

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

HB0046	Second Reading	4
HB0276	Recalled	58
HB0276	Third Reading	59
HB0666	Recalled	69
HB0666	Third Reading	69
HB0841	Recalled	72
HB0841	Third Reading	76
HB0859	Recalled	76
HB0859	Third Reading	77
HB0875	Motion Filed	108
HB0940	Recalled	78
HB0940	Third Reading	78
HB1006	Recalled	125
HB1006	Third Reading	125
HB1023	Recalled	79
HB1023	Third Reading	80
HB1251	Second Reading	5
HB1482	Recalled	119
HB1482	Third Reading	121
HB2221	Recalled	81
HB2221	Third Reading	82
HB2345	Recalled	88
HB2345	Third Reading	89
HB2362	Recalled	99
HB2362	Third Reading	99
HB2504	Recalled	103
HB2504	Third Reading	104
HB2550	Recalled	113
HB2550	Third Reading	114
HB2902	Recalled	115
HB2902	Third Reading	115
HB2983	Recalled	116
HB2983	Third Reading	116
SB0061	Concurrence	37
SB0076	Concurrence	38
SB0155	Non-Concurrence	39
SB0196	Concurrence	40
SB0252	Concurrence	41
SB0267	Concurrence	41
SB0280	Concurrence	43
SB0319	Concurrence	43
SB0354	Concurrence	44
SB0361	Concurrence	45
SB0371	Concurrence	47
SB0372	Concurrence	47
SB0385	Concurrence	48
SB0386	Concurrence	49
SB0408	Concurrence	55
SB0472	Concurrence	51
SB0524	Concurrence	56
SB0553	Concurrence	56
SB0679	Concurrence	57
SB0690	Concurrence	6
SB0698	Concurrence	7
SB0729	Concurrence	7
SB0813	Concurrence	8
SB0881	Concurrence	9

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SB0884	Concurrence	10
SB0886	Concurrence	10
SB0903	Concurrence	11
SB0922	Concurrence	20
SB1053	Concurrence	21
SB1066	Concurrence	22
SB1066	Out Of Record	27
SB1069	Concurrence	27
SB1098	Concurrence	28
SB1124	Concurrence	30
SB1156	Concurrence	29
SB1353	Concurrence	31
SB1364	Concurrence	32
SB1400	Vote Intention	39
SB1401	Concurrence	32
SB1414	Concurrence	33
SB1440	Concurrence	34
SB1457	Concurrence	35
SB1542	Concurrence	36
SB1785	Concurrence	36
SB2089	First Reading	108
SR0180	Resolution Offered	2
SR0181	Resolution Offered	2
SR0182	Resolution Offered	2
SR0183	Resolution Offered	2
SR0184	Resolution Offered	2
SR0185	Resolution Offered	126
HJR0003	Resolution Offered	108
HJR0013	Resolution Offered	2
HJR0034	Resolution Offered	108
HJRCA0001	First Reading	105
SJR0036	Adopted	108
Senate to Order-Senator Welch		1
Prayer-The Reverend Jonathan Grubbs		1
Pledge of Allegiance		1
Journals-Approved		1
Journal-Postponed		1
Message from the House		2
Committee Reports		2
Senate Stands in Recess/Reconvenes		107
Committee Reports		107
Messages from the House		107
Messages from the House		108
Senate Stands in Recess/Reconvenes		126
Adjournment		126

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

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, everybody in the gallery? The invocation today will be given by Pastor Jonathan Grubbs, First Church of God, Springfield, Illinois. Pastor Grubbs.

THE REVEREND JONATHAN GRUBBS:

(Prayer by the Reverend Jonathan Grubbs)

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, the Pledge of Allegiance.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR WELCH)

Please be seated. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journals of Friday, May 23rd, and Tuesday, May 27, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

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 WELCH)

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

SENATOR WOOLARD:

Mr. President, I move that the reading and approval of the Journal of Wednesday, May 28th, in the year 2003, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Ladies and Gentlemen, the Illinois Information Service and the Chicago Tribune seek leave to photograph or to videotape the proceedings. Is there any

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

objection? Hearing none, so ordered. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 180, offered by Senator Cullerton and all Members.

Senate Resolution 181, offered by Senator Wendell Jones and all Members.

Senate Resolution 182, offered by Senator Shadid and all Members.

Senate Resolution 183, offered by Senator Soden and all Members.

And Senate Resolution 184, offered by Senator Wojcik and all Members.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR WELCH)

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

House Joint Resolution 13.

Adopted by the House, May 28, 2003. Senator Watson has picked up that resolution.

PRESIDING OFFICER: (SENATOR WELCH)

Would all Members please come to the Floor? We're going to go to voting on 3rd Readings. So, will the secretaries please get their Senators out of their offices and up here to the Floor? Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Trotter, Chairperson of the Committee on Appropriations I, reports House Bill 3738 Do Pass.

Senator Silverstein, Chairperson of the Committee on Executive, reports House Joint Resolution Constitutional Amendment 1 and Senate Joint Resolution 36, both Be Adopted.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator John Jones, for what purpose do you rise?

SENATOR J. JONES:

Thank you, Mr. President. It's really a privilege and an honor today to -- to introduce a very special guest from my district. I don't know how many people in the Senate watch the program "Survivor," but I have Butch Lockley here today, from Olney, Illinois, the Home of the White Squirrels, and -- and that played a part in him being selected, I think, to -- to the program. But sixty-five thousand people submitted applications to be on that program and they selected sixteen. Butch placed number four, which ain't bad for a little town in southern Illinois. But I'm really pleased and happy to -- to have Butch here on the Floor. If anybody would like a photo with him, we have the photographer over here, and we'll be more than happy to -- to accommodate you with -- with a photograph. Also, he is an educator. He is the principal of the middle school in -- in Olney, Illinois, and he's here with his wife, Cindy. So, let's give Butch Lockley a big round of applause and welcome to the Senate.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to the Senate, Butch and Cindy. Thank you for coming. We may need some advice from Butch 'cause we're going to have "Survivor" here for the next two and a half days right here on this Floor. Senator John Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Thank you, Mr. President. Like to introduce a couple of junior high track stars from my district. They're from Virginia, Illinois, and Matt Treanor - hold your hand up, Matt. He placed -- he was first place in the shot put with a toss of forty-five feet nine and half inches. He was -- and it makes him the State Champion. And Robert Werner -- Matt was in the eighth grade. Robert Werner, a seventh-grader, placed second in the State with the high jump of a jump of five feet four inches. Their coaches are here, Jeff Bennett and Karen McClure, in the back. If you want to stand up, please. And also, Robert's mother is here as well, Sue. I'd like you to welcome -- welcome them to Springfield.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Welcome to Springfield. Thank you for coming. Senator Schoenberg, for what purpose do you rise?

SENATOR SCHOENBERG:

I rise on a point of personal privilege. I'd like to ask my colleagues to join me in welcoming one of my fine college summer interns, Brian Slade, who is a student at Lehigh University in Pennsylvania. He's here with us today seeing how we work or don't work. So, please give him a warm round of applause.

PRESIDING OFFICER: (SENATOR WELCH)

Congratulations. Welcome to Springfield. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Question of the Chair.

PRESIDING OFFICER: (SENATOR WELCH)

Please proceed.

SENATOR BURZYNSKI:

Well, if -- if we're going to have "Survivor" here the next two and a half days, when do we begin voting people off?

PRESIDING OFFICER: (SENATOR WELCH)

We have a list -- a list over here of who we'd like gone. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR RIGHTER:

Thank you, Mr. President. Like to introduce to the Ladies and Gentlemen of the Chamber, Mr. Barret Von Behren, who's a sophomore, Martinsville High School, from my district. Barret's spending some time with us here today. He's indicated to us that he is interested in a life of politics, so we decided to bring him over here and see if that interest was really sincere. So, I'd like the Senate to welcome him. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

As long as he's in your district, welcome to Springfield. Ladies and Gentlemen, we're going to go to page 74 of the Calendar, House Bills 2nd Reading. House Bill 46. Senator Larry Walsh. Read the bill, Madam Secretary.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SECRETARY HAWKER:

House Bill 46.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. House Bill 1251. Senator Haine. That bill is on recall. Senator Haine, do you wish to call House Bill 1251? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1251.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WELCH)

Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

Yes...

SECRETARY HAWKER:

Pardon me. Pardon me, sir. I'm sorry. There was a Floor Amendment No. 1, offered by Local Government, first.

PRESIDING OFFICER: (SENATOR WELCH)

Pardon me, Senator Haine. The amendment's offered by the committee, Committee on Local Government. With leave of the Body, we will have Senator Haine present the amendment for the committee. ...there any further amendments?

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

Yes, Mr. President, Ladies and Gentlemen of the Senate. This previous -- previous language of this bill - how shall we say? - met considerable opposition, and therefore we've deleted it, being cooperative. And we've instead decided to -- with the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

support of the Municipal League, to prohibit -- or -- or, to change the definition of "rats" and "pests" in the Municipal Code, a very worthwhile venture for the Senate to undertake. I ask for the support of the Senate. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. Ladies and Gentlemen, we will proceed to page 79 of the Calendar, Secretary's Desk Concurrence. Senate Bill 690. 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 690.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I would move to concur with the House amendment. This bill actually was an initiative of the Illinois Press Association that eased the standard by which a person denied public records under the Freedom of Information Act may be awarded attorneys' fees and costs. There was a suggestion, actually, in the -- in the Senate Committee by -- by Senator Winkel and that was -- corrected by -- to clarify the issue of fees and costs would be covered. That was done by the House. So I know of no opposition. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall Senate -- shall the Senate concur in House Amendments to Senate Bill 690. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Members voted No, and no Members are recorded voting Present. On the motion to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

concur in House Amendment No. 1 to Senate Bill 690, the bill, having received the required -- constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 698. Senator Demuzio. 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 698.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the land surveyors' bill. Amendment No. 1 added a further qualification that the land surveyors' practice must meet standards of the American Congress on Surveying and Mapping and also by stating in that amendment that this does not cover circumstances where there are electronic means or data to -- utilized or integrate, display, represent, or assess, or -- create, prepared, or modified data. I assume that that is some language that is necessary from the land surveyors. I know of no opposition. Passed, I think, unanimously in the House. We ask your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment 1 to Senate Bill No. 698. 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 Yes votes, no No votes, and no Members voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 698, having received the required constitutional majority, the Senate concurs and the bill is passed. Please turn the page to page 80. At the top of the page, Senate Bill 729. Senator John Cullerton. Senator Cullerton, do you wish to proceed? 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 729.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SECRETARY HAWKER:

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me. Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a trailer bill that will become effective if the Governor signs House Bill 2784. It has to do with joint and several liability and it corrects a technical error in the bill that we passed. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 729. All those in favor will vote Aye. Opposed, vote No. 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 Members voting Yes, no Members voting No, no Members voting Present. House -- on the motion to concur in House Amendment No. 1 to Senate Bill 729, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 813. Senator del Valle. Senator del Valle, do you wish to proceed? Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 813.

Motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This was an amendment that was worked out with the Cook County Assessor's Office and it indicates that any taxes based on the omitted assessment of property shall be prepared and mailed at the same time as the estimated first installment property tax bill for the preceding year is prepared and mailed. Thus, the omitted assessment tax bill is not due until the date on which the second installment

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

property tax bill for the preceding year becomes due. This was necessary in order to make it fall in line with -- with their computer system, and it still allows an individual the time necessary to be able to pay that tax.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 813. 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 Members voting Yes, no Members voting No, and no Members voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 813, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 881. Senator Terry Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. -- Nos. 1 and 2 to Senate Bill 881.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Amendment 1 just replaces the reference of leukemia to leukemia, lymphoma and melanoma {sic} (myeloma), and in Amendment 2, it takes the administrating agency from the Department -- to the Department of Public Health from DHS.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 881. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Members -- voting Yes, no Member voted No, and none voted Present. House Bill -- on -- on the motion to concur in House Amendments 1 and 2 to Senate Bill 881, the bill, having received the required constitutional majority, the Senate concurs and the bill is declared passed.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senate Bill 884. Senator Clayborne. Read -- 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 884.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Senate Bill 884 and House Amendment No. 1 is just a trailer bill to the infamous Senate Bill 885, and what this does is it also puts the payphone service providers, makes them eligible for the two-year freeze rate.

PRESIDING OFFICER: (SENATOR WELCH)

Any discussion? Senator Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I thank -- Chairman Clayborne for sponsoring this legislation and the Senate President and the Speaker of the House for letting these out of the Rules Committee. This is taking out the personal vendetta part of that SBC law that the lead Democrat in Congress called a national embarrassment to the Democratic Party. I ask everybody to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 884. 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 Members voting Yes, no Member voted No, and none voted Present. House Bill 884, having -- on the motion to concur in House Amendment No. 1 to Senate Bill 884, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 886. Senator Clayborne. Read the motion, Madam Secretary.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 886.

PRESIDING OFFICER: (SENATOR WELCH)

Senator...

SECRETARY HAWKER:

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. Senate Bill 886, House Amendment 1, just deletes the twenty-day requirement that a county or municipality notifies or requires a developer to notify a public utility before or after issuing a permit or authorization for construction that they must also, at the same time, notify a cable TV -- cable system franchise.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 886. 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 Members voting Yes, no Member voted No, and no Member voted Present. House Bill 886 -- on the motion to concur in House Amendment No. 1 to Senate Bill 886, the bill, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Top of page 81. Senate Bill 903. Senator Garrett. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 903.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. The amendment to Senate Bill 903 basically removes the ability of the districts to use district maintenance funds to pay for a summer kindergarten program thereby limiting the expense of establishing, maintaining and operating the summer kindergarten program to the use of funds

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

contributed or otherwise made available to the school district for that purpose by federal or State appropriation only.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. A question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

The Senator indicates she'll yield.

SENATOR W. JONES:

Senator Garrett, is it legal to have summer kindergarten now in our public schools in Illinois?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, we are not debating the bill. The bill has passed out of here. This is a permissive bill that is subject to appropriation. What we are doing is taking the maintenance funds out of the possibility of funding such a program and making the funds dependent on State and federal appropriations only.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones, Wendell Jones.

SENATOR W. JONES:

Well, I -- I appreciate all that information, but my question was, do we permit summer school now in the School Code for kindergarten?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I would imagine so because we allow for our schools to have local control, and this would be up to each individual school district. And actually, the legislation allows them to do this anyway. So, it's already in the legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SENATOR ROSKAM:

Senator Garrett, can you tell me why the House wanted to take the flexibility away from the local school districts if they want to use the maintenance fund, for example, to pay for this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator Roskam, my belief is that the maintenance funds are to be used entirely for maintaining buildings and should not be used for programs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

I understand that. Why is this language necessary if that's true? Are there other areas -- I mean, why didn't we take out, for example -- why didn't the House take out the transportation fund? Why didn't they take out other funds? Why did they only take out the maintenance fund? That's my question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Because, Senator, in the original legislation, this fund was the only fund that was mentioned. The other funds were not mentioned.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Okay. So, the bill that originally passed was going to fund the -- the summer kindergarten programs through the maintenance fund? That's what the original Senate Bill 903 did?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, the appropriations could have been made through either federal or State appropriations, as well as maintenance funds. So, we took out the maintenance funds because school districts wanted to assure that those funds were being set aside for maintenance only.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Are some of the funds, though, that go into the maintenance fund -- I mean, those -- some of those funds come from State and federal appropriations, I assume. Isn't that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I believe that's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

So, gets us kind of back to my question: Why are we taking away the flexibility of the local school district to make decisions about how their going to spend their money, and why are we backing -- why are we letting the House roll us on this thing?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR ROSKAM:

Let's -- let's stand up..

SENATOR GARRETT:

Well, I actually think it's a good addition. This is my bill and I don't have any problems with it. I believe that in the current -- with the current economy that we have, that we should do everything we can to preserve our local funds for necessary expenditures, such as maintenance. I understand that. And also, I think I made it clear during the original debate on the bill that this is permissive only and that we were trying to secure funds from the federal government to move these kinds of programs forward. So, in a way, it does make sense because it's above and beyond what the everyday school curriculum is all about. And so that -- for that reason, I think it's a good change.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Last question. Senator, I represent districts like yours that -- that are always looking -- they're -- they're looking for flexibility. They're not looking for more hassles from us. So, could the locally raised money that my school districts have now - it's not State, it's not federal - it's not earmarked in any way, but it's in a maintenance fund, could they use that money to pay for these programs if Amendment No. 1 is concurred with?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, this deleting the maintenance appropriation -- possibility of an appropriation is specific to this legislation only. And again, this legislation is really a very progressive idea for school districts who have disadvantaged children. In a way, you could look at it as a pilot program, and it's my belief that the Chicago Public School System would not want to rely on maintenance funds for such a program. We believe, and I said this during the original testimony, that we will be able to secure federal funds for such programs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, please bring your remarks to a close.

SENATOR ROSKAM:

The red light is here, Mr. President, and I'll honor that. Senator, I appreciate your trying to answer my question. You didn't really answer my question. I think Senator Cronin may ask. But the question, if you could ask or even address it in the closing, is do the school districts have the ability to use this money, if this amendment is adopted, from the maintenance fund that's not coming from some other source? It's local real estate tax money. That's my question. It's local money, and are you prohibiting them from using it as they choose? That's my question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator Roskam, what the school districts do with the maintenance fund outside of this particular initiative is up to the school districts. Pertaining to only this initiative, we

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

are saying that the school districts should not be relying on maintenance funds, that, in fact, they should be relying on State and federal appropriations only. What happens with other programs and the maintenance funds is entirely up to the school district.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. I'm going to confine my remarks to the bill, if I may. With all due respect to the sponsor, this is a terrible bill. Please pay attention to what it is that you may be voting on right now. This is a bill that just takes the whole idea of the heavy-handed, Springfield-knows-all, we're-going-to-take-care-of-our-friends approach to business too, too far. Think about this in practical terms, Ladies and Gentlemen. You've got a little school district in the district that you represent. You've got a elementary district or you've got a -- a -- a school board, group of parents that want to put together a little pre-kindergarten program the summer before the kids start. And you know what? Maybe they got a few extra dollars left around after the school year. They can't do it. This law prohibits them from doing it. And what's more, if there's money left over in their account, they must direct those dollars to their maintenance fund because those special interests over there have be taken care of first, before the children, before the pre-kindergarteners. You know, the bill was -- was a laudable effort before the amendment came on. It was a -- simply a permissive thing. It was well-intentioned. The goal was clear. But when the amendment came on and the interest group prevailed on this policy and said, "You know what? Engineers and union interests and maintenance fund people who are dependent, they're more important than the kids, more important than the pre-kindergartners," you know what? It makes me a little nauseous when I look at that amendment. I got to tell you, this is a bill that just is not going to play well back home for anybody. It's -- it's misguided. It's -- the impact will be unfair, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Soden.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SENATOR SODEN:

Thank you, Mr. President. Senator Garrett, question.

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR SODEN:

What's the position of the teachers' union on this? The way I read the bill, you're going to start this two months earlier than the school year. Some teacher is going to have to give up two months of her sabbatical leave to come in and start this program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I -- I think there's much to-do about nothing on this bill. Let me explain that this bill is specific to districts where there are children who are at high risk and it is permissive. This is something that would be worked out if, in fact, they are able to move forward and fund this program within the school district. The Chicago Public Schools are -- are -- the teachers' union is supportive of it. I can't tell you how the details will work, but it is an excellent piece of legislation because, Ladies and Gentlemen...

PRESIDING OFFICER: (SENATOR WELCH)

Senator. Senator, you've answered the question

SENATOR GARRETT:

This gives -- this gives school districts an opportunity that they didn't have before where we have high-risk kids.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Soden.

SENATOR SODEN:

Well, Senator Garrett, looks to me like you still haven't answered the question relative to the teachers' union's position on this, as far as the pay aspect is concerned and their vacation time and everything else. I still don't see where you're going to satisfy that part of the -- of the program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

The funds will be coming from State and federal appropriations. How the teachers will be paid will be coming out of those funds. There's nothing tricky to this. It is a very simple bill, period. I mean, it is a good piece of legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR LUECHTEFELD:

You know, as you probably are aware, schools can -- can borrow from one fund and use it in another fund and then repay it to that other fund. They do that all the time. Is that the case here? Can they use that money from the maintenance fund, borrow it, and then pay it back, maybe at the end of the year? They do that a lot in -- in schools. I -- can they do that on this one, too?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, I -- I think we've gone through this. It's just the opposite. They are not allowed to use funds from the maintenance fund to appropriate these summer kindergarten programs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So -- so you would be, then, overriding what has been the case for years and years in education with this law, is that right or not?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I guess I don't understand your question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

For years, they will borrow from one fund and then pay it back at the end of the year into that fund. They do it from the education fund, the building fund, transportation fund. But -- so the -- we won't be able to do that in this particular case.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, this particular case is not part of the everyday curriculum. This is a special program for school districts who have high-risk children. It's not part of the curriculum. It's something above and beyond that. And so, each year, as you know only too well, school districts budget their everyday expenses. This is a program that would benefit high-risk kids in high-risk school districts. In order to fund that, we need to do it either through the State and federal appropriation system. There is no other way to do it. As you know, school districts are really very tightly squeezed with the amount of dollars they can spend on their everyday activities. We want to make sure that those everyday activities continue moving forward and that this will not impede that at all.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So, can you borrow from the education fund to do this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I think the bill is clear. The appropriations for this particular program are allowed to come from State and federal appropriations, period.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, just a little bit to the bill. You know, the bill basically, you say, is trying to create a program for at-risk kids. All school have at-risk kids. And you're trying to give them that opportunity, but then you're sort of stopping that opportunity from a school, let's say, that would have excess money in its maintenance fund, to maybe try this program. We're

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

going to -- we're going to stop that. Is there -- tell me, what motivated you, or -- or at least the people in the House, to change this? Could you tell me? Is there a motivation behind taking that local ability to be flexible and move funds around? Is there anything that really motivated this? Where'd that come from?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett, could you answer that question in your closing? Senator Garrett, to close.

SENATOR GARRETT:

Ladies and Gentlemen, this is not a "conspiracy theory" bill. This bill is an opportunity for school districts who have high-risk children to allow them, if we can get funds outside of that particular school district's annual budget, for a summer school kindergarten program. It only makes sense that the maintenance funds are not delved into. Its only makes sense that each and every school district doesn't go beyond their original budget to fund this kind of a program. This is something that is -- you could be looking at it as progressive legislation. But individual school districts don't have the kinds of funds to put this together. We're going to have to look for additional funds to do that, and that's exactly why we made the change in this bill. I ask that this -- that this Chamber put aside the political rhetoric that they've heard today and give this important piece of -- of legislation a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 903. 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 32 Members voting Yes, 25 Members voting No, and 1 Member voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 903, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 922. Senator Cullerton. Madam Secretary, read the motion.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 922.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The House amendment to 922 was the subject of a House bill that passed unanimously out of the House, was held up in the Senate Rules Committee inadvertently. The bill is -- it comes from the National Conference of Commissioners on Uniform State Laws. It makes changes to the -- and upgrades the Uniform Interstate Family Support Act, which was their recommendation. Includes personal jurisdiction over an individual, jurisdiction to modify or enforce a child support order, duties of a child support enforcement agency, issuance of a temporary child support order, and registration of orders for enforcement, and modifications of child support orders. There's no opposition. Be happy to answer any questions. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 922. All those in favor, 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 Ayes, 0 Nays, and no Member voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 922, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1053. Senator Cullerton. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1053.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you, Mr. President, Members of the Senate. This is the Illinois Financial Crime Law, which was a major initiative of the Illinois Banking Association this year, and when we passed the bill out, we indicated that the State's Attorney of Cook County had some additions that they wanted to make to the bill. We didn't have time, so they added them on in the -- in the House. Again, it's an agreed-upon bill, and we've voted for it unanimously in the Senate on the original Senate bill. Happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1053. 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 Members voting Yes, no Member voted No, and no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1053, having received the required constitutional majority, the Senate concurs and the bill is declared passed. On the top of page 82, Senate Bill 1066. Senator Crotty. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1066.

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1066 is the Good Samaritan Act which allows donations to go into a trust fund, the Good Samaritan Energy Trust Fund, in order to help people get back on with utilities when they've found themselves in arrearages. The Amendment No. 1 just asks that those solicitations to get those donations be sized so that they would fit into the -- the standard utility envelope and also that it not be so heavy that it would add postage to the utility. It also, on Amendment No. 2, makes the money in the trust fund subject to appropriation. My understanding is, is that when the Department administers this

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

or oversees this trust fund, that it should have that it would be appropriated by the State.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just for the Members of the Body. We raised a couple of things in committee that people need to know. This bill...

PRESIDING OFFICER: (SENATOR WELCH)

Could we please -- could we please have some order? Could we please take the discussions off the Floor and the -- and the photographs behind Senator Rauschenberger? Thank you. Please proceed.

SENATOR RAUSCHENBERGER:

First, this bill, in spite of the fact that we have the largest State LIHEAP program in the United States that supplements a very generous federal LIHEAP program, which helps poor people pay their energy bills during the winter in problems, essentially -- essentially encourages a State agency to get into the business of fundraising and bake sales to accumulate a fund of donations to further supplement -- perhaps a noble cause. But we're -- we're about to conclude work on a twenty-nine-billion-dollar State budget, and for us to argue that appropriate legislative measures to -- that soothe our conscience, like creating foundations in State agencies to raise money to deal with -- with clear social responsibilities of the General Assembly, first, I think is a problem. Then the second issue that was raised in committee - and we encouraged the sponsor to -- to think of an amendment or perhaps put this bill into conference - we're going to create a -- a donated fund and ask people, when they get their utility bills, to mail in a check for ten or twenty or twenty-five dollars to help support this -- this energy foundation; yet, we're not protecting this new accumulation of donations from the Bureau of the Budget's ability to sweep eight percent of the proceeds for the General Revenue Fund. I mean, it's one thing to talk about special interests in press releases and allow the Executive Branch to -- to trundle through five hundred separate funds in State government and take an overwrite on 'em, but it's a whole nother to create a new fund without protecting the donations made to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

this fund from the Executive Branch's ability ask for eight percent of those funds for quote, unquote "General Revenue purposes." So, although I think that the sponsor's got a noble idea here, I think the -- the Lieutenant Governor is in search of a mission and I think those are both great things, but I don't think this is the right time for us to -- to pander and to pass bills encouraging bake sales and fundraising by Executive Branch agencies. We either ought to appropriate the money we believe is -- is necessary or we ought to stay out of the business of further cluttering both the treasury with another fund and the statutes with another program.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield.

SENATOR RIGHTER:

Senator Crotty, in looking at the analysis that I have before me, it states that of the funds that are raised, if any are raised, that the Department will be allowed to use up to ten percent of those funds for administration of a program. What program -- I mean, is this money going to be filtered through the LIHEAP program or are we going to set up a new program by which we administer help to individuals for reconnection or pay past-due bills?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Well, I'm addressing the two amendments, so I don't have that -- the bill on me, but the ten-percent administrative costs, my understanding, goes along with the federal LIHEAP program. This program -- that's your first point. Your second point that I'll answer is this program is -- is a program that helps people with their arrearages. That's -- that was the whole idea. We find so many times across the State, especially in the wintertime, it's not uncommon to turn on the news and see so many fires because people have inherited homes from their families, their parents, not realizing that they had arrearages,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

their parents had arrearages on that home. So, therefore, this helps not in a bake sale. The Department is not going to fundraise. They're not going to do bake sales. This allows all of us an opportunity to get into a program to help our neighbors sort of catch up to the -- to the arrearages so that they can have their utilities put on faster. It's not a mandate. The utility companies are for it as long as these amendments were put in, and I was all for that when it went over to the House.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

I guess, Senator, the -- let me boil it down a little bit more. The question I have is, through the money that is raised with this, are we setting up a new assistance program or is this money going to be funneled through the existing State supplemental program that already exists? And if it's going to be a new program, what are going to be the parameters, what are we going to give that assistance for, as opposed to what's offered out there already?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

It is an added program to enhance the LIHEAP program, and all of the -- all of the parameters were set in the original legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator, you said that there won't be any fundraising. There will have to be some fundraising, because somewhere in the legislation it says that the letter that is sent out has to fit inside the billing document that a utility would send out. So, that letter's going to contain a request or a solicitation for funds, I'm assuming. I guess that's -- my last question is they -- someone is going to do some direct-mail fundraising or solicitation in order to put this program on its feet. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SENATOR CROTTY:

Well, what you -- what I tend to think is fundraising is someone that has to be actively involved and solicitating {sic}, making calls, getting the dollars. This here is a -- is a -- is a small -- obviously, a small attachment that you get in our utility bills already. So, I don't think that the utilities or the Department has solicited me if that comes through the mail. I'm not getting phone calls and -- and a fundraising activity as much as just an informational piece that let's them know that this program is out there if they so choose to join it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR ROSKAM:

Senator Crotty, a couple of people earlier had mentioned some of the overhead that's built into this program. But have you given any thought to disclosure requirements? In other words -- excuse me. Ten percent is coming off the top for regular program overhead. Another eight percent would be coming off based on the Governor's, you know, fee grab, however you want to characterize it. This -- I think you -- in your earlier discussion with Senator Rauschenberger, it was pretty clear that these funds are not exempt from the administrative charge that the administration wants to put on various State funds. So is there any way that you're going to be communicating to the public that eighteen percent -- or up to eighteen percent of their gift to this fund is going to be going for other purposes?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

As far as the disclosure, I -- and I could be wrong, but I don't think so. I think DCCA -- would give a disclosure on all funds that come in and funds that have gone out and what remains in a fund.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SENATOR ROSKAM:

So, in other words, when consumers in your district and my district get this solicitation in the mail, there's going to be something down on the piece of paper that tells 'em about this that's going to say, "Note: Up to eighteen percent of your gift is going to be used for overhead and for the General Revenue Fund for the State of Illinois."

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty

SENATOR CROTTY:

No, not in these amendments. That's not in there.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Okay. Is it in the bill? Is there a plan? Here -- it's not a complicated question. How are we going to tell people that almost one-fifth of their gift that is -- they think is going to be helping people with -- with -- with needs to care for themselves, to pay their utility bills and so forth, how are we going to tell those people that up to one-fifth of their gift is not going to go for that purpose whatsoever?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

You know, can I take this out of the record? Because I'd like to look and see if, in fact, this would fall under the disclosure bill that all of us utilize. I would. Just take it out.

PRESIDING OFFICER: (SENATOR WELCH)

Take it out of the record. Senate Bill 1069. Senator Lauzen. 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 1069.

Motion filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you, Mr. President. Very briefly, the House amendment deletes all language constituting a continuing appropriation of the three hundred thousand transfer to the Illinois Military Family Relief Fund. So, each year, they would have to come for that appropriation, which is acceptable. Happy to answer any questions or I'd ask for an Aye -- Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Amendment No. 1 to Senate Bill 1069 pass. All those in favor, 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 Members voting Yes, no Members voting No, and no Members voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1069, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1098. Senator Jacobs. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1098.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, as passed, defines "wireless enhanced 9-1-1". House Amendment 1 makes a technical change dealing with language stating how the surcharge shall be remitted by a wireless carrier. I know of no opposition. Ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator David Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to make two points. First, this is a good bill. It passed out of committee unanimously. And secondly, out of respect to the sponsor, I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

We're glad that's out of the way. Senator Jacobs, to close. The question is, shall House Amendment No. 1 to Senate Bill 1098 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 59 Members voting Yes, no Member voted No, and no Members voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1098, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1156. Senator Cullerton. Madam Secretary, read the motion. Excuse me, Senator. We're going -- I missed one. 1156. Let's do that one. Senator Cullerton.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1156.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The original bill dealt with the fact that there's a -- a new test for AIDS called "rapid testing," developed by a -- a entity domiciled in Illinois, a pharmaceutical company. And so, the bill allowed for the Department to adopt rules to allow for the implementation of this rapid testing. The House, at the suggestion of the Medical Society, asked that we simply just clarify some of the -- the definitions in the bill dealing with medical professionals, health care professionals. I would ask for its adoption and concurrence.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1156. 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 Members voting Yes, no Member voted No, and no Member is recorded voting Present. On the motion to concur in House Amendment No. 2 to Senate Bill 1156, having

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

received the required constitutional majority, the Senate concurs and the bill is declared passed. With leave of the Body, we will return higher on the page to Senate Bill 1124. Is there leave to go back? Leave is granted. Senator Syverson. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1124.

Motion filed by Senator Syverson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This is a -- a technical amendment that was put on with the agreement of the Municipal League. Be happy to answer questions, otherwise seek a favorable roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Amendment No. 2 to Senate Bill 1124 pass. All those in favor, 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 Members voting Yes, no Member voted No, and no Member is recorded voting Present. On the motion to concur in House Amendment No. 2 to Senate Bill 1124, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senator Trotter, for what purpose do you seek recognition?

SENATOR TROTTER:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR TROTTER:

Thank you very much. I would like to introduce to many of the Members here this -- this lovely young person who is here helping us on the -- helping us on the Democratic side today. Not only does she have a strong fashion sense, she has told me I could probably get more respect if I lost the bow tie. But she also has a very good handle on budget issues, in that she is the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

daughter of our former budget director, Steve Schnorf. So we have Quin Elmore here today, who -- oh, there she is, that is here. So, will you please join me in welcoming her to the Senate?

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR JACOBS:

We have with us, in the President's Gallery behind the President, a group of people from Thomson, Illinois, who are down here to try to convince the Governor that the prison that was built there two years ago, at a tremendous cost to the State of Illinois and a tremendous cost to the municipality, that that facility should be opened. And they're here to give their support to the Governor, and I'd like to give this Senate -- to say a big hello to 'em.

PRESIDING OFFICER: (SENATOR WELCH)

Will our guests in the gallery please rise, in the Presidential -- Gallery? Welcome to Springfield. On page 83, Senate Bill 1353. Senator Larry 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 1353.

Motion filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment No. 1 to Senate Bill 1353 basically says that -- adds language that permanent road funds can also be used to -- for a township to pick up and authorize the cleanup of brush and leaves. Know of no opposition and ask for Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. -- No. 1 to Senate Bill 1353. All those in favor, 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1353, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1364. Senator del Valle. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1364.

Motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle

SENATOR DEL VALLE:

Thank you, Mr. President. This is really a -- a technical amendment that makes references -- or, changes in terms of the terms used to describe what the impact statement will be all about.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1364. All those in favor, 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, 58 Members voted Yes, no Members voted No, no Members voted Present. On the motion to concur in House Amendment No. 2 to Senate Bill 1364, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1401. Senator Maloney. 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 1401.

Motion filed by Senator Maloney.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. This simply makes a change to the Asthma and Lung Research checkoff on the income tax form, changing the Department that would be making the grants to the Health Department.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment 1 to Senate Bill 1401. 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1401, the bill, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1414. Senator Obama. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1414.

Motion filed by Senator Obama.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This originally was a shell bill, so let me give just a little context of how this came back. It is now an agreed bill, but just so people know what they're voting on. Originally this bill was presented by the Trial Lawyers. They were concerned about a Supreme Court opinion that appeared to restrict the access that patients might have of their own medical records in a malpractice lawsuit. The bill was vigorously opposed by the Hospital Association, and what I did at that time was agree to bring the two parties together and try to negotiate an agreement that would be protective of patient records but also would respect the need of hospitals to be able to do peer review and other internal investigations when an adverse outcome had occurred. We had the agreement just about

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

done, but because of Senate bill deadlines, we didn't attach it to the bill. We sent it out on a shell. The agreement took place over in the House and was placed there, and it's now coming back as an agreed bill between the Trial Lawyers and the Hospital Association. I know of no opposition, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Could we have a little quiet in the Chambers? It's hard to hear Senator Obama. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Very briefly to the bill. Just for the benefit of the Members on our side of the aisle, it did come out as a shell bill. There was a good deal of votes against it, I think, when it first passed out. I congratulate the sponsor on good work in bringing the Trial Lawyers and the Hospital Association together, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Amendment No. 1 to Senate Bill 1414 pass. All those in favor, 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1414, the bill, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1440. Senator Dillard. Read the motion, Madam -- Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1440.

Motion filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. The House amendment on here was negotiated language between the Illinois State Bar Association, the State Appellate Defender's Office and the Office of the Attorney General. And very quickly, as Senator Hawkinson at this time of the year used to want us to do a one-sentence

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

explanation of the bill as it left here, is the bill amends the Code of Criminal Procedure providing that only one petition may be filed by a petitioner for post-conviction relief without the leave of the court. The amendment is agreed by all the parties and we should concur.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1440. All those in favor, 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, 58 Members voted Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1440, the bill, having received the required constitutional majority, the Senate concurs and the bill is declared passed. On the top of page 84, Senate Bill 1457. Senator Harmon. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1457.

Motion filed by Senator Harmon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 1457, the original bill, imposed certain rules and a fee upon people subject to parole or probation who seek transfer to another State. The House amendment, in a similar vein, increases the fee modestly for those who are subject to probation or conditional release here within the State, and then, in addition, imposes a new fee for those who are sentenced to community service and would not otherwise pay a fee. I'm aware of no opposition. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1457. 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

55th Legislative Day

5/29/2003

question, there are 58 Members voting Yes, no Member voted No, none voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1457, the bill, having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 1542. Senator Viverito. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1542.

Motion filed by Senator Viverito.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Viverito.

SENATOR VIVERITO:

Thank you. The -- Mr. President, eliminates provision of the Act granting immunity to public and committee members. It's proposed by the Township Officials of Illinois and it's already the law in downstate Illinois. And I would appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1542. 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 56 Members voting Yes, no Member voted No, no Member voted Present. House Bill -- the Senate concurs in House Amendment No. 1 to Senate Bill 1542. Having received the required constitutional majority, the Senate concurs and the bill is declared passed. On the top of page 85, Senate Bill 1785. Senator Harmon. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1785.

Motion filed by Senator Harmon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 1785 is an initiative of the Illinois Attorney General. It amends the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Whistleblower Reward and Protection Act. The amendment makes some technical changes, essentially restoring language -- original language that had been amended by our bill. I'm aware of no opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the -- the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1785. 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, 59 Members voted Yes, no Member voted No, none voted Present. The Senate concurs in House Amendment No. 1 to Senate Bill 1785. It having received the required constitutional majority, the Senate concurs and the bill is declared passed. Please turn to page 75 of the Calendar. With leave of the Body, we will go to Senate Bill 61. Senator del Valle. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 61.

Motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This House amendment retains the underlying bill and makes several changes in the Language Assistant Act to address a complaint system and plan of correction and penalties for the violation of the Act. It was an amendment that was put together by the Illinois Hospital and Health Systems Association, and I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 61. 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 Members voting Yes, no Member voted No, and no Member voted Present. The Senate concurs in House

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Amendment No. 1 to Senate Bill 61. It having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I'd like a point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR DeLEO:

Thank you very much. Today, visiting Springfield, Illinois, from the far northwest side of Chicago, in the northwest side, in the 41st Ward, is Garvey School, and I'd like to welcome them to the Illinois Senate, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Will our members -- friends in the gallery please rise and be recognized by the Senate? Please rise. Welcome to Springfield. Thank you for coming. Senator John Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR J. SULLIVAN:

Like to introduce -- some of my family's here today, in case you couldn't tell from looking at 'em. Two of my sons are here, Luke and Mark, and I'd like you to welcome 'em to Springfield, please.

PRESIDING OFFICER: (SENATOR WELCH)

Mark and Luke, welcome to Springfield. Looks like you all go to the same barber. Senate Bill 76. Senator del Valle. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 76.

The motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you, Mr. President. This amendment changes the reference to the Director of DHS and changes that from Director to Secretary, and it also deletes the provision of the Act which mandates community-based organizations to be involved in -- in enrollment and eligibility verification.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, very briefly, for the -- just for the Members on our side of the aisle. There were three No votes in committee on this legislation yesterday in Health and Human Services. Since then, we've had an opportunity to review the legislation a little closer and have -- and spoken to the sponsor, and believe this is a good piece of legislation. It is, our understanding, subject to appropriation, and we would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, the question is, will the Senate concur in House Amendment No. 1 to Senate Bill 76. All those in favor, 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 Members voting Yes, no Member voted No, and none voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 76, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 133, at the top of page 76. Senator Garrett. I'm sorry. Senator Meeks, what purpose do you rise?

SENATOR MEEKS:

Thank you so much, Mr. Chairman. Yesterday, on Senate Bill 1400, it was called to my attention that I was a No vote and I meant to be a Yes vote. I want the record to reflect it. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The record will reflect your intention, Senator Meeks. Senate Bill 155. Senator Halvorson? Do you wish to proceed? Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 155.

The motion, by Senator Halvorson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Yes. On Senate Bill 155, Mr. President, I want to nonconcur with the amendment from the House.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, Senator Halvorson moves to nonconcur in House Amendment No. 1 to Senate Bill 155. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion is adopted and the Senate nonconcur. The motion carries and the Senate -- the Senate shall so inform the House. Senate Bill 170. Senator Larry Walsh. Senate Bill 196. Senator David Sullivan. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 196.

The motion, by Senator Sullivan.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that we passed out unanimously for the park districts in Cook County. To refresh your memory, they can increase the rate in one fund as long as they decrease the rate in another fund in a like manner so there's no overall effect on the taxes. It's under the tax caps. The House wanted to amend it so that it would apply to the whole State, not just Cook County. Passed unanimously out of committee yesterday and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 196. 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 56 Members voting Yes, 1 Member voted No, no Member

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

voted Present. And the motion to concur in House Amendment No. 1 to Senate Bill 196, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 252. Senator Halvorson. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 252.

The motion, by Senator Halvorson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. Senate Bill 252, it requires the Department of Human Services to compile and maintain a database of individuals who are potentially in need of the disability services funded by that Department. This is a culmination of many years of work, and -- and this is supported by everybody. And if there's any questions, I can answer them, or if somebody wants to know more about what's in the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 252. 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 252, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 267, at the top of the page of 77. Senator Jacobs. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 267.

The motion, by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, as passed out, imposed the county board to put on a fee for court services to defray court security expenses. The House felt that -- that we should change the flat rate of twenty-five dollars to a maximum fee of not more than twenty-five. And I think it probably makes the bill a little bit better, gives a little more flexibility and is not as demanding on the counties. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator Jacobs, my analysis, I think it's got one of the best lines of all time. It says, "Makes a bad bill a little less bad." How bad was this the first time and how bad is it now?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you -- thank you, Mr. President. The bill, as I remember, went out of here pretty heavily, just whenever it had the Senate Floor Amendment No. 1. So, if the bill was bad then and it's made better, I ask for the same roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, briefly, to the bill: It was one of those squeakers, I think. According to my analysis, it went out with just thirty votes. So I urge caution on my side of the aisle.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, Senator Jacobs, to close. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 267. 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 38 Members

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

voting Yes, 19 Members voted No, no Member voted Present. The Senate concurs on the motion to concur in House Amendment No. 1 to Senate Bill 267. The motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 280. Senator Haine. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 280.

The motion, by Senator Haine.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the DNA bill which mandates that those prisoners with life terms and long years be compelled to give DNA samples. There was a gap in the statute. The House added some amendments recommended by the State Police to allow them to go outside the State to different laboratories if the need arises. So, I ask for concurrence.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 280. 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 Members voting Yes, no Member voted No, and no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 280, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 319. Senator Schoenberg. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 319.

The motion, by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendments No. 1 and 2 are agreed upon. It's responding to some concerns that were addressed by the downstate nursing homes. In addition, there's an exemption for Christian Scientists on reporting. This is an agreement with the Bar Association and the opponents, and I urge your concurrence.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and No. 2 to Senate Bill 319. 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 Members voting Yes, no Member voted No, and no Member voted Present. On the motion to concur in House Amendments No. 1 and 2 to Senate Bill 319, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 354. Senator Peterson. ...the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 354.

The motion, by Senator Peterson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 354, as it left this Chamber, provided for registration of surgical assistants and surgical technicians and provided for the scope of their practice. House Amendment 1 was suggested by the Illinois Medical Society and it clarifies that medical students and residents are not required to be registered under this Act and that theirs and other assistants in surgery at an -- at an operating physician's discretion is not prohibited. And the second amendment changes the effective date from January 1, 2004, to -- to July 1st, 2004.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 354. All those in favor will vote Aye. Opposed, vote

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendments No. 1 and 2 to Senate Bill 354, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 361. Senator Terry Link. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 361.

The motion, by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this amendment did is changed the bill to answer the concerns of a lot of my colleagues in -- in this Chamber. We put a sunset on this bill of four and a half years from July 1, 2003, to December 31st, 2007. We have changed where the money will be going to, that it'll be going to the Department of Public Health. For the grants, it will be divided among City of Chicago, Cook County and other certified county health departments throughout the State based on needs, which was a concern of a number of colleagues of mine. And also, two hundred thousand of this money will be used for the Department of Natural Resource and the Natural History Survey to research activities under this law. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator David Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR D. SULLIVAN:

Senator Link, can you explain for us what exactly the public health departments will be doing with this fee increase?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SENATOR LINK:

This will be used to discover -- to try to work on the West Nile Virus and hopefully find a solution and a cure for the West Nile disease that is going around at an epidemic rate and that's what the money will be used for, solely.

PRESIDING OFFICER: (SENATOR WELCH)

Senator David Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I just want to bring to your attention, this is a fifty-percent fee increase on this fee. In addition to this fee, I believe in the Governor's fees that he's going to have for us in the next couple days, there's a larger fee increase on this item. It's bad policy for us to be getting into these fee increases. Evidently we're going to go down this road. It is not a way to solve this problem. We're not going to solve the West Nile Virus on this -- this fee increase. It's not going to happen. It's a bad bill. I ask for a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

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

SENATOR LINK:

Well, I -- I -- I could see my colleague's concern on a fee increase, but I think I want to solve the West Nile Virus. I want to see one way of solving it. I think that this is a possibility, with a fifty-cent increase. The way we're going to be dividing this money is a positive endeavor. I think by doing nothing, we'll definitely not cure the West Nile Virus disease. I would ask for an affirmative vote, and I -- I look forward to solving this epidemic.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 361. 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 32 Members voting Yes, 25 Members voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 361, the motion having received the required constitutional majority, the Senate

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

concur and the bill is declared passed. Senate Bill 371.
Senator Hunter. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their
Amendments 1 and 2 to Senate Bill 371.

The motion, by Senator Hunter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. Amendment 2 to Senate Bill 371
makes it identical to House Bill 1530, which adds novelty
products. This is the mercury thermometer bill. This bill
passed unanimously in the Senate, and I ask for adoption and
concurrence to this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is,
shall the Senate concur in House Amendments No. 1 and 2 to
Senate Bill 371. 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 Members voting Yes, no Member voted
No, and no Member voted Present. On the motion to concur in
House Amendments No. 1 and 2 to Senate Bill 371, the motion
having received the required constitutional majority, the Senate
concur and the bill is declared passed. On the top of page 78.
Senate Bill 372. Senator Hunter. Mr. Secretary, read the
motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their
Amendments 1, 3 and 4 to Senate Bill 372.

The motion, by Senator Hunter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

Thank you, again, Mr. President. Amendment 3 allows
secondary school students to earn college credit -- graduations
by performing community services. This is the classroom
instruction bill. We deleted the thirty minutes and added the -

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

- the college credit towards graduation. And I ask for your adoption and concurrence of this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Just a point of order. Are -- are we adopting all three amendments on one roll call? Or, Senator Hunter, I think, mentioned Amendment No. 3 and the board says 1 and 4 as well.

PRESIDING OFFICER: (SENATOR WELCH)

1, 3 and 4. Senator Hunter is asking for concurrence in all three at once.

SENATOR ROSKAM:

Okay. And we'll do that on one roll call?

PRESIDING OFFICER: (SENATOR WELCH)

Yes, sir. Is there any further discussion? If not, the question is, shall the Senate concur in House Amendments No. 1, 3 and 4 to Senate Bill 372. All those in favor, 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendments Nos. 1, 3 and 4 to Senate Bill 372, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 385. Senator Munoz. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 385.

The motion, by Senator Munoz.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur with House Amendment 1 to Senate Bill 385. Amends the Sunset Act to extend the current licensure of occupational therapy till January 1, 2014. This amendment corrects language in the current Act that requires an applicant to take the next available examination. The National Board of Occupational Certification provides the examination on a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

perpetual basis and allows applicants ninety days to take the examination. The amendment reflects this current... The amendment also deletes the requirement that applicants for a license should be citizens or lawfully admitted aliens. This change is made at the request of Department of Professional Regulation and has been done in all other licensing Acts. And House Amendment No. 2 to 385 is just a technical cleanup. I know of no opposition and I'll attempt to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 385. All those in favor, 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendments Nos. 1 and 2 to Senate Bill 385, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 386. Senator Munoz. Read the -- read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 386.

The motion, by Senator Munoz.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President. Senate Bill 386, as amended by committee, amended -- one, amends the Sunset Act to continue the licensure of veterinarians until December 31st, 2013. This bill is the result of months of negotiations with various interest groups and is an agreed bill. Amendment 1 to Senate Bill 386 reflects the agreements negotiated with the Pork Producers, Beef Association, Horsemen's Council, Farm Bureau and Illinois Federation of Humane Shelters. The amendment also -- graduates of non-approved veterinary colleges to complete their one-year clinical training without violating the new Act. Finally, the amendment adds language requested by Department of Professional Regulation. And House Amendment 3 to 386 was initiated by the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

people providing the alternative therapies on animals. I would ask to concur on 1 and 3.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. Senator Munoz, I've received a ton of correspondence on this bill, as I know everybody else has. But just, again, for clarification: The veterinarians are okay with this bill right now as it stands.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

That's correct, Senator. They're all -- they're all -- it's an agreed bill. Everybody's in favor.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

I just wanted to echo that -- Senator, that I appreciate all the work that's been done on this to remove all the opposition. I know many of us received a great deal of opposition correspondence and contacts concerning this, but it's my understanding, which you've made very clear, that that opposition has been removed. I stand in support.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz, to close.

SENATOR MUNOZ:

I would just ask for a Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 386. 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 Members voting Yes, no Member voted No, no Member is recorded voting

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Present. House Bill -- on the motion to concur in House Amendments 1 and 3 to Senate Bill 386, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 408. Senator James DeLeo. Senate Bill 460. Senator Trotter. Senate Bill 472. Senator Cullerton. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 472.

The motion, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This would be the final passage for the death penalty reform bills of this Session. I know we've voted on this identical measure, but this is the particular vehicle and this particular bill, sponsored by Representative Cross in the House, is the one that, if passed, will go to the Governor. So, at this time, I would like to acknowledge all of the work that a number of people have put into this bill, starting with last year when the Senate Judiciary Committee had a special committee chaired by -- Senator Roskam and we had hearings throughout the State to delve into this issue, and it was extremely helpful. This year Senator Obama worked on a videotaping bill which complements these reforms. The staff - we included the staff, both our staff in the -- in the -- in the Senate. Rob Scott earlier in the year worked on this, as well as Pete Baroni on the Republican staff. And ironically enough, I don't always agree with the Tribune editorial board, but they certainly did get it right in highlighting the concerns concerning the death penalty. And Cornelia Grumman, from the Tribune, today, in fact right now, is in New York receiving the Pulitzer Prize, and it's much deserved. We worked with a number of different groups - the State's Attorneys Association, Matt Howard {sic} (Jones); Cook County State's Attorney, with Scott Seeder; Appellate Defender, Kathy Saltmarsh - to fashion this bill, which in final passage, with one minor exception, has the support of all the people involved. The way to look at this bill is that in a death

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

penalty -- potential death penalty case, there's three phases: There's the investigative and charging phase, the trial, and the post trial. We have done things in this bill in the investigating stage to make sure that we do not arrest somebody who didn't commit the crime. We have modified the definition of felony murder. We have set guidelines to be established voluntarily between the Cook County -- between the State's Attorneys Association and the Attorney General to decide when death penalty cases should be brought. We've expanded the use of DNA to make sure we get the right people. We have a pilot project for a videotape of -- of interrogations and -- until we pass the -- until the other videotape bill goes into effect. We have -- in the case of investigation, we require in the discovery process that field notes be turned over in these types of cases, and we even have a pilot project for sequential lineups. During the trial, if jailhouse informants or single eyewitnesses are the sole source of evidence, that case will be decertified as a capital case, and the credibility of jailhouse informants will be tested by a judge. If someone is mentally retarded, they will not be eligible for the death penalty as a result of this bill. And after a conviction, if it later turns out that a police officer was perjuring himself, he can be decertified. We have provisions in here to enable the Supreme Court, if they wish, to have a case be declared not eligible for the death penalty without having to jump through procedural hoops and find procedural error in the trial. We also speed up the post-trial conviction hearings, and we allow someone who has new evidence and can prove actual innocence to have that right in a post-trial conviction. In short, this is a revolutionary change that can be the model for a number of states that have the death penalty. I urge an Aye vote. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President. And first of all, I'd like to just once again reiterate something I said couple of months ago when we first debated Senate Bill 472, and that is that I think that Senator Cullerton has done a truly remarkable

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

job in bringing together disparate parties and coming up with a -- a compromise piece of legislation that was supported by almost everyone in the Senate. I also stated at the time that I had approached that vote with some trepidation because of my own prior experiences as a prosecutor in trying ten capital -- ten capital cases by myself. However, the bill that followed that, House Bill 1281, I cast one of the No votes, and basically 1281 is this bill. But the substance of this bill, as it left in 472, in my opinion, still was one of those things that on balance, even though I felt queasy about it, I -- I voted for it. There has been an -- an intervening factor since we voted on House Bill -- or, Senate Bill 472 and 1281, and that is that the -- the Governor of this State, when asked about whether or not he would sign this bill and whether or not this would be sufficient for purposes of lifting the moratorium, indicated that basically that this was the first step, rather than the last step. In my opinion, we started off a long, long time ago and had some of the most extensive hearings ever conducted in connection with any legislation in this State, especially on one as emotionally charged as the death penalty. To -- to now cavalierly insist that this is only the first step in a process, to me, is sending a very bad signal. More to the point, the -- in the sense of reforming capital punishment, it not only starts in the courtroom and in the Appellate Court and in the Supreme Court, but also there was a -- the prior disgraced administration's, in my opinion, outrageous act, in terms of executive clemency across the board. I have attempted to -- to, perhaps, place more stringent safeguards in connection with that to ensure that we would never again subject the people of the State of Illinois to such an outrageous act. That bill still stands in Rules. I think that if -- if -- if the message that is going to be sent is that this is only the opening volley in terms of making capital punishment literally impossible in this State, I want no part of it. I want no part of it. Again, Senator Cullerton, you know I respect -- respect you gratefully and -- greatly, and you've done a yeoman's job in this case. The No vote you will see this time will be simply for the reasons that I outline in my argument, and that is that this is the endpoint, not the beginning.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? If not, Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Senator Petka raises a -- an interesting dilemma. Clearly, Senator Petka is identified as being a strong proponent of the death penalty. What's interesting about the debate on this bill is that there are people who are abolitionists, and the abolitionists initially came to me and said, "We don't even know if we're for these reforms. We don't know if we want to reform the death penalty, because if we pass it, then the Governor will lift the moratorium." So, I had to convince them that -- that we don't know what the Governor's going to do, we don't know what the future's going to hold, we don't know who's going to be future Governors, but we do know that we want to make sure, as a State, that we don't want to have happen what happened in this State where we had thirteen, and maybe even seventeen, people who were exonerated for not committing the crime or not being really found guilty of committing a crime that they were eligible for the capital punish. So, we asked them, we asked those abolitionists, to just look at what this bill does. Now, again, I don't know what the Governor's going to do. He's going to sign the bill, for sure. Whether that means that he's going to have a -- a moratorium on the death penalty, odds are, to be honest with you, in light of what the previous Governor did, this Governor probably will never even have an opportunity to exercise his discretion and give someone a -- a pardon. So, I -- I appreciate the -- the point that you make. I -- I don't know exactly what the Governor meant by his comments, but I think, as a -- as a practical matter, these are very important reforms. I believe he's -- almost certain he's going to sign it, and I think that with this, we will hopefully never have to go through what we've gone through in this past few years. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 472. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Members voting Yes, 3 Members voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 472, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. With leave of the Body, we will go back to Senate Bill 408. Senator DeLeo. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 408.

The motion, by Senator DeLeo.

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DELEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 401 {sic}, House Amendment No. 1 deletes all and becomes the bill. Senator Madigan -- as you know, we had this debate. This is about the Water Reclamation District and it's about their compensation. We gave them the authorization to do their own pay raises. Some of these Water Reclamation District's commissioners have not had a pay raise in sixteen years. As you know, this legislation has no effect on the State of Illinois budget and any changes in the compensation will be paid by the Water Reclamation Operating District funds. This -- under current statute, the commissioners elected receive a compensation. The Speaker thought, in his wisdom, that they should be capped at ten percent, and that's what House Amendment No. 1 does. I ask for a -- a concurrence.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 408. 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 37 Members voting Yes, 22 Members voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 408, the motion having received the required constitutional majority, the Senate

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

concur and the bill is declared passed. On the top of page 79, Senate Bill 524. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 524.

The motion, by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment No. 1 to Senate Bill 524 basically requires that appointees to the fire department are to be a person of good character, not a person who has been convicted of a felony in Illinois or convicted of -- in another jurisdiction for conduct that would be a felony under Illinois law or convicted of a crime involving moral turpitude. I'd be -- glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 524. All those in favor, 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, 59 Members voted Yes, none voted No, none voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 524, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 553. Senator Harmon. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 553.

The motion, by Senator Harmon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. The Senate bill -- the underlying Senate bill created the Data Security on State Computers Act. Our colleagues in the House saw this as a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

suitable vehicle to amend the Public Utilities Act as well, the provisions therein regarding the Digital Divide Elimination Infrastructure Program. It essentially focuses existing language more intensively on rural communities that are underserved by DSL and cable internet access. It is a bipartisan initiative. I'm aware of no opposition, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 553. All those in favor, 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 2 to Senate Bill 553, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Senate Bill 679. Senator Sandoval. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 679.
The motion, by Senator Sandoval.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. Senate Bill 679 is a bill that amends the Illinois Human Rights Act in regards to English-only policies in the workplace. This bill had passed successfully through the Senate earlier this Session. With the added change of defining the term "language", which means a person's native tongue, such as Polish, Spanish, or Chinese, "language" does not include such things as slang, jargon, profanity, or vulgarity. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

He indicates he'll yield, Senator.

SENATOR RIGHTER:

Senator, my recollection, when we acted on this earlier in the Session, that there was a concern raised about what -- how broad "language" was defined and whether or not that could mean issues like profanity or something that could define sexual harassment. The amendment in the House takes care of that issue. That's in your view?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sandoval.

SENATOR SANDOVAL:

Si.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter. Any further discussion? Seeing none, Senator Sandoval, to close.

SENATOR SANDOVAL:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 679. All those in favor, 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 Members voting Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 679, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. Ladies and Gentlemen, please turn to page 21 -- 31 of the Calendar. At this time, we're going to House Bills 3rd Reading. Could we have a little decorum in the Senate? We are going to take House Bills on 3rd Reading that are on Recall or which have been amended. First bill will be House Bill... We are returning to page 24. House Bills 3rd Reading. House Bill 276. Senator Schoenberg. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 276.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President. I would like leave of the Body to return this to 2nd Reading for the purpose of an amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg seeks leave of the Body to return House Bill 276 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 276. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 is technical in nature. It retains the underlying bill, as amended by Senate number -- Amendment No. 1, in relation to the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003. As I indicated, this is technical. There's no opposition.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 276. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 276.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 276, as amended, is the Attorney General's

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

initiative for executing the -- for preserving the financial and public health benefits of the 1998 Tobacco Master Settlement Agreement. This will in no way - and I want to emphasize that - jeopardize the Master Settlement Agreement. That issue had been raised in committee, and that is because ninety-nine percent of the companies have already signed a binding letter on the language regarding the allocatable -- allocatable share. The bill if it does not become law, however, will put the State at exposure of losing millions of dollars a year in Master Settlement payments and exposing children to the aggressive advertising and marketing that we had hoped to do away with. Moreover, the bill not only improves the enforcement of the original legislation implementing the Master Settlement Agreement, but closes a significant and potentially costly loophole that has been exploited by those manufacturers who do not participate in the Agreement. This is based on model legislation drafted by the National Association of Attorneys General and has already become law in three different states and is awaiting signature in four others. I'd be happy to answer any questions. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RIGHTER:

Senator Schoenberg, you made a comment in presenting the bill that if this does not become law, the State risks losing millions of dollars from the Master Settlement. Can you explain why that might be the case?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

As we discussed -- as we discussed in committee, there is a loophole which exists that the National Association of Attorneys General recommends that we strengthen in statute which deals with those manufacturers -- who have not formally signed the Agreement; however, as I indicated in my opening remarks, that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

the -- ninety-nine percent of the companies have already signed a binding letter on language regarding the allocatable share.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator, yesterday someone stopped by my office and discussed this bill with me, and I'm going to give you the nutshell explanation they gave me and you tell me if this is correct or not. They stated to me that the -- the companies who did not sign on as part of the Master Settlement Agreement, which means that they chose not to become part of that Settlement and left themselves open for exposure with a -- with a later suit brought by the State - they chose to roll the die and leave themselves open for exposure - those companies now were going to be assessed a fee of one dollar per cigarette for every cigarette sold that was manufactured by them in Illinois. Is that basically the -- the nutshell of what this bill does?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. Righter, they are currently paying that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

The companies that did not sign on to the Master Settlement Agreement are already paying that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct, and those dollars are being held in escrow.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

The -- then I apologize, Senator. Then I don't have a -- a full understanding, and obviously the person who stopped by the office, who was lobbying on behalf of the bill yesterday, didn't understand exactly what your bill does. Can you -- can you walk through, maybe, a hypothetical for a company that didn't sign on

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

to the Master Settlement Agreement? What are they going to be required to do under your bill that they're not doing now?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The payments are equal to what they would have had to pay if, indeed, they had signed the Master Settlement Agreement. So, this closes the loophole relative to withdrawing money from that escrowed account.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Who -- who has the ability to withdraw money out of the escrow account once it's placed there?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. Righter, the nonparticipating -- the nonparticipating manufacturers -- the...

PRESIDING OFFICER: (SENATOR WELCH)

Could we have a little quiet? Senator Righter can't hear the answer to the question. Senator Schoenberg.

SENATOR SCHOENBERG:

The nonparticipating manufacturers, which have sales in a small number of states, that have been using these loopholes have -- have been utilizing this -- loophole have done so to recoup most of the money that they're required to put into escrow. The purpose of the Escrow Act was so that these companies which did not participate in the Master Settlement Agreement would have to pay out essentially the same amount of money that they would have had they, indeed, participated in the Master Settlement Agreement. So, the -- the bill, as amended, ensures that the escrow account and the Act will indeed fulfill its originally intended purpose.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter, could you wrap it up?

SENATOR RIGHTER:

Yes, Mr. President. I guess I'm still, Senator, having some trouble distinguishing between the ability or the rights of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

a nonparticipating tobacco company to somehow withdraw money or recoup money out of an escrow account as opposed to those that have signed on to the Master Settlement Agreement. I asked you a little bit earlier how or who has the authority to pull the money out of the escrow account. I mean, the explanation you've given me so far leads me to believe that what you're trying to do is ensure that once the money's deposited in the escrow account, that it stays there. And I guess I'm asking, who has the right to pull it out and are there are differing rights or abilities on companies -- depending upon whether or not they signed on to the escrow account -- I'm sorry, the -- signed on to the Master Settlement to pull those monies out?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. Richter, the -- under the Escrow Act, each of those manufacturers that does not -- that isn't participating in the Master Settlement pays into -- pays into the account an amount that's roughly equal to the number of cigarettes it sells in the State multiplied by roughly one cent per cigarette. However, the way the Escrow Act is currently written, it provides that the funds are paid -- that the funds paid into escrow may be returned to the -- to that company under certain conditions. It's -- it's because these conditions were not well thought out and had unintended consequences that this legislation has been drafted -- model legislation's been drafted by the National Association of Attorney -- Attorneys General and is recommended for states such as Illinois and others to close this loophole, avert this unintended consequence and ensure a smooth and uninterrupted flow of dollars coming to the states. As -- as you know, we are already receiving less than the anticipated amount over the twenty -- projected twenty-five year period, and it would be a shame if we further jeopardized the -- the -- relatively seamless transfer of funds as a result of not adopting this model legislation that's recommended for Attorney General -- Attorneys General throughout the country.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR GEO-KARIS:

I've read the analysis of this bill. Frankly, I'm not sure I know what it does. What does your bill do in essence?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The bill -- the bill ensures that for those companies that were nonparticipants in the Master Settlement Agreement, that when it comes to executing how the funds are paid into and disbursed back from the escrow account, that that goes uninterrupted. As I indicated in my earlier remarks, under the Master Settlement Agreement, the overwhelming majority of those companies which were not participants, were -- nonetheless had signed a letter of agreement to -- to pay money into escrow that accumulates over a twenty-five-year period, which is, indeed, the length of the escrow fund. And then this -- this ensures that those companies will have the sufficient resources to satisfy any judgments against them in the event that any participating states decide to sue them. Secondly, it makes them pay -- by paying into the escrow roughly the same amount of money that they would have paid out under the Master Settlement, it ensures that they do not gain an unfair advantage over their larger competitors and use that advantage to chip away at their market share. And third and finally, it ensures that they won't use that -- same unfair advantage to take advantage of marketing and advertising which the larger companies, because they participated in the Master Settlement Agreement, that they -- that they would be prohibited from doing so.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, I understood that when Illinois joined some other states in settling the tobacco problem with the companies, that the State of Illinois was going to get certain monies back from the Settlement. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator Schoenberg.

SENATOR SCHOENBERG:

I'm sorry. Could you restate the question?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, I understood when the -- the Tobacco Settlement was reached with the State of Illinois, the State of Illinois was going to get substantial monies from the Settlement. Now, is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Now, can you tell me why we need an escrow fund for payments into that fund when we -- the -- when the State of Illinois is supposed to collect all that money?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Because these were -- these were companies that were nonparticipants in the Master Settlement Agreement. If anything, to -- if anything, this is not only to protect us to ensure that we have that money coming, even though it's less than we had originally projected, it also is to project -- to protect - pardon me - those nonparticipating manufacturers against legal exposure in the event that there's a judgment against them.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Why should they be protected anymore than the ones who are willing to participate in the Settlement?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

The reason -- the reason why we're doing this is to provide that -- is -- as I said, to provide that protection for us to ensure that the dollars will be flowing, but also to provide protection against -- protection for those -- larger companies which did participate in the Agreement and are held to the terms by which they're sending money to us but also the terms in which they are expressly prohibited from marketing and advertising. We frequently talk about having parity and a level playing field. I think that the express intent of the Agreement and of the Legislature is to ensure that no one has any advantage over anyone else when it comes to this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BURZYNSKI:

Thank you. Mr. Schoenberg, I was just looking at this and I'm trying to remember. Under what conditions can these companies get their money back?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

...give you a brief -- I'll give you a brief illustration. There are -- let's say that there are two smaller companies, Smith and -- Smith Tobacco and Jones Tobacco, or Burzynski Tobacco and Righter Tobacco. There would never be a Schoenberg Tobacco. Say Smith sells a billion cigarettes every year throughout the country. Under the -- under the Escrow Acts of these various states, they end up paying ten million dollars into those states' respective accounts where they sell the cigarettes. And so, that's roughly a billion cigarettes times one cent per cigarette. This ten million dollars would be roughly equal to the amount Smith paid into the Settlement Fund every year had it participated in the Master Settlement Agreement. Jones, like -- Jones, like Smith, sells a billion cigarettes but, unlike Smith, Jones sells all its cigarettes in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

one state - let's say Arkansas or Texas or a state where there's a President from. Under -- under Arkansas, Jones would pay ten -- under the Arkansas Escrow Act, Jones would pay ten million into the Arkansas account, which would be equal, roughly, to what Jones paid into the Settlement Fund each year it participated, but because they were -- but Jones would be able to take advantage of the allocatable share loophole to get 9.9 million dollars out of the escrow account, leaving only a hundred thousand dollars left, because they only did it in one state. That hundred thousand dollars is obviously much less than Jones would have paid in the National Settlement Fund, it had been a participant in the Master Agreement.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. So -- so what I'm going to try and -- and -- and -- here -- here -- here it is. What I hear you saying is because they only operate in one state, they're entitled to get all this money back. They're entitled to get that money back under the Settlement that was given, the Master Settlement that the courts suggested. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The model legislation developed by the National Association of Attorneys General wants to -- because of this lack of parity in the hypothetical I just provided you with, delete this allocatable share loophole so that companies could not exploit - - companies who do business exclusively in one state could not exploit to unfair advantage versus a competitor in a very similar situation that does business and pays into escrow accounts throughout the country -- or, in several states.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski, could you wrap it up?

SENATOR BURZYNSKI:

Yeah. Thank you. This -- this is part of a Master Settlement plan. There was an agreement by all parties, as I understand it. There is a -- Master Settlement Agreement. My understanding is, some of the parties that have been involved

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

indicate that just us simply changing the statute, changing the model agreement, the model settlement -- statutory - and it's statutory settlement - could impact the entire Master Settlement. And, you know, that seems to be throwing everything out, potentially, that -- that has been achieved. I mean, that could -- that could jeopardize the entire Settlement. So, that's why I'm curious about this. That's why we're asking questions. And -- and so, can you respond to that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg, please respond in your closing.

SENATOR SCHOENBERG:

Are there any other further questions?

PRESIDING OFFICER: (SENATOR WELCH)

No.

SENATOR SCHOENBERG:

You want me to close.

PRESIDING OFFICER: (SENATOR WELCH)

Correct.

SENATOR SCHOENBERG:

The chief of staff for Attorney General Madigan indicated in the Senate Executive Committee that, in fact, this legislation was necessary -- the Attorney General, as -- feels this is necessary, as do her counterparts throughout the country, for this to complement the Master Settlement so -- so - - so as to ensure that there be parity and so as to not jeopardize that very Master Settlement. Those -- those companies -- smaller companies who are nonparticipants should not have the opportunity to exploit this particular loophole. And the Attorneys General have expressly said this should complement the Master Settlement Agreement and that's why I urge an Aye vote, as does the Attorney General. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 276 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 42 Members voting Yes, 14 voting No and 1 Member voted Present. House Bill 276, having received the required constitutional majority, is declared passed. Please turn to page 31. At the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

bottom of the page, House Bill 666. Senator Woolard. Read the bill -- Senator Woolard seeks leave of the Body to return House Bill 666 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 666. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Woolard.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

I think that everyone in the State of Illinois, the great State that we live in, agriculture being as prime as it is, vegetation an important part of our surroundings and our homes, et cetera, understand that there are sometimes exotic weeds which create problems for us. This adds some protection, and I would appreciate your consideration on this amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Yeah. I wanted to rise in support of this bill. I think it's a good bill, and I would urge an Aye vote on this side of the aisle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, we're on the amendment. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 666. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 666.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Ladies and Gentlemen of the Senate, I think that probably everyone here is wondering why anyone would step forward with a Bill 666. There's a real justification and reason that we put the amendment on that we did. You know, I think that probably everyone recognizes, if you've traveled the Midwestern part of the United States, that sometimes there are vegetations that adapt themselves in places that they shouldn't. How many of you've ever driven down the highway and seen a field that was kind of covered with some kind of a growth that was just freezing out and starving the vegetation that was below it from the good sunshine and -- and waters that were necessary to create good vegetation? This is the devil's weed that we're talking about. This is the reason that 666 is the right bill for this piece of amendment to be placed. This is something that will be good for each and every one of us. This is something that I would hope that you would join me in, to helping the Department of Agriculture and Natural Resources and all of the others to have the vehicles necessary to eradicate these kinds of starvation kudus {sic} and -- and kudzus and all kinds of bad stuff that happen to our great greenery in this State. Would appreciate your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, I'd like to help agriculture, but could you tell me in one sentence, what does your bill basically do?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

It -- it gives the authority -- Senate Amendment 1 provides the substantive language for the bill, which is a vehicle, to be identical to 2943, which passed out of here a few years ago. It will give the violators a penalty if, in fact, they are planting, transporting or creating an opportunity for this bad weed to survive in this State.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Soden.

SENATOR SODEN:

...President, would the sponsor yield for a statement?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Indicates...

SENATOR SODEN:

I think all you'd have to do drive through the south - North Carolina, South Carolina - and go down their highways and see the amount of trees that have been smothered by this particular weed. It's unfortunate we can't find a pesticide or something - and I don't want to use that word - to kill it, but I urge support of this vote. Think it's a good -- good bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Seeing none, Senator Woolard, to close. I'm sorry. Senator Rutherford. Didn't see your light.

SENATOR RUTHERFORD:

No, I -- I did come on late with it, Mr. President. I apologize. But to Senator Woolard, you know, I -- I support your legislation. But can you eat this? Can you eat it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard.

SENATOR WOOLARD:

I -- I don't think it's a crop of choice, but, yes, it could be eaten. In fact, it could be eaten by animals. There's a -- there's a very thick, strong vine that travels with it which makes it very difficult for someone to chew. But, you know, I -- I'm sure that there are people that would enjoy munching on it after lunch, especially on days when we're in Session at the end of the year.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford, a follow-up question.

SENATOR RUTHERFORD:

Can you smoke it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Woolard.

SENATOR WOOLARD:

Haven't tried, but I would probably think it would be extremely difficult.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

So you can eat it and smoke it and now we're looking to enhance penalties for people that illegally propagate it, transport it and encourage it to grow. You know, one of the ways that we could possibly really get rid of it, 'cause I -- I am supportive 'cause I know exactly what you're talking about, but maybe with -- coming up with recipes, like maybe a university could do research and get a grant to -- to -- to come up with recipes for cooking this vine, or -- and maybe get Senator Schoenberg here and the small tobacco companies to figure out how to properly harvest it and get rid of it that way. Senator, you've got a terrific piece of legislation here and I stand in adamant and strong support of it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Mr. President, I'd like to call for the previous question. This bill has been laying in the weeds far too long.

PRESIDING OFFICER: (SENATOR WELCH)

Question is called. Senator Woolard, to close.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a good piece of legislation. It's something we're making light of today, but I'm sure that if you have saw it, as the Senator said awhile ago, that it's one of those things that we have a responsibility to make sure that it doesn't continue to exist in this State.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 666 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, 59 Members voted Yes, no Members voted No, and no Members voted Present. Senate -- House Bill 666, having received the required constitutional majority, is declared passed. On page 34, House Bill 697. Senator del Valle seeks leave of the Body to return House Bill 697 -- take it out of the record. On page 38, House Bill 757. Senator Woolard. Do you wish to proceed? House Bill 841. Page 44 of the Calendar. Senator Clayborne, do you wish to proceed? House Bill 841. ...on the recall list, Senator.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator Clayborne seeks leave of the Body to return House Bill 841 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 841. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Please give Senator Clayborne a little room to breathe there. Could we take the conference away from around Senator Clayborne? Please proceed, Senator.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. Senate Amendment No. 1 to House Bill 841 just authorizes counties to acquire in eminent domain sufficient real estate for motor vehicle parking lots and/or garages.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Burzynski, on the amendment.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR BURZYNSKI:

Senator Burzynski. Thank you. Senator, what does this do? Allows counties to use eminent domain powers for parking garages?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

That -- that's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

For any other purpose in here as well?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

This is just done for the purposes of parking garages or parking lots.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator, right now current law allows local governments the authority to do these things for any public purpose. Is that not right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Wouldn't a municipal or a county parking garage already fall under that purpose?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

I assume so, but in my county, they thought that this was the best way to proceed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Can -- can you enlighten us then a little bit about who's brought this to you and who's wanting to build a garage or a -- a parking lot somewhere? And that's it. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes -- yes, I can. And, originally, I -- I was told that this was for some health care facility, but having talked with the chairman of the county, questions have been raised regarding the safety around one of the race tracks that's down in our

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

area. And there was a process, a Supreme Court case, where SWIDA actually tried to take quick-take and it was thrown out, and they said it had to be done for a public purpose. So, the county is looking at building a parking lot that they will own, the public will own, to alleviate some of the congestion and -- and -- and traffic flow problems.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. I have some questions for the sponsor if he would yield.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR W. JONES:

Yes. This bill was discussed extensively in Local Government. I intend to support it and our committee supported it. But for the purposes of the legislative intent, we'd like to make sure that this bill states that the -- acquire by eminent domain sufficient real estate for motor vehicle parking lots or garages. Is this language intended to mean counties can only acquire by eminent domain real estate for parking lots and garages if it is used for public purposes?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne, to close.

SENATOR CLAYBORNE:

I just ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WELCH)

The question is -- all those in favor of the amendment, vote Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments?

ACTING SECRETARY HARRY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 841. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. We just discussed it. This bill just allows a county to use eminent domain for purposes of a -- a motor vehicle parking lot or -- or garage. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill 841 pass. All those in favor, 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 45 Members voting Yes, 11 Members voted No, no Member voted Present. House Bill 841, having received the required constitutional majority, is declared passed. House Bill 859. Senator Harmon. Senator Harmon seeks leave of the Body to return House Bill 859 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 859. Mr. Secretary, are there any Floor amendments approved?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. This is an amendment to a shell bill. I'd be happy to debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Is there any further Floor amendments?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 859. Senator Harmon. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. House Bill 859, as amended, amends the Property Tax Code and, in particular, the provisions related to the indemnity fund in Cook County and Cook County only. There is currently a fee assessed at the sale of a property that goes into an indemnity fund. Several years ago there was a deficiency in the fund and the General Assembly adopted a five-percent surcharge to make up that deficiency. We have essentially filled that deficiency earlier than expected, and this bill cuts off that five-percent tax earlier than it would otherwise be cut off by statute. I'm aware of no opposition and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator David Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR D. SULLIVAN:

In practical terms, is this, then, a fee reduction?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

I'm proud to say this is a fee reduction.

PRESIDING OFFICER: (SENATOR WELCH)

Senator David Sullivan.

SENATOR D. SULLIVAN:

Glad to see that. I recommend an Aye vote.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senate -- any further discussion? If not, the question is, shall House Bill 859 pass. All those in favor, 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 Members voting Yes, no Member voted No, none voted Present. House Bill 859, having received the required constitutional majority, is declared passed. Please turn to page 51 of the Calendar. House Bill 940. Senator Trotter. Senator Trotter seeks leave of the Body to return House Bill 940 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 940. Mr. Secretary, are there any Floor amendments approved..

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Risinger.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Risinger, on Amendment No. 2.

SENATOR RISINGER:

Yes. House Bill No. 940 calls for -- if a change order for a public works contract is entered into by a unit of local government or school district and authorizes or necessitates an increase in the contract of twenty-five percent or more, then those items that are affected be rebid. Amendment No. 2, what it does, it adds some language that -- that takes out projects that are procured in accordance with the Illinois Procurement Code and the State Finance Act and also raises the -- the percentage to fifty percent. This language was -- was suggested by the Illinois Department of Transportation.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all in favor of the amendment, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 940. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

House Bill 940.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. Essentially you heard what the bill was by Senator Risinger, but just to give you a little more information, it provides a small degree of flexibility to local governments and/or school districts that seek to change an order previously bid on a public works contract. These local governments and school districts will be required to submit a contract for bid only if the change order is not procured in accordance with the Illinois Procurement Code. The amendment that was just added made a -- a good bill better, and I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall House Bill 940. All those in favor, 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 Members voting Aye, no Member voted No, no Member voted Present. House Bill 940, having received the required constitutional majority, is declared passed. Please turn to page 56 on your Calendar. Senator Risinger, for what purpose do you rise?

SENATOR RISINGER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR RISINGER:

This is a very special day for one of our staff interns. Mr. Tom McGovern, behind me, is -- it's his birthday today and I'd like for all of the Senate to wish him a -- a -- a good day.

PRESIDING OFFICER: (SENATOR WELCH)

Happy birthday. Senator Risinger, where's the cake? We're looking. On page 56, House Bill 1006. Senator Garrett. On page 57, House Bill 1023. Senator Silverstein. Senator Silverstein seeks to return House Bill 1023 to the Order of 2nd

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Reading. Leave is granted. On the Order of 2nd Reading is House Bill 1023. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Silverstein.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This is a quick-take for the Village of Morton Grove. It's for a TIF district. There were public hearings held, and there is no -- no objections.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further amendments?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Winkel.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel, on Amendment No. 2.

SENATOR WINKEL:

Thank you, Mr. President. Floor Amendment No. 2 would provide quick-take authority to the Urbana-Champaign Sanitary District for a period of two years. This quick-take is needed to acquire property to implement phase 2 of the Curtis Road-Windsor Road sanitary interceptor sewer project which involves a construction and operation of needed sewers.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 1023. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

House Bill 1023.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This is, I think, a -- truly a bipartisan bill, and as originally stated before, my amendment, which became the bill, was a quick-take for the Village of Morton Grove. And Senator Winkel will explain his -- previously explained his -- his -- his amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator David Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield. Senator Silverstein.

SENATOR D. SULLIVAN:

Thank you. Senator, I just want to double-check and make sure there's no O'Hare quick-take language in this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Silverstein.

SENATOR SILVERSTEIN:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

Yeah. I previously described the -- the Amendment No. 2. It's needed for development in southwest Champaign and for the University of Illinois and the Village of Savoy, and would appreciate your support on this legislation.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 1023 pass. All those in favor, 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 48 Members voting Yes, 10 voted No, no Member voted Present. House Bill 1023, having received the required constitutional majority, is declared passed. House Bill 1482, on page 65. Senator Link asks leave of the Body to return to that bill. Leave is granted. House Bill 2221. Senator Ronen seeks leave of the Body to return House Bill 2221 to the Order of 2nd Reading for

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

purposes of an amendment. Is there leave? Leave is granted. On the Order of 2nd Reading is House Bill 2221. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 3, offered by Senator Ronen.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Amendment 3 becomes the bill, and what it simply does is codify an Executive Order and allows personal attendants and personal assistants to be considered to be -- come under the Fair -- the Fair Labor Standards Act and to go for collective bargaining. And I'd ask that we add this amendment to the bill, and we can debate, if we wish, on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 2221. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2221.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Members of the Senate. House Bill 2221 codifies an Executive Order which allows SEIU to work with personal attendants and personal assistants to organize them so that they can begin collective bargaining and all those benefits that accrue from the process of collective bargaining over the years. I would be happy to answer any questions, and I would ask all my colleagues to support this important bill.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Is there any discussion? If not, the question -- Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR JACOBS:

Senator, I have just two questions. Number one, it states in my analysis that -- let's see. Where is it? Excuse me. Just bear with me. Personal care attendants and personal assistants providing services under the Department's Home Services Program shall be considered to be public employees and the State of Illinois shall be considered their employer, but yet nowhere in this are we talking about insurance, pension provisions. Are we setting up two different classes of State employee?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you for that question, Senator Jacobs. We are not setting up -- personal care attendants and personal assistants are hired by the persons for whom they work. They're not hired or fired by the State. This is a unique group of individuals and might I say people who work so hard day in and day out for wages much, much less than they deserve and much, much less required by the important work that they do. What this merely does is give them the first step towards organizing and have collective bargaining power so that they can work towards other benefits in the future. So, I think this is a very important step. They are not, per se, State employees, and I thank you for that distinction.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Just to the bill: This is sort of a unique bill, especially for those of us on this side of the aisle. It's one where the proponents are SEIU and AFL-CIO, and the opponents are AFSCME. So, I guess it appears to me that with this Amendment No. 3, in particular -- and I understand what you're trying to do,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator, but it appears to me that we are getting in the middle of -- of a -- of a union fight that really we don't need to be in the middle of. I -- I know it's probably going to pass, but it's just something that I felt that I had to say 'cause I -- I -- I really don't believe that we, as -- as a Body, should be involved in negotiations. And, also, when we're talking about labor unions, I'm never sure whether we should be picking sides in that area either.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates she'll yield, Senator.

SENATOR BOMKE:

You know, I -- I realize, Senator, that the Governor, by Executive Order, has made the SEIU State employees, and -- and we know that Governor Blagojevich is going to be around for at least four years, maybe longer. What -- what's the urgency? I know there have been negotiations ongoing. Why is it so important that we pass this today?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

The -- there are no negotiations going on now. The -- as you probably know, these are two great unions that we're talking about, SEIU and AFSCME. There was some disagreement as to who should represent them and they took that disagreement to the National AFL-CIO. And the National AFL-CIO said clearly that SEIU had the right to represent these workers, and that's why it's important for us to implement and to codify the Executive Order that the Governor established and start on this process, this very important process, of giving these people who work hard day in and day out, doing God's work, doing work that -- that none of us could probably be able to do. And it's time that they got their -- their rights to be -- to collectively bargain and all of those benefits that ensue from that. So, it's very important that we do this now for their sake.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator Bomke.

SENATOR BOMKE:

Thank you. To the bill: I agree, these are very hardworking individuals, and I couldn't agree more. One concern I have, as Senator Jacobs, a question he raised, is, we're -- we're creating two different classes of State employees - one with benefits and one without. Concern I have. And as one who represents probably the largest number of State employees of anyone in this Chamber, I'm concerned that -- what's to keep a future Governor from taking benefits away from State highway employees, taking away from correctional officers, taking away from maybe some clerks? And we know, even in this budget, we have some discrimination where the Governor is taking some benefits away from merit comp employees. What's to prevent this from happening -- in the future? I'm -- I like the -- these -- these employees. I know they're hardworking individuals, but I think this bill needs a little more work and I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR DEMUZIO:

She's shaking her head yes. I can see that. Have we ever, as a legislative Body, codified a agreement such as this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

You know, I'm afraid to answer that question. I -- I think you know the answer. I'm not sure I -- I -- I know if we have or not, but I -- I have a feeling you might.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio, to answer his own question.

SENATOR DEMUZIO:

The answer is yes, many, many years ago. You see, what -- the problem that I have with what we are about to do here is that it seems to me that this issue has already been resolved.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Was not this issue filed with the proper labor organizations and wasn't it appealed and wasn't it that the -- that the union that was -- that was mentioned in the Executive Order, it was upheld, and then on appeal, that the -- they also were -- it was also upheld, and therefore we're just codifying the decision that they've already been -- been through, through their -- their -- their labor organizations, whatever it is?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you, Senator. I -- I wasn't aware of the trend of your questions when you first started. Yes, you're absolutely correct. The -- as I said, the National AFL ruled on this and said very specifically that SEIU had the right to represent these workers. And the AFSCME appealed that decision and their right was upheld on appeal. So, thank you for letting me reiterate that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, here's the hard questions that I don't know the answers. Then why are we codifying what has already been resolved?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

We think it's important to make that said for workers. As you've said, we have done this in the past. It's an -- it's making a -- a statement that this is important. It's a first step for these workers, that they have -- and let me make clear: They are not State workers; they are only considered State workers under the Labor Relations Act for purposes of collective bargaining. So, we are not setting up a two-tiered system.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wojcik.

SENATOR WOJCIK:

...just rise in support of this legislation. It had a good hearing in committee. It passed out 9 to 1, and I urge its passage.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Rutherford.

SENATOR RUTHERFORD:

Senator, just a quick question. If we did not pass this legislation, would the Governor's Executive Order stand?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Yes, it would. This -- this -- well, my microphone's still on though. It -- it would, but this -- this bill helps to clarify some of the details of it so it makes it a little -- it's more helpful to the -- the bargaining unit with this, rather without -- than without it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. I wasn't going to go ahead further with it, but since your microphone was on, I figured that we're going to go ahead and keep it going. So, you're -- so, if this bill does not pass, the Governor's Executive Order stands, SEIU will have the opportunity to continue to -- to function as we have it today. And as long as Governor Blagojevich is the Governor and he continues with his Executive Order, things will go on as they are. So, for the reality of -- during this administration, this bill is not necessary to continue the way that it's already structured. And that was a closing comment, not a question. Thank you, Senator Ronen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I had the opportunity a couple of months ago to go over to Decatur with the Service Employees Union representatives and actually witness a home care worker who -- who was taking care of a -- unfortunately, a young man with AIDS, a very heart -- gut-wrenching situation in which the young man lived in and this individual worked in. It was someone who makes very little money and who actually has to believe in what they're doing, you know. They have to really have the interest and the caring desire to help these people

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

because most of us probably wouldn't work in the conditions those people were forced to work in. So, I rise in support and I hope Members on this side of the aisle will join me in supporting Senator Ronen in her efforts to codify the -- the action of the Governor, and I believe these people deserve some consideration. So, thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Ronen may -- may close.

SENATOR RONEN:

Thank you very much. I -- I would just close by echoing the very articulate comments of Senator Watson, and it's great to be working with him again for the second time. I would ask all my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 2221 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 2, 5 voting Present. House Bill 2221, having received the required constitutional majority, is declared passed. Bottom of page 65. 2280. Senator Ronen? 2345. I beg your pardon. Senator Schoenberg? On the Order of House Bills 3rd Reading is House Bill 2234, Mr. Secretary. I beg your pardon. Hold on. Out of the record. Page 66 is 2345. Is a recall. Senator Schoenberg seeks leave of the Body to return House Bill 2345 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2345, Mr. Secretary. Any amendments?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 2 makes this -- the underlying bill geographically more inclusive. It specifically spells out who will be the designees to participate in the task force to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

develop a comprehensive housing plan. It's note -- I want to note that the Leaders from both Parties in both Chambers get to appoint designees. It is the same objective as the underlying bill, though the goals are more permissive. This addresses concerns that were raised by the Majority Leader and others in committee and there's no opposition to the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there -- is there discussion? Senator Schoenberg has moved the adoption of Amendment No. 2 to House Bill 2345. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 2345. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 2345.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2345, as amended, creates the Illinois Housing Initiative which provides a comprehensive five-year plan to spur more construction and rehabilitation of affordable housing throughout the State. There are presently numerous barriers to executing the acquisition of property and conversion of properties into affordable housing. There are numerous State agencies that participate in affordable housing decisions. In fact, there are eighteen different State agencies that do so. This would develop an annual comprehensive housing plan. It would identify previously underserved populations, such as low-income families throughout the State and individuals with disabilities, and recommend State actions to promote new -- adequate and sufficient new and rehabbed housing -- and housing, plus supportive services as well. There would be portions of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

available State and federal housing and supportive services resources pooled through a streamlined application process so that the objectives could be achieved. And finally, teachers would receive assistance through the Illinois Housing Development Authority to purchase their first home in school districts that are financially needy or experiencing a shortage of teachers. This has a broad range of support from community organizations throughout the State. I'd urge your support. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. This bill has been debated. It's been talked to death: the pros, the cons, the necessity, the lack of necessity, the potential impact in certain areas of the State. We've gone all through this not only on the Floor, but in committee, so I'm not going to try and -- and go through a lot of that. But I do have a question to ask relative to -- I think it's the House amendment that came over, relative to the makeup of the board or the task force, number one. Is it my understanding that any of the agencies involved can have more than one appointee to this; however, the Legislative Leaders only have one?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The agencies that are involved would each have a designee. That's the Lieutenant Governor's Office, the Treasurer's Office, IHDA, Aging, DHS, DCCA, DCFS, DPH, DPA, the Illinois Institute for Rural Affairs at Western, the U.S. Department of Agriculture, which, believe it or not, has a hand in housing policy in the State. The Legislative Leaders each get one representative, and then the Governor can then -- the Governor appoints twelve housing experts, and that is split evenly between urban and rural areas of the State.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

I'm not sure. Can the Governor, the Lieutenant Governor's Office, can they only appoint one person or is it kind of wide open? Because I -- I -- my understanding is, it's pretty broad there, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I believe my intention is for them to appoint one individual. We certainly don't want any of these myriad of agencies to have a disproportionate weight on the panel. We're looking for geographical, partisan and agency parity in representation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

The -- I -- then I would suggest you take a look at that portion of the bill because I'm not sure it's -- it's specific, at least from what I see here. The other thing is, I just noticed that there are some changes relative to terms. For instance, the task force originally was to establish goals; now they're to project -- or, excuse me. They originally were to project goals for the number of affordable housing; now it's to establish goals. We changed priority populations to underserved populations. Is there any significance in the change in those definitions?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

It's more permissive and those issues were -- it's more permissive. Those issues were raised in committee, and this is designed to set a framework and blueprint rather than mandate precisely how to execute that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this amendment and this bill, finally. I think the last statement that the gentleman just said was that it was a -- a blueprint; it was not a mandate. And I think that's the most important part of this. Originally, when this bill came over, it did, in fact, have an unlimited number of individuals to be appointed. Perhaps sometime later on that provision could be tightened up. I had a fear that the criteria that was mentioned in the first part of this bill was the criteria by which all housing decisions would be made in the future. I think the amendment pretty well satisfies that. I think the -- the fact is now it -- it's in pretty -- pretty decent shape, and I think that there is some sense to what this bill is attempting to do, and therefore I would urge our Members on this side to support the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President. I have a question or two for the sponsor if he would yield.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR W. JONES:

A couple of weeks ago we passed a bill that required a State zoning appeals commission of some kind, indicating that we had to have at least ten percent of our communities to be affordable housing by a specified date. Now we come along with a bill that says the State is going to do this and the State is going to do that. There seems to be an underlying theme running through all of these bills on affordable housing: That the State is going to enforce its will on the local communities. I've been getting feedback from my mayors on the bill that -- I believe it was Senator Martinez passed last week, indicating that they think this is an interference with -- with local government and that they don't like the way this is going. I think this bill seems to be going down that same path. Senator Schoenberg, can you -- can you outline if you agree with that or not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

All right. Senator Demuzio in the Chair. Senator Schoenberg.

SENATOR SCHOENBERG:

I think you grasp the idea that it's supposed to address affordable housing; however, this is not to make the State the uber-zoning agency. That -- you may have -- you may decide to characterize Senator Martinez's bill in that way. That was that bill. This is this bill. This bill, as the Majority Leader indicated, sets out a framework by which we can facilitate, expedite, streamline the application process, as well as the ability of those who wish to develop affordable housing to obtain financing. Do you know what those -- do you know what those who are in the affordable housing business call the type of financing they have to put together? They call it "lasagna" financing, because financing affordable housing is so complicated that between the tax credits and the available subsidies, developers have to try to pile one layer onto the next. But this develops a framework and a blueprint. As Mr. Demuzio indicated, it is not a mandate. It does give us some parameters and it's -- represents, really, all the areas of the State. I had the pleasure of chairing hearings while -- during my final months in the House and going throughout the State and hearing from people who have tried to develop affordable housing and those who have needs for affordable housing. And those people are very different, based on income, based on disability, based on their need for supportive services. We have eighteen agencies right now that deal with this. We're not doing as good a job as we can and we are disappointing people throughout the State by not having a plan, and that's all this does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Well, you said we had eighteen agencies dealing with this problem, and that -- that right there indicates one of my concerns - if we have eighteen agencies dealing with it. Forty-three years ago, when my wife and I were young teachers who had just moved to Palatine, we couldn't afford lasagna, let alone housing, and I don't recall the State of Illinois having an agency to help us find our way. And I'm concerned that we're

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

going down this path of more and more and more State services for something that should develop as we go along. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. And a question of the sponsor, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

I see in the language there's something here with regard to teacher assistance. Would you explain that for me?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Yes, Mr. Luechtefeld. That was a bill that -- I believe it was Senate Bill 520, which did not meet a deadline. There was no known opposition to the bill. As a matter of fact, the Development -- the Housing Development Authority is already anticipating participating in this by carving out within their existing subsidized First-Time Homebuyer Program. This essentially would help provide for those who wish to be teachers, that in areas where it is designated to be -- have a teacher shortage, that they could access a below-rate, first-time homebuyer's mortgage if they met certain conditions, namely if they stayed with that school district for a prescribed period of time. I have, for example, been -- know that -- a number of downstate communities where the teacher shortage is very acute, that in trying to compete with better-paying school districts that may be up north, they've wanted to be able to have some incentive to have new teachers stay in the profession and stay in that community, and this would help achieve that end.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I -- I -- wouldn't there be a better way to do that? Maybe bonuses or whatever it might be. I -- I -- I just think if you do that for teachers, who do we do that for next?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Firemen? Policemen? Where do -- where do we go? And, legislators. That's good. I like that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

The trends in -- the trends in Illinois on teacher shortage mirror those that are happening nationally, namely thirty -- thirty -- within the first three years of entering the profession, young teachers -- thirty percent of young teachers leave the profession. They leave the -- and that has helped contribute -- that, plus early retirements here in Illinois, have helped contribute to a shortage of qualified teachers. I believe that we should have a mixture of remedies to help teachers not only stay in the teaching profession, particularly in areas where we need it the most, but also to help stay in school districts, and the example that I outlined is probably the best example. I had a town hall meeting in Decatur about a year and a half ago on this subject, in conjunction with National-Louis University and the Attorney General, and we -- and we found that so many teachers in downstate districts are leaving to go to more lucrative areas in the suburbs. If we can help them attain home ownership and sink down roots into a school district, I think that's not the only way to help that problem, but it's one of several ways we can help address that problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, we have problems in small -- small communities with -- we can't find dentists or doctors or whatever. I don't think that we're going to address that problem by, you know, giving them free housing or -- or at least assisted housing. I just think there's a better way to deal with that and we're going down a road that, you know, maybe we -- maybe we will regret someday and -- and, you know, some of the other things I think in this bill are okay. I just -- and I guess this has been added to it. Is that right, to the bill? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Peterson.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

SENATOR PETERSON:

Thank you, Mr. President. To the bill. As many of you know, I sponsored affordable housing legislation this year and in previous years, and I think some of the speakers who feel that there's problems with this bill are looking for something that really isn't there. This is a good piece of legislation and I encourage my colleagues to vote for it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Soden.

SENATOR SODEN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Soden.

SENATOR SODEN:

What happens to that teacher? She takes advantage of this, buys a home, two years later decides to move out to another district. What penalty is there for that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. Soden, as I indicated in earlier remarks, this would essentially not create something that's dramatically new, but rather would be a carve-out of the existing First-Time Homebuyer Program that the Illinois Housing Development Authority has already offered very successfully. The bill -- failure to uphold the terms of being within that school district for a period of time, the same thing that would happen if someone who is already participating in the IHDA First-Time Homebuyer Program didn't fulfill those obligations - those same -- those same consequences would be met. So that nobody could walk away from their obligations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Soden.

SENATOR SODEN:

Well, where is that guaranteed in the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Because this is a carve-out of an existing First-Time Homebuyer Program, those conditions are already being executed by the Housing Development Authority for first-time homebuyers. The bill is silent on that, specifically because this isn't creating a new program, but rather, this is tapping into that existing pool of -- of debt that's offered for first-time homebuyers. Any fear that people could walk away from their obligations would be unwarranted just because people already cannot walk away from their obligations under the IHDA First-Time Homebuyer Program. And I -- I want to amplify -- I just have to say that I want to underscore what Mr. Peterson had to say. I think that if -- this is a framework. This -- the larger underlying bill is a framework for addressing a problem which has grown and I don't think that we should look for things that are wrong with it, especially when this isn't creating something dramatically new.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Roskam.

SENATOR ROSKAM:

Senator, just in your -- in your discussion with Senator Soden, I understand part of it and I didn't understand part of it. I understand the part where they're -- they still have an obligation to pay back the loan. But if they walk away from their obligation to be a teacher, there's no protection or no call-back provision in the bill, is there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

I believe you addressed this issue in committee and my answer at that time was -- as it was earlier, that like the current IHDA First-Time Homebuyer Program, someone who -- the bill itself is silent. This is not a new program. This is a carve-out of the existing First-Time Homebuyer Program. So, just like someone who failed to meet the terms in that IHDA First-Time Homebuyer Program, so too if someone would fail to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

have their service be the -- be the length of time required in the -- in the amendment, they too would be technically in violation of fulfilling their obligation. And we would treat them the same way we treat the people who already don't fulfill their obligations under the IHDA First-Time Homebuyer Program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

So if they were in violation -- just so I'm clear. Would a teacher who made a commitment to teach, then broke that commitment to teach but continued to make the house payments for the mortgage, would they be in compliance or would they not be in compliance?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

This is specifically tied to an individual's employment at a -- at a school district that's -- at a school that's recognized by the State Board of Education who meets that time requirement. And indeed, the Housing Development Authority has indicated that the rules that they will adopt will be entirely consistent with the rules that they already have in place and the procedures they already have in place for the First-Time Homebuyers Program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

What did you just say? Would they be in compliance or would they not be in compliance?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schoenberg.

SENATOR SCHOENBERG:

If they don't meet their service requirement, just like if they didn't meet their residency requirement, just like if they didn't meet any other requirement, they would not be in compliance, and the rules that will be promulgated by the Authority will be consistent with the existing First-Time Homebuyers Program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Further discussion? If not, Senator Schoenberg, you may close.

SENATOR SCHOENBERG:

I think we've debated this sufficiently. I think Mr. Peterson hit it on the mark. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2345 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 7, none voting Present. House Bill 2345, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, same page, House Bill 2362. Senator Harmon seeks leave of the Body to return House Bill 2362 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2362. Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. The amendment adds substance to a shell bill. I'd be happy to discuss it on 3rd Reading. I ask for...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, Senator Harmon moves the adoption of Amendment No. 1 to House Bill 2362. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Ladies and Gentlemen, House Bill 2362. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2362.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. House Bill 2362 amends the Illinois Public Labor Relations Act. Under current law, once a union has organized workers and -- or earned the right to represent them and entered into a collective bargaining agreement, the Labor Relations Board won't certify a new representation election during the term of that agreement until the window of ninety days to sixty days before it expires. That -- that's designed to protect the stability of the contracts. Under current law, that protection falls away after three years. When it was put in place twenty years ago, the norm was three-year contracts. Now we see more and more four, five and longer term contracts. This amendment extends that protection to a five-year period. I'm aware of no opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there -- is there discussion? Senator Wojcik.

SENATOR WOJCIK:

Just to the bill, Mr. President. This bill does not expand unionization. So I would just like to say that to my side of the aisle. So I would -- ask you to vote your conscience.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator Harmon, why -- why are we doing this? Why are we telling one union that they can't go and compete for the affections of workers that another union is currently representing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Senator Roskam, I -- I don't believe that's what the bill is doing. We are -- the law currently seeks to protect the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

integrity of collective bargaining agreements and to say that when you are -- when you have entered into an agreement, that agreement will remain in place during its term. This is in the best interests of both union and management. The law, when it was drafted, put forth a three-year horizon because the collective bargaining agreements typically were three-year agreements. Now we're seeing more and more agreements of longer terms, four or five or even longer, and this bill simply recognizes that evolution in collective bargaining agreements and protects the four- and five-year contracts. It doesn't -- it doesn't -- it doesn't protect them if the collective bargaining agreement has expired. It simply protects them during the course of that standing agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Senator, is that what the amendment does or is that what the underlying bill, as amended, does? And maybe you could just respond to this. My analysis says that, provides that no opposing union may petition for an election of representation before five years have lapsed since the effective date of the original collective bargaining agreement. Am I reading an analysis of an older version of this bill or could you just speak directly to that issue?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

The bill, as amended -- I mean, the -- the amendment becomes the bill, so we -- we aren't talking about different drafts. What this permits is the Board to certify a representation election in the period from ninety days to sixty days before the expiration of the agreement. If it's a five-year agreement, that happens in that window before the fifth year. If -- if it's a three-year agreement, it happens in the -- the window between the -- before the -- the third year. So the window follows the length of the -- the -- the agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Roskam.

SENATOR ROSKAM:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

I'm still lost as to why we're doing this and I know -- hey, listen. When I was in the Majority, I got a lot of bills sort of like this, so I get the joke on the program. But could you explain the underlying policy that you're trying to correct and the rationale?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

Thank you, Senator. And I apologize. My last answer was not quite as clear as it should have been. I understand your question better now. If management and the union enter into a five-year collective bargaining agreement, they have bargained for five years of stability in labor relations. Under the current law, a competing union could come in at three years and ask for a representation election and current law would permit the Board to grant that, upsetting stability in labor relations. This -- this bill, as amended, simply protects that relationship during the contractual term of the collective bargaining agreement. Was that a more clear response to your concern?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator, I thought I had a clear understanding of the bill until you said that very last -- you gave that very last answer that this is designed to protect the union during the period of the collecting {sic} bargain agreement, but as I read it, it collects -- it protects that union for five years after the expiration of the collective bargaining agreement. That's not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

It protects them for -- until four years have elapsed from the effective date. Perhaps your analysis says -- it's the effective date of the agreement, not the expiration date.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Can you -- can you walk through maybe a hypothetical of what would happen under the law now and what would happen under the law if this became the law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Harmon.

SENATOR HARMON:

I believe that I can. Under -- first the facts: A union and a management -- and management enter into a five-year collective bargaining agreement with terms and conditions both sides are happy with. They have bargained for five years of labor peace. They have bargained for a -- a stable period of five years. Under current law, another union could come in at the three-year mark because the protection falls away and -- and rabble-rouse and -- and try to generate a new representation election, upsetting the stability of that labor -- of labor relations within that -- that public employer. This simply protects the integrity of the collective bargaining agreement during its natural contractual term.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Harmon may close.

SENATOR HARMON:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2362 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 7, none voting Present. House Bill 2362, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, turn the page. Page 67. It's my understanding that the two - two Leaders have conferred. This will be the last bill. We'll go to Supplemental Calendar. We'll do that, and then they'll tell me where we're going after that. I understand fully, this is where we're headed. Top of page 67 is House Bill 2504, Madam Secretary. All right. Senator Cullerton seeks leave of the Body to return House Bill

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

2504 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2504, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment, which was approved in the Judiciary Committee yesterday, is very similar to a Senate bill, which we've passed, dealing with adoption and confidential intermediaries. The addition is the addition of a Confidential Intermediary Council that would advise and make recommendations to the Director of Children and Family Services. Be happy to adopt the amendment and then proceed on 3rd Reading with the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Cullerton has moved the adoption of Amendment No. 1 to House Bill 2504. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 3rd Reading. On the Order of House Bills 3rd Reading, top of page 67 is House Bill 2504, Madam Secretary.

SECRETARY HAWKER:

House Bill 2504.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill, as I said, is very similar to a bill we've already passed dealing with confidential intermediaries, and the House indicated that they wanted to add this advisory council to make recommendations to the Department of Children and Family Services. It'd be made up of seven individuals - one the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Attorney General, the rest -- appointed by the Director - only to make recommendations, not to have any other regulatory authority. And it seemed like a reasonable suggestion so we took it up and included it all in the same bill. That's what the bill does. Be happy to answer any questions and ask for an Aye vote. I would just indicate that it's supported by the Chicago Bar Association and a -- Adoptive Families Today, which is an organization of adoptive parents. So, please ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall House Bill 2504 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 2504, having received the required constitutional majority, is declared passed. All right. With leave of the Body, we'll got to the Supplemental Calendar No. 1. I assume it's all been passed out to your desk. Supplemental Calendar No. 1 is Constitutional Amendment -- House Joint, Constitutional Amendment, 1. Senator -- Senator Jones. All right. Madam Secretary.

SECRETARY HAWKER:

House Joint Resolution 1, Constitutional Amendment.

(Secretary reads HJRCA No.1)

1st Reading of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of Resolutions on the Supplemental Calendar is Senate -- Secretary's Desk, Resolutions, is Senate Joint Resolution 36. Madam Secretary, are there any amendments?

SECRETARY HAWKER:

Senate Joint Resolution 36.

There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Out of the record. We took it out of the record. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Can you enlighten us as to what's going on right now?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, let's yield to Senator Wendell Jones. Perhaps he can enlighten us. Senator Jones.

SENATOR W. JONES:

Mr. President, I was wondering what the status of my motion to adjourn about three weeks ago was.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's still on hold. Well, it's my understanding, I thought you guys were going -- I thought the Republican Members were going to caucus. I call on you for the purpose of an announcement apparently, and if I had my way, I wouldn't let you go to caucus, but have at it. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Seeing as how you're so compliant with our wishes, we would ask for a caucus immediately. Are we getting ready to adjourn, I take it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

It is my understanding that we are coming back to do some real business. So, do you have any idea how long you might be?

SENATOR BURZYNSKI:

About that long. I -- I'm guessing it could take a while, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do you -- do you want me to set the time? How long -- how long do you think it would be, sir?

SENATOR BURZYNSKI:

We'll start with sixty minutes, an hour. It's a good round number. Yeah. Let me explain that for Senator Woolard, since he's south of 64. Take off both shoes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. On a purpose of an announcement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Please.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'd like for the Body to welcome my parents to the Senate Floor. They've been together for

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

thirty-eight years and I guess they're the reason why I'm here.
Melvin and Barbara Lightford.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Welcome to the Senate. ...reason for the delay is, we would like to proceed with this resolution that we just took out of the record. Problem is, we have to come back for it. We're trying to work out to see whether or not we can -- what we're going to do. Just stand at ease. The Senate will stand in recess till the hour of 4:30. 4:30. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, we would request a Republican Caucus immediately until the hour of at least 4:45.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senate will stand in recess till 4:30.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The hour of 4:30 having arrived, the Senate will come to order. Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Re-refer to Rules - Senate Resolution 89, House Joint Resolution 14 and House Joint Resolution 21; Be Approved for Consideration - Floor Amendment No. 2 to Senate Joint Resolution 36; and Be Approved for Consideration - House Resolution -- I'm sorry, that's Senate Resolution 89, House Joint Resolution 14 and House Joint Resolution 21.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Message 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 96, together with House Amendments 1, 2 and 3.

Passed the House, as amended, May 29, 2003.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

I have like Messages on Senate Bill 153, with respect to amendments -- House Amendments 1 and 2; Senate Bill 172, with House Amendments 1 and 2; Senate Bill 417, with House Amendments 1, 2 and 3; Senate Bill -- pardon me, 594, with House Amendments 1 and 2; Senate Bill 777, with House Amendment 1; Senate Bill 871, with House Amendment 1; Senate Bill 1147, with House Amendment 1; Senate Bill 1743, with House Amendment 1; Senate Bill 1994, with House Amendment No. 1.

All passed the House, as amended, May 29, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2089, offered by Senator David Sullivan and Rauschenberger.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Messages.

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

House Joint Resolution 34.

Adopted by the House, May 28, 2003; and,

House Joint Resolution 3.

Adopted by the House, May 27, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Secretary, you have any motions on file?

SECRETARY HAWKER:

Yes. I have a motion filed by Senator Dave Sullivan with respect to House Bill 875.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Be placed on the Calendar. Ladies and Gentlemen, let us pick up where we left off. Supplemental Calendar No. 1. On Supplemental Calendar No. 1 is Senate Joint Resolution 36, Madam Secretary.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senate Joint Resolution 36.

There are no Floor -- committee amendments, and Senator Collins offers Floor Amendment No. -- No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

What the -- thank you, Mr. President and -- and Members of the Senate. Amendment No. 2 basically changes the typographical error in the drafting of the legislation and it changes from seven to ten the members to be appointed by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins has moved the adoption of Amendment No. 2 to Senate -- Senate Joint Resolution 36. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and... Ladies and Gentlemen, on the Order of Secretary's Desk, Resolution, is Senate Joint Resolution 36. Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 36.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Basically, Senate Joint Resolution 36 creates a seventeen-member Commission on Opportunity in State Public Construction. It directs the Commission to determine whether racial and gender discrimination occur in hiring or contracting on State public construction projects, the extent of the discrimination, if any, and if there are race and gender-neutral barriers to participation. I am open for any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Indicate she will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, we talked about this a couple hours in the Executive Committee and just wanted to go over a couple points that I made. First, for the benefit of the Membership, could you tell them what you intend as it relates to the type of study? What is social-scientific research?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you, Senator Roskam. I would think that that indicates that any social studies methodology would be used in the collection and the compiling of data. In order for us to move forward or to have policy recommendations based on the study, the statistics must be rigorous and must be grounded in data, and it cannot be anecdotal but must be grounded in -- definitive data. And so, I would imagine, if you are familiar with any social studies or sociological data compilation, it requires rigorous notating based on demographics, such as race or the number of times that a person might have been refused apprenticeship or training opportunities. So, it has to be based on numbers, specifics, and it sort of narrows it down and it's not a broad sort of anecdotal revelation before the Commission.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

During the committee, Senator, you said that it's your purpose, as the sponsor of this bill, to have specific examples. If -- if the Commission finds that there's been wrongdoing or finds that there's been this pattern of gender or racial discrimination, that in their report, they would have -- they would cite specific examples. So, for -- for example, "On this date, we observed," or "We've come to the conclusion that at this building trade union, this is happening," "At that building trade union, that is happening." And just for purposes of legislative intent, that is your intention as the sponsor of the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Senator Collins.

SENATOR COLLINS:

It is the intent that I have a record of -- a very definitive record and it would have to be based on specifics, as such.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Well, is that -- I noticed that you were sort of unsure when you were answering my question and talking to staff. Was there something that I said to you just now that was not clear, or is it your intent, Senator, as the sponsor of the bill, to cite specifically? I'm not asking about a record; I'm asking about specific citations, as opposed to generalizations, of "We saw this pattern," and "We saw that pattern." I can wait. I'll stop so your staff can talk to you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Collins.

SENATOR COLLINS:

The -- the reason I was hesitating, because I wanted to be very clear in my response to you and that's why I did ask for advice on this. And we can only make findings. The Commission is only responsible for reporting findings.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Well, that's different than, Senator, what you said in committee, because the question I asked you was the one I stated earlier and you gave me a different response in committee. Now let's move on. The other portion where I had a concern was the subpoena power that is listed on page 3, which would empower the Commission to have the investigatory power pursuant to 25 ILCS/5 {sic}, and that, in the committee, you told me was really a broad subpoena power. Now, from the time you gave me that answer to now, is your answer still yes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you. I did do more research on that and the response to that is, because this Commission is a creation of the General Assembly through a joint resolution, it is my opinion that this Commission will carry the same powers and responsibilities of any standing committee or special committee formed by the General Assembly. In that case, you do -- under the organizing Act of the General Assembly, it does imply that you do have subpoena power. So this is just -- in this particular legislation, we just made it more explicit that we would have subpoena powers, the same powers that you have for any standing committee or special committee formed in the General Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

To the bill. Thank you, Mr. President. I think the underlying concept here is a good concept. I regret that the Senator's opinion has changed from the committee presentation to the Floor presentation, but I appreciate her candor and transparency. I think it's a real weakness. I think that if the Commission is going to come up and make conclusions, I think that we're entitled to know which are the organizations, what are the dates, what are the times, where are the problems. Don't bury it in some statistic, don't bury it in some paragraph, don't bury it in some type font that doesn't animate any sort of further discussion. Say, "Here's the place, these are the people, this is the date, this is the time, this is the group that they discriminated against," and then let's be able to come back and take further action. That's a weakness of the bill. Another weakness of the bill, in my view, is really unfettered subpoena authority. This is very, very broad power. This can end up into a fishing expedition, particularly if there's no burden on behalf of the Commission to come back with specific examples, and as the Senator has said, that's not a requirement to the bill. I urge a No or Present vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not Senator Collins may close.

SENATOR COLLINS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

In response to that in my closing, the reason -- this legislation grows out of a consideration of various women-owned businesses and minority-owned businesses and various civil rights group that have been concerned with the lack of representation and lack of access into various trades in various construction projects. But in a Supreme Court ruling, City of Richmond versus Croson, the Supreme Court ruled that we could not address or provide policy recommendations before a predicated study that would outline specifically the findings of racial and gender discrimination. So this is really to abide by the law presented in the Supreme Court case that it must be predicated. Before we offer policy recommendations, it has to be based on a -- on a -- on a study. And so this just puts into play the mechanism for the study before we can make policy recommendations, and I would appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Joint Resolution 36 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 10, 11 voting Present. Senate Joint Resolution, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, back to the regular Calendar. Page 67. Page 67. Let me give you some forewarning as what we attempt to do. We're going to call 2550, 2902, 2983 and then we're going to go back to 1006 and 1482. So With leave of the Body, we're on page 67. 2550. Senator Lightford seeks leave of the Body to return -- Senator Lightford seeks leave of the Body to return House Bill 2550 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2550. Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Thank you, Mr. President, Members of the General Assembly. House Bill 2550, the Amendment No. 3 became the bill. It basically amends the Mortgage Act and the mortgage certificate of release. It deals with the sunset and it makes the bill just much more effective, and there are really no opposition at all to this legislation. I'd ask for an Aye vote. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Lightford has moved the adoption of Floor Amendment No. 3. Is there discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Lightford, you wish to call 2550? On the Order of House Bills 3rd Reading is House Bill 2550. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Members of the Body, again, Senate Amendment No. 3 became the bill. It deals with amending the Mortgage Act, providing the sunset, just allowing the company to be more effective. And there are no opponents to this legislation. Cook-Witter, Illinois Credit Union, Community Bankers and the Illinois League of Financial Institutions are all proponents. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 2550 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2550, having received the required

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

constitutional majority, is declared passed. All right. 2902 will be found on page 71. Page 71, Ladies and Gentlemen. And Senator Dillard seeks leave of the Body to return House Bill 2902 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2902, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This amendment was language that was worked out with the Cook County State's Attorney's Office. It leaves a Class A misdemeanor in as an option, and I'd move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard moves the adoption of Floor Amendment No. 1. Is there discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Dillard. On the Order of House Bills 3rd Reading is House Bill 2902, Madam Secretary.

SECRETARY HAWKER:

House Bill 2902.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This bill increases the penalties for transmitting a false report of child abuse or neglect and it's a good bill. It's been worked out a lot with the Cook County State's Attorney's Office. I know of no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Is there discussion? If not, the question is, shall House Bill 2902 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill -- 2902, having received the required constitutional majority, is declared passed. House Bill 2983. Senator Woolard seeks leave of the Body to return House Bill 2983 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2983, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Woolard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woolard.

SENATOR WOOLARD:

I'll be glad to address this on 3rd Reading. I think it's something that's been negotiated through the AFSCME union and the Governor's Office, and it's something that Senator Luechtefeld and myself have been working on for many years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woolard -- Senator Woolard moves the adoption of Amendment No. 1 to House Bill 2983. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 2983. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2983.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woolard.

SENATOR WOOLARD:

What the amendment does is kind of puts us in a posture that the AFSCME union employees at the veterans' home, which is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

now privately run, will be protected and will be able to continue as State employees with some slight modifications in the bill as it had been presented from the House to the Senate. As I stated earlier, Senator Luechtefeld, myself, Representative Bost, Forby and a lot of others, John Jones included, have been fighting for the rights of ensuring that our veterans in southern Illinois have the equal access to a quality home to provide the care that's necessary to sustain them in their latter years in life. And every other facility across this State has been very, very well managed. We're not saying that this one has been mismanaged, but when there's been five different management firms within the facility since its inception just a couple of years ago, we believe that we'd be better served and more stable for the State to be running it. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? All right. Senator Soden.

SENATOR SODEN:

To the sponsor, just a statement. I concur with you, having witnessed some of the procedures that have been, you know, mishandled. I think it's about time that we move in this direction. I urge support of the bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Woolard, we're protecting the AFSCME employees that are already working at the home? Is that -- and if we are doing that, how are -- how are we doing that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woolard.

SENATOR WOOLARD:

Well, they belong to the union. They're going to be protected by ensuring that each and every one of them will have access to a job within this facility. There -- there was some staffing differences between that we run -- the way that we run

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

the existing State-operated facilities and the way that this private-owned facility had been operated, and so everybody's not going to fall into the exact slot but we're going to do everything that we can to find a slot equal to or better for them to remain on -- on the payroll within State government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

If there are not sufficient positions at the home in Anna then, will they have rights -- spillover rights where they can go into other areas of employment and will that move people out of jobs? I guess that's where I'm going, is if we can't find jobs for these other people -- for -- for all of them there at that facility, where are they going to go?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woolard.

SENATOR WOOLARD:

There is a facility. The Choate mental health facility is adjacent to this property. There will be opportunities for people that, if need be -- we don't think that anybody will have to leave this facility. We truly believe that they'll all be able to stay, but there's some different job titles that are located within our State institutions that are not in this facility now. And we're going to have to ensure that those positions are filled with qualified individuals, and -- and in doing so, we want to protect the rights of those people who have -- continue to perform at this facility.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. One of the reasons that I support this is, first of all, it was the only privatized veteran's home in the State of Illinois. Secondly, we have -- over the past seven or eight years, we've had private companies running that and it's simply been a -- a - - a -- a merry-go-round of new companies - either going broke, or having problems, or whatever. So, I guess we've had at least four companies since I -- or, five companies since I've been in office. So it has been a real problem and nothing but problems

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

for us over those years, and I think since it's the only one, we really do need to -- to go back and let the State run this, as it does other veteran's homes. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Woolard may close. Pardon me. Pardon me, Senator Woolard. We break up the caucus at -- yeah, it's so nice to have the House here. Senator Woolard, your time has expired.

SENATOR WOOLARD:

I would certainly appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 2983 pass. Those in favor will vote Aye. The opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2983, having received the required constitutional majority, is declared vote -- passed. All right. With leave of the Body, we will return to 1482. House Bill 1482. You got to give us a couple seconds, Senator Link. It's on page 65. With leave of the Body, we'll return to page 65. 1482. Madam Secretary, read the bill. Oh, I'm sorry. Senator Link seeks leave of the Body to return House Bill 1482 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1482, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you. Senate Amendment 2 creates the Pyrotechnic Operators Licensing Act regarding licensing of individuals in charge of fireworks display. I'll be more than happy to answer questions on the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor, indicate by saying

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Aye. Opposed, Nay. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Amendment No. 3 is just a technical change clarifying the definition of displays of fireworks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link has moved the adoption of Amendment No. 3 to House Bill 1482. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 {sic} is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, 3rd Reading. House Bill 1482, Madam -- I beg your pardon. Senator Link, for what purpose do you rise?

SENATOR LINK:

There -- there is Amendment No. 4, which is a technical change. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we'll return House Bill 1482 to the Order of 2nd Reading for the purpose of amendment. Leave granted? Leave is granted. House Bills 2nd Reading is House Bill 1482, Madam Secretary.

SECRETARY HAWKER:

Yes, my apologies. Floor Amendment No. 4, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. It is a technical change in a requirement to submit fingerprints for the background check.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Link has moved the adoption of Amendment No. 4. Discussion? If not, those in favor, indicate

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1482, Madam Secretary.

SECRETARY HAWKER:

House Bill 1482.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this bill does is create the Pyrotechnic Operators Licensing Act. Requires that any pyrotechnic operator for a fireworks display to have a license issued by the State Fire Marshal's Office starting April 1, 2005. Establishes the minimum requirements and requires the Fire Marshal's Office to establish other rules and implementations. Establishes the penalties for violations of the Act. Requires any person or entity in applying for a fireworks display to -- permit from a local unit of government to show proof of -- that led to the pyrotechnic operator's license, that the entity has proof of insurance and that it is in compliance in with the rules of the State Fire Marshal's Office. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Bomke.

SENATOR BOMKE:

In Sangamon County, I believe, is the only county in the State that allows for the selling of fireworks and it's not uncommon -- it -- with -- if someone has a permit, they can purchase fireworks, and it's not uncommon for families to have gathering - I think there were five hundred permits issued last

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

year - for the purpose of displaying fireworks. Is -- if I read this correctly, this would require someone that -- a that got a permit to display fireworks for the family to -- they would have to be a licensed pyrotechnic displayer or have a licensed pyrotechnic displayer and a pyrotechnic operator to handle public displays. Is this -- is this for a charge, or anyone that wants to display these fireworks, would they -- would this be required?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Thank you, Senator. What -- what it is, is with -- with the legislation and the -- what will be done in -- with the Fire Marshal's Office, the rules will be established to cover the exact problem of which you're talking about. That -- these backyard displays -- displays such as you talk about Sangamon County with permits, all will be discussed in rules with the State Fire Marshal's Office. That's why the implementation of the bill is not until April 1 of 2005, to allow the State Fire Marshall's Office to implement all these rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator Link, how does this apply, like, for the City of Wheaton or other municipalities that do displays at the 4th of July? Would they have to comply with this? I'm just not sure how this works.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Yeah. Any entity that's required a permit would comply -- have to comply with this law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

How does it work now? Do they have to get a permit to do the display from the State Fire Marshal currently?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

All municipalities right now are exempt, but this is -- this is something where they would fall under the State Fire Marshall to get a permit under it. This is -- this is -- this whole legislation is also proposed by the State Fire Marshal's Office, the Firefighters' Association, the Illinois Fire Inspectors Association, the Illinois Firefighters' Association, the Illinois Fire Chiefs Association. This is -- this is -- all the fire associations understand the magnitude of this and have seen that the -- the -- the problems that we face and are -- are looking for, as Senator Bomke indicated, rules that would cover those. And I -- I think that we are at a stage right now that we want to make sure that they are properly permitted and that we properly license, be it a municipality or whoever that's running these fireworks displays.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Senator, this going to be one of these deals where, like, the 2nd of July, I get a phone call at home at night because some municipality doesn't have their thing and the whole, you know, apple pie, motherhood and the flag lands on my shoulders in order to track this stuff down?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

Well, I stand corrected on my own bill. It does not require municipalities in the change of getting the permit. So municipalities -- so you can sleep tight on July 2nd. You don't have to worry about getting up. Sleep tight. They are exempt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Righter.

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Link, the State Fire Marshal's going to set the fees for becoming a lead pyrotechnic operator. Is there any guidelines in the legislation about what those fees will be? I noticed that they're going to be -- they're going to be deposited into the Fire Prevention Fund. Is that for the purposes of administering this program or does that go into a whole other worlds of -- of things that we pay for for fire prevention?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Link.

SENATOR LINK:

No. All the monies will be in to operate this program. The fees will be set with the rules by the Fire Marshal's Office. That's why I said the implementation of this bill will not be until April 1, 2005, so that these rules can be set up by the Fire Marshal's Office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Link may close.

SENATOR LINK:

I just think that the magnitude of this bill -- that we realize that in 2001, there were five hundred and seventy-five -- five hundred and seventy-seven fires in Illinois that started with fireworks, that explosions in fireworks displays in the City of Alton in 1997 killed three workers. Earlier this year the fire in Rock -- Rhode Island night club. I mean, on and on we could go. The importance of this legislation is safety. I think it's long overdue and I would ask an affirmative vote from everyone in this Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, the question is, shall House Bill 1482 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 1482, having received the required constitutional majority, is declared passed. Page 56.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

Page 56, Ladies and Gentlemen, is House Bill 106 {sic}. With leave of the Body, we'll to that order of business. Senator Garrett has moved -- Senator seek leave -- Senator Garrett seeks leave to -- to return House Bill 1006 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1006, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. Amendment No. 1 actually is the bill and it just changes the effective date for the Elevator Safety and Regulation Act from July 1st, 2003 to January 1, 2004. It has to do with implementing licenses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Garrett has moved the adoption of Amendment No. 1 to House Bill 1006. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1006, Madam Secretary.

SECRETARY HAWKER:

House Bill 1006.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Garrett.

SENATOR GARRETT:

Thank you again, Mr. President. This bill's necessary because the Elevator Safety Board required by the Elevator Safety Act remains to this date unappointed. This amendment gives the Governor time to appoint the Board and the Board time to write the rules in order for them to have their proper licensing.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

5/29/2003

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall House Bill 1006 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1006, having received the required constitutional majority, is declared passed. Resolution.

SECRETARY HAWKER:

Senate Resolution 186 {sic} (185), offered by Senator Haine and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Calendar. It's my understanding that -- Ladies and Gentlemen, that that is -- concludes our business for the day. However, we will keep the Session in -- in -- we'll recess at the call of the Chair to shuffle any paperwork if that's necessary. We'll be conducting no business and it's my understanding that we will be adjourning until tomorrow morning at the hour of 10 -- 10 o'clock. So, for all practical purposes, that concludes our business for today. We will recess until the call of the Chair, and at that point, we'll be reconvening tomorrow at 10 o'clock. So, Session will just stand at recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDENT JONES:

Senate will please come to order. There being no further business to come before the Senate, the Senate stands adjourned till the hour of 10 o'clock, Friday morning. 10 A.M. Senator Schoenberg, you're the only Member of the General Assembly, other than myself, that's present. You're a very dedicated worker.