

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

HB0235	Third Reading	7
HB0235	Vote Intention	16
HB3543	Third Reading	2
HB3640	Recalled	6
HB3640	Third Reading	6
SB0059	Concurrence	28
SB0105	Concurrence	29
SB0154	Concurrence	31
SB0190	Concurrence	32
SB0199	Concurrence	32
SB0228	Concurrence	33
SB0257	Concurrence	34
SB0263	Concurrence	34
SB0272	Concurrence	37
SB0329	Concurrence	38
SB0332	Concurrence	39
SB0332	Vote Intention	39
SB0386	Concurrence	40
SB0386	Out Of Record	40
SB0566	Concurrence	40
SB0639	Concurrence	41
SB0680	Concurrence	42
SB0686	Concurrence	44
SB0689	Concurrence	45
SB1400	Third Reading	19
SR0176	Resolution Offered	2
SR0177	Resolution Offered	18
SR0178	Resolution Offered	18
SR0179	Resolution Offered	49
Senate to Order-Senator Hendon		1
Prayer-Pastor Brandon Boyd		1
Pledge of Allegiance		1
Journal-Approved		1
Journals-Postponed		1
Messages from the House		1
Committee Reports		2
Senate Stands at Ease/Reconvenes		16
Committee Reports		16
Senate Stands in Recess/Reconvenes		48
Committee Reports		48
Messages from the House		50
Adjournment		50

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

PRESIDING OFFICER: (SENATOR HENDON)

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 Pastor Brandon Boyd, Loami Christian Church, Loami, Illinois. Pastor Boyd.

PASTOR BRANDON BOYD:

(Prayer by Pastor Brandon Boyd)

PRESIDING OFFICER: (SENATOR HENDON)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Thursday, May 22nd, 2003.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Woolard moves the Journal -- to approve the Journals just read by the Secretary. There being no problem, so ordered. Senator Woolard.

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journals of Friday, May 23rd, and Tuesday, May 27th, in the year 2003, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Woolard moves to postpone the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, so ordered. All Members please come to the Senate Floor. We are about to go to 3rd Reading, to House Bills 3rd Reading. Would all Members please come to the Floor? Madam Secretary, Messages from the House.

SECRETARY HAWKER:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

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

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

Senate Bill 46, together with House Amendment No. 1.

Passed the House, as amended, May 27th, 2003.

I have like Messages with respect to Senate Bill 274, with House Amendment 1, and Senate Bill 1638, with House Amendment 1. Both passed the House, as amended, May 27, 2003.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 43, with Senate Amendments 2 and 3. Nonconcurred in by the House, May 27th, 2003.

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Clayborne, Chairperson of the Committee on Environment and Energy, reports House Joint Resolution 12 Be Adopted.

And Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, reports House Bill 46 Do Pass.

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 176, offered by Senators Shadid, Risinger and all Members.

It's a death resolution.

PRESIDING OFFICER: (SENATOR HENDON)

Resolutions Consent Calendar. All Members please be at their desks. On page 33 -- on page 72, 72 of your Calendar, is the Order of House Bills 3rd Reading. This is final action. House Bill 3455. Senator Collins. I mean, Senator Obama. Senator Obama, on House Bill 3455. Out of the record. House Bill 3543. Senator Munoz. Madam Secretary, read the bill.

SECRETARY HAWKER:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

House Bill 3543.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3543 amends the Metropolitan Transit Authority Act regarding competitive building {sic}. It increases to twenty-five thousand, which is now ten thousand, the cost of construction or acquisition of services or public transportation facilities by the Metropolitan Transit Authority which requires public notice and public building {sic}. The proponents, Chicago Transit Authority. In 1990 the General Assembly had passed a bill for -- which is ten thousand now, and now it's less than seventy-five -- seventy-five hundred just in order to account for inflation over the thirteen years. Bidding threshold would have to rise more by fourteen thousand. I'll attempt to answer any questions, if necessary.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Roskam.

SENATOR ROSKAM:

Senator, this is like one of those bills that we rejected last week, isn't it? There was a bill that would have changed the bidding structure and so forth, and -- and it failed with only twenty-four Senate votes. Now, this is similar to that in that it raises the bidding threshold -- or, the non-bidding threshold - right? - from -- from ten thousand dollars. The other bill was five thousand, but this goes from ten thousand and now it's all the way up to twenty-five thousand dollars. Is that right? No bid, twenty-five thousand?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

That's correct, Senator. It was ten thousand. Now we're asking for twenty-five-thousand. Again, as I stated, in 1990 General Assembly passed it. It's more than twelve years ago. And since then, the inflation has soared. So that's why they're asking for the increase now.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Senator, what is it that gives you confidence that a Governor that ran on reform and renewal, regeneration and a new way of doing business in the State of Illinois is going to sign a bill that lets bureaucrats make decisions and decreases accountability and gives them more ability to direct non-bid contracts to their friends and neighbors? What is it that animates that confidence in the Governor that he'll sign this bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

Senator, I can't speak for our Governor. If the bill passes here, then it goes to him and that's up to him for him to sign.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: Ladies and Gentlemen, this is the exact same confidence that went down -- or, the -- the exact same concept that went down in a ball of flames last week. It's been transferred now to another agency, and it's an agency, with -- with all due respect to any agency, I think, that doesn't need this type of authority. Remember, this is the concept that we rejected. This was the one that only twenty-four of us said was decent enough to put a green vote on. And this is one that really deserves caution. Let's reject the idea that people don't have to have bids for the types of jobs that are out there. This would give a lot of authority to a State agency and -- and a -- a regional agency that hasn't demonstrated any great need. Say no to this

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

concept. Say no to no bids, and do the right thing. Please vote No. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Soden.

SENATOR SODEN:

Senator Munoz, a question.

PRESIDING OFFICER: (SENATOR HENDON)

Sponsor indicates he will.

SENATOR SODEN:

How is this going to impact minority contractors?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

Senator, no different than they're affected now, sir.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Soden.

SENATOR SODEN:

Since the bill goes to twenty-five thousand dollars, there's a lot of small minority contractors that'll be bypassed by this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Munoz.

SENATOR MUNOZ:

That's not -- that's not the intent of the bill, Senator, to do that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Soden. Further discussion? Senator Munoz, to close.

SENATOR MUNOZ:

I would just urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 3543 pass. All those in favor will vote Aye. 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 27 voting Aye, 30 voting Nay, 2 voting Present. House Bill 3543, having not received the required constitutional majority, is declared failed. Senator Munoz.

SENATOR MUNOZ:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Yes, Mr. President. Request Postponed Consideration on 3553. I mean, -- 3453 {sic}.

PRESIDING OFFICER: (SENATOR HENDON)

The bill will be -- placed on Postponed Consideration. House Bill 3553. Senator Welch. House Bill 3589. Senator Schoenberg. House Bill -- 3640. Senator Demuzio. 3640? Madam Secretary, read the bill. This -- 3640 is on the order of recall. Senator Demuzio seeks leave of the Body to return House Bill 3640 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 3640. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senators Winkel and Demuzio.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is Senator Winkel and my bill. It creates the Military Flags Commission. It's been here before. I know of no opposition. Ask for the adoption.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? All those in favor will say Aye. Opposed will say Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. On the Order of 3rd Reading is House Bill 3640. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3640.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Thank you very much. This creates the -- Illinois Military Flags Commission. Purpose of assisting the Adjutant General with his responsibilities. Establishes a fifteen-member commission. I know of no opposition. Ask for your support.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall House Bill 3640 pass. All those in favor will vote Aye. 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 58 voting Aye, none voting Nay, none voting Present. House Bill 3640, having received the required constitutional majority, is declared passed. With leave of the Body, we will go to page -- of the Calendar. House Bill 690. Bottom of your Calendar on page 33. Senator Brady, for what purpose do you rise?

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR BRADY:

I would like to introduce to Ladies and Gentlemen of the Senate, Melissa Morrow, who is an honorary Page joining me today from University High School in Normal. She's joined by her parents, Joe and Lois in the Gallery. If you'd please recognize them.

PRESIDING OFFICER: (SENATOR HENDON)

Would our guests please rise and be welcomed to the Senate? Welcome. Bottom of page 33 is House Bill 690. Senator Obama. 690. Senator Obama. Out of the record. With leave of the Body, we will return to page 46 of your Calendar. 46. Bottom of your Calendar is House Bill 876. Senator Welch. 876. With leave of the Body, we'll go to page 24. Page 24 of your Calendar. Bottom of the Calendar, page 24, is House Bill 235. 235. Senator Clayborne, on House Bill 235. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 235.

(Secretary reads title of bill)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the -- the -- the Senate. The State of Illinois gives away nearly a -- billion dollars in grants, tax credits, infrastructure, and et cetera, a year to businesses in an attempt to create and retain jobs in Illinois. For many years, these programs had -- had little to no scrutiny. Money was given away and jobs were lost all around the State anyway. While development assistance is vital to assuring a continuing vital business climate, House Bill 235 provides some commonsense accountability to the process. First, it provides sunshine into process through disclosure, and it provides the ability of the State to collect some or all of the money back when the corporations do not comply with the agreements that they've reached with the State. This bill is a strong attempt -- a strong step towards accountability. It does not penalize the responsible companies that are good community partners, nor does it place any requirements on the State or the corporate recipients on arriving at development assistance agreement. It deals with the specific programs geared towards creation and retention of jobs. From January 2002 to January 2003, ninety-six Illinois communities were affected by mass layoffs. These communities reach regionally Rockford to DuQuoin, and in size from Chicago to Sesser. In these ninety-six communities, some forty thousand Illinois workers were put out of work. These statistics came from WARN notices, so they just -- they are just the large -- largest mass layoffs. Certainly not all. In fact, these numbers, because of the timing of the layoffs, don't even reflect two of the most recent layoffs, Motorola in Harvard and the planned shutdown of Maytag in Galesburg. Basically, what this bill does, it requires that those agreements that are retained or created by the -- entered into by the -- the State and the Department, that there will be disclosure and that whatever it is determined in terms of creation of jobs and retaining of jobs, that the State will hold them accountable. And if they do not retain those jobs, then there are certain clawbacks that have been only codified that

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

currently exist and the State will seek to be reimbursed for those -- those jobs that -- that were not created by these companies. I'm -- I'm available for any -- any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator Clayborne, my theory on -- on -- on the bills that you're carrying continues. You either carry the -- the easiest, happiest, wonderful 59 to 0 bills or you get the ones that are just such a heavy load it's unbelievable. And I think this is a heavy-load bill. Let me ask you a couple questions, and I -- I -- I can tell your shoulders are -- are quaking under the weight of this bill, but you're good. But let's -- let's just see what you got going on here. Remember when we talked about the SBC bill and I asked you a question? And you know what? Lo and behold, I -- I've got a transcript of what you and I said. And my question was, essentially, what in the SBC bill, Senator, is a guarantee that there's going to be jobs created? You know, where is the promise from SBC? And you sort of dismissed me. It was a good day for you, and just -- you just dispatched Peter Roskam pretty easily and you said, "I asked the same question that you're asking now, and I don't remember who it was, but it came from that side of the aisle. They said, 'How can you ask someone to guarantee jobs in a bill? How do you do that?'" So I'm learning from my colleagues on the other side, and I realize that that's not something that's feasible." Well, now today you're doing sort of a legislative pirouette, aren't you? It's pretty good. How is it that you're asking those same types of questions? Just -- just fill in the backlights on this whole scene that -- that I'm not -- I'm not quite getting.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Clayborne.

SENATOR CLAYBORNE:

Thank -- thank you, Senator. And -- and I, you know, you should be a judge at some point, because you really ask very

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

intelligent, inquisitive questions that I would love to answer, and I will answer. The -- the difference, Senator Roskam, in -- in what I talked about in terms of tax credits and tax deductions, in -- in terms of how many jobs will be created -- I mean, I -- my -- my colleagues across the aisle - and one of them is standing up - has always said that the more money you put in the pockets of people and the companies, then they will create jobs, spend more money. Well, the difference and -- and -- and what this bill does, it says Joe Company will come to Illinois, and if you give us fifty million dollars, we will create a thousand jobs and we will have wages at a certain level. And all we're saying in this bill is, if that's what you say, Joe Company, that you're going to create those jobs and -- and we give you, in exchange - you know, a meeting of the minds, Peter -- Senator - and we give you fifty million dollars, then we expect you to create the jobs that you said you would create. That's the difference.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Roskam. And we would -- the Chair would appreciate succinct questions and answers. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Senator, I appreciate that answer. Let me move on. You've got recapture language in here. Couldn't -- I mean, DCCA has the authority now to do recapture. Why don't we just rely on -- or, the -- you know, the new, renamed DCCA and so forth?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

All we did was codify their existing policies and procedures.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Last -- last question. And one of the elements -- and sort of, the teasing aside, one of the elements that I think is problematic in the bill is that it requires the posting and distribution of proprietary information. It would be subject to a Freedom of Information Act request, and I think that is a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

burden. That is something that -- that -- that the businesses that we're trying to recruit and -- and -- and come in to the State would really, I think, tend to resist or it would -- it would have a diminishing effect. So briefly to the bill, I -- you know, Senator Clayborne is -- is clearly among the best in his ability to advance legislation, which is why he's so attractive to people that can't find other sponsors to move tough pieces of legislation. He is the best. He is the A-Team. But this is one that I think we should spare him from himself, because it -- it will unnecessarily put proprietary information from businesses on the Internet, on -- and an availability of a Freedom of Information Act request that -- that is not necessary in order to accomplish the tasks. If this is information that DCCA needs, we can create something so that only DCCA gets it. But it clearly should not be in the public domain. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Shadid.

SENATOR SHADID:

Senator, on my analysis it shows that there are a lot of opponents, and is it accurate that your amendment has taken care of some of their concerns?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

That -- that is correct. At this point in time, the only group that I know that's opposed to this is the Illinois Chamber. The Illinois Manufacturers' Association is on board and the -- and the Retailers are neutral.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid. Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR RIGHTER:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Senator Clayborne, you mentioned that the Illinois Chamber is opposed to this, and -- and that raises a concern for me because the Illinois Chamber largely represents the small employers who represent most -- who employ most of the people in this State, most of the taxpayers in the State. What is it about their opposition that leads you to believe that it's not worthy or it's not important or it's -- it's -- it's -- it's not enough for you -- to keep you from changing the bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Righter, we have made concessions with the -- with the Retailers, the Manufacturers. We've also agreed to certain legislative intent, even on behalf of the Chamber. We've worked with everybody. I think, ultimately, the Chamber still has two companies that they represent that are not small companies, Senator Righter, who I think are still opposed to this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Senator, the bill, and -- and Senator Roskam referred to this earlier, says that this will give the Department the authority to recapture incentives given if job creation or job retention goals were not met. Now, can you help me outline in a little more specificity exactly under what circumstances the Department is going to come after the company in my district who received a hundred-and-fifty- or a two-hundred-thousand-dollar grant from the Department of Commerce and Economic Opportunity and said, "You folks didn't do your job; you didn't do what you told us you would do; we want that money back."

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. I believe I understand your question. Basically what happens, you're going to get a certain period of time to comply with your agreement. If you come in and say, "If you give us a hundred and fifty thousand dollars, we're going to create ten jobs," then we expect you to create ten jobs. We're just holding you to the agreement that you've made with the -- with

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

the State of Illinois. So, the -- the clawback is only consistent with the current policies and procedures that they have been following all along. All we did was codified it. I mean, we've -- this bill, Senator Righter, has been watered down so much. There's been -- there's been a lot of cooperation on the part of the -- the unions and businesses to make sure that this bill was fair and to make sure that the ultimate intent that it's designed to address is that if you tell us you're going to create jobs, then we expect you to create those jobs.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To close on the bill very briefly. Ladies and Gentlemen, that's the concern with this bill. If you have a small business, a small employer in your district who's -- who's fortunate enough to get a hundred-and-fifty- or two-hundred-thousand-dollar grant from the Department of Commerce and Economic Opportunity and told the Department that with that they're going to attempt or try to create ten or twelve or fifteen new jobs, and they don't do that because of an economic slump, and then a cash-hungry State comes along and says, "You know, you didn't do your job; you didn't create those ten or fifteen new jobs, and we think that you should give that incentive money back," you're subjecting the businesses in your district, who are employing your constituents and paying the tax dollars to the State, to another arm of the State coming forward and saying, "We need some more money out of your pockets," through not fault of their own; simply because the economy was in a slump. And that's the problem with this bill, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs.

SENATOR JACOBS:

Move the previous question.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs moves the previous question. There is one, two more speakers. Two more Senators and that's it. Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Thank you, Mr. President. I think just to the bill. You know, certainly, Senator Clayborne, the -- the bill that you're bringing forward certainly in concept is -- is good. You know, we had a bill here two years ago. I sponsored it. I believe that you cosponsored it. We passed it out of the Senate. We passed it out of the House. Unfortunately, George Ryan vetoed it. We brought it back to the Chamber here, and unfortunately, we didn't have adequate support from, frankly, that side of the aisle to override the Governor's veto. Now we've brought something, back to the Floor that is actually an anti-jobs bill. It's an anti-incentives. You know, it's like sweet and sour seasoning on something, where we're trying to add something that's sweet to bring people to stimulate jobs in our economy, but we put so much sour into this that -- that there's no business that's thinking correctly that's going to use it. I think that if we want to kill job development in the State of Illinois, we should pass this bill. We all talk about wanting to have more jobs and this is going to go in the wrong direction. Again, after twenty-five years of my life spent at kitchen tables, in, you know, cafeterias of businesses, talking with owners of their small businesses, even going for things as juicy as SBA loans, I know that people who take the risks with this say -- you know, take the risk of employing people, they say, "You know, there's so much red tape. I refuse to take what the government is going to put on the table." This is an example of something where we've loaded it on with so much sourness, so much disincentive, that this becomes a job disincentive, and I would advise a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I rise in strong support of this bill. I'm kind of confused about some of the discussion that's come before. You know, I think -- I think if we're talking about the taxpayer dollars and being accountable for those dollars, that's a very worthy goal and it strikes me that it's not something that anybody on either side of this aisle would want to be against, and that's just what this bill does. It says if we're using very rare, limited and sacred tax dollars,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

we should make sure that we're targeting them in ways that are going to have the most benefit. And we have to make sure that State government is accountable, accountable to our constituents, accountable to the taxpayers. We spent a lot of time on this Floor yesterday talking about the accountability of people on welfare and how we could better manage them and make sure that they're dotting every "i" and crossing every "t" and following every rule in order to get a limited amount of money from the State. We have a bill here now that is the product of significant compromise. It's supported by the Illinois Manufacturers' Association. The Retail Merchants are not against it anymore. I think the sponsor deserves a great deal of credit to putting this together, and it's something that's going to make this State a better place and help us to attract more jobs and be more accountable for the taxpayers that we all work for. And I would urge everybody to vote Aye.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

Thank -- thank you, Mr. President. And -- and I do want to address some -- some of the concerns. This bill is not designed for the small business. Obviously, we're -- we're talking millions of dollars that we have lost over the years. You know, I -- I listen to my colleagues on the other side of the aisle, and -- and I want to say one thing, Senator. I've never had a corporation to vote for me. I have constituents who pay taxes that vote for me. We're responsible when we give a company money and -- and we sign an agreement and we shake their hands. And they tell us they're going to create jobs if we give them millions of dollars, then all we're saying is we expect you to create those jobs. And what we're going to do is, you're going to provide us that information to make sure that you're spending our money and that you created the jobs that you said you're going to create. That's all this bill does. If we are -- are for accountability to the people that pay taxes, that vote for us, then you will vote for this bill. It's all about the benefit of the bargain. For those lawyers, they understand. If -- if I say that I'm going to do something and -- and the other company or other person says that they will agree to -- to those

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

terms of that agreement, then we should hold each other responsible and accountable, and that's all this bill does. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 235 pass. All those in favor will vote Aye. 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 37 voting Aye, 21 voting Nay, and none voting Present. House Bill 235, having received the required constitutional majority, is -- passed. The Illinois Information Service seeks leave to videotape the proceedings. Are there any objections? Leave is granted. Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Can the record please reflect that I pressed my button and it did not go on on the previous vote?

PRESIDING OFFICER: (SENATOR HENDON)

The transcript will reflect your intention. The Senate shall stand at ease for a brief Rules Committee meeting. Senator Obama.

SENATOR OBAMA:

I realized that I did not mention I meant to vote Aye in the previous vote. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Duly noted.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

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

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation - Senate Resolution 170; refer to Education Committee - Motion to Concur with House Amendment 1 -- House Amendments 1, 3 and 4 to Senate Bill 372; refer to Environment and Energy Committee - Motion to Concur

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

with House Amendment 1 to Senate Bill 361, Motion to Concur with House Amendment 1 to Senate Bill 884, Motion to Concur with House Amendments 1 and 2 to Senate Bill 1066; refer to Executive Committee - Senate Resolution 89, Senate Resolution 102, Senate Resolution 131, Senate Resolution 153, Senate Resolution 164, Senate Resolution 171, Senate Resolutions 172 and 173, House Joint Resolutions 14 and 21, Motion to Concur with House Amendment 1 to Senate Bill 408, Motion to Concur with House Amendment 2 to Senate Bill 553, and Motion to Concur with House Amendment 1 to Senate Bill 1047, and Floor Amendment 1 to Senate Bill 1916; refer to Financial Institutions Committee - Floor Amendment 3 to House Bill 2550; refer to Health and Human Services Committee - Motion to Concur with House Amendment 1 to Senate Bill 61, Motion to Concur with House Amendment 1 to Senate Bill 76, Motion to Concur with House Amendment 1 to Senate Bill 252, Motion to Concur with House Amendment 1 and 2 to Senate Bill 371, Motion to Concur with House Amendment 1 to Senate Bill 460, Motion to Concur with House Amendment 2 to Senate Bill 1156, Motion to Concur with House Amendment 2 to Senate Bill 1364, Motion to Concur with House Amendment 1 to Senate Bill 1414, and Motion to Concur with House Amendment 1 to Senate Bill 1542; refer to Judiciary Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 404, Motion to Concur with House Amendment 1 to Senate Bill 472, Motion to Concur with House Amendment 1 to Senate Bill 679, Motion to Concur with House Amendment 1 to Senate Bill 1440, Motion to Concur with House Amendment 1 to Senate Bill 1457, Motion -- Motion to Concur with House Amendment 1 to Senate Bill 1785, and Floor Amendment 1 to House Bill 2504; refer to Labor and Commerce Committee - Floor Amendment 3 to House Bill 2221, and Floor Amendment 1 to House Bill 2362; refer to Licensed Activities Committee - House -- Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 354, and Floor Amendment 1 to House Bill 1006; refer to Local Government Committee - Motion to Concur with House Amendment 1 to Senate Bill 196, Motion to Concur with House Amendment 1 to Senate Bill 267, Motion to Concur with House Amendment 1 to Senate Bill 524, Motion to Concur with House Amendment 2 to Senate Bill 1124, and Motion to Concur with House Amendment 1 to Senate Bill 1353, and

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Floor Amendment 2 to House Bill -- 1251; refer to Revenue Committee - Motion to Concur with House Amendment 1 to Senate Bill 133, Motion to Concur with House Amendment 1 to Senate Bill 813, Motion to Concur with House Amendment 1 to Senate Bill 1401, and Floor Amendment 1 to House Bill 859; refer to State Government Committee - Motion to Concur with House Amendment 1 to Senate Bill 1069, Floor Amendment 1 to House Bill 666, Floor Amendment 1 to House Bill 2983 and Floor Amendment 2 to House Amendment {sic} 940; refer to Transportation Committee - Senate Resolution 168; and Be Approved for Consideration - Floor Amendment 4 to House Bill 1482 and Floor Amendment 2 to House Bill 276.

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 177, offered by Senator Haine and all Members.

And Senate Resolution 178, offered by President Jones and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR HENDON)

Resolutions Consent Calendar. Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR CROTTY:

Sure. I would like to take this time to introduce, sitting next to me on the Floor, Casey Kelly, who just graduated from Mother McAuley High School, and will be going on to University of Dayton in Ohio as a Political Science major. So she thought she'd come down and sit on the Senate Floor. If you'd welcome her, I'd appreciate that.

PRESIDING OFFICER: (SENATOR HENDON)

Wonderful. Will our guest please rise and be welcomed to the Senate? Go on to college. Wonderful. Senator Rutherford, for what purpose do you rise?

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

SENATOR RUTHERFORD:

Mr. President, I'm going to make an introduction of a fine young lady that's visiting with us, since we're in a little bit of -- of a lull at the moment. She was just elected to the presidency of the student council, eighth grade, at Lake Forest High School. She's a constituent of Senator Garrett, and her father and I are very good friends. Ladies and Gentlemen, welcome the new President, Kim Glennon.

PRESIDING OFFICER: (SENATOR HENDON)

Welcome, Madam President. Would our guest please rise and be welcomed to the Senate? With leave of the Body, on page 18. Leave of the Body, we'll go to page 18. On the Order of Senate Bills 3rd Reading, on page 18, top of page 18, is Senate Bill 1400. Senator del Valle. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1400.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and -- and Members of the Senate. Senate Bill 1400, first of all, was amended to apply to only school districts that have forty percent or more of the students that are eligible for free or reduced-price lunches participate in a school breakfast program. It also was amended to encourage, rather than require, school districts to work with community organizations and others where at least fifty percent of the students are eligible for free or reduced-price school meals to operate -- encouraged to operate a summer food service program. This is an initiative of the Illinois Hunger Coalition. It's supported by the State Board of Education and many, many other groups. The purpose is to make sure that children, particularly low-income children, have access to breakfast. We know how important it is for children to have the proper nutrition. It affects academic performance in the school. They're more alert. They had fewer reports of -- of stomachaches and headaches and visits to school nurses. They have lower rates of tardiness, absenteeism and suspension, and

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

also have lower rates of behavioral disorders, including aggression, hyperactivity, anxiety and passivity. This school breakfast program is reimbursed by the federal government. It's one of the categoricalals that we approve every year here. And so the cost for the breakfast would be covered by the federal reimbursement of that program. We also know that there are several ways that school districts can -- can do this. Breakfast can be served fifteen minutes before the school bell begins -- the school bell rings in the cafeteria. Breakfast can be served quickly from prepackaged breakfast boxes or breakfast sacks. Students can pick up a breakfast box in the -- in the hallway and eat in the classroom before school starts. So there are a number of ways that -- that students can do this, and the idea is, again, to make sure that -- that low-income children, particularly poor children, have access to a program that will ensure proper nutrition. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Link.

SENATOR LINK:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Link.

SENATOR LINK:

Senator del Valle, one of the questions that I have, would this affect the bus service? Would they have to change the bus service for the kids in effect, of taking them to schools, and -- for this breakfast schedule?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

My guess is that, probably not much. If -- if there are a need -- needs for minor adjustments, I've been told by the State Board and -- and -- and the people who work with the bus companies that those kinds of adjustments could very easily be made without interrupting the -- the schedules.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

So -- so this could be done on -- on the regular schedule that the buses are serving right now, that the school could serve this, as you indicated, at the school fifteen minutes before the bell. It could be served as a -- as a prepackaged breakfast. All these things are capable of doing as the system is already in -- in place right now. Correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Yes. And as you know, many school districts are already doing this. And so -- in Chicago it's being done and there's a lot of busing that takes place there. And so, my understanding is that it -- it could be done with minor disruption or minor modifications in the current schedules.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cronin.

SENATOR CRONIN:

Thank...

PRESIDING OFFICER: (SENATOR HENDON)

I -- I apologize. Senator Link, could you bring your questions to a close, please? Senator Link.

SENATOR LINK:

I just -- I just started, Mr. President. Just -- just a final question on the -- a final statement on the bill. I -- I just think that -- first of all, I want to commend you, Senator del Valle, for bringing this bill forward. I think we -- we brought this bill a few years back and it unfortunately met a -- a -- an unfortunate demise at that time. And I think it was a very small cost factor at the time, and -- and I think that we should have done it at that time. I think that we don't realize that children who come to school without breakfast have a harder time concentrating in class, are more likely to act out and perform at a lower level than children who are adequately fed in -- in -- in -- before class; that this is not an issue only for low-income children, but an issue for all students, and many whose parents do not provide them with the breakfast due to their work schedule or hurried morning routine. I think this is an important bill, and I would hope that everybody would consider an Aye vote on this bill. Thank you.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Burzynski. I mean Senator Cronin.

SENATOR CRONIN:

Yes. Thank you, Mr. President. I rise to offer and suggest to my colleagues here that you really, really look careful at this. In -- in -- in response to the speaker that just offered remarks moments ago, my esteemed colleague, Senator Link, we -- I sponsored the school breakfast program two years ago, and it did pass and it did become law. The law, at that time, and the law that is currently on the books, which this bill seeks to change, the law currently is -- is permissive. It encourages school districts to offer a school breakfast program. We even tried to -- we did work successfully with the State Board of Education and they put one million dollars aside for school districts to help implement this program. You know, we found out over the last two years is that the school districts, even with the money there, really find it a burden and the money that was available, frankly, was not used. It was not used for implementing the program. And you can scratch your head and you can say, well, gee, you know, why wouldn't they use it if there's kids that are hungry? And certainly well-fed, nourished children are going to lead to better achievement scores and perform -- performance levels in school. Why aren't they doing it? Well, the schools are really opposed to this. And they -- and that troubles me. I -- I -- I'd like to come up with a bill that provides incentives. We've done that. They didn't take the incentives. But now we've gone to the point where we're forcing this down their throats, literally forcing it down the children's throats, and the school districts have to take responsibility for that. I'm torn. I -- I want the school districts to take it up and do it themselves. There was an effort to compromise in this bill, and I think that coming up with a level of forty percent of those who -- students who are eligible for free/reduced lunch, they must do this whether they like it or not, and with at least fifty percent of the students eligible for free/reduced school lunch, they're strongly encouraged. It was a sincere effort to try to compromise on this. I offer this to you just so you have a full

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

understanding, that you know the history of this, that this started as a good idea, I think. It still is a good idea, but it's getting much more heavy-handed and government intensive. I urge caution to my colleagues. We want to do the right thing, but we want the school districts to lead the path instead of us beating them to it. Please be advised.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR BURZYNSKI:

Thank you. Senator, I know we had a lot of discussion about this, and I know that this is very important to you and I'm not going to argue that point. But I do want to ask a couple of questions. When we look at this -- and I -- I'm trying to -- to -- to go back through the discussions we've had. Is this a mandate, an additional mandate on schools with forty percent of its students eligible for free or reduced-price lunches?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Under this bill, schools that have forty percent or more of children who are eligible for the free lunch program, those schools would be required to establish a breakfast program as well. That breakfast program would be paid for right out of the same line that we pay for the lunch program, and those are federal dollars. As a matter of fact, in Illinois -- if Illinois increased participation in the school breakfast program so that fifty-five students receive free and reduced-price lunches for each one hundred students receiving free and reduced-price lunch, if they receive -- fifty-five receive breakfast also, Illinois would be able to capture an additional thirty-eight million dollars for nutrition programs.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR DEL VALLE:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

And so...

SENATOR BURZYNSKI:

I was just going to say, and that's if they participate in the program. You know, Senator Cronin's indicated there's been some concerns about that and some of the hoops they have to jump through to get the -- the funding. Let -- let me ask you this. How many school districts are affected, Senator?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

According to the numbers I have, approximately a hundred and nine.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Senator, I don't know that I've seen anything about geographically where those districts are located. Do you have any indication where they might be located?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

I -- I don't have a -- a map right here in front of me, but it would be those districts in areas where there is at least forty percent of -- of the student population categorized as -- as low income.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Well, just -- I -- I have some concerns and I think it was alluded to by one of the other speakers, or at least transportation is an issue that could have an impact for more rural districts who might have to participate in this program. And I really think that that additional cost and concern is something that we don't need to be doing to schools at a time when they are kind of strapped for cash regardless. I do understand you're saying that federal dollars -- or there's a federal grant program that would fund this program. But, however, this is a mandate. It's another mandate on local units of government. The next part of it will be the summer school

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

program, which we've talked about, or the summer breakfast program, which was the original intent of the bill. That's been out now. It's just recommended that they participate. I understand that, but you -- you know, as well as I do, that is a natural progression once we start mandating these things. So, I would just urge my colleagues to look very closely and to vote against this school mandate.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR RIGHTER:

Senator del Valle, the -- the bill uses the term "strongly encouraged," with regard to this. What -- what exactly does that mean? How -- when a superintendent sees that sitting on his desk, what is he supposed to -- what's his reaction supposed to be to that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

Well, Senator, I think most superintendents are -- are very familiar with the School Code, and they know the difference between the word "encouraged" and the word "shall". And so I think that the reason the word "strongly" is -- is also added is because we want to send a message that we feel that they ought to seriously consider sponsoring a summer lunch program. But recognizing -- recognizing that because of where the school district is located, there may be a problem. They may not be able to find a community organization that they can partner up with to sponsor the lunch program. So, because of that, we took out the requirement and put in the word "encourage". So, as was indicated here earlier, this bill was amended. It was amended to -- to make it possible for school districts that have small percentages of children that fall into this category, to make it possible for them not to have to support -- or, I should say participate in the program.

PRESIDING OFFICER: (SENATOR HENDON)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Senator Righter.

SENATOR RIGHTER:

I -- I want to touch, briefly, on the -- on the school districts now that are not going to be strongly encouraged under the bill, but are going to be mandated under the bill. Those are school districts that have a poverty percentage over forty percent, it's my understanding, according to your explanation. In my district, I represent all or parts of twelve counties. There's a lot of bus miles being driven in my district. A lot of those bus routes start before 7 o'clock in the morning. It seems to me that there are -- in those districts where if it's a -- a poverty count over forty percent, there are a number of alternatives if this becomes law for the school districts. They can either pick those kids up even earlier than a quarter till 7 or whatever, at 6 o'clock in the morning, but if they do that, they bring 'em in, they've got to bring their staff in early in order to do that, which will cost the school district more money. They can cut out some instructional time in order to have the breakfast time, or the kids can eat on the bus. What suggestion you had -- and I appreciate the State Board of Education's comments that, well, they think maybe you'll have to tinker with the bus routes a little bit, but not substantially, but I don't think the State Board of Education officials who were saying that are necessarily out in my district seeing how many miles we've got to drive. Can -- can you suggest to me if there are other alternatives that that school district could take on other than those I've mentioned?

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle.

SENATOR DEL VALLE:

There are a number of approaches that school districts can use. For example, breakfast can be served during homeroom and study halls in the morning. It could be served fifteen minutes before the -- the school bell in the cafeteria. Breakfast can be served quickly, again, as I said earlier, from prepackaged breakfast boxes that could be easily distributed. Students can pick up a breakfast box in the hallway and eat in the classroom before school starts. We leave that up to the school to determine what's the best approach for them. Each school

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

district would want to do it differently depending on their circumstances. But there are a number of ways that -- that it could be done, and again, I don't think that we should be, in this bill, dictating exactly what the procedure should be. We leave that up to the school district.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Last question, Senator. Under the program, it -- what is reimbursable by federal tax dollars? And earlier in my -- my -- my previous question I talked about if we're going to bring these kids in even earlier and there's going to be staff time taken up or whatever, extra staff time where the school districts are having to bring the people in earlier. Will that -- is that reimbursable by the federal government? Or are we only talking about the cost of the meal? Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator del Valle, to answer the question and then close.

SENATOR DEL VALLE:

The -- the numbers I have is that the -- the average reimbursement per -- per meal, for breakfast, is a dollar twenty-six cents. For -- for a dollar twenty-six that's reimbursed by the federal government, we're able to provide breakfast for a child - for a child - and that nutrition makes a lot of difference in terms of that child's performance in school. And everyone has agreed that breakfast is a good thing for children. You know, it's interesting that whenever the -- the ISAT or the Iowa exams are -- are given in Chicago, my own child comes home with a note before the ISAT and the Iowa from the teacher reminding the parents to make sure that their children have a good breakfast before they take that exam. And so why is it good for the kids to bring home a note saying you have to have breakfast only for the scores so that we can show better scores, but the rest of the school week and the rest of the school month and the rest of the school year we don't care about breakfast. And so for a very small amount of money, which is reimbursable - and as I said, we could capture up to thirty-eight million dollars - we're able to do something here that I

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

think is beneficial to the children and affects academic performance. And so, yes, according to my numbers, the labor costs are included and probably -- and what I've heard in -- now, I -- I'd like to address Senator Cronin's point. What I've heard from some of the school districts is that they just don't want to do the paperwork. Yes, there is paperwork involved. There's paperwork involved in everything. But we're talking about the health of children here. And if you don't want to support children having the opportunity to have breakfast so that they could be healthier and they can perform better academically, then you vote against this bill. You vote against this bill. If you want to support children being healthy, then you support this bill. And I'll be glad to continue to talk with the school districts and I'll be glad to revisit this issue if it turns out that transportation is a serious problem. I've been told that it can be accommodated. That it can be worked out. If that's the case, if it doesn't turn out to be that way, I'll be the first to be back here looking at how we can modify this program. But if we continue to leave it up to the school districts - up to the school districts - it's a lot easier to say, "No, we don't want to bother. It's -- it's -- it's going to require minor changes here and there. Let's leave it alone." If we're going to allow school districts to do that, then maybe we should allow school districts to come in here and rewrite the entire School Code, because then they're the ones driving the train instead of the Illinois General Assembly. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 1400 pass. All those in favor will vote Aye. 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 34 voting Aye, 22 voting Nay, none voting Present. House -- Senate Bill 1400, having received the required constitutional majority, is declared passed. Madam Secretary, we're going to the Order of Concurrences. Page 75 of your Calendar is the Order of Secretary's Desk, Concurrence, Resolutions {sic}. This is final action. Senate Bill 59. Senator Obama. Madam Secretary, read the bill.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 59.

Motion filed by Senator Obama.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You will recall early in the Session we created a -- an agreed-upon bill creating the Hospital Report Card Act. It was a bill that was worked out between proponents, consumer activists who were interested in reporting the kind of health care that was provided in hospitals, and the Hospital Association. We worked out the language. When it got over to the House, there were some minor concerns that were relayed by the Medical Society. This amendment essentially deals with some of the concerns that the Med Society had. At this point, I know of no opposition, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Just very briefly, this is an agreed-to bill. I appreciate the sponsor's work on this, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 59. All those in favor will vote Aye. 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 59 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 59, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 105. Senator Cullerton. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 105.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The bill that we passed out of here dealt with the Medical Practice Act and it created a Complaint Committee of the -- Medical Disciplinary Board. The Department of Professional Regulation had a concern about one sentence and thought they needed the flexibility to possibly not have an informal conference or a formal hearing. So, I concur with their suggestion and ask for us to concur with the -- the amendment put on in the House.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Roskam.

SENATOR ROSKAM:

Senator, are there any opponents, or was this like Senator Obama's previous bill? Is this pretty much a negotiated bill that all the -- I -- I suppose, the physicians' groups and so forth signed off on, or was there some controversy about it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

No, actually there was no controversy. It's the -- Medical Society worked with me from when it was initially introduced. We added a Senate amendment that codified the Complaint Committee process, which is informally done now. And then the Department had one minor change.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any further -- discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 105. All those in favor will vote Aye. 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 59 voting Aye, none voting Nay, none voting Present. The motion to concur -- on the motion to concur

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

in House Amendments No. 1 to Senate Bill 105, having received the required constitutional majority, the Senate concurs, and the bill is declared passed. Senate Bill 154. Senator Link. 154. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 154.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. The amendment just basically keeps the bill as is and specifies for transportation purposes, but adds passenger rail transportation to the bill. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator Link, when you said it keeps the bill as is, as is what?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

It was that good bill you voted for last time. What this is, is -- allows the counties to have a front-door referendum to raise a quarter-percent sales tax for transportation only. And what they did with the amendment is add railroad passenger transportation to it. But it's a front-door referendum only.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- any further discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 154. All those in favor will vote Aye. 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 59 voting Aye, none voting

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Nay, none voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 154, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 170. Senator Walsh. Senate Bill 190. Senator Risinger. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 190.

Motion filed by Senator Risinger.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. Senate Bill 190 dealt with the Illinois Dental Practice Act to provide that a dental hygienist can perform the services prescribed by a dentist within a hundred and twenty days, instead of the current ninety-day window, in a long-term care facility or -- or development disabilities facility. The amendment that was added over to the House was added at the recommendation from the Department of Professional Registration. It's a cease and desist act, and an -- and an act that the -- is pretty standard language for the areas that they deal in. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 190. All those in favor will vote Aye. 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 57 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 190, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 199. Leader Watson. Madam Secretary, read the bill -- read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to House {sic} Bill 199.

Motion filed by Senator Watson.

PRESIDING OFFICER: (SENATOR HENDON)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This legislation, as it left the Senate, dealt with mental health and developmentally disabled individuals and changed the definition of a "person subject to involuntary admission" and it added the -- the definition of "mental illness". The House added an amendment, which was minor as far as we're concerned. It just provides that the definition of a person with mental illness does not include a person suffering from dementia or Alzheimer's disease absent psychosis. And this -- I want to thank Senator Obama and Senator Crotty and Senator -- Righter who helped guide this through this process. So, thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 199. All those in favor will vote Aye. 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 58 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 199, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 228. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 228.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. The amendment keeps the underlying bill. The House amendment simply cleans up some language and makes it stating that wearing and tearing of a vehicle due to time cannot be applied under this Act.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

228. All those in favor will vote Aye. 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 59 voting Aye, none voting Nay, and none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 228, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 257. Senator Sieben. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 257.

Motion filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sieben.

SENATOR SIEBEN:

Well, thank you very much, Mr. President. Ladies and Gentlemen of the Senate, the House amendment restores the Illinois Department of Natural Resources administrative rulemaking authority under Section 2.25 of the Wildlife Code. The underlying bill we passed here a couple times already, allowing the use of a handgun during the firearm deer hunting season. I move to concur in the House Amendment No. 1.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 257. All those in favor will vote Aye. 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 55 voting Aye, 2 voting Nay, none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 257, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 263. Senator Obama. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 263.

Motion filed by Senator Obama.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill relates to the issue of testing newborns for HIV/AIDS. We sent this out as a shell bill because there were two separate bills that had been proposed, one from Children's Memorial Hospital, one from the AIDS Foundation. They worked out an agreement that would ensure counseling and then potential testing of newborns. As many of you know, newborns, if they are caught early enough with HIV, can, in fact, be prevented from getting the full-blown disease. And so, as a consequence, this is a bill that I think is strongly supported across the board, and I'd urge an affirmative roll call.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator Obama, can you just walk through the -- the mechanism or the -- the procedures and give us an example of how this plays out in terms of the amount of disclosure and permission of the mother and so forth?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

Happy to do so. The structure's relatively simple. Essentially what this bill requires is that whenever a child -- whenever a newborn is delivered, that prior to delivery and then certainly after delivery the health care professionals, whether they be the doctors, nurses, what have you, provide HIV/AIDS counseling to the expectant mother/mother and suggests that they obtain a -- a test for the newborn giving them information that, in fact, if they were HIV positive and may have passed it on to the newborn, that if they catch it in the first few weeks of life that, in fact, they can treat it and the newborn is potentially disease free. And it does retain the possibility

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

that the parent might refuse treatment. Nobody has ever had an experience in which that was the case. And so part of the agreement had to do with balancing these issues of informed consent versus going ahead and applying the test. But the -- my understanding is, in fact, that all parties agree. Counseling is optimal, in part because if, in fact, the mother is engaging in high-risk behavior, it's important that the counseling is provided not only to save the newborn, but hopefully to get the mother on track so that she's not potentially having another delivery with another child who might be HIV positive.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Is this test and -- and the counseling being given to every mother in hospitals or is it -- I -- I assume that -- that in most circumstances, by the time an expectant mother under -- I guess under normal circumstances, comes and delivers a baby, there's been a lot of previous blood work and so forth, and there is probably a diagnosis. So, my question is, is this screening taking place for all moms or those that are HIV positive or have AIDS?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

My understanding is, is that it would be taking place for all mothers, but as part of the routine process. You know, when my wife delivered, she goes in, there are a bunch of forms, they talk to her about the kinds of work that's going to be done. This would be incorporated into that. And then additional counseling, obviously, would be provided if and when it turned out that they were HIV positive.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. A question for the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

I believe that this is a -- a good bill. There was a similar bill that we worked on a year ago. Can you help the Chamber? What is Children's Memorial Hospital's position on the bill?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama.

SENATOR OBAMA:

This is now an agreed-to bill by Children's Memorial negotiations with the AIDS Foundation.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Then -- then I rise to support the bill, and congratulate the sponsor on good work. It's taken several years to get to this point, and congratulations for taking it over the top.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Obviously I want to rise in support, but I want to just point out to Senator Lauzen that I actually had another bill that was put in dealing with the same topic. Senator Obama was able to bring everybody together to work out this compromise, and my bill then was unnecessary because of this agreed bill. And everybody's on board. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 263. All those in favor will vote Aye. 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 59 voting Aye, none voting Nay, none voting Present. On the motion to concur to House Amendment No. 1 to Senate Bill 263, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 272. Senator Walsh. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 272.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Motion filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 272 is in regards to unsafe railroad crossings. I concur with House Amendments No. 1 that basically adds the language that the rail carrier is responsible for the cost of the installation and maintenance of any temporary stop signs rather than any required signs. It's a technical amendment. And I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 272. All those in favor will vote Aye. 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 59 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 272, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 280. Senator Haine. Senate Bill 319. Senator Schoenberg. Senate Bill - top of page 78 - 329. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

...move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 329.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is just -- was a technical change, the amendment.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 329. All those in favor will vote Aye. 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

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

question, there are 58 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 329, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 232. Senator DeLeo. 332. Senator DeLeo. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 332.

Motion filed by Senator DeLeo.

PRESIDING OFFICER: (SENATOR HENDON)

Senator DeLeo.

SENATOR DeLEO:

Yes. Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I move to concur in House Amendment No. 1. What it does is that the fines and fees collected for the Department of Professional Regulations for the court reporters will be deposited in the General Professionals {sic} Dedicated Fund. As you know, in FY'04 it eliminates all GRF funding for Department of Professional Regulation so the funds have to use it for operation. I -- I ask for a affirmative roll call on this concurrence.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 332. All those in favor will vote Aye. 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 58 voting Aye, none voting Nay, none voting Present. On the motion to concur to House Amendments No. 1 to Senate Bill 332, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 385. Senator Munoz to concur on Amendments No. 1 and 2. Madam Secretary, read the motions. Out of the record. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Mr. President, I rise to request a verification of my vote. My switch didn't work on Senate Bill 332, and I'd appreciate it if I'd be noted in the record as voting Aye.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

PRESIDING OFFICER: (SENATOR HENDON)

The record shall reflect your intentions. Senate Bill 386. Senator Munoz. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 386.

Motion filed by Senator Munoz.

PRESIDING OFFICER: (SENATOR HENDON)

Is there a motion on Amendment No. 3? Out of the record. Bottom of page -- same page. Senate Bill 566. Senator Demuzio. 566. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 566.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you -- thank you, Mr. President. This is the bill that amended the School Code that would -- school districts would -- to tell their constituencies about the Illinois School for the Deaf and the Illinois School for the Visually Impaired and what services they provide. Was an amendment that was put on. Provided for all the other -- services also to be added. The House didn't like that amendment. Because of the time element, I'm moving to concur with House -- concur with the amendment and hopefully find another vehicle to put that other provision on before we adjourn.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Roskam.

SENATOR ROSKAM:

Senator, just -- just so I'm clear. Right now it just has the language as it relates to the -- the deaf and visually impaired, and it doesn't have anything else in it? That's right. You're nodding that that's correct.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

That's all there is now.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Just one other brief question. Is there -- is there an assumption that there's room in those schools when we're making these -- these referrals? Do you follow me? I mean, we wouldn't want to -- force a referral if -- if those programs were full.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Demuzio.

SENATOR DEMUZIO:

Wouldn't take that much space, I don't think, just to -- to send a notice that these two schools are in existence and that -- the services that they provide. I'm being told that they are to tell these students about the opportunities anyway if they have one of these two disabilities.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 566. All those in favor will vote Aye. 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 58 voting Aye, 1 voting Nay, and none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 566, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 639. Senator Shadid. Madam Secretary. Madam Secretary, read the motions.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 639.

Motion filed by Senator Shadid.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Thank you, Mr. President. House Bill 639. The bill, as passed by the Senate just recently, held that the Department of Human Services, instead of the county sheriff, is responsible for transporting mental health patients. House Amendment No. 1 simply allows DHS to either provide transportation itself or contract with an outside entity to provide transportation and clarifies that DHS only needs to arrange for an ambulance if an ambulance is needed. House Amendment No. 2 specifies that the Department shall not make arrangements with a hospital or community services provider for transportation unless that provider has submitted a proposal to provide such service and that provider's proposal includes provisions for appropriate vehicles and personnel to provide such transportation. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 639. All those in favor will vote Aye. 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 59 voting Aye, none voting Nay, none voting Present. The motions to concur in House Amendments No. 1 and No. 2 to Senate Bill 639, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 680. Senator Sandoval. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 680.

Motion filed by Senator Sandoval.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. Senate Bill 680 passed out of the Senate earlier this Session with almost a unanimous vote, 57 votes. It went over to the House and there was -- there was substantive changes. We changed the -- the Office of Immigrant Assistance to Program of Immigrant

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Assistance in working with the Attorney General Lisa Madigan. I ask for concurrence.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will.

SENATOR ROSKAM:

Senator, what -- what's the change that the House made?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

We went from the Office of Immigrant Assistance to the Program of Immigrant Assistance.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

Was it -- was it just a name change?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

Yes.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Roskam.

SENATOR ROSKAM:

I've got to ask. Why did they care?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

In working with the Office of the Attorney General, the way her office is structured, they are -- they are structured in programs. And so this fit into that structural office.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard.

SENATOR DILLARD:

Thank you. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Dillard.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

SENATOR DILLARD:

Thanks. Senator Sandoval, I'm looking at my analysis and I was just trying to figure out, wasn't there a similar House bill we did to this last week?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sandoval.

SENATOR SANDOVAL:

No, Senator Dillard, I'm not aware of -- at least I did not introduce any bill of that nature.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard? Further discussion? Seeing none, the question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 680. All those in favor shall vote Aye. 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 59 voting Aye, none voting Nay, none voting Present. On the motion to concur to House Amendments No. 1 to Senate Bill 680, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 686. Senator Haine. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 686.

Motion filed by Senator Haine.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this bill originally granted to a manufacturer of -- of munitions the right to possess silencers to bid on Department of Defense contracts. The House added an amendment apparently because there are four or five firearms manufacturers in Illinois. And the same terms and conditions, federal license, et cetera, would apply to these entities also. And so, therefore, I move to concur with the House amendment.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

686. All those in favor will vote Aye. 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 57 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 686, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 689. Senator Cullerton. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 689.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill deals with the Lottery. In Illinois, a Lottery winner must choose whether to receive their winnings in a lump sum payment or as an annuity over a number of years. The bill, which we passed, allows the winner to choose to receive an annuity payment and then later assign those payments and receive a lump sum payout. There's a number of consumer protections written into the bill as we passed it and the House added some more, which I concur with. The court must find that the purchase price being paid represents a present value of the payments being assigned, discounted at an annual rate that does not exceed ten percentage points. It has to do also with a -- if the Internal Revenue Service determines that the voluntary assignment of -- of prizes will affect the federal tax treatment, that there'd be a moratorium on the assignment of these Lottery prizes. And then it requires that the contract of assignment include a sworn affidavit giving background information about the entity that -- that is making the purchase. Be happy to answer any questions and ask...

PRESIDING OFFICER: (SENATOR HENDON)

Is -- is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 689. All those in favor will vote Aye. Opposed will vote

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting Nay, none voting Present. On the motion to concur in House Amendments No. 1 to Senate Bill 689, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Purpose of announcement.

PRESIDING OFFICER: (SENATOR HENDON)

Make your announcement.

SENATOR SILVERSTEIN:

The Senate Executive Committee will meet at 1 o'clock today in Room 212, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Listen for these committee announcements. 1 o'clock in 212, Senate Exec. Senator Link, for what purpose do you rise? Senator Woolard, for what purpose do you rise?

SENATOR WOOLARD:

State -- State Government will meet in A-1 at 1 p.m.

PRESIDING OFFICER: (SENATOR HENDON)

A-1, 1 p.m. Senator Link, for what purpose do you rise?

SENATOR LINK:

Senate Revenue Committee will meet at 1 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR HENDON)

1 o'clock, 400. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

The Senate Environment and Energy Committee will meet at 1:30 today to handle about four concurrences at -- in 212 at 1:30. 212 at 1:30.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

Yes, Mr. President. Purposes of announcement. The Senate Health and Human Services Committee will hold a hearing at 1:30 p.m. in Room 400.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. On a point of an announcement. Senate Financial Institutions will meet at 4 o'clock in Room 212 -- I'm sorry, at 3:30 in Room 400. Room -- 400 at 3:30. I can't get it together, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

That's Room 400 at 3:30. Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

For purposes of an announcement, Mr. President. The Senate Education Committee will meet at 2 o'clock in Room 212.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

For purposes of an announcement, Mr. President. The Local Government Committee will meet at 2 p.m. in A-1 of the Stratton Building.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

For the purposes of an announcement. The Senate Judiciary Committee will meet in Room 400 at 2:30, where we will discuss matters of life and death.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen, for what purpose do you rise?

SENATOR RONEN:

For purposes of an announcement, Mr. President. The Labor and Commerce Committee will meet at 3 p.m. in Room 400.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

Purpose of announcement, Mr. President. Licensed Activities will meet today at 3 o'clock in the Stratton Building, A-1.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson, for what purpose do you seek recognition?

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

SENATOR HALVORSON:

For the purpose of announcing a Democratic Caucus immediately upon recess in the Senate President's Office.

PRESIDING OFFICER: (SENATOR HENDON)

Democratic Caucus immediately upon recess in the Senate President's Office. The Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive Committee Reports and other matters not requiring Floor action. There will be no Floor action until the Senate reconvenes at the hour of 11 o'clock, Thursday, May the 29th. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR VIVERITO)

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

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 2 to House Bill -- 1023 and Motions to Concur on House Amendment 1 to Senate Bill 408 and House Amendment 2 to Senate Bill 553, all Be Adopted.

Senator Link, Chairperson of the Committee on Revenue, reports Senate Amendment No. 1 to House Bill 859 and the Motion to Concur with House Amendment No. 1 to Senate Bill 133, House Amendment 1 to Senate Bill 813 and House Amendment 1 to Senate Bill 1401, all Be Adopted.

Senator Woolard, Chairperson of the Committee on State Government, reports Senate Amendment No. 1 to House Bill 666 and Senate Amendment 2 to House Bill 940 and Senate Amendment 1 to House Bill 2983 and the Motion to Concur with House Amendment No. 1 to Senate Bill 1069, all Be Adopted.

Senator Clayborne, Chairperson of the Committee on Energy and Environment, reports the Motions to Concur, House Amendment No. 1 to Senate Bill 361 and House Amendment 1 to Senate Bill 884 and House Amendments 1 and 2 to Senate Bill 1066, all Be Adopted.

Senator Obama, Chairperson of the Committee on Health and Human Services, reports House Amendment No. 1 to Senate Bill 61,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

House Amendment 1 to Senate Bill 76, House Amendment 1 to Senate Bill 252, Senate -- House Amendments 1 and 2 to Senate Bill 371, House Amendment No. 1 to Senate Bill 460, House Amendment 2 to Senate Bill 1156, House Amendment 2 to Senate Bill 1364, House Amendment 1 to Senate Bill 1414 and House Amendment 1 to Senate Bill 1542, all Be Adopted.

Senator Lightford, Chairperson of the Committee on Financial Institutions, reports Senate Amendment No. 3 to House Bill 2550, all Be Adopted.

Senator del Valle, Chairperson of the Committee on Education, reports the Motions to Concur with House Amendments 1 and -- 1, 3 and 4 to House -- to Senate Bill 372 Be Adopted.

Senator Haine, Chairperson of the Committee on Local Government, reports Senate Amendment No. 2 to House Bill 1251 and Motions to Concur with House Amendment 1 to Senate Bill 196, House Amendment 1 to Senate Bill 267, House Amendment 1 to Senate Bill 524, House Amendment 2 to Senate Bill 1124, House Amendment 1 to Senate Bill 1353, all Be Adopted.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, reports Senate Amendment No. 1 to House Bill 2504, House Amendment 1 to Senate Bill 472, House Amendment 1 to Senate Bill 679, Senate Amendment -- pardon me, House Amendment 1 to Senate Bill 1440, House Amendment 1 to Senate Bill 1457 and House Amendment 1 to Senate Bill 1785, all Be Approved for Consideration.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, reports Senate Amendment 3 to House Bill 2221 and Senate Amendment 1 to House Bill 2362, all Be Adopted.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports Senate Amendment 1 to House Bill 1006 and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 354, all Be Adopted.

PRESIDING OFFICER: (SENATOR VIVERITO)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 179, offered by Senator Demuzio, President Jones and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR VIVERITO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

54th Legislative Day

5/28/2003

Resolutions Consent Calendar. 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 947, together with House Amendments 1, 2 and 4.

Passed the House, as amended, May 28, 2003.

I have like Messages on Senate Bill 1336, with House Amendments -- House Amendment 1; Senate Bill 1417, with House Amendments 1 and 2; Senate Bill 1493, with House Amendments 1 and 3; Senate Bill 1527, with House Amendments 1 and 2; Senate Bill 1980, with House Amendment 1.

All passed the House, as amended, May 23rd {sic}, 2003.

A Message from the House by Mr. Rossi, 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 24, with House Amendment 1.

I have like...

Passed the House, as amended, May 28th, 2003.

I have like Messages on Senate Bills 130, with House Amendment 1; 487, with House Amendments 1 and 3; 684, with House Amendments 1 and 2; 699, with House Amendment 1; 726, with House Amendment 1; 750, with House Amendment 1; 820, with House Amendment 1; 1038, with House Amendment 1; 1109, with House Amendment 1.

All passed the House, as amended, May 28, 2003.

PRESIDING OFFICER: (SENATOR VIVERITO)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 11 o'clock, on Thursday, May 29th, 2003. The Senate now stands adjourned.