE:

Thank you, Mr. President. We're, I think, getting out of the way here an important debate that was going to come. I -- I figured it would come real soon and didn't realize it would come this soon. But I'm glad. I'm glad we're talking about this because our responsibility as legislators, Senator Lauzen, is to, of course, act responsibly when we, on behalf of the people, shape public policy. These bills that you will see before you do just that. The only difference is that now, in this Chamber, the policy is being shaped on this side of the aisle rather than on that side of the aisle. But that policy needs to be shaped, and it's up to us to provide leadership and advance these issues. The budgetary process will impact on this. And I think it's very responsible for us to say in our bills that if after we negotiate a budget with the Governor, and with all parties involved, if the dollars aren't there, then the activity is not funded. That is the responsible thing to do, and that's exactly what we intend to do. The irresponsible thing to do would be to have a bill that was not subject to appropriation. Then you could say: How are you going to pay for this? But, no, we are doing the responsible thing by saying, if we cannot come up with a budget that has enough money to expand an activity that is already being a hundred-percent funded by the federal government but needs to be expanded because eighty percent or more of our school districts are doing deficit spending and they desperately need, particularly those underperforming schools desperately need, additional support, that's what we do with this bill. But we know that if we can't come up with an agreement on the budget, then we can't proceed. That's the responsible thing, and I ask you to support this bill.

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PRESIDENT JONES:

The question is, shall Senate Bill 66 pass. All those in favor will signify by voting Aye. The 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, 16 Nays, 3 voting Present. Senate Bill 66, having received the constitutional majority, is declared passed. Senator Roskam, what purpose do you rise?

SENATOR ROSKAM:

Parliamentary inquiry.

PRESIDENT JONES:

State your point.

SENATOR ROSKAM:

Thank you, Mr. President. Mr. President, yesterday you were not in the Chair and we all got a little confused, 'cause I think, actually, you weren't here, and -- or, you weren't in the Chair and maybe the new folks that were in the Chair were a little reluctant to give a ruling. And -- and I understand that. So, we -- we kicked around an idea yesterday that I'm inquiring of you. And I think you heard a little bit about this, and that is, there's been an inconsistent application over the past several days on the part of chairmen of committees here in the Senate who, on the one hand, are putting bills into subcommittee sometimes by roll call - which I would suggest is the -- the proper way to do it - and sometimes creating the fiction of a -- a discretion that I don't think they have. One of the things that we talked about yesterday, Mr. President, was whether this had happened in the last General Assembly, and I've got, in my hand, a number of roll calls, and I'll be happy to provide 'em for you or to anybody else that's interested, but these would be the -- the documents that actually came from the -- the Senate Insurance Committee, the Senate Education Committee, the Executive Committee, Energy and Environment, and Agriculture, and the Judiciary Committee. And in fact, the Judiciary Committee one is probably most interesting and the best example of what I'm talking about in that it requires -- it actually has the signatures on motions to put bills in subcommittee. They're actually written motions. So, my question, Mr. Chairman -- or, Mr. President, is: In your view

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as the Presiding Officer, can you tell me what your view is on whether chairmen can do this by fiat, or whim, or whether they need to do it as a matter pursuant to a motion and agreement of the majority of the committee?

PRESIDENT JONES:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Senator Roskam, I was in the Minority last year, as you well know, and often, often, chairmen of committees sent our bills to subcommittee without a vote, without notice, without anything, and they were very pompous and mean-spirited about it. At least we're nice about it, so take that into consideration.

PRESIDENT JONES:

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. I don't want to belabor my inquiry, but could you give me your ruling, please, sir?

PRESIDENT JONES:

If I can take the prerogative of the Chair, Senator Roskam, since you were -- I don't believe you were here last Session or many other Sessions prior to. We have followed past custom. I believe most Members who were here can tell you that. We try to be fair. But past custom -- I know the staffs of both sides will work together and they come up with a list and they agree on, and we -- we sat there and we agreed on to do various things. It was not uniform, as such, and this -- so we follow past practices. Senator -- Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Am I to interpret your -- your -- your ruling as -- as different than my observation?

PRESIDENT JONES:

That was not a ruling. Let me give you my ruling.

SENATOR ROSKAM:

Okay.

PRESIDENT JONES:

In the opinion of the Chair, Rule -- Senate Rule 3-1(c) provides the chairperson of a -- of a committee with a general grant of authority to implement and supervise the business of

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that committee and to designate which legislative measures shall be taken up. It is therefore at the discretion of the chairperson of the committee as to which legislative measure, if any, will be referred to a subcommittee. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, for that clear ruling. I appeal the ruling of the Chair.

PRESIDENT JONES:

The question is -- Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I have a parliamentary inquiry as -- how many votes does it take to appeal the ruling of the Chair? Hundred and two?

PRESIDENT JONES:

Well, we're going to be fair. We're going to say thirty-six. We'll be fair. Senator Demuzio.

SENATOR DEMUZIO:

I don't -- I don't know what I'm -- I'm voting on. Can the gentleman restate his motion so I know precisely what his -- what his motion is? I mean, he filed a written motion, did he not? I would ask that the Clerk, perhaps, read the motion. Is that what -- is that -- is that the order of business we're on?

PRESIDENT JONES:

I was within hearing distance where I heard the debate as of yesterday, Senator, and I know the request was made of you to file that motion in writing. You're making the same request today. And -- and you did not file that motion. So, it -- I -- I question whether or not you're being dilatory. Or are you really genuinely sincere? Senator Roskam.

SENATOR ROSKAM:

Well, Senator -- or, Mr. President, if you could look into my heart, you'd know I'm sincere. And my question is -- Mr. President, you -- you've already -- you've already ruled. You gave the ruling, so -- in fact, two points. One is just sort of a point of information, and that is, a parliamentary inquiry is always timely; it's always appropriate. That's Robert's Rules of Order. But let's not even run down that track right now. You have given me a ruling and pursuant to the Senate Rules, I do appeal the ruling of the Chair. So I think the motion is, in

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answer to Senator Demuzio's question is -- or, the question is, shall the Chair be sustained.

PRESIDENT JONES:

Senator Demuzio.

SENATOR DEMUZIO:

All right. So, everyone's edification, if -- if the Chair is to be sustained, it takes an Aye vote. Is that correct?

PRESIDENT JONES:

You are correct. The question is, shall the ruling of the -- of the Chair be sustained. All those in favor, vote -- vote Aye. Those -- Aye to sustain the ruling of the Chair. Vote No to overrule the ruling of the Chair. The voting is open. Have all who -- voted who wish? Have all who -- voted who wish? Have all voted who wish? Take the record. On that question, the -- the Ayes have 32 votes, the Nays 22 votes, and the ruling prevails. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. And -- and since you are truly the President and you are in the Chair, I just want a point of order, if you would, please, sir.

PRESIDENT JONES:

State your point.

SENATOR WATSON:

The previous sponsor of legislation made reference to the fact that let's get this issue behind us and let's get this issue out of the way, when we questioned the -- the spending practices of this particular Body. And I just want to tell you and I want to tell the other Members, this isn't going away. Someone around this Body and somewhere, whether it's not here in the Senate, if it's not going to be in the House, if it's not going to be in the Governor's Office, somebody's got to say no. Somebody has to have some discipline, and we don't seem to recognize that as we see these bills that are being introduced and they're coming out of committee, most of 'em on partisan roll call. Unfortunately, we are breaking the bank, Mr. President. And I hope that you have some fiscal responsibility, and I know that you do. But someone somewhere is going to have to say no.

PRESIDENT JONES:

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Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you. I -- I am cognizant and aware of that. The last ten years have been horrific. Hopefully we'll be able to correct that. Thank you.

PRESIDENT JONES:

Senate Bill 70. Senator -- take it out. Senate Bill 76. Out of the record. Senate Bill 81. Senator Cullerton. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 81.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a bipartisan bill that deals with the issue of the Comptroller having to annually provide a list of all persons employed by the State. They have to name the employee and the address in which the person votes. There is an exemption in the law right now for people employed by the Department of Corrections, Department of Children and Family Services and the Department of State Police for the address to be listed. So, for those three, the address does not have to be listed. What this bill does is to add to that list all Supreme Court, Appellate Court, Circuit Court and Associate judges so that the judges would -- would still have their salaries disclosed and their names, but they would not have to disclose the address of the judges. Be happy to answer any questions and ask for an Aye vote.

PRESIDENT JONES:

Is there any -- any discussion? Is there any discussion? Senator Cullerton, to close.

SENATOR CULLERTON:

Just ask for a favorable vote.

PRESIDENT JONES:

The question is, shall Senate Bill 81 pass. All those in favor will signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, 1 Nay, 1 voting Present. This bill, having received the constitutional majority, is declared passed. Senator Walsh. Senate Bill 82. Out of the record. Senator Link, on Senate Bill 83. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 83.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This bill addresses a measure that was -- addresses the unintended consequences of the property tax that have prevented the Forest Preserve District of Cook County and fifteen park districts from making necessary capital improvements and repairs. This -- Senate Bill 83 will authorize the issuance of additional bonds for critical capital improvements for maintenance and repairs by the Forest Preserve District of Cook County and fifteen park districts: Bedford Park, Bloomingdale, Carol Stream, Dolton, Downers Grove, Elmhurst, Glencoe, Grayslake, Highland Park, Joliet, Lockport, Lombard, Waukegan, Winnetka, Woodridge. When we're talking about fiscally conservative and we're talking about watching our dollars and we're talking about penalizing those who were fiscally inconsistent with what they've been doing in the past, Senate Bill 83 does not seek to change the underlying provision of property tax cap. It merely addresses a problem created by certain local government bodies when 1994 abruptly designed the base year for calculating the tax cap. The Forest -- District of Cook County, for example, was, in effect, penalized because of 1994. It had reduced its bond indebtedness to only ten percent of its authority. The fifteen park districts included in this legislation had similar situations. I'll be willing to answer any questions.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

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Thank you, Mr. President. Thank you, Senator Link, for the appeal to our fiscal responsibility. But while you're describing the original bill, could you share with the gathered Senate here the amendment that you tied to the original bill, please?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Senator Lauzen, that -- the amendment is -- the bill that I was speaking to, alluding to, is part of the amendment. That -- the forest preserve that we were talking to, in Cook County, is part of the amendment and that is the authorization that the Forest Preserve District was not in the original -- Cook County Forest Preserve District was not in the original part of the district. What that would do in Senate Bill 83, as amended, would add additional bonds up to one hundred million dollars to pay long-delayed major repairs and improvements for facilities throughout Cook County and their two valued institutions that are owned by the people of Cook County: Brookfield Zoo and the beautiful Chicago Botanic Gardens. It would also add that -- the bonding of the Brookfield Zoo and be able to bring them up to the facilities and bring major bonding for the Forest Preserve of capital improvements.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

So, what you're saying is that Senate Bill 83, as amended, provides Cook County Forest Preserve, among others, with the authority to borrow one hundred thousand dollars without asking the voters. Is that correct? I'm -- I'm sorry. A hundred million.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Well, it would allow -- it would allow Cook County Forest Preserve District to bring its bonding to bond a hundred million dollars for its Zoo, its Botanic Gardens and to do necessary repairs to its Forest Preserve. And, yes, you are totally correct in what it would be allowed to do in that. And this was

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caused by its consequences not to be allowed to bring it up to its levy, that if they would have been, probably, at a high indebtedness in 1994 like a lot of, possibly, other park districts, if they would have been fiscally mismanaged in 1994 when the tax cap went in to, they probably would not have been at this problem. But they were fiscally prudent, as these other fifteen park districts were, and they were penalized for being sound, fiscally responsible districts. And I don't think we should be penalizing them and I think they've been penalized long enough, for these last nine years. And I understand your great concern, but I think it's long been overdue.

PRESIDENT JONES:

Senator Lauzen, bring your remarks to a close.

SENATOR LAUZEN:

Well, I have several questions, Mr. President. Without -- so, what you're saying is that this is the authority to borrow one hundred million dollars without asking the voters. So, does this create an exemption to the tax cap?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Yes.

PRESIDENT JONES:

Senator Lauzen.

SENATOR LAUZEN:

Then I would ask -- I would ask just a couple of questions. Why would we not ask the voters? What's your philosophical concept of why not ask the voters before we obligate them with a hundred million dollars' worth of additional debt?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

We are asking for this bonding to bring them up to where they would have been had they been allowed to not be in -- in this situation that they were at this time. I think that the consequences that they are facing are because of the fact that they were fiscally prudent at the time, and I -- I think they were unjustly caused in with the tax cap. And I think that the -- the problem was very simple: Had they been mismanaged or if

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they'd been fiscally inconsistent at -- in 1994, they wouldn't be in this situation, and I think they were unjustly brought down. And I think that they paid the penalty, and I think that all we're doing is trying to correct a wrong.

PRESIDENT JONES:

Senator Lauzen, bring your...

SENATOR LAUZEN:

Thank you.

PRESIDENT JONES:

...remarks to a close.

SENATOR LAUZEN:

Thank you, Mr. President. Thank you for your indulgence, Mr. President. I would just ask -- then let me put two questions together. Will this -- will this result in a tax increase, and how much will that tax increase without voter approval be for a typical two-hundred-thousand-dollar home? And could you address the recent news reports about the management changes at the Cook County Forest Preserve and has that been -- has that been stabilized at that point? So, will it result in a tax increase, how much will it affect the typical two-hundred-thousand-dollar house, and could you address the management changes that have been occurring?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

The increase will be approximately a dollar fifty cents for a three-hundred-thousand-dollar assessed -- for -- per hundred-thousand-dollar assessed valuation for a home. I think this is a very small amount for the beautiful Botanic Gardens, the -- the world-renowned Brookfield Zoo, the -- the world-renowned Forest Preserve and the fiscally sound system that they had to work under for the last ten years. And I -- I appreciate the -- the questions and the concern my colleague has addressed, but I think it's long overdue, and I -- I -- I think Cook County and these other forest -- other park districts deserve this consideration.

PRESIDENT JONES:

Senator Viverito.

SENATOR VIVERITO:

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Thank you, Mr. President. I rise in favor of this particular bill simply because I'm totally and completely familiar with the Cook County Forest Preserve, as well as the wonderful Brookfield Zoo and many of the particular park districts not only in Cook County, but outside of Cook County, that have had a very detrimental effect on -- with tax caps. Frankly, the Cook County Forest Preserve was almost not even able to meet its payroll. I also know that President Stroger today is completely changing many of the particular positions at the Cook County Forest Preserve. But believe me, gentlemen, when I tell you this: A lot of you, even some here, belong to country clubs, but when I grew up, the country club was the Cook County Forest Preserve District. I skied there, I swam there, I horseback ride there and, you know, all my grandchildren do that today. I'm asking you because I'm telling you, tax caps have been wonderful in a lot of areas, but when it comes to park and recreation and the Cook County Brookfield Zoo, Bionical {sic} Garden, all of those particular things are essential to the well-being of society. I ask you. I know those country clubs you belong to, but give us a break in Cook County. Let us have a recreational place for our kids, too. Thank you very much.

PRESIDENT JONES:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. And with all due respect to Senator Viverito, I've been a twenty-eight-year taxpayer in Cook County and I don't belong to any forest preserves. I'm glad that you're passionately concerned about the forest preserves, but a lot of us would like to know, suburbanites, where that passion and interest was in the management of the Forest Preserve over the last twenty years. This is exactly the wrong time to hand them a blank check. You can't pay operational expenses or meet payroll with a bond issue. This -- if -- if they've cleaned up their act, if -- if President Stroger is finally committed to reforming the Cook County Forest Preserve, let's let him do that and come at the end of Session to give him bond authority. For you to blithely stand up and talk about this is critical to the Forest Preserve, what's critical is reforming the management. That's what Crain's Chicago Business says,

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that's what Chicago Sun-Times says, that's what the Chicago Tribune does. Don't make this a country club thing; it's a management thing. How can you reward what's gone on for the last ten years of neglect of the gem of the Midwest and say we're irresponsible for talking about objecting to you passing a tax increase here that should be referendumed in Cook County? There are voters in Cook County. They get to the polls. There's no reason that we don't go to those voters to give them a chance to have a voice in the management of their Forest Preserve. This is wrong. It's not the right time. I respectfully ask the sponsor to take this out of the record, remove the Cook County portion and let us vote on the park district part, if he believes that's important.

PRESIDENT JONES:

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and the Members of this Body. I want to thank Senator Link for carrying this bill and bringing it forward. You know, what's happening to Cook County Forest Preserve District is the same thing happening at the park district; that is, we are not -- one, we have put this cap on 'em and they have not been able to do the great things in those areas that actually could benefit most of our folks. I think one of the speakers who just spoke was talking about that these -- that these dollars will go for operations. If you read the bill, they are not for operations. These bills said specifically that these dollars will go towards making capital improvements for major repairs in connection with the zoological park. It goes further on to say that these -- purpose of making improvements in connection with the botanical gardens and the corporate authorities. There's nothing in here that says anything about operational dollars. So -- and as a consequence of that, this bill affects only capital bonded indebtedness and it will improve the Forest Preserve assets all throughout Cook County, and as well as those park districts.

PRESIDENT JONES:

Senator Rutherford.

SENATOR RUTHERFORD:

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Mr. President, thank you. You know, the Brookfield Zoo is a real treasure. There's no question about it. The Botanic Gardens is an absolute jewel and treasure of the State of Illinois. If the sponsor would yield, my question is, is this geographic specific?

PRESIDENT JONES:

Sponsor indicate he'll yield. Senator Link.

SENATOR LINK:

Yeah. It affects only the fifteen -- fifteen park districts which are in Will, DuPage, Lake and the Cook County Forest Preserve District, because those are the only ones that were affected when the tax cap went into effect, Senator.

PRESIDENT JONES:

Senator Rutherford.

SENATOR RUTHERFORD:

...much. Thank you. What about other park districts, for example, in other parts of the State, where we have tax caps? I mean, we've got some jewels and treasures, maybe not nearly as gracious as the Brookfield Zoo or Botanic Gardens, but they do exist. And is this -- is this somewhat discriminatory?

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

None whatsoever, but they were not affected in the way that these districts were affected.

PRESIDENT JONES:

Senator Rutherford.

SENATOR RUTHERFORD:

But they have had effect and they have had a negative effect.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

They were at their indebtedness at the time when the caps went into effect. The -- the districts that were affected in the fifteen park districts and the -- and the Forest Preserve, as I indicated, were at a low indebtedness and that's why their effect is what it is today.

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Senator Rutherford. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I'd like to request a Republican Caucus immediately, for about -- approximately thirty minutes.

PRESIDENT JONES:

After we adjourn? We plan to adjourn around 2 p.m.
Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. The words I used were "immediately". Thank you.

PRESIDENT JONES:

Senator Demuzio.

SENATOR DEMUZIO:

Is it -- is it the -- is this going to be a practice that we're going to start going to caucus during the middle of the Order of 3rd Reading, in the middle of a bill, when we're about to -- to close? It seems to me the orderly fashion would be to finish our business and then whatever order of business comes next, if that's what they want to do, is go to caucus, that's fine. But it's -- it's up - it's up -- the prerogative of the Chair as to what we're doing here.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just in response. This is a very important bill to Members on both sides of the aisle. We'd like to discuss it and we'd like to have an opportunity to look at its ramifications. It undoes some things that we've been very supportive of in the past, so we'd like to have our caucus immediately. And as far as I can remember, a caucus has never been denied.

PRESIDENT JONES:

As far as you remember, it's never been denied, but it's never been taken during the course of debate of the bill that's up. So if you wish to have a caucus at the conclusion of this particular bill, you can have one. Senator Watson.

SENATOR WATSON:

Yes, sir. Point of order. I believe you're being advised by -- that we have -- we -- we've always granted the request for

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a caucus and you, Senator Jones, and your Party, during the last ten years, asked for caucuses several different times during the debate of a bill and we always granted that. Now, I think that that's a privilege that you ought to give the Minority, to be able to discuss this legislation. We're talking about a hundred million dollars here. We're not talking about just something -- and we're talking about an -- another irresponsible act and we want to discuss this as a caucus, and we ought to have that right.

PRESIDENT JONES:

Senator Demuzio.

SENATOR DEMUZIO:

No one said you were not -- being denied the opportunity to go to caucus. The fact of the matter is, is we were asking whether or not, since we were adjourning at 2 o'clock -- you never said you wanted to go to caucus with respect to this bill. It seems to me that this -- this is in order and you should be afforded the opportunity to go to caucus for six minutes or whatever -- whatever is necessary outside of fifteen to resolve this since we are adjourning at 10 -- I mean, at 2. So, that's all we were asking. And -- and to suggest that this is an irresponsible act, I don't even want to touch that one.

PRESIDENT JONES:

In response, Senator Watson, a caucus has always been in order but never -- we never try to do this during the debate on a bill. However, you wish to have a caucus meeting? We will return to the Floor at 2:15. Promptly at 2:15, we will proceed and finish this piece of legislation. Senate stays in -- stands in recess until 2:15.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDENT JONES:

The Senate will come to order. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move the previous question.

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The previous question has been moved. Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. This -- this bill has been debated, it's been talked about, and I'm going to do something that the esteemed -- and I consider a friend, the Minority Leader, did about seven years ago when I was this freshman in the Senate. And excuse my expression, but he scared the hell out of me. I was sitting in this chair and he has this way of raising his voice a little bit and he was trying to express a point on a bill, and he was talking about -- and I'm a freshman and I'm very nervous and I have a nervous condition anyway. And I'm very nervous and I'm looking at some bills, and he was talking about this bill and who it helped. And I'm looking at the bill and I'm looking at my computer, and he goes, "And Senator Link!" And I jump and I look around the room. And I thought somebody else in the room was with the same name as I had and I didn't know what he was talking about. And he kept on doing that to other colleagues of mine. But what he was trying to show was the importance of the piece of legislation that he was introducing, and he was trying to show how important that this legislation was to every area. The beginning of this bill, I named park districts and I named the Cook County Forest Preserve. It helps many of my colleagues in here. It helps Senator Geo-Karis. It helps Senator Wojcik. It helps Senator Dillard. It helps Senator Cronin. It helps Senator Roskam. It helps colleagues like Senator Garrett. It helps myself. It helps Senator Viverito. It helps all my colleagues from Cook County. It helps our park district. It helps our Forest Preserve. But it helps everybody from Illinois because we enjoy the Brookfield Zoo, we enjoy the Botanic Gardens, we enjoy the Forest Preserves of Cook County, and we want the best for our State. Is it going to cost the taxpayers of those districts a dollar fifty cents, maybe three fifty a year more? Yes. Did they not pay it for the last ten years because of the park district -- of the tax cap? Yes. Did the tax caps work? Yes, they have worked. And as I've talked to my colleagues, do we need to look at the tax caps from the top to bottom? Yes, we do. Has it affected our school districts, has it affected our

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park districts, have it affected our municipal governments? Yes, it has affected 'em. We need to look at 'em from top to bottom. But we're talking about fifteen park districts and we're talking about the Cook County Forest Preserve that were fiscally prudent and it adversely affected them. We're not talking about somebody that was spending out of control. We're talking about somebody that was in control that we punished with the tax cap, and they had to pay for it for the last ten years. I'm asking you to do the right thing for not only the State of Illinois, but for the kids of Illinois and for the people of Illinois and do right. And let's not play politics on this one, and let's get a lot of green lights up there. Thank you.

PRESIDENT JONES:

The question is, shall Senate Bill 83 pass. All those in favor will vote Aye. Those opposed, 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 33 voting Aye, 20 Nays, 1 -- 2 voting Present. Senate Bill 83, having received the required constitutional majority, is declared passed. We'll now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDENT JONES:

If there -- is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, signify by saying Aye. Nays. The Ayes have it. The motion carries and the resolutions are adopted. We will now go to the Order of 3rd Reading. Senate Bill 106. Senator Cullerton. Out of the record. Senate Bill 110. Senator DeLeo. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 110.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT JONES:

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Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 110 is a very interesting bill, and if I could have everybody's attention for just a second. I'd like to explain how this came about. I'd like to explain what 110 is about and then I'd like to tell you where this originated from. Senate Bill 110 is that no individual may operate a child care facility or receive a license to operate a child care facility, to be employed in a child care facility or reside in an adult {sic} care facility if the person has been declared a sexually dangerous person under certain Acts or has been convicted of committing or attempting certain felony or misdemeanor offenses. And we make the term very, very clear in this legislation. Child care facility - it includes day care homes and group day care home. And if you'd just bear with me for one second, I'd like to tell you how this came about. In Cook County, the prosecutors are alleging that a young woman caused the death of a young -- young baby that was just fourteen months old, the - - a young baby by the name of Jasmine Mitchell. It was last June. Was taken -- this lady was taking care of this toddler in her south side day care home and the baby suffered head injuries, a broken collarbone, a broken left arm and an eye hemorrhaging, what the autopsy produced. We found out that under the current Illinois law, this woman that was operating this day care center, she had a criminal background but it did not bar her from getting a licensed care home for children. And if you think about that for a second, in Illinois, a convicted ex-felon can't get a job mopping floors in a -- in a senior citizen home, but a woman who is living a foul life can be licensed to baby-sit. And I -- I tell you, I find this unacceptable and I find it deplorable. She got a license as a child care provider in the State of Illinois after being convicted of crimes. I think this is -- this bill will certainly change the procedures on how DCF {sic} (DCFS) issues licenses. We -- we passed -- Welfare Reform Act a few years and make sure women could get back in the workplace, and I think that we could come up with some sort of Child Care Act tough enough to keep children out of troubled hands so this situation

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would never happen again. We had some concerns in the committee from the Day Care Action Council of Illinois about getting people employed. The amendment that we adopted in committee addresses their concerns. And I think this is really some fine legislation, something that's long overdue. And if we're going to put children in child day care centers, we certainly want them -- people not with convicted crimes, and I'd ask for a very favorable roll call on this.

PRESIDENT JONES:

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDENT JONES:

He -- he indicates he will.

SENATOR RIGHTER:

Senator, first, thank you for your outstanding presentation in committee, and I know you -- there were several questions that were asked. One of the points that was raised in committee that I think it's important for the Members to hear is that if someone has been licensed to run a day care facility presently, under what is the law now, and this becomes law, when their license comes up from renewal, then they will be subject to not being renewed if they fall within the -- the difference between what these provisions are than what law currently is. Is that correct?

PRESIDENT JONES:

Senator DeLeo.

SENATOR DeLEO:

That's correct and there's some -- we -- in the DCF guidelines, they'd have to meet the requirements that's spelled out in this legislation to get relicensed.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

And the -- and the -- the terms of this bill apply not just to the people who are employed by the facility. That's correct, isn't it?

PRESIDENT JONES:

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Senator DeLeo. Got a slight malfunction in the electronic system.

SENATOR RIGHTER:

This -- this would...

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. This would encompass siblings or -- or children of the parents who are operating the -- the child care facility also. If they fall within the parameters of this, then the person who holds the license could be subject to losing their license, as well. Is that right?

PRESIDENT JONES:

Senator DeLeo.

SENATOR DeLEO:

Correct.

PRESIDENT JONES:

Senator Righter. Senator DeLeo, to close.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I -- I think that what just happened, in the incident that I just repeated, I think this really raises a red flag that it needs -- what we need to know about a person who gets a license in Illinois. And if we're going to allow these home day care centers, I certainly think they should -- our children, our most protected, valuable assets in the world, our children, should be protected. I'd ask for a favorable roll call, Mr. President.

PRESIDENT JONES:

The question is, shall Senate Bill 110 pass. All those in favor will vote Aye. Opposed, Nay. The -- the voting is open. We have a malfunction. Hold... 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, no Nays, no one voting Present. This bill, having received the required constitutional majority, is declared passed. Senator Sullivan, what purpose do you rise?

SENATOR J. SULLIVAN:

Mr. Chairman, point of personal privilege.

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PRESIDENT JONES:

State your point.

SENATOR J. SULLIVAN:

Colleagues here in the Senate, I have with me here today the Mayor of Macomb, Mr. Tom Carper. He has served the Mayor as Mayor of Macomb for, I think, twelve years - is that right? - and he is retiring. And I'm really honored to have him here with me today. He's done an outstanding job of Mayor over in western Illinois, and in Macomb, and really delighted. Like everyone to give him a nice round of applause. I appreciate him coming here today.

PRESIDENT JONES:

Order of Resolutions. Senator Demuzio, do you wish to proceed on the adjournment resolution? Madam Secretary, read the resolution.

SECRETARY HAWKER:

Senate Joint Resolution 25, offered by Senator Demuzio.

(Secretary reads SJR No. 25)

PRESIDENT JONES:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This is the adjournment resolution. Calls us to come back next Tuesday at the hour of 11. That would be March -- I'm sorry, at the hour of 12, on March the 11th. I would move to suspend the rules for immediate consideration and adoption of Senate Joint Resolution 25.

PRESIDENT JONES:

Senator Demuzio moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 25. Those in favor will say -- Aye. Opposed, Nay. The Ayes have -- have it. The rules are suspended. Senator Demuzio moves for the adoption of Senate Joint Resolution 25. All in favor of the motion, signify by saying Aye. Nays. The Ayes have it, and the resolution is adopted. There being no further business to come before the Senate, then pursuant to the adjournment resolution, the Senate shall stand adjourned until the hour of noon, Tuesday, March 11th, 2003. The Senate stands adjourned.