

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

HB0422	Other	141
HB1069	Recalled	141
HB1069	Third Reading	147
HB3064	First Reading	25
HB3412	Recalled	27
HB3412	Third Reading	27
SB0004	Concurrence	201
SB0075	Concurrence	88
SB0096	Concurrence	172
SB0150	Concurrence	128
SB0172	Concurrence	3
SB0212	Concurrence	203
SB0222	Concurrence	173
SB0417	Concurrence	6
SB0428	Concurrence	174
SB0594	Concurrence	179
SB0600	Concurrence	181
SB0640	Concurrence	129
SB0706	Concurrence	205
SB0719	Concurrence	58
SB0735	Concurrence	187
SB0740	Concurrence	209
SB0741	Concurrence	9
SB0742	Concurrence	211
SB0744	Concurrence	214
SB0774	Concurrence	63
SB0777	Concurrence	10
SB0785	Concurrence	240
SB0787	Concurrence	216
SB0788	Concurrence	188
SB0821	Concurrence	245
SB0841	Concurrence	150
SB0842	Concurrence	69
SB0874	Concurrence	221
SB0878	Concurrence	131
SB0947	Other	141
SB0969	Concurrence	39
SB0989	Concurrence	191
SB1000	Concurrence	98
SB1075	Concurrence	224
SB1101	Concurrence	100
SB1147	Concurrence	101
SB1210	Concurrence	102
SB1239	Concurrence	244
SB1332	Concurrence	103
SB1342	Concurrence	194
SB1527	Non-Concurrence	104
SB1543	Concurrence	194
SB1601	Concurrence	227
SB1606	Concurrence	50
SB1607	Concurrence	235
SB1634	Concurrence	74
SB1650	Concurrence	195
SB1701	Concurrence	196
SB1725	Other	167
SB1725	Concurrence	157
SB1733	Concurrence	160

STATE OF ILLINOIS
 93rd GENERAL ASSEMBLY
 REGULAR SESSION
 SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SB1743	Concurrence	105
SB1784	Concurrence	106
SB1848	Concurrence	112
SB1901	Concurrence	165
SB1903	Concurrence	168
SB1912	Concurrence	198
SB1915	Concurrence	199
SB1923	Concurrence	230
SB1951	Concurrence	130
SB1983	Concurrence	125
SB2003	Concurrence	82
SR0173	Adopted	133
SR0196	Resolution Offered	1
SR0197	Resolution Offered	1
HJR0013	Adopted	200
HJR0036	Resolution Offered	221
SJR0038	Resolution Offered	248
SJR0038	Adopted	248
Senate to Order-Senator Halvorson		1
Prayer-Senator Maloney		1
Pledge of Allegiance		1
Journals-Postponed		1
Senate Stands at Ease/Reconvenes		5
Committee Reports		5
Senate Stands in Recess/Reconvenes		24
Committee Reports		24
Messages from the House		25
Messages from the House		49
Messages from the House		62
Messages from the House		82
Committee Reports		114
Committee Reports		132
Mary Holmes Recognized		137
Denysia Bastas Recognized		139
Remarks by Denysia Bastas		139
Senate Stands in Recess/Reconvenes		139
Committee Reports		140
Messages from the House		140
Message from the President		141
Senate Stands in Recess/Reconvenes		148
Messages from the House		156
Committee Reports		167
Messages from the House		186
Messages from the House		220
Committee Reports		233
Messages from the House		233
Message from the House		234
Committee Report		240
Resolutions Consent Calendar-Adopted		248
Adjournment		248

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

Regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will the guests in the galleries please rise? The invocation today will be given by Senator Maloney, from right here in Springfield.

SENATOR MALONEY:

(Prayer by Senator Maloney)

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR HALVORSON)

Members, please come to the Floor. We will be going to concurrences shortly. So if you're anywhere near here, please come to the Floor. Reading and Approval of the Journals. Senator Link.

SENATOR LINK:

Madam President, I move that the reading and the approval of the Journals of Thursday, May 29th, 2003, and Friday, May 30th, in the year 2003, be postponed, pending the arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Squires Photography seeks leave to -- photograph the proceedings. Is there any objections? Leave is granted. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 196, offered by Senator Jacobs.

And Senate Resolution 197, offered by Senators del Valle and Rauschenberger.

They're both substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Risinger, for what purpose do you rise?

SENATOR RISINGER:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

State your point.

SENATOR RISINGER:

Madam President, in the gallery above you, we have some friends from Peoria, J.R. Eberle and his wife, Petra, and their sons Joey and John. Would you please help me give them a Springfield welcome, as they've never been in the Capitol before?

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests please rise? Welcome to Springfield. ...the Members please come to the Floor. We'll be going to Secretary's Desk, Motions to Concur, momentarily. Senator Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Thank you, Madam President. Ladies and Gentlemen of the Senate, I think it would be appropriate for Governor Blagojevich to visit the Senate Floor because Elvis has entered the building. We have Elvis visiting us on the Floor today.

PRESIDING OFFICER: (SENATOR HALVORSON)

Well, I was wondering. I was really -- Senator Burzynski, I was wondering what -- who you were trying to be. Senator Burzynski, or whoever you are, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, for what purpose do you rise?

SENATOR WELCH:

I'd just like to point out that Senator Burzynski used to be my State Representative in DeKalb. He wore that outfit every week. That's nothing new.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I have an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

Go ahead.

SENATOR DEMUZIO:

Yesterday was George Shadid's fiftieth wedding anniversary. We got a call from his wife this morning and she said that she

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

was very pleased that George wasn't able to get home last night, that we kept him here and everything went just fine.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Being my own humble self, I told my Leader, Emil Jones, this morning that my wife said for me to thank Emil for not letting me get home because she had a nice, restful evening. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Illinois Information Service seeks leave to photograph the proceedings. Is there any objection? Leave is granted. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

To follow up on Senator Shadid. Again, I congratulate him, fifty years of happy marriage, but I'm sure that you'll make up for everything when you get home tonight.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. Senator Shadid, did you hear that? Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR TROTTER:

Yes. It is my understanding that there may be some bills that, to some, will be controversial and there might be a little contentious action going on today. So, to protect the Senate's most loved Member, I brought my helmet today for Senator Geo-Karis just in case things start getting thrown around. So, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. Yeah. On page 73 of the Calendar is Order -- is the Order of Secretary's Desk, Concurrence, Resolutions {sic}. This is final action. With leave of the Body, we will return to Senate Bill 75. Senate Bill 172. Senator John Sullivan. Madam Secretary, read the motion.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 172.

PRESIDING OFFICER: (SENATOR HALVORSON)

Rules meeting immediately in the Anteroom. Rules meeting in the President's Anteroom. Please. Thank you. And I'm sure that's how the day is going to go.

SECRETARY HAWKER:

That concurrence motion, Madam Secretary -- I mean, pardon me, Madam President, is for Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR J. SULLIVAN:

Good morning and thank you, Madam President. Senate Bill 172, as amended, creates the I-FLY program which is a program to help develop and promote downstate airports, to put us in a position to receive federal funding to assist with those downstate airports. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. I move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

That's pretty good because there's nobody else to speak. Senator Sullivan, to close.

SENATOR J. SULLIVAN:

Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 172 -- oh, House Amendments 1 and 3 to Senate -- 1 and 2 to Senate Bill 172... The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 172. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 voting Nay, 3 voting Present. And on the motion to concur in House Amendments 1 and 2 to Senate Bill 172, the motion having received the required constitutional majority, Senate concurs. The bill is declared passed. Senator Righter.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR RIGHTER:

Thank you, Madam President. A point of inquiry.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR RIGHTER:

Is it normal practice for us to be taking 3rd Reading roll calls or concurrence roll calls while there's actually a Rules Committee meeting? I mean, we have Members off the Floor now, and so do you. It's been my recollection in the past that when a Rules Committee has met, that the Senate has stood in recess until such time that the Rules Committee adjourned, and then we went back to work.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Righter, for bringing that to our attention. That is correct, and I think they -- we were already in the process of that one, but we will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment No. 1 to House Bill 3412, Motion to -- Concur with House Amendments 1, 3, 4 and 5 to Senate Bill 150, Motion to Concur with House Amendments 1 and 2 to Senate Bill 640, Motion to Concur with House Amendments 1 and 2 to Senate Bill 703, Motion to Concur with House Amendments 1, 2, 3 and 4 to Senate Bill 719, Motion to Concur with House Amendments 1, 2 and 3 to Senate Bill 878, Motion to Concur with House Amendment 1 to Senate Bill 1951 and Motion to Concur with House Amendment 4 to Senate Bill 2003; refer to Revenue Committee - Motion to Concur with House Amendment 2 to Senate Bill 774, Motion to Concur with House Amendments 1 -- House Amendment 1 to Senate Bill 842 and Motion to Concur with House Amendment 2 to Senate Bill 1634.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

...Chicago request permissions to videotape the proceedings from the gallery. Any objection? Leave is granted. Senator Link, for what purpose do you rise?

SENATOR LINK:

Purpose of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR LINK:

The Senate Revenue Committee will meet in Room 400 at 11:30 a.m.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Thank you very much, Madam President. A message -- announcement, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR DeLEO:

Senate Executive Committee - the Senate Executive Committee - will meet at 11:30 in Room 212. 11:30 in 212. The Senate Executive Committee.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Returning to the Order of Concurrences, on page 74. Senate Bill 417. Senator Haine? Senator Haine, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 417.

Motion filed by Senator Haine.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Yes, Madam President and Ladies and Gentlemen of the Senate, this began -- want to remind Senator Sullivan this is my -- this is my first bill. This began as a TIF extension for the City of Alton and the City of Collinsville, and two other cities were added in the House. In -- in addition, there was language to allow an area that is damaged by flooding to be added to a TIF district in another community, the name of which escapes me.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

It -- it's in the bill, but it's basically a TIF bill. Mattoon. So, I ask for the support of the Body. It's a good bill. It's a jobs and growth bill, and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Radogno.

SENATOR RADOGNO:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield

SENATOR RADOGNO:

Well, actually, I have two questions. One, with the extensions, do we have indications from all the affected school districts that they're in support of those extensions?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Yes, Madam President. I appreciate your question, Senator. I should have mentioned that. All the school districts in all the communities, the various college -- community colleges, school districts, have supported these plans. The mayors have supplied the documentation consistent with the chairman of the committee's requests early on.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

My other question is, my -- my understanding is this bill also -- contains changes to the eligibility factors for TIF districts.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Yes, Madam President. Thank you, Senator, for that question. That is more of a clarification than an addition to the eligibility. It clarifies, particularly this one area that's prone to water damage from a runoff from a TIF area. So -- so it doesn't add tremendously to anything.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Yeah. Could you just walk me through a little bit about what -- what is clarified, which of the qualifying factors and -
- and exactly what the change is?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Yes, Madam President. If I could seek the assistance of Senator Righter on that. This is an area that's -- that's prone to water damage from runoff from a TIF area in his district.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President and Senator Haine. Senator Radogno, the -- the -- the change that Senator Haine is referring to would allow for the formation of a TIF -- TIF district in an area where flooding is being caused from, conditioned upon the fact that the development, pursuant to the TIF district, creates a mechanism - retention ponds or whatever - in order to abate the flooding in the area that is being flooded. If you -- you have two areas, Area A and Area B, and B right now is being flooded because of the runoff from Area A. This would allow a TIF district to be created in Area A as long as there are mechanisms put in place to abate the flooding in Area B. And it does -- it originates from a -- an issue in my district, but I think there are others throughout the State.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, Senator Haine, to close.

SENATOR HAINE:

I would appreciate an Aye vote. It's good for the communities. It's good economic development. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate concur in House Amendments 1, 2 and 3 to Senate Bill 417. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 4 voting Nay, 1 voting Present. On the motion to concur in House

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Amendments 1, 2 and 3 on Senate Bill 417, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 741. Senator Jacobs. Madam Secretary, read the bill -- I mean, the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 741.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill was heard in Executive yesterday. It becomes -- it was a vehicle bill. This becomes the bill and the amendment is to exempt vehicle protection products, such as alarms or devices that make steering wheel inoperable until unlocked, from regulation by the Department of Insurance in order to offer consumers a viable market with reasonable prices and without overregulation of the warranty as an insurance product. And I know in committee it was brought up whether it's germane to the bill. We checked on it. We think it is. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR BRADY:

Senator Jacobs, this deals with CHIP, which is an insurance issue in my mind, but it went through Executive Committee. Could you explain again what this does?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

I -- I didn't hear the last part of your question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Again, this is a -- this is a bill that deals with the Comprehensive Health Insurance Program. The -- technical bill did. Now, the new amendment which went through Executive Committee in the House, I just don't know what it does. Can you tell me what it does?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

It went through the -- the Senate, too, Senator. And that's why I indicated to the fact that it was brought up in committee that it may not be germane. We have checked it back. We feel that it is germane 'cause it does deal with insurance, which CHIP is part of. And what it does, it basically removes from the Department of Insurance vehicle protection products, such as alarms or devices that make a steering wheel inoperable. It'd be no different than -- than having a -- a lock on a bike. And should that be covered by the Department of Insurance? No. As I was told by one of the Members on that side, that germaneness is only an issue if someone is concerned, and I know of no one who's concerned with this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, Senator Jacobs, to close. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 741. 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 Ayes, none voting No, none voting Present. And on the motion to concur in House Amendment No. 1 to Senate Bill 741, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 777. Senator Crotty. 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 777.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Thank you, Mr. President -- Ms. -- President -- Madam President and Ladies and Gentlemen of the Senate. Senate Bill 777 has the underlying bill of House Bill 43 that we debated quite a bit. It's the defibrillator bill, also known as the Colleen O'Sullivan Bill. Since we last spoke, there are two -- there are only two differences, and if you look at the two differences in this bill from House Bill 43, it adds a provision to stipulate that by the dates specified in the Act, every physical fitness facility is required to have at least one AED. It also does not contain the provision which declares that a public entity owning or operating more than four indoor physical fitness facilities must be in compliance with the Act by certain days if a funding source is identified for the purchase of an AED. In the debate on House Bill 43, I made those two provisions perfectly clear. I was unaware that that was in the bill, and when that was told to me, I certainly wanted to come back to make sure that I have that in Senate Bill 777. The other change... Can I have everyone's attention, please, Madam President? Also, I once again yesterday placed on everyone's desk information about LifeSigns of America {sic} (LifeSignsAmerica) that would certainly help in all the areas that we want to put this AED. But the -- another very, very moving, to me, change in this bill is that we have a great House sponsor, Representative Burke, who has acknowledged Representative Osmond's enthusiasm for this bill and has -- made her now the cosponsor of -- chief sponsor of Senate Bill 777. I will answer any questions; I -- I thought I did with House Bill 43. But I do encourage everyone, their Aye vote. This is an important bill to many of our constituents. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney, for what purpose do you rise? Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Madam President. I'd like to move the previous question.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

There are one, two, three, four, five, six, seven, eight, nine. Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, having heard the explanation from Senator Crotty, I'm in full support of this bill, and I hope everyone votes for it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR BURZYNSKI:

Thank you. Senator, you know, we've debated this thing all over the place and certainly we understand why the bill is -- is being put forward. We understand your concerns. My question is not going to deal with the -- with the bill itself, but my question is going to deal with the germaneness of the bill. As I look at Senate Bill 777, it's an Act concerning child care. I'm not sure that there's anything in the legislation or in the bill itself that specifically deals with child care. So, I think there could be a problem with germaneness.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Senator Crotty.

SENATOR CROTTY:

Thank you very much. I was also made aware of that concern, but if we look at House Amendment No. 1, in the legislation itself, it says it amends -- amends Senate Bill 777 by replacing the title with the following: "AN ACT in relation to health, which may be known as the Colleen O'Sullivan Law." I would also ask if the Parliamentarian would like to add anymore, but I have talked to both the House and the Senate and I was made aware, too, on the piece of legislation. But thank you very much for asking that question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you -- thank you, Madam President. To the bill, briefly. This is, as -- as Senator Crotty said, legislation that -- for the most part, that we saw previously in the Session, and I know that this has been a heartfelt endeavor not only for her, but Representative Burke and Representative Osmond as well, and Colleen O'Sullivan's family, and I appreciate what they've put into it. Just to -- to remind the Members, when this bill was voted on previously, there was -- there were a number of issues raised of concern, the most significant of which I think was the fact that local entities - your school districts, churches, community centers - will be required to do this, regardless of whether or not the funding is accessible or not, and I think that that is a significant concern for many of us. And Senator Crotty and I have discussed this at length, and I will be voting No on the legislation because of the concern of -- of -- of many people that I have in my district. But I wanted to thank them for the work they've done on the bill. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President. It's hard to criticize this thing, but I -- here's my problem with this. You look at the handout - and, Senator Crotty, God bless you - and this is a good thing. But who is this LifeSignsAmerica? Why do we have to put a private business, for profit, in legislation? Who's going to make money off of this? Why are they integral to this public policy? Is there going to be an audit of these folks? Is anybody else going to get a chance to bid on this? I mean, I'm real uncomfortable with legislation that makes somebody hundreds of thousands or maybe millions of dollars. I'm real, real uncomfortable with that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Thank you, Senator. But, first of all, I want to make sure that everybody understands LifeSigns of America or any other funding source is not in this legislation. And I, on a personal feeling, knowing, again, why LifeSigns of America are in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

business, is to fundraise in order to purchase AEDs in order to give them to people that are in this bill. So, I personally feel that this type of an organization certainly has a very worthwhile mission and I certainly would support this with or without this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cronin.

SENATOR CRONIN:

Well, it's clearly part of your intent here because not only have you said it on the record, you also have it in the materials that you've distributed. Just so everybody understands, this LifeSignsAmerica is a for-profit business and it's a billboard inside our schools. It's a billboard that can promote Pepsi and sugar and all sorts of junk food and all sorts of things that every nutritionist and educator says is bad for kids, because they want to make money. They got a captive audience, and they're going to use a laudable and honorable, a compelling purpose - defibrillators - to get into the hearts and minds of our children, and somebody's going to make millions of dollars off of it to boot. I think you got a good idea here, but it's a really, really flawed approach and I would urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

This legislation does not promote LifeSigns of America. It promotes lifesaving devices. I am just sharing information on a funding source that could be available. I saw this LifeSigns of America. I am certainly going to share it with everyone back in my district. I was just helping other Members be able to find a funding source, but it does not mandate them to take LifeSigns of America. It just allows them a funding source. If they choose not to go with LifeSigns and purchase them themselves, in any which way that they wish, that is perfectly all right too.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Madam President. Couple of questions. Does this version of the legislation narrow at all the types of facilities that need to comply with this?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Senator, it remains the same as Senate Bill 43. It does not do any changes to those that are supposed to be on this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Thank you. I still have a concern, then, that we're involved with, you know, exercise groups in church basements, dance studios that you take, you know, your little ballerinas to. I think it's overly broad. But my second question is, as I understand it, this exempts you if you don't have a funding source, is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

That is not in the bill any longer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

So this mandate -- there's absolutely no exemptions. Then who enforces this and how will it be enforced?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

There are tax exemptions for the private. That's -- that's still in the bill. But the Department also sets up the rules. That is not changed from House Bill 43 also, in this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Okay. As I recall, the Department was opposed to it because of the -- this essentially sets up a mechanism where thousands of facilities will have to be visited by the Department of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Public Health to verify that they are or are not in compliance. Otherwise, how do we -- how does this work?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

First of all, I have not been told that the Department is an opponent.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

We have information the Department is opposed.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

I have not spoken to them on this bill, nor did they file anything in committee as opposing this. So I'm going to have to say, no, they're -- they're not.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Well, obviously they didn't sign in one way or the other, but our staff has spoken with them and they are opposed. I guess the question is, when we set up this kind of a mandate and we're talking about thousands and thousands of facilities, how is this enforced? You know, is it a self-reporting mechanism? Is there any kind of random check then? What are the penalties if it's not? You know, again, I support -- and I'm not even going to continue on, but I support, again, the intent of the bill, but I think it's overly broad and the mechanics of it are simply impractical.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. Just a few questions for the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR SYVERSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator, what -- what types of heart attacks does this device -- what -- what type does it deal with?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Sudden cardiac arrest.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson.

SENATOR SYVERSON:

All -- would that -- would that be all of those? My understanding, this device is -- first of all, only deals with a certain category of heart attacks, is what this -- this device is used for, which is -- I think is dealing with the arrhythmia, not in the case where there is a massive MI.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

If -- if you should have a sudden heart attack, if your heart should stop, this device is set to shock the heart into some rhythm. It -- for those persons, it is a lifesaving device. But for others, unfortunately, it may not be.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson.

SENATOR SYVERSON:

Yeah. I think you need to check your -- check the record. It's if the heart is stopped. If it's a massive MI, this is not a -- a device that will work. This works if there is a -- if there is defibrillation {sic} in the heart, that this device will work. And the -- the reason I'm trying to say that is, we are gearing this... ..wait till you get done conferring with that. The reason I say that is, we are gearing this legislation to children, which the incidence of defibrillate -- of a heart defibrillation in children is not like it is with adults, and I'm not sure why we're gearing this legislation for children's centers and not -- not gearing this towards where we're most -- we're most at risk. Why -- and I guess it goes to the heart of it. Why are we putting these into day care centers, into boys and girls clubs, into -- putting that kind of an expense into

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

children's areas as opposed to saying this should be in areas where there are at-risk individuals?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty, to finish Senator Syverson's question.

SENATOR CROTTY:

There was quite a bit and I'm trying to, you know, make sure that I'm focusing on all of your concerns. First of all, day care centers aren't in the bill. Second, I'm not here to debate medical issues. I don't -- I don't know of too many of us that can, but I certainly know that there isn't a person sitting here that doesn't know that an AED is a lifesaving device in many instances. Any place where there is physical activity, supervised, need to have an AED. If you're talking about schools, I know Senator Silverstein told us of a very young youngster who had cardiac arrest -- or, needed an AED. It does -- it does give us -- as Representative Osmond has told me, it does give extra time through an AED before emergency services can get to that individual. I think -- I think that was -- you know, but it doesn't come to a surprise on any of us. As I was getting ready to come in this morning, I started thinking about this bill again and I started thinking of all the phone calls that some of us may have gotten where we were absolutely taken back or shocked that somebody has passed of a heart attack. It happens in our schools. I have an elementary school who lost a youngster last year, and we see and read all the time about people out on the -- on -- in a track meet, football, that have just collapsed with a heart attack. So, those are the reasons that we...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson, your time is up. Can you just bring it to a close, please?

SENATOR SYVERSON:

So -- yes, I will. And just -- I'm sorry that the answers took a little bit longer. But I think it's important to point out most of the examples that are -- are given, unfortunately, are cases where there is -- where there has been heart conditions that would not have been helped by this device. And I think there's a lot of confusion about what this device will do. I know you're shaking your heads no. I was the original

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

sponsor of the legislation for AEDs in this -- in this State, and there are a limited number of cases that this works and most of those are not in cases where children are involved. The part about day cares is in this legislation if there is activity -- physical activity, they are required to have an AED. That would include day cares, church youth groups, boys and girls clubs. So they would be included under this legislation. I think the points that were raised before regarding the cost, trying to regulate this and what the penalties would be for a group that doesn't have it, as well as the liability exposure for them not having a trained personnel on premise with those units, are a major concern. And with that, I'll -- I'll -- again, I -- I wish this bill was more tightly drafted to deal with those areas where we're at risk. We've excluded most of the areas where adults are going to be at under this legislation. So, that's a concern to me as well. I wish we would have concentrated where the at-risk people are and not where the children are.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator... Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Madam President and Members of the Senate. I stand and rise in support of Senate Bill 777. Like to clear for the record and make the record straight that the original sponsorship and the original idea for this bill was my State Rep, Daniel Burke, from the southwest side of Chicago, several years ago. And I am just appalled and amazed that my colleagues on the other side of the aisle stand here this morning and debate this issue. This issue isn't a issue of matter of right or wrong; it is the right thing to do. I tell you of the story of -- of a young lady who died at the age of twenty-nine, a young teacher, a young teacher who was killed five years ago, a young teacher who gave her life for the students of my community. Today there is a school named in honor of this teacher -- in honor of this teacher who gave her life to the children of my community. This young lady died in a tragic car accident on the southwest side of Chicago fifty feet away from a school, fifty feet away from a park, and she died because of lack of first responder and a defibrillator. If there would have been a defibrillator in that school, if there would have

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

been a defibrillator in that park, my sister today would be living. My sister, Socorro Sandoval, a teacher, a pillar of the community, died because there was no defibrillator fifty feet away from a school, fifty feet away from a park. And today we stand here with defibrillators in this building, defibrillators in State buildings, defibrillator in federal buildings, protecting our lives, but yet we question the protection of our children in our schools and in our parks. This is the right thing to do. I ask all Members of this Body to vote Aye on the bill that will save the lives of not only the children of our communities, but of our elders and of our loved ones. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President, Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR LUECHTEFELD:

Really, before I go to the question of the sponsor, I'd like to at least address the previous speaker. You know, I think you -- you made a -- you almost assumed or at least gave an impression that this side of the aisle didn't care about lives as much as you do. You know, I can give you a long list of people that I've known that have died and if -- if maybe they hadn't have been -- if we'd make a speed limit maybe ten miles faster - and you probably voted for the speed limit to move trucks to sixty-five - we could save a lot of lives. So there are -- there are a lot of ways of doing that. I -- I have some questions of the sponsor. First of all, is -- if there are activities at a school outside on a baseball field, do they need a defibrillator?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

If the school has employed a supervisor of that activity, yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR LUECHTEFELD:

In other words, if -- let's say a Little League team would like to practice at that field, and that happens all the time. It happens day after day, on weekends, evenings, hundreds of times where people come to a school and they want to practice baseball or soccer or whatever it might be. Little League teams. Maybe not even affiliated with the school. But if that school has a defibrillator and a trained person, can they not -- can they or can they not do that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

They can, but they do not have to. They did not employ -- the school did not employ and supervise that Little League activity.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So, if it's outside and maybe even through the summer, they can do this without a defibrillator, is that right that you can come into that school and do it?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Yes. If you left here with a few of our colleagues and went and played baseball on a field here in Springfield -- that field, whoever -- if it's a school field, would not have to have a -- an AED there for your game.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld, please wrap it up.

SENATOR LUECHTEFELD:

Even if the -- even if the school approved that. That, you know -- let's say you asked the school, "Can we come over and take -- and bring our team?" The school says, "Yes, you can." No problems?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Senator Crotty.

SENATOR CROTTY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I'm sorry. You'll have to repeat that because, you know, I want to make sure that if you were on the school field and an AED would be at least in that building, so if you would be out there with your friends and need -- at least you could be close to an AED. But I don't know what your second question was, and I'm sorry. Please repeat it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld, even though this bill has been debated three times on the full Senate of the Floor.

SENATOR LUECHTEFELD:

Well, I really think that...

PRESIDING OFFICER: (SENATOR HALVORSON)

These questions have all been asked over and over again. So, please, last question.

SENATOR LUECHTEFELD:

Last question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Because it's red. Your time is up.

SENATOR LUECHTEFELD:

Well, I -- I really think that -- you know, my concern is this: You are going to create a situation where -- which facilities will be used a lot less. If I'm on a school board as superintendent, I'm going to keep people off -- out of those facilities if there is even a doubt that I could be liable for what has happened. And -- and not that -- and you're trying to do something good. There's no doubt about that. I -- I just see a lot less use of our facilities because of this, huge amounts of expenses to pay for these things, a lot of mandates and -- and I -- you know, again, how far do you go to -- how far do you go? There's a lot of things I can give you that would save lives, more lives than this will save. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. First, just a point of order. Senate Bill 777 has not been read a third time in this form, and for the record, I think it's flawed. The courts will decide that when this is challenged. Let's just move on. Briefly, to the bill. You know, I think there's a better way to do this and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

we've seen better ways to do this. We've seen areas in the past couple of weeks where Senate sponsors have taken really controversial, difficult issues; very, very tough things; life and death things; things where we're -- we're playing for keeps and the stakes are very high and very controversial, and they've brought everybody together, and they've -- they've worked, they've gotten the proponents and the opponents together and they've narrowly crafted a bill that ultimately enjoyed the support of fifty-nine Senators. I think, unfortunately, that would have been the way to do this bill, 'cause there's a lot of support on this side of the aisle for this notion of doing this. But as this bill is crafted, it is so broad. What we're actually doing today is making a bill that a number of us voiced concerns about when it left here, actually making the bill worse. And it's tough to imagine that we actually do that. Most of the times I'd hope that -- that amendments would come back. But now it takes away any ambiguity whatsoever about whether this mandate applies, whether there's a funding source. This mandate applies to all of these places and here -- to -- to -- just to dovetail on what Senator Luechtefeld said, the -- the reaction is not going to be an expansion of programs. It's not going to be school boards and park districts and so forth that say, "Hey, let's do more things." It's going to be those that curl back and say, "You know what? It's just not worth the risk. It's just not worth the exposure. It's just not worth the hassle for us to do this." We could have done a better job on this bill. I know the Senator has worked hard, but it would be my hope that we could come together and fifty-nine of us come up with something that's far more narrowly crafted. This is too much, too far, a mandate that's unnecessary in a number of areas, and I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty, to close.

SENATOR CROTTY:

Thank you very much. I want to first of all thank everybody for their -- their discussion on this bill, but I also made a promise to one of my colleagues and that is Senator Dave Sullivan, who also sits there with a loss of his father at the age of fifty-one and that's why he supported this bill in any

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

way, shape or form. I know that I've explained that my father also died at the breakfast table of a -- of a heart attack. And I am just so honored to have known Tim Osmond, and JoAnn has asked to be here with me, and I know how difficult this is, but at least she'll be able to sit here and witness with Dave Sullivan and myself the passing of Senate Bill 777 with all of your help. Thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 777. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 22 Nays, 2 voting Present. On the motion to concur with House Amendment No. 1 to Senate Bill 777, the motion having received the required constitutional majority, the Senate concurs and the bill is declared passed. With leave of the Body, we are going to return back to -- oop. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you. We'd -- we would request a Republican Caucus immediately in Senator Watson's Office, a thirty-minute caucus.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. That request is always in order. We have Executive Committee at 11:30 and Revenue at 11:30. You have twenty minutes. The Senate stands in recess till the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Members please come to the Floor. We will be resuming business momentarily. The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment 1 to House Bill 3412 and the Motions to -- Motions to Concur with House Amendments 1, 3, 4 and 5 to Senate Bill 150, House Amendments 1 and 2 to Senate

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Bill 640, House Amendments 1, 2, 3 and 4 to Senate Bill 719, House Amendments 1, 2 and 3 to Senate Bill 878, House Amendment 1 to Senate Bill 1951, House Amendment 4 to Senate Bill 2003, all Be Adopted.

Senator Link, Chairperson of the Committee on Revenue, reports the Motions to Concur with House Amendment 2 to Senate Bill 744 {sic} (774), House Amendment 1 to Senate Bill 842 and House Amendment 2 to Senate Bill 1634, all Be Adopted.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 3064, offered by Senator Harmon.

(Secretary reads title of bill)

3rd Reading of the bill -- 1st Reading of the bill. Pardon me.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 75, together with House Amendments 1 and 3.

Passed the House, as amended, May 30, 2003.

I have like Messages with respect to Senate Bill 600, with House Amendment 1; Senate Bill 823, with House Amendment 1; Senate Bill 852, with House Amendment 1; Senate Bill 1725, with House Amendment 2; Senate Bill 1733, with House Amendment 4.

All which passed the House, as amended, May 31, 2003.

PRESIDING OFFICER: (SENATOR HALVORSON)

All Members please come to the Floor. We will be resuming business. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Madam Secretary -- or, Madam President, I see an empty card table over there to your left on the Republican side. I thought maybe Senator Larry Bomke, who represents Springfield, who has always been our host -- Senator Bomke has always been our host. There was an empty card table over there. And I was just wondering, Senator Bomke, is that empty card table yours, and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

are you bringing in lunch today, I mean for all the Members? I mean, this is your -- your community, your hometown. We're here. We're your guests. We're just hoping that maybe you'll feed us.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Senator Demuzio. You know, you're right, and -- and I will do that, starting next Saturday.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator David Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Thank you, Madam President. Mr. -- Mr. Majority Leader, the table is there because there will be a cake arriving later. I hope he's on the Floor. He is. Tomorrow is the birthday of one of our colleagues, Senator Kirk Dillard. If everyone could wish him a happy birthday.

PRESIDING OFFICER: (SENATOR HALVORSON)

Well, happy birthday. And while we're on that subject -- and while we are on that subject, we have a birthday of our own. Senator Crotty, for what purpose do you rise?

SENATOR CROTTY:

Well, I'm -- I'm here to share the news that I also have a seatmate, Mattie Hunter, who's going to also celebrate a birthday along with Senator Dillard. So, wish her...

PRESIDING OFFICER: (SENATOR HALVORSON)

Well, let's wish both of them a very happy birthday. Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Sullivan, I know that Senator Bomke is real cheap so he's invited us for -- for next -- next -- next Saturday. Of course, we won't be here. Surely he paid for the cake, did he not, for the sixty-year-old Senator Kirk Dillard, didn't he? Didn't he pay for that today?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wendell Jones, for what purpose do you rise?

SENATOR W. JONES:

Yes. Madam President, Members of the Senate, when I came in and saw that empty table, I thought it was emblematic of my district initiatives back home. Thank you.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, I guess that table worked. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

On page 69 of the Calendar is the Order of House Bills 3rd Reading. This is final action. House Bill 3412. Senator Garrett seeks leave of the Body to return House Bill 3412 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 3412. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment 1, offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. {sic} President. Basically what Amendment No. 1 does is deletes the original bill and it actually removes the IG and the ethics commissions. It keeps everything else of substance in place. And I'd be happy to discuss this on 3rd Reading.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. On the Order of House Bills 3rd Reading, we have House Bill 3412. Senator Garrett. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3412.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Madam President. As stated in the Chicago Tribune yesterday, quote, "The legislation for the first time sets out specific guidelines of what is and what is not permissible political activity for State workers on the taxpayers' time." This bill, styled the Ethics Bill, contains what I believe is the first iteration of appropriate and inappropriate conduct in relation to, at times rather vague and unclear terms, legislative and political conduct. You've certainly heard in the recent past of investigations, trials, statements, comments, opinions and the like on the subject. I can safely state that this bill -- notice will be given to the legislative staff, their supervisors and even we legislators on this subject; that is, what we say is, quote, "legislative" and, quote, "political" in the use of staff and the appropriate use of State compensation and State property. I believe I can state with some assurance that virtually everything that occurs in this building is political in some way, either direct or indirect. After all, we are here to do the people's will in the best way we know how, and what can be more political than that? Obviously there is some activity which is more directly legislative than political in nature, particularly efforts in one's district while campaigning for office one against another. What has not been clear, however, is what legislative staff of elected officials can do as elections approach. This bill seeks to define what is appropriate and what is not appropriate and how we as legislators utilize staff personnel and property. In addition, House Bill -- 3412 requires annual ethics training and the establishment of personnel policies, provides whistleblower protections, limits mailers printed by LRU, limits fundraising in Sangamon County, and limits PSAs in an election cycle. It also establishes penalties for violations of this Act. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. I'd move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Harmon moves the previous question. And prior to that motion, Senator Harmon, we have one, two, three, four speakers. Senator Obama.

SENATOR OBAMA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. To the bill: The -- this has been an effort that emerged from the House. Senator Garrett has taken the lead in crafting something that I think is worthy of our support in the Senate. You know, all of us, I think, have been concerned about some of the reports of the use of State workers for political work. I think we all recognize that sometimes those issues blur together, but I think that it's absolutely imperative from the perspective of taxpayers, as well as our own staffs, to provide them a bright line and some assurances with respect to what is allowable conduct and what is not allowable conduct. I don't think that we have had those clear guidelines in the past. I think this bill provides those clear guidelines. It also tightens up some other potential abuses of the use of State resources with respect to political campaigns. I think there's still some work that needs to be done. This is not identical to the House bill that passed. There was an issue with respect to the inspector generals and commissions that were going to be set up, and hotlines, that was taken out of the House bill. Apparently, it needs more work. Had the House bill arrived on the Floor, I think I would have voted for it and many others would have, but I think there's a recognition that among the various branches, there's still some negotiation to be done in that regard. Having said that, I think that we can all be proud of what is contained in this bill. I know of nobody who doesn't think that what's contained in this bill is not a significant improvement with respect to how we conduct ourselves and the relationship between the political and campaign activities of both our staffs, ourselves, and our staff supervisors. So with that, I commend Senator Garrett for her hard work on this, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR ROSKAM:

Senator Garrett, one of the questions that came up and we didn't bring it up in committee just because Chairman Silverstein wanted us to sort of save our conversations for the Floor, and I don't know if you have a copy, if your staff could get you a copy, of the amendment. Page 76 defines expenditures, Senator, that are required to be disclosed. And here is a question - I -- I think it's a problem - but here goes: An expenditure includes a whole list of things that we would normally assume to be expenditures, but it also includes any communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of the candidate. So, in other words, under this bill now, the candidate has an obligation, under this Act, to disclose expenditures over which they have no knowledge from a third party. How can we do that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

We're trying to find it in our -- you've got the -- is that the copy I gave you? Okay. Hold on.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

I guess it's page 20 and 21, Senator. I'm looking at maybe a different formatted version.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

And I guess, Senator Roskam, what is it that you want me -- you want more information as to how we can actually determine that?

PRESIDING OFFICER: (SENATOR HALVORSON)

...Roskam.

SENATOR ROSKAM:

Yes, Senator, for -- let -- let me just give you an example. Let's say that an -- Senator, let's just say an

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

interest group -- you -- you understand the question now? Let's say -- let me, just for the record. Let's say an interest group has an interest in an election. They, independent, mail on behalf -- and we see this all the time in federal candidates; we see it all the time in state campaigns. They mail in or they do -- they do a -- a telephone campaign or they spend money on behalf of a candidate. How does the candidate know with enough specificity to make any sort of disclosure?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Senator, what that is saying is that when those kinds of mailers are sent out on behalf of a candidate, which happens quite often, even though the candidate or the campaign has not paid for it, that it is the candidate's responsibility to find that out and disclose it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Senator, that's a -- that's a problem in this bill because it says -- the bill specifically says "regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of the candidate..." So, in other words, let's say an interest group -- let's say a hostile interest group. I mean, there's a lot of ways that this can be sort of jacked up and messed around. How -- how are you supposed to make a disclosure when the -- when the group says "We're not going to tell you"?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

You know, Senator Roskam, if the candidate or the committee does not know and can't find it out, obviously that disclosure would not happen. If, in fact, the candidate or -- and/or committee does know, it is asked that they, in fact, disclose that information. It's incumbent that they do when, in fact, they know it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR ROSKAM:

Well, Senator, the bill explicitly says regardless of the knowledge of the candidate. So, that means -- and I -- for the life of me, I can't figure out why we need that phrase. This bill makes perfect sense if the -- and I'll wait -- let your staff talk to you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

I -- I -- I think it goes back to the campaign. So the -- the campaign can't disavow that it never had any knowledge. And again, sometimes we know that and sometimes we have that information and sometimes we don't. It's when we do have it. And, actually, many of these organizations do put those disclaimers now on their flyers, whereas five or so years ago that didn't happen. But it's a matter of making that information visible when we have it. When we don't, it isn't relevant. There isn't a way to do it. And I understand what you're saying. You're going back to that. But if -- the committee sometimes also has that information.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, and thank you, Senator, for your attempts to answer the questions. Here -- here's the problem with the bill and it's sort of the same kind of problem that we saw yesterday. And, you know, this is one of these bills. It's an ethics bill. We're all voting Yes. We're shooting with live bullets, people. This is for real. And here's -- here's the problem: The problem is that, notwithstanding the sponsor's answer, notwithstanding the sponsor's good intention, and notwithstanding the language of the sponsor in the record, the plain language of this bill says that -- regardless of the knowledge of the candidate. Here it is, ten-point pica, underlined. Regardless of the knowledge of the candidate. Now, I know -- I know Senator Garrett well enough to know that she doesn't intentionally have this in here to mess this bill up. She believes in this -- in this bill very much. It's very much a part of her campaign and very much a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

part of her philosophy. This is a flaw. This is a flaw so that if somebody goes in -- and -- and we want to have an enhanced ethics package. If we want to move forward on this, we really have a concern about some subsequent person coming in and saying, "I didn't know. I didn't know that that group was mailing on my behalf." How can you impute to me knowledge? How can you, you know, put me under a criminal penalty? I think that we saw this yesterday in a bill. It was void for vagueness. I know we're going to all vote for this, but I really think it's unfortunate that we have this big of a drafting error this late in the game. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR CULLERTON:

Section 5-45 deals with procurement, revolving door prohibition. I'm going to read this and you can tell me what you think it means: No former State employee may, within a period of one year immediately after termination of State employment, knowingly accept compensation from an employer during the year immediately preceding termination, and on behalf of the State or State agency, negotiated in whole or in part one or more contracts with that employer. The term "negotiated" is not defined. It would seem to me that if a -- a State employee merely ministerially signed a contract but did not negotiate it, that they would not be covered under this provision. Is that what your understanding would be as well?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

The next question is concerning a Section here, I think which applies to the political action committees that we might

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

have of our -- of State Senators themselves. The Section is -- can give you the reference. I'm not sure if we're working off the same... I think it's 9-8.10, use of political committee and other funds. There's new language here that says that nothing in this Section prohibits the expenditure of funds of a political committee controlled by the officeholder to defray the ordinary and necessary expenses of an officeholder in connection with the performance of governmental duties. So -- then it says, for the purposes of this Section, ordinary and necessary expenses include expenses in relation to the operation of the district office. So, does that mean that we can use our political funds to operate our district office? Is that what the intent of that is?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you. And I -- I also assume, I'm hoping anyway, that we can use our district -- or, we can use our political action committee funds if we were to be, for example, in Springfield. We wanted to go -- after Session, go out for dinner with lobbyists, fellow legislators to talk about legislation that we are going to vote on or pass. If we wanted to pay for that dinner from our political action committee, would that be against the law, or would that be allowed under this provision?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

That would be allowed.

PRESIDING OFFICER: (SENATOR HALVORSON)

All right. Senator Cullerton, please wrap it up pretty soon.

SENATOR CULLERTON:

Are we in a hurry?

PRESIDING OFFICER: (SENATOR HALVORSON)

All right. You got plenty of time.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR CULLERTON:

It's not that important, I understand. It's only the ethics bill. The -- we're supposed to implement policies, personnel policies for legislative assistants. That would be people who we employ through our district office allotment -- allowance. Are we supposed to now require our employees to provide time sheets, documenting in quarter-hour increments, time spent on each day of official business? Do we have to do that, or is that just a suggestion of something we might want to do?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Yes. And the reason for that is -- as you know, the reason why this ethics bill has come forward is that we have to be able to clearly document and differentiate between State business and any potential campaign work.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Okay. So, I -- I know that was a concern for people on staff in Springfield. I didn't realize that we had a problem. We only get a certain amount of money. I got to pay, in Chicago, a lot of rent, electric bill. I only have one -- I only have money for one part-time administrative assistant. And -- and I guess the concern is, we want to make sure that that person is not being paid by State dollars and then spending time campaigning for us. So, you want to be able to distinguish between the time they work for us, and they should do that by submitting some kind of time sheet. And that would adequately take care of it?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

That is -- that is correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR RIGHTER:

Senator Garrett, I've got a -- a few questions here. One clarification. There's a Section in the bill that talks about the time limits within which -- or, the parameters in -- within which taxpayer-supported public service announcements cannot be run during an election year. That's -- can -- what are the parameters? What are the dates during the election year that they cannot be run?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

I was looking for the date. It's after they file the nominating petitions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

So, from the date you filed your petitions in December through the election in November, you can't run the PSAs. Okay. As you -- you and I both know because you and I have both taken part in public service announcements and -- and had them run, PSAs oftentimes -- and this is according to the media folks, tell me, that lot of times they'll go to the station and just sit on a shelf for awhile, and they may run 'em or they may not run 'em. And the question I have is if -- let's say that a candidate submits one or an officeholder submits one sometime in September or November of the odd-numbered year, is running for reelection, files their paperwork. Television station, cable station doesn't get around to running it until "such" date. If that's the case, then will the officeholder be liable under this, or will he or she be able to say, "I asked them to run it no later than December whatever, and they did it anyway"? Will that -- will that be a legitimate excuse under this bill?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

You know, I -- I think it will. I mean, I am not here to be the judge of that. But it -- it is a legitimate concern that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

you brought up, and I believe that nobody's going to penalize a candidate for something that was out of his or her control.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR RIGHTER:

Thank you. Thank you, Senator.

PRESIDING OFFICER: (SENATOR HALVORSON)

I mean Righter. Sorry.

SENATOR RIGHTER:

That's -- yeah.

PRESIDING OFFICER: (SENATOR HALVORSON)

I apologize.

SENATOR RIGHTER:

Well, thank you. I appreciate that. Senator, the last area I want to talk to you about is the time sheet requirement that Senator Cullerton also touched on. Contractual employees - taxpayer paid - will not have to submit to this requirement. They have to comply with whatever the terms of their contract is, depending -- and that's the way it's written. Why are we treating them differently than the -- those that are on the payroll?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Because in their contract, those -- those times and -- and dates and everything is listed.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Last question, Senator. As I read your bill, the requirement for the submission of time sheets is only applicable to the General Assembly. Why is it that employees of constitutional officers are not required to comply with this as well? I mean, if we open up the newspaper, look at the media reports, I think it's fair to say that both branches of government have shared in these issues, but in this legislation here, we're exempting the constitutional officers' employees from having to submit that time requirement. And that's my last question. Thank you, Madam President.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett, to close.

SENATOR GARRETT:

First of all, I want to thank everybody who had -- okay. I -- you -- we thought -- we thought all State workers were included. So, there may be a difference of opinion here. We could read it...the record.

PRESIDING OFFICER: (SENATOR HALVORSON)

Oh. I apologize. Did...

SENATOR GARRETT:

We don't think any...

PRESIDING OFFICER: (SENATOR HALVORSON)

Did Senator Garrett answer your question, Senator Righter?

SENATOR RIGHTER:

You -- you believe the constitutional officers are included? Because I'm -- I'm reading from the bill and it just refers to employees of the legislative branch and then goes on to talk about the time sheet requirement. Would it be somewhere else in the bill? Maybe you can check with your staff. I notice they're thumbing through it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator...

SENATOR RIGHTER:

I mean, if that's -- if that's the case, I think that's -- that is a -- an issue, at least, to discuss about why we're exempting the constitutional officers from this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

First of all, again, I want to thank everybody who had good questions and good input... I'm sorry.

PRESIDING OFFICER: (SENATOR HALVORSON)

You have the answer to Senator Righter's question?

SENATOR GARRETT:

We're looking.

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay.

SENATOR GARRETT:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

We thought it -- I thought -- let me go back to Senator Righter's question. The intent, certainly, is to include all State employees, and that was the way it was drafted. If it is incorrect, we will change that. It is not established to eliminate the staff of constitutional officers.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Can -- can I -- so you're telling me that if it's not in the bill, that -- that you're going to carry a bill to change this and include constitutional officers in it? Thank you, Senator. I appreciate that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett, to close.

SENATOR GARRETT:

Okay. For the third time, I -- I do want to thank everybody who worked on this legislation. That includes Members of the House and staff, and to all of the -- my colleagues here today who have had good questions and some really relevant input. As you know, this is a very important piece of legislation. The time has come. We have been -- we have neglected some of the responsibilities of bringing this forward in the past, and I believe that this is not a perfect piece of legislation, which we hear so often, but is definitely a step in the right direction, and I ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 3412 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 voting Nay, 1 voting Present. And House Bill 3412, having received the required constitutional majority, is declared passed. State Journal-Register seeks leave to photograph the proceedings. Is there any objection? Leave is granted. On page 76 of the Calendar is the Order of Secretary's Desk, Concurrence, Resolutions {sic}. This is final action. Senate Bill 969. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 969.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Thank you, Madam President. Senate Bill 969 creates the tax amnesty program during the period of October 1, 2003, through November 15th, 2003. The period open for amnesty is for any taxable period ending after June 30th, 1983, prior to July 1st, 2002. The bill provides that the Department of Revenue will abate penalties and interest for taxpayers who pay during the amnesty. Tax liability must be paid in full and must be paid by cash, check or direct deposit. No credit may be used. Local governments will receive their entire share of money due to them under the amnesty program. Money that would have normally been deposited in the General Revenue Fund will go half to the General Revenue Fund and half to the Common School Fund. The bill allows the Department of Revenue to adopt rules to implement the amnesty program. The taxpayers who are delinquent on their taxes will receive a notice from the Department advising them of the amnesty program and what their tax liability is. There will also be an under -- undetermined amount of additional number of taxpayers who have tax liability who the Department has yet to identify and we will -- believe will come forward under this program. The Department estimates that they will receive between one hundred and twenty million and two hundred and thirty million in payments during the amnesty. Much of the money would be accelerated from the -- from later in FY 2004 into tax amnesty period. The Department estimates that approximately forty million dollars will be accelerated from Fiscal Year 2005 and beyond into -- to -- into Fiscal Year 2004. The purpose of the amnesty is to generate cash for the State now while we are in a financial crisis. We used the 1984 amnesty as basis to the current approximation {sic} -- approximation because it is best experience available, but many of the changes have taken place during the past nineteen years. And I will yield questions and answers -- or, answers to -- to my cosponsor, Senator Welch.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. I move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon moves the previous questions. And prior to that there are four speakers. Thank you. Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. I just have one question. When are the...

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RADOGNO:

Thank you. One of the complaints I sometimes get in my district office are people that have paid their taxes late and have paid a penalty and they're sometimes very unhappy with the amount of that penalty. If someone has paid their penalty during this period of time that the amnesty applies to, do they get a refund, or do people that have been more -- been scofflaws longer get rewarded, essentially, by getting off scot-free?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator Radogno, this only applies to taxes owed the State of Illinois. Real estate taxes are owed locally, if that's the tax you're referring to.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

It's not the tax I'm referring to. I'm referring to income tax issues where they get a penalty from the Department of Revenue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

No, that does not apply here. This is for past-due taxes for -- since 1984, and the idea here is that we can get these taxes due off the books, eliminate the court cases between the Department of Revenue and the taxpayer, and collect the tax and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

settle it without penalty or interest just to -- to bring in more money and to settle the -- the issue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Well, thank you. I do understand the point of it, but I guess it seems to me to have -- be inherently unfair to people that have been charged penalties during that time that paid 'em, and then people that have been scofflaws for a long time don't. That's my only point. I understand the -- the -- what we're trying to accomplish.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Will someone yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield, and we'll decide who..

SENATOR BRADY:

That's all I asked. So, my question is, how much are we letting these deadbeats off of?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

I -- I don't think there's a determination of how much we're letting 'em off, but I -- I -- I think when you refer to them as deadbeats, we're looking at generating an amount of money for the State of Illinois that has been uncollected for -- the last time we had this program was nineteen years ago and it generated over one hundred and fifty million dollars. And I think that we -- we are looking forward to doing this same thing. This will save the State money in legal fees. It will save money -- I think there are people waiting to sign these checks. The minute the Governor signs this into law, I guarantee you we'll be having checks coming in to the State.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

To my question though, you've -- you've estimated a hundred and fifty million. Our staff says more. You don't have any

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

idea how much you're letting these deadbeats off of? I mean, are we giving away a hundred million dollars here? And if we've identified these people well enough, Senator, to mail them a statement granting them freedom and amnesty, we ought to at least know how much we're letting 'em off.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

First of all, Senator Brady, I know we've been here quite a few hours, but I never said that we were letting 'em off with a hundred and fifty million dollars. I said that in the last time that we had amnesty, we collected a hundred and fifty million dollars. I never said that we let anybody off with a penny. What we're trying to do is collect a bill -- a undue tax burden to our State from people that owe us money and that are willing to pay, and I think that we could get this money in this best way.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady, you have to turn your light on. Senator Brady.

SENATOR BRADY:

Senator, if I misspoke -- I didn't say you said we let 'em off a hundred and fifty. I -- I -- I know you said the last time we collected a hundred and fifty. But if we collect a hundred and fifty, don't you have a figure for how much we're giving away? I mean, if you've got all these estimates, we ought to know. I mean, is it fifty percent of that? Are we giving seventy-five million dollars away to these people who didn't pay their taxes? And by the way, all the people who do pay their taxes on time, we can't even give 'em money for refunds. So, you know, we're -- here we are -- it seems ironic to me. We're letting deadbeats off who didn't pay us, of penalties and fees, and yet we haven't even advanced enough money to refund the people who've paid on time. Now, if Senator Welch wants to take over and tell us how much money we're giving away, I'd appreciate the answer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator, you're mistaken in what the bill does. These are not people who are not paying but admit they owe the money. These are people who contest that they owe the money. That's the difference between a deadbeat and somebody who contests a tax. You're -- you're saying all your constituents who say we don't owe the State money are deadbeats. I think you should apologize to them, Senator, because what we've got here is the State could lose these cases. Senator Brady, the State could lose these cases. So, in some instances, we may be getting them to settle for more than they would have to pay to begin with. That's the point. It's similar to a lawsuit. You don't know how much is going to be awarded, so both sides negotiate towards a middle ground. What the State is doing here is we've made an offer to negotiate to a middle ground. We want to see if the taxpayers who have contested cases are willing to accept.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady, please.

SENATOR BRADY:

I'll close. Senator Welch, you must know better the term "amnesty" than I do because I thought amnesty dealt with people who were guilty, and I think you're absolutely wrong, Senator Welch. This -- this is not about people who are contesting. If they're going to contest, they're going to contest and they're going to win if they're right. These are people who owe money, who owe penalties, who failed to pay. And here you are giving away State resources. It's poor public policy. People are going to count on it in the future. It's a bad idea.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much. A question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR WATSON:

There's a famous baseball player, plays for the Chicago Cubs, that came in second to Mark McGwire in the home running contest of 1998 that might be impacted by this legislation. Is that accurate?

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Welch.

SENATOR WELCH:

I don't know.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

You said that the other day, didn't you, Senator, when we asked you about questions...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Point of personal privilege. Senator, you've been saying that to the press and it's B.S. Two people asked me a question. I said I'd get back to 'em and I did. So, will you quit saying I don't know the answer to those questions. And on the question about Sammy Sosa, I'm not a Cub fan. I don't follow that team. I'm a White Sox fan. So, I don't care what Sammy Sosa does.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis. Oh. Senator, I apologize. Senator Watson's not done.

SENATOR WATSON:

Well, last time I checked, Senator Link is the sponsor of the legislation. I'd like to hear from him.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Well, if Senator Watson was listening to my earlier comment, I yield to Senator Welch on the questions and answers as my cosponsor of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Well, I guess neither one of them know the answer. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. {sic} President and Ladies and Gentlemen of the Senate, I happen to like the Cubs and the Sox, and -- however,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the point here, I'm supporting this bill and I'll tell you why. I pay my taxes and I'm sure everyone else here does.

PRESIDING OFFICER: (SENATOR HALVORSON)

We can't hear.

SENATOR GEO-KARIS:

But we're in a critical shortage. And you know the old story: Half a loaf is better than none. I don't like these people who avoid paying their taxes anymore than anyone else does, and I get hit pretty hard being single with no dependents, except yours truly. So, I think it's a good step. Incidentally, there's about three hundred and eighty-four million dollars owed by these people who haven't paid. And if we can get half a loaf, I'm sure it's better than nothing, and I rise in support of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Madam President. Well, first of all, I'd like to point out to both Republicans and to the Democrats who are considering their vote on this that this is part of the Governor's revenue package and tax increase package. And I'll come back to why it's a part of the tax increase package, but I have two quick questions to ask first. Number one, is there any notification to people who are eligible for this and where's the notification in the bill?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

The bill provides that notification and the rules to enforce this will be set up by the Department of Revenue. Most of the taxpayers here have lawyers who I'm sure will be paying attention to this, and if they don't tell their client, they're guilty of malpractice, I would say.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Secondly, can you comment on the -- Speaker Madigan had called this a discount for deadbeats, I think just a year ago, and the estimate at that time was approximately fifty million

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

dollars as opposed to the hundred and twenty to two hundred and fifty million. And even in testimony in the Executive Committee when this came up, the admission was made from the Department of Revenue that no new money is going to be raised, but it's just going to be speeded up. It's going to be brought into this period of time. How are you going to generate additional revenue from just speeding up and -- when the Department of Revenue says that there's no new money here?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, that's like a lawyer saying every case he handles, he's going to get exactly what he sued for. We don't know how much we're going to get from these cases. These cases are also settled between the taxpayer and the Department of Revenue. These aren't all deadbeats, as one of the previous sponsors misinterpreted the bill. What we're doing here is saying an amnesty means they admit that they owe a certain amount of money. If they didn't admit they owed it, they wouldn't pay that amount. What they're admitting is they owe the amount of the principal without payment of the penalties and interest.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Just for the sponsors again. I am confused about these -- where there are cases out, because in the bill, it says, "Amnesty shall not be granted to taxpayers who are a party to any criminal investigation or to any civil or criminal litigation" - so any civil litigation" - that is pending in any circuit court or appellate court or the Supreme Court of this State for nonpayment, delinquency... "So, doesn't that take out the cases that are in litigation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

No, it doesn't. In part, the case -- they become a case when there's a contest. A file is opened up, then the negotiations start. The -- the information is gathered. That's that I mean by an ongoing case.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen, please, you have eleven seconds.

SENATOR LAUZEN:

Okay. Well, thank you very much. I -- I mean that -- that -- that answer I'm sorry. You probably understand what you mean by it, but the language of the bill says something contrary. I would just like to point out that the way that this is going to raise revenue is that there is a provision in here in several places that says if a taxpayer has a tax liability that is eligible for amnesty under this Act and the taxpayer fails to satisfy the tax liability during the amnesty period, which is from -- the six weeks from October 1st to November 15th, the penalties are doubled. So, these penalties are going to go up two hundred percent. Just to give you an idea that if someone doesn't pay their taxes in twenty-one days, there's a fifteen percent -- or a five-percent penalty for those twenty-one days. That's an effective rate of ninety percent. It's now going to be doubled to a hundred and eighty percent. When your small business owner or the guy who's trying to get back on his feet after being laid off, comes to you and asks, "Senator, how could you vote for something like this when already the penalty is twenty percent and you're raising it to forty percent..."

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen, your time is up.

SENATOR LAUZEN:

I think that the point that I'm making is that this is a onerous, punitive kind of way of raising tax revenue. I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Link, to close.

SENATOR LINK:

Thank you, Madam President. For one correction, it's a forty-five day window. We're allowing this amnesty program from October 1 to November 15th of this year. I think this is a positive method to collect money that's owed to the State of Illinois. It's long overdue. I ask for affirmative vote to help solve this budget problem.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

The question is, shall Senate -- shall the Senate concur in House Amendment No. 1 to Senate Bill 969. 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 39 Yeas, 19 Nays, none voting Present. On the motion to concur in House Amendment 1 to -- Senate Bill 969, the motion having received the required constitutional majority, the Senate concurs, and the bill is declared passed. Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

Two points of personal privilege, if I may, Madam President. The first is, the Doorman back here on the Republican side of the isle is Ernie Dodson. And Ernie is, like Senator Shadid, long and happily married, and today is Ernie's fifty-first, fifty-one, a more than a half a century, wedding anniversary. And just want to say congratulations and we all ought to take notes from the guy.

PRESIDING OFFICER: (SENATOR HALVORSON)

Congratulations, Ernie. Senator Dillard.

SENATOR DILLARD:

The second point of personal privilege is - Senator Sullivan sprung my birthday on you-all a few minutes ago - the cake has arrived, and just like we gave, I guess, taxpayers a little cake so they could have it and eat it, too, you can all have your cake and eat it, too. And I want everybody to get a nice sugar high and a buzz as we go on to Governor Blagojevich's revenue package. I want everybody to be hyper as we go into this. It'll make for good theater. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Dillard. Chicago Tribune seeks leave to photograph the proceedings. Is there any objection? Leave is granted. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senate Bill 735, with House Amendment 1. Passed the House, as amended, May 31, 2003.

I have like Messages with respect to Senate Bill 212, with House Amendments 1 and 2 and Senate Bill 841 with House Amendment 1.

Passed the House, again, May 31, 2003.

PRESIDING OFFICER: (SENATOR HALVORSON)

The Order of Concurrences, top of page 78, we were at Senate Bill 1606. Senator Welch. 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 1606.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. What this bill will do is amend the Riverboat Gambling Act concerning two types of taxes. It increases the admission tax and it increases privilege tax rates until any license above and beyond the nine that are currently functioning conduct gambling operations. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves the previous question. There are currently five lights on. Thank you. Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. I would be remiss, I think, if I did not stand up and speak on this bill. And in so doing, let me just tell you that about twelve years ago -- thirteen years ago we were trying to -- to compete with Iowa, and we were trying to ensure that river towns that were decaying got some economic development. We did that. So, in 1990, we had our first birth of the baby that was born, and we can't lose sight of -- the intent that was there to help decaying river towns.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Economic development, not education, as this Governor has indicated, was the reason for the riverboat gaming bill. The baby grew nicely, doing what you want a good child to do. It helped the City of Rock Island out of its doldrums, just as the baby did in East St. Louis, Joliet and Metropolis, and continues to do so. Over five hundred employees in Rock Island at the boat, reemergence of the Rock Island downtown and the City as a whole. The whole industry flourished and prospered. Then along came increased taxes and boarding fees. The baby that we so carefully nurtured started to feel a little bit ill. The Jumer family, who owns our little baby, the Casino Rock Island, noticed the change. Now along comes Senate Bill 1606, an additional virus on the already ailing baby. The baby is now very sick and may not survive. In fact, the prospect of survival without some help is very, very dim. And if -- if -- if there is a demise, I urge the Governor to come to the visitation and tell the people of Rock Island and the over five hundred employees and citizens of Rock Island, why the doctor, through malpractice, caused the death of his baby. To the bill. Seventy percent tax. Highest tax in the country on anything - on anything - and this Governor attempts to make us believe that will not hurt the industry. He tries to pit casinos against education. My -- my comment to you, Governor, is I understand the importance of the casinos to education. After all, the industry has produced over six billion dollars - six billion dollars - for education since its conception in 1990. And it would be your choice, Governor, to cut education if this bill fails; it would not be ours. The entire budget is not education, and only posturing would pit casinos against education. I could continue by telling you that this industry has made money. We want it to make money. I could also tell you the return on investment before Senate Bill 1606 is between six and twenty-one percent and will fall or could fall to zero to fifteen percent after Senate Bill 1606. But I'm not going to get into that. I will promise you the State will not receive the revenues they project, nor will they receive the bid price the administration projects for the tenth license. In closing, just let me remind you that the Governor says he will rescind the higher rates when the tenth license comes, nine months or

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

two years later. But that reduction does not include the onerous head tax of five dollars per person, which is consumed by the boat owners. Reluctantly, I do plan to vote for this bill, but I feel obliged to let this Body know that this bill is not a panacea, and if we continue along the road that we are on, we will not bring in the dollars projected, we will kill the goose that is laying the education-funding golden egg. I could be wrong. I was wrong, I think, last year once or twice, but I don't think on this issue I am wrong. I do plan for an Aye vote, but I just think that it's a terrible way to do business.

PRESIDING OFFICER: (SENATOR HALVORSON)

WICS-Channel 20 in Springfield, as well as WLS Television, seek leave to videotape the proceedings. Is there any objection? Leave is granted. Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and -- and Members of this august Body. When riverboat gambling was first introduced in the General Assembly and when it passed, I, like almost every Republican in the House, where I served at the time, did not vote for it. And some of the arguments that were made at that time against it is that there was going to be an -- an enormous increase in crime, there was going to be -- the revenues that are going to be attracted are nowhere near what was being projected and that basically we were importing the worst of the worst into the State of Illinois. I now represent the City of Aurora and have for the last decade, and in times past, the City of Joliet. If there's one thing that I've been able to -- to see very clearly, notwithstanding any feelings I may have in connection with the business itself, is that they have made their case. You can walk in the City of Joliet, downtown near -- in downtown Joliet near those boats and it is -- it has been upgraded -- enormously. The same can be said in the City of Aurora. It is so very true that in the early 1990s, we read stories in the news media about insiders who -- suddenly pounced on an opportunity and made millions and hundreds of millions of dollars on inside in -- in what some might be viewed as shady deals. But these people sold to -- to somebody and some of the people that they sold to happened to be legitimate, bona fide investors who put in an enormous amount of money into the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

community. Just, for example, in the City of Aurora, a company called Penn National took over the Hollywood Casino, and in the first year of existence that -- that it owned the place, it put in seventy-five million dollars in infrastructure investment. It was bad enough last year that we imposed the gaming tax, a tax that I opposed on this Floor, but even more than that, we are now attempting to levy a tax on seventy percent, not on earnings, but on income, about the amount that actually comes in as a result of -- of the -- of their business. The direct result of this in the City of Aurora is going to be the following scenario: The amount of income that will be realized by this casino, after it pays the seventy percent tax, will not be enough to even make the interest payment on the principal of its loan. Draconian cuts will be necessary, and very candidly, there is talk of -- of possibly a liquidation of the assets. To impose any tax on any business in the United States of -- of seventy percent, to me, flies in the face of what we're all about. If anything, these individuals who took the prudent investment risk should not be punished for being successful. No matter what you may think about the ups and downs of gambling, the fact of the matter is that these people are businessmen. I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

WICA-Channel 3, in Champaign, seeks leave to videotape the proceedings. Is there any objection? Leave is granted. Senator Wojcik.

SENATOR WOJCIK:

Thank you, Madam President. I'd like to speak to the bill. When gaming was first introduced into this State years ago, we, as legislators, were rather excited because we knew that some of the economically deprived communities would have a chance to have new life. A choice was made in my area of either going to Dundee or to go to Elgin. At that time, Elgin was the chosen one. Now, you have to look at Elgin and see what's happened in that community. Not only has it been economically reborn, but we also have new growth, new homes. The schools are being helped. The riverboats, as we may look at it and may not look at it, is a business. They're in the business to make a profit. If we put this tax upon them, they're going to cut somewhere.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

And who's going to get hurt? It's not going to be you or I. It's going to be the person who goes to those riverboats. They will cut back payouts on those machines. We can call them the consumer. Ultimately, time will come when maybe they won't win. Then where will they go? They're going to go to that riverboat or to the dockside boat that's going to let them win some money. So what happens? They take their business out of the State of Illinois. Indiana, as we speak, now has twenty-four-hour dockside gaming. Now we're going to place the onus on these riverboats. We're going to tell the business people, "We don't care what you're doing. You're making so darn much money because everybody loves to gamble, and we're going to place this tax on you." Well, I say, mark my words, because what will happen is the revenue will not be generated. The revenue is falling by the wayside already because of the economic situation in this State, and we're going to have more problems as time goes on. So, I would ask this Body to vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Lady -- Ladies and Gentlemen of the Senate. I'd just ask people to think back to just about a year ago as we were struggling with the first year of this budget crisis that we're in, really based on revenue compression, a nationwide phenomena where the income taxes in the nation have seen their first decline in almost fifty years. And I remember working hard with Senator Trotter and others to try to craft a budget where we could reduce enough spending to live within our means. And when it became clear that we couldn't, we -- we were faced with looking at revenues, and I remember how hard it was trying to find support for different forms of revenue. I remember struggling, seeing if there was bipartisan support for a cigarette tax. I remember trying to see if there was a way to do gaming expansion that we could reach consensus on, whether slots at the track might work last year, the frustration over the tenth license and -- and 10A and whether we could issue a -- an eleventh license and wait for the tenth license to clear and then -- then remove it so that there'd be only ten licenses. I remember talking about more

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

slot machines per boat. Could we have more positions and gain more revenue? But, you know, we couldn't reach consensus. We couldn't reach consensus on a lot of those ideas, and we ended up, this side of the aisle, the Republicans in the Senate, passing an increase in the cigarette tax with all Republican votes. And then when it came time to see if there was any other solution for gaming and there wasn't one, very reluctantly, this side of the aisle, myself, Senator Petka, Senator Lauzen, people who represented riverboat properties felt compelled to do the right thing, to fund State government and raise taxes from thirty-five cents -- thirty-five percent, at that time, to fifty percent in the upper bracket. And I just remember a year ago the howls of how we couldn't do that and how unreasonable it was. We look across the aisle today and it seems as if there's thirty Democrats today ready to vote not for a fifty-percent tax on -- on just the -- the highest-earning boats, but on a reduction of the graduation rate so that more people pay it, an increase in the head tax between sixty-six -- thirty-three percent and sixty-six percent, and then a tax rate increase to seventy percent, the highest in the nation. At our current fifty-percent tax rate, our riverboats, nine licenses, produce eighty-five percent as much revenue as the State of Nevada does, and we're going to tax these boats out of existence. Next year you're going to be struggling looking for school funding because we've killed the goose that laid the golden egg. And I -- it just fascinates me. It'll be interesting to hear, and maybe the press will ask you, how you went from -- from last year being opposed to an increase from thirty-five to fifty percent and this year you can support from fifty percent to seventy percent an increase in head tax, which, we've had testimony, may close two of the boats. So, I would just urge you to do the right thing while we still can. There's no crime in America for running a profitable business and we shouldn't be punishing this industry at a time when we need them to be a dependable source of revenue. Instead, two years in a row now we've punished them and added uncertainty to their licenses and their businesses. This is the wrong kind of public policy to be engaged in.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR LAUZEN:

Thank you, Madam President. You know, God knows that I am not an apologist for the riverboat gambling industry, but I certainly appreciate Senator Jacobs' analogy about the sick baby, Senator Petka's statement of facts in history and Senator Rauschenberger's introduction of -- of a -- of one of the Aesop's Fables. I asked Leslie Root, my administrative assistant, to look up an Aesop's Fable. I think that you know which one it is. Sounds a lot like riverboats in Illinois, and it's a short story full of ageless wisdom. It goes something like this: One day a countryman going to the nest of his goose, found there an egg all yellow and glittering. When he took it up, it was as heavy as lead and he was going to throw it away because he thought that a trick had been played upon him. But he took it home, on second thought, and soon found to his delight that it was an egg of pure gold. Every morning the same thing occurred and he soon became rich by selling his eggs. As he grew rich, he grew greedy, and thinking to get at once all the gold the goose could give, he killed it and opened it, only to find nothing. The moral of this bedtime story for -- our sick baby is that greed often overreaches itself. It's true about the goose with the golden egg, and it's true about seventy-percent tax on casinos in Illinois.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, to close.

SENATOR WELCH:

Thank you, Madam President. You know, we had a few analogies here, a few Aesop Fables and a few other fables as well. Comparing this to a baby, well, you know, we've all had babies - and guess what? - they grew up, became young men and women, moved out of our houses, and stood on their own two feet. That's what gaming is going to have to do as well. This comparison to Nevada - how, "Oh, we have the highest tax", "Look at Nevada, that's really low" - Ladies and Gentlemen, we have monopolies here in the State of Illinois. Monopolies. Nobody can go into business against these nine licensed boats. No one. It is a goose laying a -- golden egg and they've been laying it for the last thirteen years. You know, I voted for that bill to create these -- these riverboats. We never dreamed they would

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

be this successful, and congratulations to them. But, Ladies and Gentlemen, what we're asking here for these taxes is not a seventy-percent tax on all of their revenue. Hearing the arguments against this bill, you would think that seventy percent of everything you take in goes to the State of Illinois. It's after you already take in two hundred and fifty million dollars. And the projections are this: The boats will still make a lot of money. Then when you get to two hundred and fifty million dollars, guess what? They still make money on every incremental dollar above two hundred and fifty million dollars. You make it look like, "Well, we're not going to make money after we hit two hundred and fifty million dollars." Absolute baloney! They're making money hand over fist. Give me a break. You got a monopoly. If they're going out of business, please let me know, folks. I will put together a group myself to buy the license in Aurora or Elgin or Joliet. I bet I can get people signing up, not in my district office after that ethics bill passed, but somewhere, because they are going to make money. So don't give me this bit about they're going out of business. What we're here today for is to make hard choices. Whose side are you on? Are you side -- the side of funding children going to school? Everybody was for that money for the categoricals. Everybody's for the money to take care of the truants. Everybody's for two hundred and fifty dollars for every child in the State of Illinois that's in the poorest schools. That's what the Governor's standing for. And that's great to stand for that but, Ladies and Gentlemen, it's time to pay the bill, and that's what this bill is. Everybody needs to contribute and we're asking the riverboats, who have enjoyed a luxury no one else in the State except utilities enjoys, and that is protection against competition. We talk about free business, how business entitled to make money. The same idea. Why do we even regulate a -- a utility? They're a monopoly and they're a business. Why shouldn't they be allowed to make as much money as possible? Because there has to be a limit by government and that's what we're setting. And today we're saying for either two years or until the next license is sold, the rates are going to be increased. When that tenth license is sold and goes into effect, they revert back to where they were.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Two years. Two years. They're not going out of business. They're going to survive. They're going to make money. They're going to keep the machines going. Ladies and Gentlemen, these scare tactics are being used by every, single business group who is having a fee raised, who may have to pay a dollar more. They're threatening to leave the State. They're not going anywhere. Even if they are in a boat, they're not going down the Illinois River, down to any other state. They're staying put. They're going to make money. They may not make as much money. They may not be as rich as they want to be, but neither am I. Ladies and Gentlemen, this is a bill we need. Vote for the Governor's budget. This is part of it, and let's move forward with all the programs that we all agree in, a lot of the things we like in this budget. We're adding to it. Vote for the revenue to pay for it. That's all we ask. Thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question -- the question is, shall the Senate concur in House Amendment 2 to Senate Bill 1606. 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 33 Yeas, 24 Nays and 1 voting Present. On the motion to concur in House Amendment 2 to Senate Bill 1606, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Madam Secretary, on Supplemental Calendar 1. Senate Bill 719. Senator Welch. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2, 3 and 4 to Senate Bill 719.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Senate Bill 719 is the bill that sets up the State of Illinois to sell or lease back the Thompson Center, the Toll Highway building and the Elgin Mental Health facility. It does this by creating the ability, within

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the Central Management Service, to do this, to execute either deeds or leases to dispose or lease the property. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

I move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves the previous question. Prior to that, there are two speakers. Thank you, Senator Hendon. Senator Wendell Jones.

SENATOR W. JONES:

Yes. I have a few questions and comments on this idea.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield. Senator Wendell Jones.

SENATOR W. JONES:

And the sponsor is Senator Welch again. Okay. Senator Welch, what is the expected one-time revenue for the sale and leaseback concerning the Thompson Center?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

We do not have the official appraisal. The bill provides for three appraisals. The estimates are between one hundred and fifty and two hundred million dollars, I believe.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR W. JONES:

Is the Thompson Center paid for? It's pretty much paid for, isn't it, with the bonds that we issued?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

I believe they are. The bonds were issued a long time ago. I don't -- there is no mortgage on it, but there are bonds -- were bonds issued. This pledged as security.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR W. JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

When this -- when this idea first came up, I went home, when we got out for the weekend. I asked my wife, I said, "You know, why don't -- why don't we sell our house to -- and then we'll lease it back from the real estate broker, and then when the bill comes, we'll put it on our Visa card." And she thought for less than three seconds, because she's a lot smarter than we are, and she said, "I don't think we want to do that." Now, that's essentially what we're going to do. If we lease this back, the payment over time would be probably four hundred million to five hundred million dollars on a building that we've already paid for, which under current pricing, is probably worth about two hundred million. So, wouldn't you agree, Senator Welch, that the best thing to do would be take this out of the record, not sell the Thompson Center and just not -- not go through fifty states with a -- with a picture of the Thompson Center, which says, "For Sale"? I -- I really don't think we want to do that, 'cause the next thing you know is, as Senator Peterson said the other day, pretty soon the credit card company will be down here and this will be Capital One.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR W. JONES:

I mean...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, let's use the analogy of your house. Use...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR WELCH:

Let me...

PRESIDING OFFICER: (SENATOR HALVORSON)

Oh, okay. Senator Welch.

SENATOR WELCH:

Using your house analogy, let's say that you and your wife sold your house and could lease it back and not pay any real estate tax, no property tax and no interest on those payments. That might be a better deal for you.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Jones.

SENATOR WELCH:

Let me just say something else here. This idea -- I know this idea has been pooh-poohed throughout the press and everybody thinks, "Oh, this is terrible, selling the Thompson Center." Let's think back to years ago and a name that we haven't heard in a long time: Newt Gingrich. What was his big idea? Let's sell one of those buildings in Washington, D.C. That was the big idea of the Republicans in the early nineties. We're going to cut government by selling a building. Let's sell that Longworth Building. That was your idea. Apparently, Rod picked it up.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR W. JONES:

I don't know what Newt wanted to sell or didn't want to sell. It's immaterial to what we're talking about. But what -- what is the amount that the State will have to expend in total for the -- full term of the lease, assuming we sell it and then lease it back to somebody's friend?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, the bill provides that the State could sell the building and lease back part of the building. In that building itself, there are three floors that are already leased out to commercial tenants. They pay rent to the owner of the building. The State could then lease out, let's say, ten floors out of the sixteen. So, you don't know how much the lease payment would be because it would be negotiated at an arms-length transaction.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones, your time is up. Can you please bring your questions to a close?

SENATOR W. JONES:

Well, he spoke for a third of my time.

PRESIDING OFFICER: (SENATOR HALVORSON)

You asked him a question.

SENATOR W. JONES:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Ooh. Should I go back to my O'Hare speech from last night or -- my time is up, Madam Chairman?

PRESIDING OFFICER: (SENATOR HALVORSON)

So...

SENATOR W. JONES:

Well, thank you. This is a bad idea. I think we ought to vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, to close.

SENATOR WELCH:

Thank you. Ladies and Gentlemen, this is another part of the Governor's package, a package that all of us certainly agree is something we want to do, and that's fund education, fund health care at a better level, make sure our nursing homes get funded. We have to move the government forward. Today is the final day. It's now or never. This is part of the package. This idea itself is an innovative idea. It's something that we could sell the building, lease it back, get the money for it. We can sell it to someone else. There are several options that we have here, all of which are based on appraisals, three appraisals, on each of the three properties. Three appraisals. Then it can't be sold for less than those appraisals. So -- there are guarantees in this bill. This isn't just some wild thing that is on the back of a napkin. This is a plan to help balance the budget. It's a plan to help kids get a better education, and with that in mind, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The -- the question is, shall the Senate concur in House Amendments 1, 2, 3 and 4 to Senate Bill 719. 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 33 Yeas, 25 Nays, and 1 voting Present. On the motion to concur in House Amendments 1, 2, 3 and 4 on Senate Bill 719, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

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 428, together with House Amendments 1, 5, 6 and 7.

Passed the House, as amended, May 30, 2003.

I have a like Message with respect to Senate Bill 1680, with House Amendment 1, which also passed the House today.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen, for what purpose do you rise? Back to the Supplemental Calendar on Senate Bill 774. Senator Welch. Where'd he go? Oh, Senator Link. 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 774.

Motion filed by, Senator Link.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

I know, it's a tag team, right? Beginning October 1, 2003, Senate Bill 774 requires distributors of alcohol beverages to report monthly to the Department of Revenue the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month of purchases. Identifies by a purchaser's tax registration number. Other information may be required by the Department. A copy of the monthly statement must be also sent to the Realtor -- retailer. The Department of Revenue has found that the compliance level of cash businesses, particularly bars and liquor stores, is substantially below the compliance level of other groups. While the average taxpayer is ninety-five percent in compliance, half of these businesses are less than eighty percent in compliance. These businesses have substantially underreported what they owe to sales tax and keep poor records and receipts. We believe that requiring both distribution {sic} and the -- retailers to report and the wholesaler's receipts on alcoholic purchases will prompt the retail to report -- retailer to report and pay the amount closer to what is actually owed in sales tax. For example, if a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

retailer purchases a thousand dollars in alcohol for a given month, he knows what he has -- information and we also know the average markup of the product. Therefore, it doesn't -- if he doesn't report a certain amount in taxes, he's likely to be caught. We estimate this proposal will generate thirty-two million dollars in State revenues. For -- expense incurred in maintaining and supplying of these records is capped on the discount allowed under the Liquor Control Act: increase two percent on three thousand dollars per return. The increased discount starts October 1 and gives the Department time to modify the computer system. After October 1, 2004, the current two percent or two thousand -- dollar per return, whichever is less. And I'll be more than glad to answer -- wait. One more part of this. This bill is -- eliminates the thirty-day float currently allowed for cigarette distributors before payment must be redeemed on purchase of tax stamps during a July -- beginning July 1, 2003; for example, the individuals who don't postdate their income tax check to May 15th. The bill provides the increase of retail tax license fee. The new cost is five hundred dollars. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Mr. President. I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Question is moved. There are three speakers. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you -- thank you, Mr. President. A couple questions of the sponsor that I'm sure he'd...

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR RAUSCHENBERGER:

Senator Link, can you tell us what the crisis is in the Dram Shop Fund?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I really don't know if there is a crisis in the Dram Shop Fund right now.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Can you tell me why, then, we've ended the practice of when we reach five million dollars, capping it and returning it on a pro rata share to the liquor licensees who pay it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Why -- why we are capping that is basically because that's the minimum amount that has to be in that account.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah, but the bill caps it. When it -- when it reaches five million dollars, it's normally capped. The excess paid into the Dram Shop Fund is then returned to the licensees, the people who pay it. In addition, this bill raises the amount going into the Dram Shop Fund. So, you know, I -- I -- I think maybe we ought to do a little bit more work on that one. Senator Link, let me go on to another question. Who's supposed to pay the cigarette tax? Who -- who -- who pays the cigarette tax in -- in -- in America today?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I -- I presume you're paying your fair share, Senator.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Good point. The point is, it's a consumer tax. In the State of Illinois today, what we ask, for our convenience, is we ask distributors to affix a tax stamp to the package of cigarettes, for us to control them, to make sure there's compliance. So, because of that, what we've said to them is since you have to buy the tax stamps for us and it takes you between thirty and sixty days to pass the cigarettes from your

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

distribution through your retail chain before a customer buys them and pays for them, we'll give you thirty days to collect the taxes. Even though it's not quite enough time, it at least means that the wholesaler doesn't have to front the consumer's tax to the State. In this bill, however, we're now saying that -- that -- that a distributor, when he buys a tax stamp, for our convenience, to aid in our enforcement, has to pay for those tax stamps before he has affixed them, before he has sold the cigarettes to the retailer and before the retailer could have sold them to the -- to the consumer. Does that make sense to you, Senator Link?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

First of all, I think the acceleration of this tax will be passed on to the consumer and I think that what you will see is hopefully some -- some bit of a savings to you. But when you say about that, basically what we've been doing in the past is allowing them to float this check for that thirty-day period as it is, and I think it's been an injustice to the State.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Link, I thought we just agreed that the consumer pays the cigarette tax. For our convenience, the distributor affixes the tax because we need to enforce our own tax. But be that as it may, do you have any idea about what percentage of a tax stamp -- or, what percentage of a pack of cigarettes today is taxes, Senator Link?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

No, I'm not -- I'm a nonsmoker. Never smoked a day of my life and don't plan on starting now.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen. Senator, your time is up on the -- on the board. We're trying to get out of here. Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Mr. President. I think that the former speaker, Senator Rauschenberger, was making several very good points that I'd like to echo. One is that businesses pass the tax increases on to consumers, so this is an indirect increase on all of your constituents who smoke and drink. It is a one-time fix. This - - this acceleration, this herculean effort of putting in place - - charging a tax before the distributor even sells -- or, the retailer even sells the product is -- that's a new one, even here. I mean here, the State of Illinois, we don't pay our bills for months, yet we ask the sellers of cigarettes to pay ahead of when they sell. So, forty -- 4.8 million dollars is being removed from the -- Economic Development Fund. The license fees for liquor retailers is a three-hundred-percent increase. So, this is anti-job. It's anti-consumer. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

I misspoke when I said there were only three speakers. Senator Jacobs is also -- lit his light before the question was called. Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR JACOBS:

Before I ask my questions, I just want to make one comment. I know this bill is going to cost me money. But Senator and good friend, Senator Link, is our total budget dedicated for education?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Well, 'cause we have already increased taxes over one -- over one -- over - what is it? - over one billion dollars so far. So, if we could have a commitment from the sponsors that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

we won't keep using education as a reason to tax a particular thing, I think that would be appreciated.

PRESIDING OFFICER: (SENATOR WELCH)

This isn't the House. Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the -- of the Senate. I read in the paper the other day that -- that the Governor and the Democratic Party had a lot of non-consumer business taxes. I immediately wrote a note to Director Filan and asked him if he could send me an example of a non-consumer business tax that isn't ultimately paid for by the consumer. Now, Senator Link, you talk about this float. The individual buys the product, and before he sells the product, he has to submit his tax, and then after he sells the product, he collects his tax. So you're asking him to pay his retailer occupation tax before he makes his retail occupation sale. Isn't that accurate?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

That's accurate. That's almost -- that's almost -- is wait a second. I -- I get to answer my -- your question. That's almost as unjust as that thing called the federal income tax, when you have to pay your estimated tax each year, Senator Jones, for people like you that possibly make more than we do, and you got to pay that tax every year ahead of time on what you project that you're going to be making.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

No, that's not going to fly 'cause we're not talking about income tax. Let me just finish by saying -- Senator Link, you rose a minute ago to say that you were a tag team. I think not. I think it's a tax team. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

Well, I -- I -- I guess we've heard it all, you know, about taxes as -- as we -- we heard our colleagues to the far right indicate last year about increasing taxes. What we are doing is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

trying to change the taxes in this State and make 'em fair for everybody. And my good colleague and friend, Senator Jacobs, this is not only helping education; it's helping health care. It's maximizing our dollars from the federal government so that we can help the people in the nursing homes and other parts of the State. We're helping other facilities. We're helping to balance this budget from top to bottom so that we can have a better fiscal state and not on the backs of those who could ill afford it. I ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 774. 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 31 Members voting Yes, 27 Members voted No, 1 Member voted Present. On the motion to concur in House Amendment No. 2 to Senate Bill 774, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 842. Senator Link. 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 842.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move the previous question. There are two speakers. The bill has been read into the record. Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is a tax imposed on the -- this -- this is a use tax on the sale of private airplanes. Closes the tax loopholes on the following: pollution control facilities; replacement vehicles; graphic arts machinery and equipment; oil field -- exploration, drilling, and production

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

equipment; coal -- and mining and offhighway hauling, procedures {sic} (processing), maintenance and -- I'm having a good time today -- equipment; distillery machinery and equipment; machines used in coin-operated amusement and vending; aggregate machinery {sic} (manufacturing), and manufacturer's purchasing credit. Estimated revenue value for FY'04 is sixty-nine million dollars. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much -- Mr. President. First of all, I guess that if you can tax before a product is sold, you can cut off debate before the bill is even presented. I -- I think being limited to five minutes on a billion dollars so far in tax increases and fee increases and have it limited to five minutes, the least we could do, Ladies and Gentlemen, is give people a chance to put on their switch before debate is cut off. But let me also make a -- another larger point before we go into the specifics of Senate Bill 842. Let's be clear that, this year, General Revenue Fund spending, under the budget that you've passed, has gone up by one billion dollars. Last year, when Republicans put the majority of votes on to -- reluctantly put on to tax increases, it was when spending was lowered by one billion dollars. So, what we have here is an increase in the State budget in the General Revenue Fund spending of one billion dollars. And right now I hope you are enjoying yourself, Senator, because it's -- a lot of people back home aren't enjoying what you're doing. So, first of all, in committee, the sponsor agreed that we get less of what we tax and more of what we subsidize. I think that philosophically we can agree with that fundamental economic principle. So, look at the things that we're going to get less of. Pollution control facilities: According to the statute, this includes any system, method, construction, device or appliance thereto sold or used or intended for primary purpose of eliminating, preventing, or reducing air and water pollution or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutants which if released might be harmful, detrimental or offensive to human, plant and animal

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

life, or to property. For instance, in today's Chicago Tribune editorial, there's a comment about coal plants being put in closer to the City and how we have to be careful about the pollution that's going into the air. Something else that we're going to get less of is coal technology. I don't know if everyone in the Legislature -- in the Senate here realizes that we have more BTUs or British thermal units, more BTUs in the ground in Illinois coal than all the oil in Saudi Arabia and Kuwait. So, what we're doing is we're going to provide disincentive, or take away an incentive, to develop all the wealth of Arabia right here in the ground in Illinois. Very anti-Illinois kind of a -- a -- a proposal. When it comes to the manufacturer's purchase credit, I'd just like to wrap up by saying that what you're proposing here today is a double tax. I once had it explained to me that how the sales tax law works is that it's a chain. Somewhere along that chain one person's got to pay the tax. The goods that are produced in the manufacturing process, when they go to retail, someone pays the tax at that ultimate spot. To now tax the components that go into manufacturing is to double tax for sales tax in both -- both places for manufacturing process. We say we want jobs and we're punishing the people who provide those jobs.

PRESIDING OFFICER: (SENATOR WELCH)

We have two more speakers: Senator Righter and Senator Soden. 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 Link, very briefly. I -- I'm new here and -- but I've had the opportunity to work with you on a -- on a few things, and aside from the obvious integrity with which you do your work here - and that's sincere - one thing I've also learned about you is that you are an ardent environmentalist. You -- your environmental record is outstanding, and that's why, when I was first looking at this list and I saw that you were carrying the bill to revoke the sales tax exemption with regards to pollution control facilities, I had to believe it was a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

misprint. And I want to ask you, Senator Link, what's the wisdom in that? When we talk about pollution control, when we pass dozens of pieces of legislation through this Chamber every, single year to address this issue, what's the wisdom in taking away the incentive for these people who are polluters to buy something to make themselves a little better?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Well, first of all, Senator Righter, thank you for the compliment. You are correct, I -- I -- I think I have a hundred-percent voting record on environmental issues and I'm very proud of it. But I got to tell you one thing, we are not decreasing anything when it comes to the environment. Most of these things are federally mandated. Most of these things are going to be controlled by the -- the mandates of the federal government. These people are going to be buying these things anyway. We have been just giving 'em breaks for years in past to buy something that they were mandated to buy anyway.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill. Senator Link, I appreciate that, but as you said yourself, most, but not all. We are going to discourage people from buying these by revoking this sales tax exemption. This is a very -- Senate Bill 842 contains a very, very impressive list of sales tax exemption revocations from a cash-grab, from a money-grab, point of view. It really is. But it doesn't reflect public policy very well and that's been evidenced by the fact that most of these exemptions have been in place for a number of years. You know, sometimes in this Chamber we tend to erect a fictional wall between employers and employees, and we talk ourselves into the notion that we can do something with regards to one of those groups and it doesn't affect the other. But we all know that -- all fifty-nine of us know better than that. But one of the ways we have sustained that myth is we -- that myth is we use cute little terms like "corporate loopholes" to kind of give the public the idea that "Hey, you know what? We're just telling

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the rich business guy that he can't have ten Mercedes, he can only have nine." But, Ladies and Gentlemen, that's a huge myth. Most of the people who are going to suffer from the sales tax exemption revocations that are in this bill are not millionaires. They're not rich people who -- who go around on their fast jets and go around to their different vacation homes. They're people who work ten, twelve, fourteen hours a day doing their work. And even if they weren't, even if they were the executives that we like to try to paint 'em as sometimes, these big corporate big shots, they're painted as people who are uncaring enough and just concerned about their own welfare enough that if this was going to put a little pinch in their pocket, who do you think it's going to come from? It's not going to come from them. It's going to come from the men and women who work in the rock and stone quarries and in the coal mines and in the sand and gravel pits and in the -- manufacturing facilities in this State, the people who are in their thirties or forties or fifties. That's all they've known. That's all they've done. They are the ones who will wind up losing their employment over legislation just like this. Ladies and Gentlemen, just like companies have to be competitive with one another, states have to be competitive with one another. This takes us another step toward being uncompetitive with the State of Indiana and other states with regards to job growth. We will be back here year after year after year seeking for new ways to bring more money into government because we are going to be running jobs out of this State and collecting revenue through the way we're really supposed to, and that is economic growth. I would urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

The final speaker, Senator Soden.

SENATOR SODEN:

Thank you, Mr. President. To the Senator, sponsor of the bill, how in the world did vending machines get into this mix of oil machinery, coal, whatever, the whole litany here of lists? This is a tax on kids. When they go out to play the amusement, you parents, grandparents, better be ready, because what the vendors are going to do, instead of putting quarters in the machines, they're going to add dollar slots so the kids have to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

put dollars in there. So who -- it's a pass on. Don't tell me it isn't. It's a pass on to the young people who play the machines for amusement. So, grandparents and mothers and dads, be ready to dig deeper in your pockets. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

Thank you. This is another part of the puzzle to solve the budget that we have that will make this State run more efficiently, and I would ask for affirmative vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 842. 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 31 Members voting Yes, 27 -- 27 Members voting No, 1 Member voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 842, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senator Dillard, for what purpose do you rise? That's out of order, Senator. The next bill. Let's -- leave of the Body, we'll go to Senate Bill 1634. Senator Link. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1634.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This eliminates the corporate tax credits or exemption. The following tax loopholes are closed by the elimination of the following credits or exemption: rate reduction of foreign insurers, personal property tax replacement income, training expense credit, research and development credit, corporate exemptions, deduction of net loss and life and health insurance guarantee. The estimated

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

additional revenues for FY'04 are fifty-eight million dollars. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

There are three speakers -- four speakers requesting acknowledgement. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I'm sorry. I hit my light so fast, I didn't know whether Don Harmon or Ed Maloney was going to stand up and move that previous question before the Secretary read the bill. I rise in opposition to this bill and particularly the elimination of the business research and development tax credit, normally known as the R&D credit. In today's newspapers, there are stories of two more plants, factories moving out of Illinois, one in Nauvoo and one here in Springfield, and there's a story in the Chicago Sun-Times, which quotes one of my favorite Congressmen, a Democrat, Bill Lipinski. And Congressman Lipinski says in today's paper, quote, that we have drafted -- or, drifted away from a coherent industrial course which has been the foundation of America for decades. Since 1998, Illinois has lost over one hundred thousand manufacturing jobs. Manufacturing and high technology and scientific laboratory jobs, which the R&D tax credit is geared towards helping, are the best paying and the bills -- or, the jobs with the best benefits in the State of Illinois: the best health care, the best retirement plans. They are the absolute kind of jobs that we need, yet we've lost a hundred thousand of 'em in the last three or four years. Unbelievably, sadly, we now have as many government jobs in the State of Illinois as manufacturing jobs. Coupled with a -- a reputation to be a class action lawsuit haven, along with the Sunshine in Litigation Act, as it's called, pending here on the Senate Calendar that would take away all the ability of manufacturers and high-technology companies to protect their trade secrets, we are growing more and more as a State of having a national and worldwide reputation of not being a good place to have a high-

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

technology business or a manufacturing business. Senator Righter, a minute ago, just said we're in a competitive world, especially among the major manufacturing and high-technology states of our country, and we are losing the ground. We lost a hundred thousand jobs, as I said, just in the last couple of years. So, you know, if you Democrats -- you got to learn that if you want all those government jobs - and again, we have as many government jobs now as we do manufacturing jobs in the State of Illinois - you got to have somebody left who's in the private sector to pay the bills for all the government jobs we have created. So, I urge a No vote on this bill. Coupled with lots of other things we are doing here, or bills that are pending on the Calendar, where our climate is a terrible place in the judicial branch to have a lawsuit filed against you if you own a business, especially a manufacturing or high-tech business, which are the best of jobs, I think we ought to kill this particular bill. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. You know, Ladies and Gentlemen, listen, listen to what's in this bill. Number one, under the category of "no good deed will be left unpunished", the life and health company guarantee fund credit and the HMO guarantee association. You know, when I first saw that in the analysis, I had no idea what that meant. I got a bit of an explanation after the committee meeting and I am shocked that this one is out of here. When a -- one of these, either a hospitalization company or a life company -- insurance company, fails and goes under, what this guarantee fund does is it -- is it guarantees the contracts that those -- those businesses have. So, the industry takes care of guaranteeing those losses. Think about it. If they don't guarantee it, guess who's going to be on the hook? Either the poor -- poor individual who's either got a life insurance policy or the State taxpayers when they come here, like the worker compensation self-insurers have done, and they ask us to bail 'em out. So when you say that you want hospitalization premiums to go down, this bill is -- is going to be adding another movement to have them go up. Number two in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

this bill, under the category of "getting less of what you tax, more of what you subsidize", the training credit for employers to train people. That's gone. Fourteen million bucks. The research and development credit for the future jobs, as it was talked about in committee - for future jobs - all gone. And then finally, number three -- or, actually three -- the third item is the net operating loss deduction. Ladies and Gentlemen, I think this is the cruelest one of all. I have sat at people's kitchen tables where it's usually a fellow who is either running an auto repair shop or some kind of small business and he's sitting there with his accountant and, typically, his wife there. He's made some bad decisions in his business. He's got one last chance to get out of it by carrying over the loss from the past decisions so they can put it against cash flows in the future. That all is going to disappear. I've seen the look in these people's eyes when they know that when their business goes, typically the bank forecloses on the house. And when the house goes, the wife feels a little bit less proud of that husband. And when the wife goes, the children goes with and the whole life is destroyed. But we have to get after this one so bad. It's -- it's worth nothing on this year's budget, but you're going to take that away from these people. Actually, I think that it's a shameful thing to do this. And then to disallow any carryforward, that's a bait and switch. It's almost like we're saying to people, "We got you in the State now and now we're going to stick it to you." This is a bad, bad bill for anyone to vote for, and I fear for you to try to explain it back home.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR CULLERTON:

Senator, is this bill the one that deals with the foreign insurer rate reduction?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR LINK:

Yes, it is.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

And could you explain to me what -- what it does, because I think it was modified from an earlier version? I think an...

PRESIDING OFFICER: (SENATOR WELCH)

Senator. Excuse me. Senator Link.

SENATOR LINK:

Yes. It was agreed upon by the industry. It was -- it was an alternative that was changed, and I have agreed with them that I will work with them on a trailer bill in the fall or spring to see if there's any -- if there's other things that need to be rectified on this.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, more specifically, I think that the proposal was to eliminate the foreign insurer exemption altogether, but instead, the proposal was to set the rate at -- from 1.25 percent to 1.75 percent. Is that in the bill or is that something that's going to come in a trailer?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yeah. The cap was modified to significantly less.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Okay. If I can just speak to the bill. In listening to the objections to a number of these fee increases and -- and elimination of exemptions, I know that those Republicans here have the luxury of -- of voting No, just as we did last year when we had to consider tax increases. I just wanted to remind you, though, that the business community knew going into this Session, when the Democratic Party took over the General Assembly and had a Democratic Governor, that there was going to have to be some revenue-raising measures. I think it's true

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

that they prefer that we do this versus have an income tax increase. The Governor made it clear in his campaign there wasn't going to be any income tax increase or sales tax increase, but we had to have an alternative and this is what the alternative is. And while I appreciate the fact that you are lucky enough to be able to get to vote No and you truly believe that we shouldn't be doing this, again, the alternative would be to raise sales taxes or income taxes, and something tells me you wouldn't be voting for that either. So, I think it's unfortunate we have to do this, but it's the only alternative we've been left.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. I find it interesting all the terminology that we use as opposed to just saying tax increases. As I'm -- as I'm listening today, we've had commercial distribution fee, assessment, wagering fees, consumer fees. I love this one: a privilege tax. I find it interesting. We -- we try to say everything except for the fact that we're talking about billions of dollars in tax increases which are going to certainly hurt all the consumers. But a question of the sponsor dealing with, again, a term that's -- was used regarding this legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR SYVERSON:

Thank you. The -- the Director said, during the debate, that this was a immediate phaseout. Again, it's probably a term that I'm not real familiar with. Sounds like an oxymoron. Is this -- does this legislation have a phaseout or is this immediate?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I -- I don't want to answer for what the Director said, but I -- it -- the effective date is immediate.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR SYVERSON:

Do you find it troubling or a concern that we have made commitments to these companies that made decisions based on the fact that the State had offered a five-year carryforward - they made decisions when it comes to training and -- and -- and purchasing - based on that, that now we're going back and instead of phasing out this exemption, that we're making it immediate?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Senator Syverson, what I find troublesome is a five-billion-dollar deficit in the State of Illinois by, I think, very poor practices by the way we've run the budget for a number of years in this State. And I think that a lot of things that we are doing are trying to rectify and correct this matter. I find it troublesome when we are seeing people laid off in companies. I'm troublesome when we give tax breaks to companies that are open for a year and then close down with false hopes to communities and the people that live in them. I find a lot of things troublesome, but I think what we need to do is start rectifying and taking the hard votes and taking some of these positions like we're doing today.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Well, I don't think you found it too troubling when you voted for a billion dollars of new spending earlier this week. So, we can't have it both ways. We can't increase spending and then turn around and say we've got a financial problem. But my question is -- we could still have some savings if we did a phaseout. Companies made commitments based on this. And I can see eliminating this but we've made a commitment to a company that -- to do certain things and now we're taking that commitment away and not even allowing them to finish that phaseout, which I think sends a -- a bad message to companies who may want to come to this State in the future as we offer them incentives, because they won't know if the word Illinois makes, they're going to be able to keep. And I think that's

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

going to hurt us in attracting business. Last question. You talk about closing loopholes. Can you explain how having a -- job training credits for companies, especially in areas like I represent where there's manufacturing and we have tool and dye training programs, can you -- can you explain how a job training program is a closing a -- tax loophole that you mentioned in your opening remarks?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, please answer that question in your closing statement right now.

SENATOR LINK:

This is my closing statement?

PRESIDING OFFICER: (SENATOR WELCH)

This is your closing statement.

SENATOR LINK:

Okay. In my closing statement, let me answer a lot of things. You know, when you talk about disappointment, I think there's a community called Harvard, Illinois, in McHenry County, that had probably the biggest disappointment, when you talk about mistrust and being misled, when we gave one of the biggest corporate tax breaks to a company to come into that community, and they were left high and dry because they decided they couldn't make it and left those people out in the cold with false hopes and false promises by that company. I think those are misled. Do I look at job training? Yeah, I want job training, but I'm looking at trying to solve a budget problem. There are some tough decisions and we have to make 'em and today's one of those days that we all have to. When we talk about a billion dollars in spending, what we're talking about is redirecting it so that -- I hate to use my term because of Senator Jacobs, but for education, health care and important adventures in this State, and I think we're redirecting it in the right future. And I give it that way and I ask for an affirmative vote on this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1634. 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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the record. On that question, there are 31 Members voting Yes, 27 Members voting No, 1 Member voted Present. On the motion to concur in House Amendment No. 2 to Senate Bill 1634, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 1901, together with House Amendment 1. Passed the House, as amended, May 31, 2003.

I have a like Message with respect to Senate Bill 1903, with House Amendment 1.

Also passed the House, as amended, today.

PRESIDING OFFICER: (SENATOR WELCH)

On page 2 of the Supplemental Calendar, Senate Bill 2003. Senator Demuzio. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 4 to Senate Bill 2003.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2003 is the Governor's initiative to reform the boards and commissions. The original proposal had been scaled back significantly to include now only those boards that are considered to be full-time. The full boards that are considered to be full-time, there are five of them included in this legislation that will be considered, and full-time requires technical or professional expertise and prohibits members from holding any other employment while receiving a salary from the State for their service. Because each board will be considered full-time, the salaries will remain the same and the boards will be reconstituted June the 30th of this year in order to assure that members are professionally qualified for the positions to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

which they are appointed. In order to allow these boards to continue functioning while the new appointments are being made, the original board will continue to operate until all the members of the new board have been appointed. And again, they are the Industrial Commission, the Pollution Control Board, Prisoner Review Board, Illinois Labor Relations Board, the Educational Labor Relations Board. And it does, the bill also require -- I'm sorry. The bill also allows but does not require the Industrial Commission, the Pollution Control Board and the Prison {sic} Review Board to have an executive director to be appointed by the Governor with the advice and consent of the Senate. The duties and the salaries of the executive director will be set by the board. It is estimated that the savings to this particular bill would be somewhere in the area of five hundred thousand dollars. I would move adoption.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. I move the previous question, sir.

PRESIDING OFFICER: (SENATOR WELCH)

Motion to move the previous question. There are two, three speakers waiting to be heard from. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR GEO-KARIS:

You mentioned that the -- that -- the four boards you stated, who is going to appoint their -- their chairmen?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio. Who's going to appoint the chairmen?

SENATOR DEMUZIO:

I'm sorry, I didn't -- who's going to appoint the chairmen? This -- this bill does not effectuate the -- the -- the chairmen. It does provide, in three boards, that the Industrial Commission, the Pollution Control Board and the Prisoner Review Board would have an executive director, I'm sorry, to be appointed by the -- by the Governor with the advice and -- and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

consent of the Senate. It does not require, but if he so deems, he may -- he may appoint to those three boards or commissions and then we would have the advice-and-consent authority.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is it true that at the present time, the board itself selects the chairman of each of these departments?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

No, the legislation, if I heard the question correctly, indicates that the Governor has the appointment authority. It is not within the boards and commissions, and -- and if, in fact, they are necessitated and he decides to appoint, then the -- it would be the advice and consent of the Senate.

PRESIDING OFFICER: (SENATOR WELCH)

Could we have the Sergeant-at-Arms and the Doormen check outside in the hallways? There seems to be a lot of noise coming from outside the Chamber. Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't know if I made myself clear. The -- supposing this bill doesn't pass, then isn't it -- isn't it true that these departments -- these commissions that you mentioned always selected their own chairman from amongst their -- the members?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the Illinois Commerce Commission Act currently contains the full-time standards. It's my understanding that the -- the Governor names the -- the respective chairmen, as -- as I understand it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is that true of every one of those four commissions that you mentioned?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR DEMUZIO:

...told for the chairs, yes, is what the -- the answer is.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What I'm driving at is, and maybe I'm not clear, the chairmen of these various commissions, is the Governor going to appoint them or is the board itself going to appoint its chairman.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

The -- the -- the commissions that I mentioned that are included in here and if there is to be -- and I -- I -- I can't hardly hear your question over there. The -- if there are to be executive directors, they are -- they are with the -- appointed by the Governor with the advice and consent of the -- of the Senate. I don't know if I heard the question correctly.

PRESIDING OFFICER: (SENATOR WELCH)

The question was, who appoints the chairman? Is it the Governor or is it the members of the board themselves who appoint the chairman? Senator Demuzio.

SENATOR DEMUZIO:

Under current law, which is -- is -- I'm told, is -- is the Governor appoints the chairmen of the respective five boards.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis. Senator Schoenberg.

SENATOR SCHOENBERG:

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

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SCHOENBERG:

Thank you, Mr. President. In accordance with the appropriate Section of Illinois Statutes, I'd like to declare for the record that on the concurrence motion for Amendment No. 4 to Senate Bill 2003, I will be voting Present, inasmuch as my wife is a member of the Illinois Educational Labor Relations Board. Thank you.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect, Senator Schoenberg. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill. You know, this is priceless. This one is really admirable, the dexterity with which we've approached these various bills, and we've all done what we've had to do the past few minutes, but the heavy lifting that is about to happen is really at a new height. We are about -- or, you, apparently, are about to support a Governor whose position on this issue has gone from the east to the west, from the north to the south. He has, over the course of the past few weeks, had the opinion that boards and commissions should be abolished, should be consolidated, should be done away with; they should be reformed and renewed, and we've heard every adjective under the sun to describe what's happening. And what is happening here today? It's very simple. All of the power is being consolidated into the Second Floor. This is not reform, this is not renewal, this is not refreshment, this is not rejuvenation. This is a rehashing of politics as usual. What the Governor now has the ability to do, if this bill becomes law, he has the ability, on June 30th, to go to any number of people and say, "You are gone," "You are out of work," "You are dismissed," "We need you no longer, and I have a new group of folks who are going to be accountable to me and to me alone." Now, you know, God bless you, and we are in -- all in politics and we understand. We're all business people here and we understand the spoils of war, the spoils of victory, but this is one of these things where, as an institution, the Senate should say, "You know what, this is too much," "This is too much power into one place." You know, we've all -- our parties have each made mistakes over the past century. The Republicans thought they were going to get FDR and they did the amendment to limit the amount of time that -- that presidents could serve, and they deeply regretted that 'cause they wanted to run Ronald Reagan for a third time. And the Democrats have done the same thing. And now you're lurching into a very bad idea, because when the tables turn someday - and they will - what will happen is a Republican Governor will say, "You're gone," "You're dismissed,"

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

"You're dispatched, and I don't need you anymore." And it is -- it is a weakness. But what I just want to call the whole program on is this is not -- I mean the -- let's see -- well, it's -- it's five to 3, so the Governor's current position is to do this bill as it relates to the consolidation. Had we -- had we run with his whim last week, I'm sure it would have been a different thing. But let's stand up and let's say no to this nonsense. Let's say no to the ability to give away a million dollars in payroll jobs to his friends. But if we're going to do it, let's call it what it is and let's call it an enormous power grab. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio, to close.

SENATOR DEMUZIO:

You know, I have been here for twenty-nine years. Twenty-seven of those years, it has always been the Governor's prerogative to make appointments to boards and commissions. And what has happened? I'll tell you what has happened: The Governor has appointed individuals to go three to four years into the next Governor's term. We saw that with Ryan. We saw that with Edgar. We saw it with Thompson. Your folks over there one year appointed and confirmed everybody. When Edgar left and George Ryan came in, all of his appointments went down because you didn't want 'em. Every Governor should have the opportunity to -- to put people in place that will provide and carry out what that person was elected for. It's time for reform. This does it and I would ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

All right. All right. On that question, shall the Senate concur on House Amendment No. 4 to Senate Bill 2003, 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 the motion to concur in House Amendment No. 4 to Senate Bill 2003, 31 Members voted Yes, 24 voted No, 4 Members voted Present. The motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Leave of the Body, we will return to the regular Calendar on page 73, the top of the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

page. Senate Bill 75. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their amendments 1 and 3 to Senate Bill 75.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Before I start this, it's not a budget bill. It's nothing to do with the budget, and we'll go from there. This is the subcircuit bill that was introduced, and as Leader Watson said that he would grow hair if it came back the same way as it was in its original form, well, he -- and I told him I would concur and do the same, so he and I do not have anything to worry about. We won't be changing our styles. This bill was changed. It was changed in that it took Metro East and DuPage counties out of the bill. It also did take some changes in the 19th district -- circuit and the 12th circuit. In 19th circuit, instead of giving us five additional judges as was in the original bill, it is not giving us those five additional judges. It's maintaining the amount of judges as there is. It also is grandfathering the ones that are in the positions of resident judges to stay in those positions, and it went from four circuits -- or, four subcircuits to six subcircuits. In Will County, it drastically changed it a little bit more to where I think it changed the amount of judges to what we wanted it to do, where it reduced it. I talked with Senator Petka about the concerns of this and I have the assurance and -- of the President of the Senate, who will be addressing this in a moment, that we will be putting a trailer bill in to address these additional judges. We will be putting that bill in either in the Veto Session or the spring of next year when we can work this bill out. We will be happy to sit down with Senator Petka to work these figures out and get these judges back in, and I give my word that I will be working to try to get these additional judges because in -- Lake, McHenry and Will County are some of the fastest-growing areas in the State

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

of Illinois and they need these additional judges. I will be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President. I move the previous question, sir.

PRESIDING OFFICER: (SENATOR WELCH)

Question has been moved. There are one, two, three, four speakers. Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate, and thank you, Senator Link. It -- it was during the 87th General Assembly and I believe that there are at least sixteen Members of this Body who served either in the Senate or the House at that time. The reason I bring that up is that it is important to remember the origin of judicial subcircuits. At -- for a period of at least three years, the late 1980s, there had been a movement from the Minority Caucus in the City of Chicago to -- to basically have more representation in the courts of -- the circuit courts of Cook County. And after long and protracted negotiations, in November of 1990 and then again in June of 1991, a bipartisan piece of legislation came out which basically authorized judicial subcircuits in Cook County for a very specific purpose, and that was to provide more racial diversity in terms of circuit court judges, to provide for more gender diversity for the circuit court judges and also to provide more political diversity for the circuit court judges in Cook County. At that time, it would not have been possible to pass such legislation except for the fact that minority Members, both Latino and the African-American Caucus, in the -- and especially in the House, got together with Senate -- with House Republicans and sat down and worked out something that basically was in the best interests of all parties concerned. Whether that has worked in -- in Cook County, I simply don't know because I -- I basically practice law in the collar counties, not in Cook. But please understand what we're doing here today is dramatically different than what happened twelve years ago. The -- the characters of the play have changed. Some of 'em are

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

still here who voted on that legislation. But at that time, Members of the Democratic side of the aisle came over and asked for a helping hand to ensure the types of diversity that I had already alluded to. With this legislation, we don't get a helping hand, Senator Link; we get the finger. And I recognize that you have made a commitment. You've made a commitment and I understand Senator Jones has made a commitment on the trailer bill, but I have some real problems with that. I have no problems with -- with the intensity and the -- and your -- and the integrity behind your commitment. I don't. I know that you will do what you say and I believe also that Senator Jones will be. That is not where my problem is. My problem today is the same problem that the Latino and Members of the -- the Black Caucus in the House had twelve years ago. The obstructionist at that time was Speaker Madigan, who simply refused to call the bill. And those of you who were here know that, that he refused to call the bill. When you had -- when you came to me last night and so graciously said you're going to run a trailer bill, the fact of the matter is that unless the -- the Speaker of the House consents to it, it's not going to happen. So that even if Senator Jones and yourself and we get 58 votes, unless the Speaker consents, the fact of the matter is that a very bad idea now will become law. The reason that it is a absolutely terrible idea is for the reasons, Senator Link, that you mentioned in committee. Lake and Will County are two -- the two fastest or two of the fastest-growing counties in the State. Will County now has five hundred and fifty thousand people as of the Census of 2002, with the update, which means we're entitled to sixteen associate judges in the County of Will. This legislation singles out Will County to provide that only twelve associate judges will be given to Will County - from sixteen to twelve. Even if -- if the -- as the bill passes in its current form, despite an explosive growth in population in Will County, we will lose associate judges. The big losers are not going to be Republicans and Democrats; the real losers under this legislation are going to be the people of the county who will be simply underserved at a time when litigation is exploding. There is a way to solve this problem, Senator Link, and it is simply to nonconcur at this time while you and the -- and the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senate President still have leverage to do something. Because once this gets out, the -- the things that you want and I believe you are entitled to, for the same reasons that we discussed twelve years ago, that is to provide political diversity in Lake County and political diversity in Will County. I may not necessarily like the idea, but I voted for it twelve years ago, and I'll stay consistent. But I -- I'm urging you -- I'm urging you to just nonconcur in this thing and let's do it the right way with total and full bipartisan cooperation. I'm asking especially the minority Members in this Body, who twelve years ago we worked hand in glove with to ensure that your needs would be taken care of. Because right now it's a very easy thing for you to say, "Forget it, we're going to run this out on a partisan roll call." You have the power to do that, but the fact that you have the power to do that does not mean that what you're doing is right. The right thing to do is to simply treat us fairly, and the fair thing to do is to beat this motion to concur.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LUECHTEFELD:

Senator, could you tell me, what is the purpose, the real purpose, of setting up subcircuits? What's the reason for that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I think Senator Petka eloquently said it probably the best. What the original intent was, when you set up the one in Cook County, is the same purpose we're setting it up - Lake, McHenry and Will County - and that is for gender, racial and political diversity in those three counties.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I understand that originally the -- Madison/St. Clair County was in that bill. Why did you take it out?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I -- I didn't take it out. Originally DuPage and the Metro East were in it, and it was taken out in the House. It was not taken out by me, Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, again, this is your bill and I -- and I guess I wonder, do you know who took it out? Who requested that St. Clair and Madison County be taken out?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I would presume, and I'm using presuming because I don't want to affirm to it, is that I imagine the Leadership of the House decided that they were going to take it out.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Again, the purpose is, as you said, for some diversity. And if -- if this is really good for the counties that you're talking about, I would think it would be good for two counties that are really one political party and have been for years. There are no judges there that are -- that are Republican. In fact, I had a -- a Senator from this Body who is from Chicago say, "You're kidding me? They don't allow Republicans to be judges in those counties." Not in that circuit, they don't, and that doesn't even happen in Chicago. So, again, I -- my -- and again, I know this is a done deal and it's over, but it is amazing that this -- these two counties, if it's so good for -- for the people who want it up there, then it maybe would be good for those two counties. And just all of a sudden they disappeared. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR GEO-KARIS:

Excuse me. Mr. President and Ladies and Gentlemen of the Senate, I cosponsored this bill along with Senator Link 'cause he did amend it so that it was feasible for my county and Will County and the other counties, and he did a good job. It went over to the -- to the House, and the sponsor of the House, Representative Frank {sic} (Franks), amended the bill. He mentioned there that I was for the bill and I had a call from my two Representatives, said, "Are you supporting the bill as it was amended in the House?" I said, "Absolutely not." Representative Frank told them that I was for it, and he was wrong. And I just talked to him. He came over. He says, "Well, I didn't know it. I thought you were for it." He didn't bother checking with me as to whether I'd accept his amendment or not. And I don't want to be a cosponsor of this bill because this is terribly, terribly done, and I can honestly say I'm disappointed in the House sponsor. If you didn't know, you should not have gone ahead without checking with me, but you never did. And he used my name, and he used Lake County Bar. Lake County Bar has not given any okay to this bill, and the Chief Judge of the Lake County Circuit Court, Margaret Mullen, called me and she said, "We are against this bill. It's not a fair bill at all. It took away judgeships from us." But Senator Link's original bill, as amended, was a good bill. But Representative Frank took it upon himself to amend it. Never bothered to check with me, even though I was a cosponsor with Senator Link. You know, I voted for the same bill that Senator Ed Petka mentioned, some years ago, that would give diversity to race, color and creed, for others, and gender. I voted for that bill because I wanted the diversity, and I am for the diversity. But when a legislative colleague takes it upon himself, without checking, to quote me as I'm for it when I was not for it the way it was amended in the House, I find it pretty sad. I've been here thirty years. I'm known to keep my word. I always try to keep my word 'cause that's what I've gotten, and that's what makes your reputation or it doesn't. This bill is -- is awful. It took away judgeships from us, and I would hope that the sponsor, Senator Link, who comes from Lake County, would take it out of the record or at least nonconcur until it -- came

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

back in the way he had it originally. It is not fair to Will County at all. It's not fair to Lake County. And Lake County has grown from four hundred twenty thousand to six hundred and forty thousand. We are now the third-largest county in the whole State. First is Cook, then it's DuPage and then it's Lake and then comes Will. All I can tell you is that this bill is a travesty. We can't depend on trailer bills. We don't know what the other House is going to do on a trailer bill. We can't depend on it. And I have utmost faith in the President of the Senate and in Senator Link, but I cannot depend on what's going to happen in the House and I cannot depend on what the Governor's going to do. How do I know what he's going to do? The point is that we have been really taken down the river with this. And I understand even in Senator Watson's -- that -- that area was taken out, too. And DuPage was taken out. Didn't bother DuPage. What's the matter with Lake? What's the matter with Will? These are people. People are going to be hurt. We need more judges and we need 'em badly, because we have loads of litigation, loads of litigation in Lake County and loads of litigation in Will County. And what Senator Petka said was absolutely true. We went for diversity years ago. We were there. Where were the others? And now what is being done to us? It's taking us down, way down the pike. I'm telling you right now, Ladies and Gentlemen of the Senate, please do not vote for this bill in its present form.

PRESIDING OFFICER: (SENATOR WELCH)

Thanks. Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR CULLERTON:

Senator Link, you and I worked on this bill. I think I served as your lawyer, as a matter of fact, in -- in helping to draft this bill, and there's some confusion, it seems, as to what just exactly the House did. I know you want to concur with their amendments, with -- with some reluctance. Now, do I understand that the House, in their amendments, they took out the Madison/St. Clair area in their amendment, they -- they took

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

out DuPage, and they took out additional judgeships that we had included in the bill that were supposed to go to Lake County and Will County. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

That -- that is correct, Senator Cullerton. And that's the additional judges above and beyond the judges that are already appropriated for the -- the circuits as present.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

And then in addition to that, they, apparently, in the case of Will County, had -- had the effect of taking away two existing judges, and that's the point that Senator Petka had raised. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

That is correct. And I'm relying more on Senator Petka's interpretation and I agree with it after looking at it also. And I -- I see where he's coming from on that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Okay. So, the -- the -- the problem we have is that this Session there are not going to be any conference committees. And so the dilemma you have is if you nonconcur, it goes back to the House. There would be no conference committee and we -- the bill would never come back to us. So as I take it, what you're point is, that you would like to have us pass the bill which sets up these subcircuits in -- in Lake and Will, and that you have the commitment from Senator Jones and the rest of us in the Senate, for that matter, that we will correct the situation that was in Lake -- in Will County where two judges were taken away and I assume attempt to create the new judges which were contemplated to go into effect, I believe, in the year 2006, when this -- when this election was to take place. Is that -- is that your position?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

That -- that is accurately my position, Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Just like to indicate that I -- we have a -- the -- the sponsor feels very strongly about this. I -- I -- he -- he was not the one that put the amendments on in the House. He disagreed with them, but we're -- he's put in a tough position in terms of not concurring with them. So I believe that we should pass the bill with the understanding that we will come back and correct the situation in Will County, as well as add the additional judges in Lake County.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones.

SENATOR E. JONES:

Thank you, Mr. President. I talked to Senator Link and Senator Petka on this matter and I told them I will do everything within our power to try to come to a resolve on this issue. The actions of the House were not the actions of this Body. And so since that happened, I'm committed to aiding and assisting in that endeavor to see if we can correct the wrong that was taken care of by the House, and you have my assurance that we intend to work in that direction.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. This -- this is a tough vote. I -- I -- I mean, I really would have loved to have this bill come back in the form that we send it. I want a bipartisan vote on this. I -- I -- I really was excited when we sent this bill out of here with 42 votes on it. We sent a message that we wanted a change. As Senator Demuzio said earlier about reform, this is reform up in our area and it would have been reform in a lot of areas. Senator Luechtefeld, let me tell you, there's some counties up in that area where we're reforming that I don't even think they know how to spell the word Democrat, let alone have

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

'em as judges. So, I sympathize when you talk about areas in Senator Watson's in a reverse way. I think the thing was done in Cook County for those matters - for political, for racial and gender reasons. I want to see good justice. I want to see good judges elected and serving us. But I want to see fair and impartial judges when they sit on that bench. I want to see judges that serve the people and look like the people that they are serving. I think this is important. This is an important step forward. As I indicated to my good White Sox friend, Senator Petka, we are going to come back with a trailer bill, and when you say we don't have any clout about -- with the exception of this bill, I think President Jones has quite a bit of clout on some bills that might be put up here before us in the next couple years to come and I think we can work on something to get additional judges. We need additional judges in a lot of places in this State. We look forward to it. I took the hard vote to give judges their pay raises. I look forward to helping judges, but I want good judges and I want good representation. And I would look for a favorable vote on this question. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments Nos. 1 and 3 to Senate Bill 75. All 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 33 Members voting Yes, 26 Members voted No, no Member voted Present. On the motion to concur in House Amendments 1 and 3 to Senate Bill 75, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. WAND-Channel 13 {sic} (17), Decatur, seeks leave to videotape the proceedings. Is there any objection? Leave is granted. With leave of the Body, we will go to page 76 of the Calendar. Senate Bill 947. Senator Cullerton. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House..

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me. Pardon me. Jim..

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

ACTING SECRETARY HARRY:

...in the adoption of their Amendments 1, 2 and 4 to Senate Bill 947.

The motion, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

...the record, Mr. Secretary. Senate Bill 1000. Senator Clayborne. 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 1000.

The motion, by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. Senate Bill 1000 is agreed-to language by the drycleaning industry. It reduces the green solvent from three dollars and fifty cents to a dollar seventy-five to encourage - the green is the less contaminant solvent -- to encourage drycleaners to use the green solvent. It also adds a member who owns or operates a drycleaning facility to and removes a member from the experience in financial markets or insurance industry from the Drycleaning {sic} Environmental Response Trust Fund -- council. Makes changes related to the duties of the Council. It also provides that no contract shall be entered into to retain an executive or administrator of the council without prior approval by the Director of -- IPEA -- I mean, EPA. Makes changes in provisions regarding remedial action accounts and insurance. Also allows the Council to increase fees and assessments as they deem necessary, which I was told already currently exists. Also, to answer a question from committee, Senator Burzynski, it is our understanding that the person cannot be replaced until their term expires. I would ask for a favorable 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)

Indicates he'll yield, Senator.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR ROSKAM:

Senator, this came through Executive Committee, as you remember, a day or so ago. Just briefly, is -- is this a reenactment of kind of a -- a governance structure for this industry or is this new? And if it's a reenactment, could you just tell us what the changes are? This is sort of new territory for a lot of us.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, it's -- it's just some changes that they felt -- this was very controversial when -- after its interception -- its inception. And there were several meetings over the last two years with all the people involved in the industry and these are the changes that they made. They felt that, on the one change, there needed to be an additional member on the Council who owned a facility. As far as the fee structure is concerned, they felt that there wasn't sufficient funds to have for remediation, so we put in there instead of "shall" increase the fees that they "may" increase the fees as they deem appropriate to make sure that they have sufficient funds for cleanup. There was some question regarding the autonomy of this Council as it related to the executive director and whether he was responsible and accountable to us. And a couple years ago, I was very insistent on the fact that they should show us some respect, because the executive director didn't even -- or, the administrator didn't even show up for the Appropriations meeting. So, we have a little more control over them by the Director of IEPA, who has to approve the administrator beforehand. But -- but those are pretty much the -- the issues. Obviously, one of the changes, as I stated in my opening, was to move to make the green solvent cheaper to encourage people to use the green solvent, which is safer for the environment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Were there -- two -- two questions. Do any fees go up in this bill? And number two, were there any opponents?

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Clayborne.

SENATOR CLAYBORNE:

No. Actually -- actually, the green solvent fee goes down from three dollars and fifty cents to a dollar seventy-five. And to my understanding, there are no opponents.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any further discussion? Seeing none, Senator Clayborne, to close. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1000. 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 53 Members voting Yes, 5 Members voting No, 1 -- no Member voting Present. On the motion to concur in House Amendments No. 1 and 2 to Senate Bill 1000, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 1101. Senator Jacobs. 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 1101.

The motion, by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This -- this bill is almost identical to Senate Bill 1102. It deals with the Simplified Municipal Telecommunication Tax Act. It makes -- Amendment No. 1 makes changes with regards to calculating gross charges. And Amendment No. 2 provides that on or after April 1st, any certified copy of an ordinance adopted by a municipality to impose the tax and filed with the Department, it gives time restraints. And I'd be happy 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 1101. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

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 Amendments No. 1 and 2 to Senate Bill 1101, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. On the top of page 77, Senate Bill 1147. Senator Dillard. 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 1147.

The motion, by Senator Dillard.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This bill says that notwithstanding anything that's in a homeowners' or condos' association prohibition dealing with the flying of an American flag, that subject to reasonable restrictions on your property or the immediately adjacent common property, you can fly an American flag. There have been several instances, especially with the increase in patriotism and the number of parents or loved ones that have somebody in the Iraq conflict, of a lot of Americans flying an American flag. And we've run into actual situations - far too many of 'em - where someone who lives at a condo or a town home cannot hang an American flag. One case that really stuck out was a woman was told, near the Joliet area, to take down her American flag off her balcony at her town home, but it was okay to have a bicycle hanging there. Senator Cullerton and I have worked with the House sponsor of this, and there may have to be a trailer bill dealing with larger buildings on Lake Shore Drive in Chicago, but it's important to get this down to the Governor's Desk to send a message to town home and condominium owners that they need to be a little more sensitive about letting people hang something as beautiful as the American flag or the flag of one of the branches of the military service from their property. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1147. 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 Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1147, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SIEBEN:

Ladies and Gentlemen of the Senate, I rise to introduce a former Member of our Assembly here in Springfield, my past Member -- former House Member, that's correct. My seatmate for many years in the House of Representatives is on the Republican side of the gallery, Judge John Countryman.

PRESIDING OFFICER: (SENATOR WELCH)

John Countryman, welcome to the Senate. Senator -- Senator Burzynski replaced him in the House of Representatives. Isn't that -- Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

I just wanted to -- I was going to rise on the same point of order that Senator Sieben did, but also you all should realize that's also one of Senator Welch's former State Representatives, as well.

PRESIDING OFFICER: (SENATOR WELCH)

That's right. That's right. Welcome to Springfield. Next on the Calendar, page 77, Senate Bill 1210. Senator Larry Walsh. 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 1210.

The motion, by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment 1 to Senate Bill 1210 retains the underlying bill and makes a change in the Section of the -- Illinois Municipal Code on the fire and police departments. If the chief or -- deputy chief resigns or is removed from their position, they will not lose their current rank or pension. A chief or deputy chief is permitted to take promotional exams and be promoted regardless of their position or rank. I'll answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

There's a gentleman who wants to be given leave - but I don't know who you are - to photograph. If you could just send a message down with the name of who you're photographing for, we'd be glad to let you tape. Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1210. All those in favor, 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 Aye, 1 Member voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1210, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 1332. Senator Garrett. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 1332.

The motion, by Senator Garrett.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. Speaker. Senate Bill 1332 we've already discussed, talking about the Hospital Licensing Act. What I'd like to talk to a little bit today is the other part to the -- this bill, and that's the Illinois Health Facilities Planning Act. Basically what this legislation does is reduce the size of the Planning Board from fifteen to nine members. It also provides for an appeal process where this legislation

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

establishes a ninety-day period for a hearing and it involves the Director of the Illinois Department of Public Health. It also expedites the certificate of the exemption process, and I'd be happy to answer any questions that you may have.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

There are three individuals waiting to speak. Senator Syverson.

SENATOR SYVERSON:

Thank you. I just rise in support to this legislation and want to thank the Senator for her hard work on this bill. While there has been, certainly, controversy regarding the Facilities Board, it is imperative that this Board continue here in Illinois. And while this doesn't have all the -- all the things in it that I think that we would prefer to have, it certainly addresses the major issues and it allows this important program to go forward. So, Senator, thank you for your time and your work on the bill.

PRESIDING OFFICER: (SENATOR WELCH)

The other two Members decided not to question you, Senator Garrett. The question is, shall the Senate concur in House Amendments No. 2 and 3 to Senate Bill 1332. All those in favor, 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, no Member voted Present. On the motion to concur in House Amendments No. 2 and 3 to Senate Bill 1332, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 1527. Senator John Jones. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1527.

The motion, by Senator Jones.

PRESIDING OFFICER: (SENATOR WELCH)

Senator John Jones.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR J. JONES:

Thank you, Mr. President. This is a bill that -- that I've worked on most of the Session and had agreements on, and -- and it went over to the House and had a couple of amendments put on without my agreement. And I would just ask that we not concur and ask the House to rescind from Amendment No. 1 and No. 2.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones moves to nonconcur in House Amendments No. 1 and 2 to Senate Bill 1527. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. On page 78, Senate Bill 1743. Senator Watson. Senator Frank Watson. 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 1743.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. A conversation that I had with Congressman Bill Lipinski concerning this issue of motor racing in Illinois. We're trying to get a Winston Cup race down in the Metro East area...

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me. Senator Watson, you're not the sponsor of the motion. Who is... Senator Viverito is the sponsor of the motion. He yields to Senator Watson. Senator, please proceed.

SENATOR WATSON:

Thank you. I'd -- we're trying to get a Winston Cup race at Gateway International racetrack down in my area and Senator Clayborne and Senator Haine's area in -- in the Metro East. And had a conversation with Congressman Bill Lipinski concerning this issue, who -- who happens to be a very avid racing fan, and we thought that the possibility of kind of raising the level of auto racing in this State to a -- a little higher intensity might be something that would be appropriate. As you may or may not know, auto racing is the -- fastest-growing spectator sport in the country. Anybody who watches NASCAR or any of the drag races or the truck races understand that this is a -- this is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

big business. Chicagoland Motor Speedway, we have Gateway International, and there's smaller tracks all over this State, and the idea is to promote auto racing and that's what this does. It creates a Motor Sports Promotion Council Task Force, Mr. President, and that's basically all it does. Asks for a report to be given to us February 1st, 2004, to the Governor and the General Assembly.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Well, there are still about fifty-seven -- no, wait. Those aren't lit. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1743. All those in favor, 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 Member voted No, no Member voted Present. The motion to concur with House Amendment No. 1 to Senate Bill 1743, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senate Bill 1784. Senator Link. Read the bill, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 1784.

The motion, by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This amends various financial regulation Acts. It's the omnibus financial institution bill. 1784 amendment contains the identical provision as Senate Bill 683, the underlying bill. It also has Senate Bill 1500, Amendment 2. These bills authorizes banks and savings banks to organize. Adds standardizations of types of collateral acceptable by all public agencies for securing public deposits. Facilitates approaches State banks may take to amend charters in issuing preferred stocks. 1784, as amended, also contains

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

predatory lending provisions. Creates High Risk Home Loan Act. Under the Act, lenders must verify borrower's ability to make scheduled payments. The Act prohibits loans greater than six percent for total points and fees. The Act prohibits many traditional predatory lending practices, such as loan flipping, including typing of prepaid insurance, balloon payments and issuing of direct payments to contractors on home improvements. The Act restricts the use of late payment fees. The Act requires the lender to provide various disclosures prior to organization {sic} (loan), during default and prior to foreclosure. Avoids opposition, unfair, unconstitutional mandating clauses. Provides remedies under the Consumer Fraud and Deceptive Business Practice Act. Limit liability of lender for inadvertent errors when cured. Regulates prepayment penalty. Provides severability clause. This bill has the proponents, and I will just name some: AARP, Illinois Bankers, Illinois League of Financial Institution(s), Community Bankers, Illinois Credit Unions, the Office of the Attorney General - Consumer Fraud Unit, Citizens Action, Neighborhood Housing Service(s) of Chicago, Woodstock Institute, Leadership Council for Metropolitan Open Communities, National Senator for {sic} (Center on) Poverty Law, Interfaith Housing and many, many others. I would ask -- I will be more than happy to answer any questions on this positive legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BRADY:

Senator Link, I talked to you about this earlier and I -- I still haven't gotten an answer. But what -- I -- I applaud you for what you're attempting to do here and I want to support your legislation. You and I discussed that there may be some areas in this legislation that may need correcting. I don't know if you discussed those, but you -- you -- you, not suggested, but indicated to me that you'd be willing work on a follow-up to that. As I read the legislation, one of my biggest concerns is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

that you -- in the legislation, high-risk loans are drafted to include loans that are six percent over the comparable Treasury yield. And as I interpret that, that would mean if someone were to make a loan at -- a one-year adjustable rate loan, almost 7.3 percent as an interest rate would -- would -- would put this into that category. And where I understand what you're wanting to do, I -- to me that just doesn't make sense; that a lot of times people get loans at those rates, adjustable. They're -- they're good loans. They need 'em. And I think we're putting the lenders through far too much scrutiny in what, to me, wouldn't seem to be abusive. So my question is, in a case of a first mortgage loan, in today's marketplace, if someone were to borrow at seven and a half percent on a one-year-adjustable first mortgage - equity in it - would they be subject to these requirements?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

...interpretation, these are six percent over the current Treasury yield loan market right now. So, I -- I -- I guess it would be hard for me to tell you what that number would be right at this moment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Well, it's not hard to tell you, because you can look it up in the Wall Street Journal or any financial index. That would fall at about seven and a quarter percent on a one-year adjustable, Senator. And -- and I -- where I -- I think I understand what you're trying to do and I -- as I said, there's elements in here, but I think the -- the drafters, at least as I've interpreted - I just had the last day to review this - have gone way too far. This -- this puts into play, into -- into this realm, I think overburdens some requirements on an area you're not trying to reach. I guess I simply would ask you, if I'm right in that seven and a quarter percent, would you agree to work with me on a trailer bill that would give a little bit more latitude and a more reasonable environment than a seven-

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

and-a-quarter-percent one-year-adjustable or floating-rate loan on a single-family residential house?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Let me indicate this to you, Senator Brady. The amendment chief sponsor is Majority Leader Barbara Flynn Currie in the House. The Leader and myself have had talks about this and we both understand that there might be possibilities of some problems in the future on this. And we both have agreed that if these are to be pointed out to us where there are situations that need to be corrected, we both will be working on a trailer bill. So, if you're asking that -- will we work on this, the answer is yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis. Senator Brady has a final question.

SENATOR BRADY:

Thank you. Senator, I -- I understand the effective date is January 1 of 2004. Is that correct? And I'm going to presume it is. And if so, I would simply ask you to work over the summer so that we can correct what I think is -- I may be wrong, but I think this is a problem that's far too overreaching and that I think we want to look at addressing this, and I'd ask you to join with me in -- in doing that over the summer so that with your support, we could maybe correct this situation. And you would use your influence with the House. I don't have any. But you would use your influence with the House to correct this situation. So, I'd ask you for that. I'll support your legislation under that condition.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR GEO-KARIS:

Senator, on the amendments to Senate Bill 1784, they're limited, are they not, to the equity stripping, loan flipping,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

excessive prepayment penalties, ability to repay, single-payment insurance. Is that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link. Senator Link cannot hear the individual questioning him. Could we please have quiet in the Senate? Senator Geo-Karis, please start over.

SENATOR GEO-KARIS:

Yes, sir.

PRESIDING OFFICER: (SENATOR WELCH)

Maybe a little louder.

SENATOR GEO-KARIS:

I -- I can be pretty loud, but I don't want to be that loud. But anyway, Senator Link, what you're doing in your bill is avoiding -- what you're trying to do is address the equity stripping, loan flipping and excessive prepayment penalties. Is that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And your bill is -- is strictly about protecting the senior homeowners and keeping, like you say, the AARP says, the "family home" in the family. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Ladies and Gentlemen of the Senate, to the bill. Mr. -- Mr. President and Ladies and Gentlemen of the Senate, this bill may not be perfect, but I think it's a step in the right direction and I certainly urge all of my colleagues to support it.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, thank you. I stand in support of the legislation. We've been dealing with this predatory lending effort for a number of years. In fact, as I recall, a few years ago we had some rules that went through the Joint Committee on Administrative Rules. What we've done here is codify those and add in further clarification and benefit. I'd also note that this is not something that just happens in a major metropolitan area. It's not something that is a -- is something that we're trying to get a check on just because we're from a large city. For those of us that represent a -- a -- moderate-size communities like the Bloomington-Normals or represent some of the smaller rural areas, that we do have occurrences that unfortunately are not in the better -- betterment overall for the consumer. And I'm proud to stand in -- in strong support of this legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. To the bill, on a... First of all, I think this is, as my cosponsor indicated, a very important piece of legislation for the entire State of Illinois. Also, there are important other parts besides the predatory lending part in this bill that we have worked on together for -- Senator Rutherford for many years in the House worked on parts of this to get it out. It is now going to be part of this bill, which we hope will become law. In the predatory lending, I commend House Majority Leader Barbara Flynn Currie for the amendments that were put on. And I look forward to this piece of legislation being effective to make sure that our seniors and those less fortunate, make sure that they are properly taken care of in loans and making sure that they are not mistreated and they can keep the homes that they once -- have and work so hard for. I look forward to this. I thank you for your support, and I hope we can get this out of here 59 to nothing. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

The question is, shall the Senate concur in House Amendments Nos. 1, 2 and 3 to Senate Bill 1784. All those in favor, 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, no Member voted Present. House Bill -- on the motion to concur in House Amendments 1, 2 and 3 to Senate Bill 1784, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Ladies and Gentlemen, we'll have an immediate meeting of the Rules Committee in the Anteroom behind the President's seat. So if the Members of the Rules Committee could convene immediately, we will move the paperwork from the House quicker. The next bill is Senate Bill 1848. Senator Schoenberg. 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 1848.

The motion, by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In direct response to Governor Blagojevich's pledge in his Inaugural Address to rebuild the Toll Highway Authority from the ground up, this sweeping reform package marks a serious step forward in establishing a legislative blueprint for fundamental reform. The underlying bill -- the underlying -- in -- in the amendment to Senate Bill 1848 that I'm asking you to concur with today is featured the under -- the language of the underlying bill which will enable the Toll Highway Authority to expand the use of their I-PASS for entering into intergovernmental agreements so they could -- people can use their I-PASS at Midway Airport, O'Hare Airport, the Chicago Skyway and perhaps even buying commercial purchases at Tollway oases. The reform legislation also includes the creation of the office of an Inspector General. It strengthens I-PASS enforcement for those who -- who are chronic violators of paying their tolls. Just this -- just several days ago, the Auditor General's damning

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

findings about the mismanagement at the Toll Highway Authority pointed out that over eleven million dollars was lost last year because of inadequate means of getting people to meet their obligations when they go through the tollbooth. This also has a feature which enables the General Assembly to veto any questionable expenditures that the Toll Highway Authority proposes from revenues that are beyond that which meet their bond obligations. There is a tougher ethics provision which prohibits financial benefits for -- for those associated with the Tollway. There is a provision that ensures that we will have quality sound barriers through the use of brick materials. There is a requirement for a comprehensive strategic plan. One of the audit findings also showed that in the attempt to ram a massive toll increase down our throats last year to fund a 5.5-billion-dollar road reconstruction project, not only was there lacking a -- not only did the Tollway lack a comprehensive financial plan, but the -- but the paperwork -- much of the paperwork - and it's only a few pages in an appendix in the back of the audit - much of it wasn't even produced until the Auditor General actually asked for it. So, thankfully, we didn't have the -- we didn't let the Authority carry through on that threat. Finally, there's a provision which prohibits the Tollway Authority from trying to schedule all its required hearings to attempt to raise tolls in one night. You may recall last year, this was attempted. I think this is a bad idea. I think you think so, too. I'd be happy to answer any questions on this concurrence motion, and I urge your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I'm convinced. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon moves the previous question. There are one, two, three, four, five, six individuals seeking recognition from the Chair. Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. I have some comments about the bill and also maybe some questions of the sponsor. First of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

all, I, too, read the -- the report from the Auditor General about the eleven million dollars that was not collected in tolls, and one of my concerns is that we don't spend fifteen million to collect eleven million. If you read the report a little further, you find out that the survey of all the tolls -- authorities around the nation, the amount of uncollected tolls range between one and five percent - Illinois is three percent - that the amount of money that the Tollway Authority collects through tolls is about three hundred and seventy-five million every year. And so there's about three percent that -- that's not collected. That's not a -- an alarming amount. Although it's a large amount and it's something we ought to be concerned about, we don't want to go overboard and spend more money to collect that money than what it's worth. The second issue that I'm concerned about is, in the bill, the -- we state that the Toll Authority should use concrete masonry blocks for sound walls, and I assume that what we're trying to do is get quality sound walls and pleasingly aesthetic sound walls. But what we're really doing here is we're -- we're -- we're stopping or at least limiting the type of -- of -- of barrier or sound walls that can be used. Right now there's a lot of research going on about using different types of materials for sound walls because sound walls are coming into play in -- in almost all of the expressways where you have homes being built up next to the expressways. We have a lot of research going on with crumb rubber used in sound walls. We have some extremely hard woods that are being used. As I read the legislation, it says concrete masonry block. There are a lot of different types of block in using sound walls. There's decorative block. And I'm assuming that -- that whoever wrote this had that -- the -- what they wanted was aesthetically pleasing, good, solid walls that - - that don't look crummy later on. But I'm a little concerned that we're going to limit some competition and we may be limiting the -- the industry from moving forward in some innovative areas.

PRESIDING OFFICER: (SENATOR WELCH)

...some intervening business. Mr. Secretary, Committee Reports.

ACTING SECRETARY HARRY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Demuzio, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Executive Committee - Floor Amendment 1 to House Bill 1069, Motions to Concur on the following bills - House Amendments 1, 2, and 3 to Senate Bill 96; House Amendments 1, 5, 6 and 7 to Senate Bill 428; House Amendment 1 to Senate Bill 600; House Amendment 1 to Senate Bill 735; House Amendment 1 to Senate Bill 841; House Amendment 1 to Senate Bill 989; House Amendment 2 to Senate Bill 1725; House Amendment 4 to Senate Bill 1733; House Amendment 1 to Senate Bill 1901; and House Amendment 1 to Senate Bill 1903; and Be Approved for Consideration - House Joint Resolution 13.

PRESIDING OFFICER: (SENATOR WELCH)

For purposes of an announcement, Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. The Executive Committee will meet at 5 p.m. in Room 212.

PRESIDING OFFICER: (SENATOR WELCH)

Executive at 5 p.m., Room 212. Senator Woolard, for purposes of an announcement.

SENATOR WOOLARD:

State Government will meet in Room 400, Room 400, which is not our normal meeting place, for the purpose of committee meeting.

PRESIDING OFFICER: (SENATOR WELCH)

What -- what time, Senator Woolard?

SENATOR WOOLARD:

Five o'clock.

PRESIDING OFFICER: (SENATOR WELCH)

Five o'clock, Room 400. Back to the bill. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Would the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR DILLARD:

Senator Schoenberg, just so I'm clear. There's no redundant language to allow the sale of the Tollway building in this bill is there?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

No, there's not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Does this bill, Senator Schoenberg, contain any money that would maybe be characterized as a raid of toll funds to be used generally by the State of Illinois?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

No, it does not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

My last question, Jeff, is on page 19. I want to find out what new duties you're getting all of us into. It seems to be saying that the Legislature must approve certain Tollway expenses. Can you explain this Section, and is it just another way of getting the General Assembly really involved, like a tar baby, in appropriating the Tollway's budget, where we might get the ultimate credit or, I guess, displeasure for raising tolls?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I'd be happy to explain that, because we would not find ourselves in that situation. Those of you who have followed this issue over the years, voluntarily or involuntarily, may -- are aware that in the past I have been an advocate of direct legislative oversight. However, because of the issue of over eight hundred million dollars in outstanding Tollway debt, that issue -- that approach I -- I don't believe is timely or appropriate right now. Instead, this deals with the issue of having the Legislature, just as we authorize by resolution -- by joint resolution, gives the Legislature the ability to dictate how -- to -- to dictate, through veto, how surplus funds are spent. The bond indentures for the Tollway bonds follow a --

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

follow a flow of funds that are in -- that are in priority. From time to time the -- there has been a surplus, and therefore, what this legislation seeks to do is preserve the integrity of the Tollway bonds while at the same time bringing those reserve funds under greater State control. So, for example, Senator Dillard, I'll -- I'll give you an example. The audit report that I alluded to that was issued this week points to -- points to questionable expenditures. If there were questionable expenditures that the Legislature found fault with in the spending down of surplus funds, as we have unfortunately seen those abuses and mispriorities in the past, the Legislature, through a joint resolution, could veto that very item. So, the bonds are preserved. And I will add to you that this Section of the bill was designed by the bond counsel and the special Attorney General of the -- for the Toll Highway Authority not only currently, but previously, in the prior administration. This is a concept that was an alternative that was formed during the Governor's transition and I think is a -- and right now I think is a better alternative than fighting, once again, over legislative oversight. It provides greater accountability for this agency's spending practices and policies.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, in the gallery behind me sit Connie and Larry Wright, citizens of Springfield. Larry is the Chief of Bellhops up at the Renaissance and gives good service to everyone who goes there. And I want you to welcome 'em here.

PRESIDING OFFICER: (SENATOR WELCH)

Welcome to Springfield, even though you're from here. Anything further? There's another cake up front, by the way. I thought that was the announcement. Senator Bomke.

SENATOR BOMKE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Mr. President. Senator Dillard asked pretty much the questions I wanted to ask. Only one more question to the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BOMKE:

I presume this isn't the case, but I have to ask the question. Will Downstate Road Fund dollars be used to fix the toll roads?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Absolutely not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR ROSKAM:

Senator, you and I, in the Executive Committee, had a couple conversations or had a conversation about some of these things. We didn't really get to the answers. Let me ask you this. Page 22 {sic}, line 22, it states that the Inspector General must report directly to the Governor. That's a model that turned out to be flawed in the Secretary of State's situation, in that the -- the Inspector General or the equivalent, the Dean Bauer character in that situation, was actually corrupt, and this model didn't work. What is it that gives you hope that this model will prevail if there's some corruption in the chain?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you for asking that question, Mr. Roskam, because to tell you the truth, it was more of a monologue than a dialogue because of the hour. And I'm a little fresher now, so I think you'll be more satisfied with my response. That's -- the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

scenario that you just outlined is one of the reasons why the term of the Inspector General...

PRESIDING OFFICER: (SENATOR WELCH)

Could we have a little decorum in the Senate? And also, could we refer to other Members as Senators, and not Mister? Senator Schoenberg, please continue. Were you done?

SENATOR SCHOENBERG:

...can call me whatever he'd like.

PRESIDING OFFICER: (SENATOR WELCH)

Not in the Senate, he can't.

SENATOR SCHOENBERG:

Okay. Anyway, to answer your question, that's precisely why, in the portion of the bill which outlines the duties, qualifications necessary and role of the Auditor General, that that term is a two-year term, because that ensures that we don't have somebody who is there for perpetuity, as we saw in the example that you outlined. And I think we all agree that that - - in that particular example, that person's role was grossly compromised. Secondly, the role of the Attorney General in this is really to issue subpoenas in advance when the Inspector General determines that there is sufficient grounds to do so. And then the Attorney General...

PRESIDING OFFICER: (SENATOR WELCH)

...Schoenberg, excuse me for a second. We have a guest. The Honorable Governor of the State of Illinois, Rod Blagojevich, is with us. Welcome, Governor. Senator Schoenberg, I've interrupted you about five times. Please proceed. Were you done?

SENATOR SCHOENBERG:

He may want to ask me again. I -- I didn't...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR SCHOENBERG:

Oh. I'm sorry. The -- the role of the Attorney General - if there's sufficient grounds based on the investigations of the Inspector General, the Attorney General issues the -- issues the subpoenas. The Attorney General then would not have any other role in the investigation except to defend the State's

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

interests. And I hope this clarifies what you were asking me last night.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Later on -- thank you, Senator, that does help. One of the areas that you're leaving off of the scope of the Inspector General are areas that have to do with collective bargaining. Why would any area, Senator, of -- why would any area of Toll Highway operations be outside of the scope of the Inspector General? Doesn't it make more sense that everything would be under his or her jurisdiction?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The reason for this -- the reason for this exemption is because the negotiation of collective bargaining agreements I -- is inherently because those agreements are achieved through private negotiations between a union and a private and public employer. Moreover, the relationship of a union member to his union in a disputed matter results in the filing of a grievance, as you know. So a grievance is a proceeding which often begins with a nonprofessional representing the grievant and ends, subsequently, with the involvement of attorneys representing the same grievant. So this is consistent with the exemption, one which exempts items that are covered by attorney-client privilege. And some -- examples of some of those grievances are sensitive personal issues, such as health, family matters, alleged sexual harassment, where the grievant is eventually vindicated. Finally, these negotiations as part of collective bargaining involve records about many aspects of the operations of the union, which is a private entity, and the employer, which should also remain private. An example of that would be the financial health of either the employer or the union. Finally, it would be wrong if an -- in my view, that if an -- that if an unintended consequence of failing to have this provision in the law would be that it were to provide some form of leverage in the collective bargaining agreement as a result of information

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

that met the aforementioned criteria being disclosed. I hope that provides you with a superior answer to last night.

PRESIDING OFFICER: (SENATOR WELCH)

WGN-TV Chicago requests permission to videotape. Is there leave? Leave is granted. 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, I'd like to follow up a little bit on Senator Roskam's final question. And you've -- you've outlined a lot of concerns about the collective bargaining agreement, and I guess you -- you -- you mentioned the term "unintended consequences". Well, what if the unintended consequences are -- is that someone who's a party -- or, protected by a -- a agreement is able to somehow delay or put off altogether or dodge a criminal investigation and so the unintended consequence is corruption goes on longer than it otherwise would have because they are invoking the exemption that you put in the statute?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

If you look at the larger context of what's in the statute for the -- for the Inspector General, there's a provision against -- there's a protection against self-incrimination. I alluded in my earlier answer to the exemption that exempts items that are covered by attorney-client privileges. And finally, what I would want to say in this regard is that the -- is that this -- this -- this provision was very carefully crafted so that if there were to be any collusion, for example, or -- any alleged collusion, for example, between an employer or an employee in a collective bargaining context, then that is already addressed by law. So I believe that this is very tightly written so as to ensure that the Inspector General can indeed execute his or her duties fully without compromising the level of privacy for certain entities.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Righter.

SENATOR RIGHTER:

Well, Senator, I'm -- I guess I -- I don't quite -- maybe I don't agree with it or maybe I don't understand what you're saying, because the bill puts the protection that someone would enjoy pursuant to attorney-client privilege on the same table as those items that concern the representation of employees and the negotiation of the collective bargaining agreements. I mean, what if there's -- there's fraud or corruption or mismanagement in the union or somehow regarding the collective bargaining agreement itself? I mean, if that's the target of the investigation, how can they subpoena anything or do any depositions or do any interviews, 'cause they're just going to claim, "Well, we have an exemption here and we're protected"?

PRESIDING OFFICER: (SENATOR WELCH)

It's very hard for the speaker to hear the questions. He -- in fact, he couldn't hear that one at all. Senator Righter. Could we delete the conversations in the back of the -- far back of the Chambers? Senator Righter.

SENATOR RIGHTER:

Senator Schoenberg, the way the bill is written it is difficult for me to see how the Inspector General could possibly do their job if the target of the investigation relates to some kind of mismanagement or fraud with regards to the union or the collective bargaining agreement itself. Because if that's the target of the investigation and you have provided an exclusion for that, any efforts to subpoena any documents, to subpoena witnesses, to do any deposition testimony will be blocked by the exclusion that you have drafted into the bill. So there's an area, by the way this bill is drafted, that has been carved out and protected with regards to potential corruption, and that has to do with this issue here. We know that happens sometimes. What's our answer to that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. Righter, on the bottom of page 3 of the amendment, line 30, I -- I want to emphasize, quote, "Nothing in this Section limits a person's right to protection against self-incrimination

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

under the Fifth Amendment of the United States Constitution or Article I, Section 10, of the Constitution of the State of Illinois." So the situation that you outlined, the -- the Inspector General would not be hamstrung in their efforts to aggressively root out corruption.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Several questions for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR LAUZEN:

On page 5, lines 32 and 33, it states that the Inspector General shall be represented in all legal matters by the Attorney General. Is there a potential conflict if the Inspector General reports to the Governor but is represented by the Attorney General?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The -- no, there is not, because the role of the Inspector General -- I'm sorry, the role of the Attorney General is to protect the State's interests. And there is nothing in this bill that creates a conflict or -- or dilutes the Attorney -- dilutes or diverts the Attorney General's role from representing the State's interests.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. The -- on page 7, line 8, it states that failure to contest a notice of toll evasion shall be deemed an admission of liability. I would ask, is it fair? What if the person is gone out of town for a -- a lengthy visit someplace else? We've had a lot of problems in the past with downstate drivers getting erroneous parking tickets from Chicago. This bill could be a real nightmare for some downstaters.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Lauzen, I would beg to differ with you. You may recall that it was not until a couple of years ago that in conjunction with the Secretary of State's Office, we overwhelmingly approved a change in the law which enables the Secretary of State to suspend the license of chronic toll violators. Everything that is in this Section of the bill is not to address the person who gets off at the ramp and doesn't have fifteen cents with them and their license plate is photographed or -- or their I-PASS is faulty once or twice or -- or something else happened. This Section of the bill is to address chronic, massive toll violators, people who feel that rules do not apply to them and therefore rack up thousands of dollars of toll violations. We have already -- in addition to what I just mentioned, we have in place an administrative adjudicatory process for solving toll violations. We have several steps that we get to before we get to the point where someone who is such a blatant violator and disregards toll booths on a regular basis, before we get to that point. If anything, Senator Lauzen, I just want to add one other point and that is, the preliminary data that I understand comes from the Toll Highway Authority is that there's a large number of out-of-state truckers who fall into that category and who don't think that the rules apply to them. And I certainly would hope that you would agree with me that out-of-state truckers who go on the toll highway system ought to be paying their fair share for the northeastern Illinois transportation system.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen, could you wrap it up?

SENATOR LAUZEN:

Well, referring then to the more regional issues, Senator, what your bill is doing is giving the General Assembly -- it'll have the power to veto Tollway spending and toll increases. Doesn't that give downstate legislators an extraordinary say in the roads paid entirely up north?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg, please answer that while you're making your closing. Senator Schoenberg, to close.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR SCHOENBERG:

Any fear of any downstate colleague that that were to happen would be unfounded. No, it does not. It does not interject us at all in the issue of whether or not tolls should be raised. It addresses the issue of whether and -- whether we should have a sufficient check on the Toll Highway Authority being able to squander away its surplus funds, rather than put them to constructive use. Mr. President, Ladies and Gentlemen of the Senate, in closing, I want to paraphrase my good friend and former colleague, the Governor, who's just a few feet away, who in his Inaugural Address said the Tollway is broken. It doesn't work. We need to fix it. The time is now. The evidence is compelling for us to bring about these reforms. Please join me in supporting the concurrence to Amendment No. 1 to Senate Bill 1848.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1848. 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 voting Yes, 20 Members voted No, no Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1848, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Senator Mattie Hunter, for purpose of announcement. Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. In celebration -- in celebration of my birthday today, I do have a birthday cake on the other side of the room. And also, I brought all the way from Chicago some homemade pound cakes. So please enjoy yourself. You have a choice of the -- the -- the bakery pound cake, as well as the homemade pound cake. Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you -- thank you, Senator Hunter. Happy birthday. Senator Crotty, for what purpose do you rise? You don't. Page 79. Senate Bill 1983. Senator Demuzio. Madam Secretary, read the motion.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1983.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill was a bill we discussed yesterday. I took it out of the record because one of our Members had some questions. This bill is a bill that simply codifies the Pharmacy Practices {sic} (Practice) Act, what other areas of Illinois' statutes stipulate. It added a provision in the Illinois House, by virtue of House Amendment 1, that said that a pharmacy must also be a health care professional and provider in order to qualify as a pharmacist. Again, this bill was on the Calendar yesterday when there was a question regarding the words "health care professional and provider" within the definition of a pharmacist. These words were actually added when the bill was here in the Senate. It's my understanding that this was done as a means of enhancing the professional recognition of a pharmacist. I know of no impact that it has on the practice of pharmacy since a license by the State is still needed for such practice. And I would ask the Senate to concur with House Amendment 1 to Senate Bill 1983.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I rise in support of Senator Demuzio's concurring motion. This amendment is strongly supported by the Illinois State Medical Society and I stand with Senator Demuzio in support of it. Thank you, sir.

PRESIDING OFFICER: (SENATOR WELCH)

Senator David Sullivan.

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR D. SULLIVAN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator, in the language, is it true that you're defining a pharmacist as an individual health care professional and provider?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sullivan. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A -- a question for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LAUZEN:

Senator Demuzio, you know, my -- my concern on the legislation - and I understand that this passed some time ago, the underlying bill, out of the Chamber - is that we would in some way exclude Canadian pharmacists through the definitions. I think that it's sad that we have to send any business to Canada, but that's only a reaction to a broken, manipulated market where we have a -- a situation where GlaxoSmithKline says it's going to cut off this option where there are ten billion dollars' worth of profits. Is there anything -- as far as legislative intent, does this definition in the underlying bill in any way reduce the eligibility for other states or Canadian pharmacists to be licensed in Illinois?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm not aware of any legislative intent. So that's all I can really say.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any -- Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I'm asking -- asking you, Senator, as the sponsor of this legislation, is it your legislative intent, in any way, to reduce the eligibility of other states or Canadian pharmacists to be registered or licensed in the State of Illinois?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

You know, let the Canadians take care of themselves. All I'm attempting to do here, at the request of the Pharmacy Association, is define what a pharmacist is. And that is all that this bill does. And I'm not putting anything into the record other than the fact that -- as to what is before us.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

I think that it's a legitimate question when we...

PRESIDING OFFICER: (SENATOR WELCH)

Senator, he's indicated he doesn't have the answer. Please move on. He refuses to yield on that question. Senator Lauzen.

SENATOR LAUZEN:

Well, let me just say to the sponsor, thank you very much. Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill, and maybe I can help answer Senator Lauzen's question. I've looked at it pretty closely, Senator, and as I look at the bill, I don't think it precludes any activity that you're talking about.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio, to close. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1983. All those in favor, 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, 54 Members voted Yes, 1 Member voted No, 1 Member voted Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1983, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Returning to the Supplemental Calendar, at the top of page 1, Senate Bill 150. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I move to concur with the House in the adoption of their Amendments 1, 3, 4 and 5 to Senate Bill 150.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this is, is the -- the original part -- the first part of the bill is the out of -- is the bill of -- the school bus driver bill that we worked on in the past that permits out-of-state drivers to operate charter buses and the regulations in which they fall under, and we clarified that in the bill. Also in this bill, we authorize school districts to enter into intergovernmental agreement contracts with Mass Transit Districts and -- and the Regional Transportation Authority or any Service Boards and rural transportation programs. And also, we authorize an individual with a valid school bus permit driver to -- issue -- before operating a charter bus used to transport school activities. I'll be more than happy 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, 3, 4 and 5 to Senate Bill 150. All those in favor, 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, 57 Members voted Yes, no Member voted No, no Member voted Present. On the motion to concur in House Amendments 1, 3, 4 and 5 to Senate Bill 150, the motion received the required constitutional majority. The Senate concurs. The bill is declared passed. Senate Bill 640. Senator Link. 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 640.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Mr. President. This is basically a quick-take bill of various different locations. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, will the Senate concur in House Amendments No. 1 and 2 to Senate Bill 640. All in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Members voting Yes, 2 Members voted No, no Member voted Present. On the motion to concur in House Amendment 1 and House Amendment 2 to Senate Bill 640, the motion having received the required constitutional majority, is declared passed. The bill -- the Senate concurs. The bill is declared passed. Senate Bill 878. Senator del Valle. With leave of the Body, we will return to Senate Bill 848 {sic}. On page 2 of the Supplemental Calendar No. 1, Senate Bill 1951. Senator Crotty. 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 1951.

Motion filed by Senator Crotty.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Crotty.

SENATOR CROTTY:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1951 establishes -- it -- it -- it really is -- the underlying bill is House Bill 2900, which establishes the Children's Mental Health Act of 2003. The only difference between House Bill 2900, which went out of here unanimously, and this bill is that it deletes the Children's Mental Health Fund established in House Bill 2900. That is it. The only change. I ask for a favorable 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 1951. All in -- 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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

question, there are 56 Members voting Yes, no Member voting No, no Member voting Present. On the motion to concur in House Amendment No. 1 to Senate Bill 1951, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. With leave of the Body, we will return to page 1 of the Supplemental Calendar. Senator del Valle. Senate Bill 878. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 878.

Motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to concur with House Amendments 1, 2 and 3. These amendments contain language to align the State's school accountability system with the requirements of the No Child Left Behind Federal Act. NCLB requires states to have a single school accountability for all schools and school districts, and that's what this bill does.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 878. 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, 54 Members voted Yes, 1 Member voted No, 1 Member voted Present. On the motion to concur in House Amendments No. 1, 2 and 3 to Senate Bill 878, the motion having received the required constitutional majority, the Senate concurs. The bill is declared passed. Ladies and Gentlemen, we will have an immediate meeting of the Senate Rules Committee in the Anteroom behind the President's chair. Will the Members of the Rules Committee please come forward? There's cake at the front of the room in case anybody wants any more. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you very much, Mr. President. There's going to be another cake arriving shortly. This is Tim Nuding's

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

birthday, our chief appropriations staff, head of the appropriations staff here on our side.

PRESIDING OFFICER: (SENATOR WELCH)

Great. Great. Great. You -- you can never have enough cake, Senator Watson.

SENATOR WATSON:

So, we will have a carrot cake...

PRESIDING OFFICER: (SENATOR WELCH)

A carrot. Good.

SENATOR WATSON:

Carrot cake.

PRESIDING OFFICER: (SENATOR WELCH)

That's good. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment No. 1 to House Bill 1065, Motion to Concur with House Amendments 1 and 2 to Senate Bill 212, Motion to Concur with House Amendments 1 and 2 to Senate Bill 222, Motion to Concur with House Amendment 1 to Senate Bill 339, Motion to Concur with House Amendments 1 and 2 to Senate Bill 594, Motion to Concur with House Amendment 1 to Senate Bill 788, Motion to Concur with House Amendment 1 to Senate Bill 1021, Motion to Concur with House Amendment 1 to Senate Bill 1342, Motion to Concur with House Amendment 1 to Senate Bill 1543, Motion to Concur with House Amendment 1 to Senate Bill 1650, Motion to Concur with House Amendment 1 and House Amendment 3 to Senate Bill 1701, and Motion to Concur with House Amendment 1 to Senate Bill 1912.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson, for what purpose do you rise?

SENATOR HALVORSON:

Thank you, Mr. President. For purpose of an announcement. I'd like to announce that we are still going into Exec at 5; however, the amendments that just came out of Rules now will not be heard until an hour from now. So, if we get done with Exec before twenty to 6, we'll have to wait around, because they will be heard in an hour. But they will be.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

All bills sent to Executive will be heard, some sooner than others. Madam Secretary, Resolutions. Please turn to page 72 of your Calendar. At the bottom of the Calendar is Senate Resolutions -- 173. Madam Secretary, please read the resolution.

SECRETARY HAWKER:

Senate Resolution 173, offered by Senator Lightford. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Resolution 173, it's dealing with the I-290 possible expansion regarding congestion, mobility and varied alternatives. Basically what we're hoping for is an opportunity to search all methods, ensuring that there is no other alternatives to expanding the I-290. We're just calling on a study from RTA and its objectives to conduct a full-fledged Major Investment Study for the Central Cook-DuPage multicorridor {sic} in a manner that examines all potential methods of relieving congestion and increasing mobility in the I-290 corridor on a thorough and very objective basis. It proclaims that any further proceedings to consider expansion of the I-290 should be integrated into an evaluation transit alternative. It declares that IDOT should halt all design work on expanding I-290 until this study is completed and urges Congress to strongly support proposals for funding the Central Cook-DuPage corridor project and the Oak Park Cap in the pending reauthorization of the Transportation Equity Act. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Don Harmon.

SENATOR HARMON:

Thank you, Mr. President. I rise in strong support of this resolution, as a cosponsor. This is a -- a -- a good resolution for anyone who lives on the west side of the City in the nearer and far western suburbs of Cook County and in DuPage. I urge all of my colleagues to join Senator Lightford and I in supporting the resolution and in voting Aye.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I'd just like to echo those comments from the esteemed Senator from Oak Park, Senator Harmon. This is similar to the great desire to have western access to O'Hare, and I want to thank President Jones for his support of getting it out and Senator Lightford for presenting this wonderful resolution. We ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Question is, shall Senate Resolution 173 pass. I'm sorry. Senator Burzynski.

SENATOR BURZYNSKI:

Yeah. I'm sorry, Mr. President. I just was able to get it pulled up to see what we were doing here. And our -- I'm not exactly sure yet, but does this say that we're asking Congress to put more money into I-290, or the Eisenhower Expressway? Is that what I understand, basically, in a nutshell?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Then is it -- is it to fund a study to -- to look at the needs, I guess? I'm just -- in a nutshell, Senator, what -- what exactly does it -- and I'm sorry because there was a lot of noise and I was trying to get it pulled up so I could take a look at it real quickly.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Senator, I'd be happy to go back over it for you. Sure, in a nutshell. I'd ask for an Aye vote. Actually, what -- what we're in need of, Senator, is to allow for a RTA study. We're just hoping that there's all type of examinations to make sure that expanding I-290 is the only absolute alternative to relieve

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

congestion. And this study will just allow us the opportunity to look at other possible transportation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. And -- and I'm just scrolling down and I -- I do see here, it - and -- and I have to admit I'm not that familiar with it, but nobody else was speaking so I wanted to at least ask a question or two - that IDOT -- IDOT should halt the design work on expanding I-290 until the study is completed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Yes. Actually, Senator Burzynski, since I've been here, I would say since '98, there have been a -- a movement in regards to IDOT to take a look at this. They were working closely with the Hillside Strangler, the -- the wonderful work that the previous Governor had to expand that area there. And I guess they found at that time it wasn't totally necessary to extend it any further, but they will continue to put funding in there that we really don't have. And what we're asking for is to stop looking for ways to design the expansion of I-290 if you have not sought out all of your alternatives to relieve congestion.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just one last question. I'm not familiar what -- with what the Oak Park Cap is, and -- because part of the resolution says that should be incorporated into the design of a reconstructed I-290. So, can you tell me what the - - Oak Park Cap is? And -- and I do thank you for your indulgence and willingness to answer the questions 'cause I'm just not that familiar with it, Senator. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Mr. President, if I could defer just that question to Senator Harmon, please.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Sure. Senator Harmon, to answer the question from Senator Burzynski.

SENATOR HARMON:

Thank you, Mr. President and thank you, Senator Lightford, for yielding. From time to time, I am called upon to defend the more creative and progressive notions of my friends and neighbors in Oak Park. The Oak Park Cap is a concept that dates back fifteen or twenty years. Senator Rock created a study when he was Senate President. When the Eisenhower was built, it divided Oak Park clean through, separating north Oak Park from south Oak Park. There have been caps established in other highway projects where they actually build a platform over the highway. It would link the north and south Oak Park again. It has been done successfully in other places. We'd just like it to be included in the consideration as the plans are developed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Yes. I just wanted to rise in support of the resolution. I live and work and represent the area and travel that expressway, if not daily, multiple times a week, and it's a resolution that simply recommends to Congress and to our policymakers with respect to transportation that they look at all means of transportation. Now, I got to tell you, a lot of people out in the area that I represent and the area that I live in are very interested in widening I-290, the Eisenhower, through Oak Park, but I also know that this is a very important issue to the Oak Park community. And having sponsored a bill in the past that talked about context sensitive design and urging IDOT to utilize a different approach to building highways, I -- I think this resolution is thoughtful in that it urges the Department of Transportation and other federal agencies to really look carefully at all different ways of moving the public, moving people, citizens from east to west and don't be confined simply to -- to the vehicle and to the roadway at I-290. So, I rise in support and I commend the sponsor, Senator Lightford and Senator Harmon, for their efforts.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

The question is, shall Senate -- Senate Resolution 173 pass. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The resolution is adopted. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Well, thank you, Mr. President. I rise for the point of personal privilege. I...

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR CULLERTON:

...know that we are in Session and this would be -- we're taking a little risk here because I know that we could be receiving a phone call while we're in Session, and if we do receive a phone call, we have a lady in the back of the room that answers our phone and summons us to the phone. But I understand that she's going to be -- after twelve years here -- maybe more -- since 1992, she's worked here in the -- in the Senate. Her name is Mary Holmes, and I'd like to take a risk here and ask Mary Holmes if she can come out from the phone book -- and phone area and come over here so we could acknowledge her.

PRESIDING OFFICER: (SENATOR WELCH)

Mary.

SENATOR CULLERTON:

Now -- I -- I want you -- I want you to know, I first met Mary Holmes -- I first came to the General Assembly in 1979, which I know is amazing in light of my youthful appearance, but I did come here in 1979, and she was in the -- the -- the House Journal Clerk and served many years over there and came over here in 1992, when she started providing us with all the sweets and all of the pretzels. For years and years she's been our -- our loyal confidante back here in the -- in the -- in the Senate. I also wanted to point out that her daughter has happened to have been my secretary for the same amount of time, and I'm going to lose her at midnight tonight when her service expires. So, it's a double loss for me that we're going to be missing the -- the mom and the daughter. But I want to, on behalf of all the Senators here, thank Mary for all of your help, not only on the Democratic side, but also the Republican

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

side and wish you well and look forward to seeing you in the fall.

PRESIDING OFFICER: (SENATOR WELCH)

We -- Mary. Hold on. Mary, stay out here. Mary? We have -- get her back out here. We've got two more speakers. Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just wanted to rise and join with Senator Cullerton and just point out one of the reasons why my Leaders, Senator Demuzio and President Jones, has such a large girth is because of Mary's free cookies and jellybeans and cakes that she brings to us every day. And we thank you for that, and we will miss you for that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Mary, congratulations. The other part of this team is Al Bietsch, who was back here also with -- with Mary. Al has been here for -- in the Capitol in various capacities for -- for forty-three years. I noticed there was an article in the local newspaper this morning that -- it says that both Mary and Al know the perfect blend of sugar and caffeine to keep the stressed-out Senators' tempers in check. It's a mix of sweet tea and coffee and cake and vanilla wafers and chocolate chip cookies. "If people get hungry, they get mean," said Mary Holmes. And so she began that tradition of serving us all treats from her desk in 1992. Again, I think, you know, her and Al have formulated a great -- a great team here. They offer stability to the process, according to this article, and I certainly agree, and there's always a smile and coffee and cookies and an important phone call. And we have, from time to time, instructed both Mary and Al that whenever Mayor Daley calls, please do not give Rickey Hendon the message. So, we want to welcome and say thank you very much for the years of service. Will -- Mary be back in the fall. Al's going to continue to be with us, but they have really served the Senate well, and we really, really appreciate it. We love them both.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Watson, please come up. Senator Watson, for purposes of announcement, from the Chair.

SENATOR WATSON:

She says she's not dressed. This is Denysia Bastas, and Denysia -- Denysia has been with State government since 1953. And -- was that Russell? Who was -- who was here? Who? Art Bidwill. All right! St. Louis football Cardinals. And W. Russell Arrington. And she's going to be leaving. Today is her last day. In fact, I think you're leaving just shortly, aren't you? And she was with us in the Senate and then with Bob Kustra in the Lieutenant Governor's Office, then came back here, been working up with Jim Harry, in the Bill Room, and Linda. Pardon me, Linda. And she's -- this is one of the good people. Anybody that knows her. Never a -- a bad day. Always a smile on her face. Very -- very excellent demeanor and somebody that has brought an awful lot to many of us here in this process. And we're going to miss you, Denysia. And we thank you for all the years of service you've given State government. Thank you.

DENYSIA BASTAS:

(Remarks by Denysia Bastas)

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Before Denysia leaves, let me tell everyone here something about Denysia. Denysia's real name is really Denysia Bastas. What many of you do not know is that Denysia Bastas is half Greek and I worked with her, and she has been one of the most competent, kindest and intelligent people we've ever had. Denysia, I'm so proud of you, and God bless you. And thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, at 5 o'clock the committees begin. I believe we have State Government in Room 400 and Executive in Room 212. The Chair {sic} will stand in recess till the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Ladies and Gentlemen, would the Members please come to the Floor? We are going to start the final business of the Spring Session. Would the secretaries please get their Senators out of the offices and up to the Floor? Thank you. Ladies and Gentlemen who are Members of the Senate, could I -- if I could have your attention. Senator Jones has provided, in his office, desserts for all Members of the Senate. Please go back to his office and you can -- you can bring it out to the Floor. ...name will be checked off on a list for each dessert. Everybody please come up to the Floor. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 1 to House Bill 1069 and the Motions to Concur on House Amendments 1, 2 and 3 to Senate Bill 96, House Amendments 1 and 2 to Senate Bill 222, House Amendments 1, 5, 6 and 7 to Senate Bill 428 and House Amendments 1 and 2 to Senate Bill 594, House Bill -- House Amendment 1 to Senate Bill 600, House Amendment 1 to Senate Bill 735, House Amendment 1 to Senate Bill 788, House Amendment 1 to Senate Bill 841, House Amendment 1 to Senate Bill 989, House Amendment 1 to Senate Bill 1021, House Amendment 1 to Senate Bill 1342, House Amendment 1 to Senate Bill 1543, House Amendment 1 to Senate Bill 1650, House Amendments 1 and 3 to Senate Bill 1701, House Amendment 2 to Senate Bill 1725, House Amendment 4 to Senate Bill 1733, House Amendment 1 to Senate Bill 1901, House Amendment 1 to Senate Bill 1903, House Amendment 1 to Senate Bill 1912 and House Amendment 1 to Senate Bill 1915, all Be Adopted.

PRESIDING OFFICER: (SENATOR WELCH)

Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 1075, together with House Amendments 1 and 2.

Passed the House, as amended, May 31, 2003.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I have like Messages with respect to Senate Bill 1601, with House Amendment 1; Senate Bill 1909, with House Amendment 1; Senate Bill 1923, with House Amendment 1; Senate Bill 787, with House Amendment 1; and Senate Bill 1740, with House Amendment 1. All passed the House, as amended, May 31, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Message from the President.

SECRETARY HAWKER:

A Message from the President, dated May 31, 2003.

Dear Madam Secretary - Pursuant to Senate Rule 2-10, I hereby establish December 31, 2003, as the final committee and 3rd Reading deadlines for Senate Bills -- 947 and House Bill 422.

Very truly yours, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR WELCH)

At the call of the Chair, the Senate is back in Session. On Page 59 of the Calendar is the Order of House Bills 3rd Reading. This is final action. Ladies and Gentlemen, we have a rule that we're going to adopt. I think I need to have your attention. If I could have everyone's attention, we have a rule that we are going to be adopting here tonight -- we are enforcing tonight, and it is this: As this is the final day of the regular Session, debate on each bill will be limited to one proponent and one opponent, each speaking -- each speaking to the bill. House Bill 1069. Senator Emil Jones. It's on recall. Madam Secretary -- Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones. Senator Burzynski, you don't have to yell. This isn't the House, and you're not Bill Black. Just push your button. For what purpose do you rise?

SENATOR BURZYNSKI:

Thank you and I -- I'm appreciative of the fact you recognize I'm not Bill Black. Mr. President, the only reason I rise is you said one proponent and one opponent on bills. We just did a ton of bills in Exec Committee just a few minutes ago and were told we're limiting debate, let's get through this, you can debate this thoroughly on the Floor. Now here we are, less

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

than forty-five minutes later, being told debate will be limited on the Floor. Now, you can't have it both ways. So, you know, I would suggest that we be a little bit more free with the debate here on the Floor tonight.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Same topic, Mr. President, and I did have my light on and I was trying to get your attention. And I don't mean to yell and shout, but I -- surely you're -- you're not referring to all the bills that we're going to deal with between now and the time that Session's over, because every single bill that we're going to discuss now between -- is going to have one proponent -- I mean, we're not on Postponed Consideration. This is the people's business. This is when the public has an opportunity -- the people here tonight come in here to -- and we're going to have one person speaking in behalf and one opponent? This is not responsible. I don't even know if the rules call for anything like this, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, you were here in the early eighties when we invoked what's called the Donnewald Rule, which is, there is one speaker on each side. That rule was invoked in the last day or two of each Session because of the time factor. That is the rule that we are invoking based on precedent of the State Senate. Senator Watson.

SENATOR WATSON:

Well, I wasn't here. I -- I replaced Senator Donnewald. So whatever rule he invoked during that period of time, I was not a Member of the Senate, and I think it's irresponsible for us to go back to the times of the early eighties when that type of rule would be invoked. We're -- we have -- there's billions and billions of dollars in fee increases and tax increases that we're going to be debating in the -- just the next few moments here, and for us not to have an opportunity to ask questions, that -- many of these bills, Mr. President, were just put on our desk and just filed within the last couple of hours. We -- there's people, probably, on both sides of the aisle, that have no idea what's in the legislation. So we ought to have the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

opportunity to be able to question the sponsor about what's in the piece -- what's in that particular bill, and I -- it's not an unreasonable request. And I think if you handle the manner in which you conduct yourself as President and -- in the next four hours here, we'll be able to get through it, but at least give everybody a chance to be a participant and ask the questions that are of concern to them and their constituents.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Mr. President. I rise in support of the President's position. I was here, Mr. Leader, when -- when you all invoked that rule on us, and I remember getting up and screaming and hollering -- I remember getting up and screaming and hollering -- I remember getting up -- I remember getting up and screaming and hollering and you said -- you were, in fact, in the Chair and you said it's the rule. If you don't like the rule, appeal the rule of the Chair. You have a right to do that, and let's move forward. Mr. -- Mr. President, you made your decision. Let's move forward.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Point of inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your inquiry.

SENATOR RIGHTER:

I, obviously, having not been in the General Assembly nearly as long as -- as you and some of the others in the Chamber, don't have the institutional knowledge or history that you are referring to, the Donnewald Rule. I do, however, have a copy of the Rules of the Senate that your -- your Party passed, and I wonder if you could refer me to the rule that you are referring to that allows the debate to be restricted in such a manner.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter, in looking at the rules, Rule 2-5, Powers and Duties of the President. Under that section, the powers and duties of the President shall include, but are not limited to,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the following: Presiding at all Sessions, opening the Session, calling on any Member and to announce the business before the Senate in the order to which it is to be acted upon. Senator, without a clarification in the Senate rules, we have to refer back to Robert's Rules of Order, which gives the Senate the ability to set its own rules before debate. That is what the Senate is relying on and that's the reference the Donnewald Rule has. Senate Bill -- House Bill 1069. Senator Jones. Senator Jones seeks to have House Bill 1069 recalled to 2nd Reading for purposes of an amendment. For what purpose do you rise? We're not going to get into a long debate on this.

SENATOR RIGHTER:

Thank you, Mr. President. First, in looking at the rule that you've referred to, when it says to announce the business before the Senate in the order in which it is to be acted upon, I think that it's pretty clear that the plain meaning of that is which comes first, which comes second and which comes third. However, I understand, Mr. President, your side has thirty-three votes; our side has less than that. What I would like, Mr. President, if that is the ruling of the Chair, I would now move to appeal the ruling of the Chair and ask for a roll call vote on that.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, there's a motion to appeal the ruling of the Chair. All those in favor of the ruling of the Chair will vote Aye. Opposed, vote Nay. The voting is open. ...Yes to sustain the ruling. ...vote on that issue is 33 {sic} (34) Members voting Yes, 23 voting No, no Members voting Present. The ruling of the Chair is sustained. Senator Watson, not on this issue. It's been decided. Please proceed.

SENATOR WATSON:

Thank you. Just a couple things. One is, one of the speakers has no idea and no clue what he was talking about, and I would -- if he does, why doesn't he refer to the day and the time and the Journal -- in which we invoked anything of -- in the manner in which you're about to do here. We never did that, and he doesn't have any clue. Secondly, if this is what you're going to do, some of the legislation probably could very well have one proponent and -- and one opponent, and this bill coming

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

up is a good example. In fact, I -- I would assume this bill will get fifty-nine votes. On the bills that -- that are of significance, of -- any magnitude, such as the fee bill and the -- the rolling stock and those bills dealing with the tax increases we're about to impose on the people of this State, why not give at least three people an opportunity to -- to be able to discuss and debate and ask questions? What is wrong with that? I mean -- now, you can trample on the rights of Members all you want, Mr. President, but it's the people of Illinois that are being impacted here and they ought to have an opportunity to be heard. That's why each one of us is sent here to Springfield, to represent some two hundred and twelve thousand people in our respective districts. If you're going to trample on the rights of Members here, whether it's Minority or Majority, you're trampling on the rights of the people of Illinois. So, why not, at least in the magnitude bill -- the bills that have got some significant impact, let's expand it somewhat?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones, for what purpose do you rise?

SENATOR E. JONES:

Thank you, Mr. President. In witness -- witnessing the -- our -- our actions over the last couple of days and recognizing that the people of Illinois have spoken, we've got to fund State government. We do not want to go through these tactics where we continually delay and delay and continue to talk bills to death. You know how you're already going to vote. If you're going to vote for some of the bills that will help fund State government, okay. But we've been real fair. I didn't see any of you, Mr. Minority Leader, when you gave us the budget in one lump sum and you sat in the Chair, didn't want us to caucus on it. We've been fair. We've been going to the committees. But you want to delay and delay and delay. Now, if you were to tell me that after we debate these bills, the Members on your side of the aisle would do their duty and vote for some of the bills, then we would not have the Donnewald Rule. You sit here and talk a bill to death, talk it to death, talk it to death. You've done it to the -- the extent where some bills will receive almost unanimous support. We followed the posting requirements. We

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

gave you committee hearings and you go over and over and over it again. The people of Illinois want the government to be funded. We don't want to be here tomorrow, and there are a lot of important issues before us to be addressed. I think the -- I think the President's done a great job of informing you of -- of what we intend to do. We intend to put the issues out here. You have already predetermined that you're not going to vote for it. So, since you're not going to vote for it, why talk it to death? And we tried to be fair. Mr. President, let's proceed and take care of the people's business, State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Mr. President. On page 59, House Bill 1069, on the Order of House Bills 3rd Reading. Senator, for what purpose do you rise? Is it the same issue? It's been decided by a Floor vote. Any further discussion on that vote is dilatory.

SENATOR WATSON:

Okay. Well, I think we've had a lot of dilatory action here tonight, Mr. President. We could have got a lot of business of the people put behind us if you would have had a different ruling. We understand the fact that we're in the Minority. We understand that. But the only thing that we have, and all of us have, is our ability to speak, and that's the microphone, and to send our message and to let the people of Illinois -- how we feel, we the Minority. We -- we know you can cram things through this -- this Session and that's what you've been doing the last two -- two weeks. You can cram all the things through you want. That's okay. You've got the votes. And -- but you can't take away the right of an individual Member, the right of a Member, whether he's in the Minority or she's in the Majority. It doesn't matter. The right we have is this microphone, Mr. President, this microphone, to speak as we speak for the people of our districts. And you're going to muzzle us and take away that right - casts ill will - ill will - in this process and on this side of the Chamber.

PRESIDING OFFICER: (SENATOR WELCH)

On the Order of 3rd Reading, Recalls, House Bill 1069. Senator Jacobs seeks leave of the Body to return House Bill 1069 to the Order of 2nd Reading. Leave is granted. On the Order of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

2nd Reading is House Bill 1069. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Be nice if we could all just get along. But House Bill 1069 states that beginning July 1, 2003, for a licensee that admitted one million persons or fewer in the previous calendar year, the admissions rate will be three dollars per person admitted. This is clearly for the Casino Rock Island. I know of no opposition and ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, 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. Let me point out further that each side will have five minutes to discuss the bill, speaking to the bill. They'll be on the clock. Please decide in advance who's going to speak on each side. The sponsor of the bill will be the person who has five minutes, unless he designates or she designates another person in their stead. On the Order of 3rd Reading, House Bill 1069. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1069.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I think I explained the bill on 2nd. That's my five minutes. If anybody has any questions, I'll be glad to answer.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Just to the bill, and, Senator, we did discuss this, I believe, in Exec just a little bit ago. My head's a little muddled. But can you tell us exactly what it does? It raises a fee for -- go ahead. I'm sorry.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, we're not -- no questions are being asked in the five minutes. It's a five-minute statement as to your position on the bill. Let me read the ruling again. As this is the final day of the regular Session, debate on each bill will be limited to one proponent and one opponent, each speaking to the bill. That motion was sustained by the Chair at your request for a vote. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. We'd like a Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR WELCH)

The Republicans have requested a caucus. We will reconvene at 8:25.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

The hour of 8:25 having arrived, we're on the Order of House Bills 3rd Reading. House Bill 1069. Senator Jacobs has made a second. Senator Burzynski. Clock is running. ...minutes and six seconds. Senator Burzynski. Please turn on his microphone. Turn on his microphone.

SENATOR BURZYNSKI:

Thank you, Mr. President. I've not had a chance to look at this since we started to leave the Floor; however, as I understand it, current law provides for a three-dollar admission fee -- admission tax. This amendment that you have would change the admission tax. Provides that for a licensee that admitted one million or fewer persons - and I'm assuming that's only the Rock Island boat - the rate is three dollars per person admitted. For a licensee that admitted more than one million but no more than 2.3 million persons, the rate is four dollars per

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

person admitted. Just for our Members, if you recall, we've already passed a bill that dealt with admittance fees to riverboats. That bill has already passed. This bill, we don't know for sure whether or not it -- I don't know for sure whether it would supersede the fee increases that were in the other riverboat bill which were considerably higher than this. And so, I'm just wanting to make you aware of that. If you want to vote for a fee increase for riverboat admissions, this is less onerous than what the prior bill did. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 1069 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, 37 Members voted Yes, 16 Members voted No, no Members voted Present. House Bill 1069, having received the required constitutional majority, is declared passed. Senator Jones, for what purpose do you rise?

SENATOR E. JONES:

Thank you, Mr. President. You know, when we came out here and reconvened Session after the recess, I believe an announcement was made that we had sweets in the office and for everyone. I'm quite sure I saw many Members of the other side of the aisle go in and getting their sweets, to calm them down. I just had a conversation with the Minority Leader, and he said his Members want to talk. So, we -- we agreed to give them two speakers, and for those two speakers, they're going to put on so many votes. That's going to be the test. Let's move on.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you. And part of that's accurate. The -- but we -- I was hoping we -- the two speakers would at least be able to -- ask questions. I think that was something that I had requested, that they at least be able to ask questions. And if you...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones.

SENATOR E. JONES:

Within the timeframe that's allotted as such.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, the Jones Rule is there will be two speakers on each side; each one will have five minutes. Questions can be asked of the bill sponsor. Please turn to the Supplemental Calendar No. 2. Page 2, at the top of the Calendar. With leave of the Body, we will go to Senate Bill 841. Senator Trotter. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 96...

PRESIDING OFFICER: (SENATOR WELCH)

Senate Bill 841. 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 841.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. House Amendment No. 1 to Senate Bill 841 creates the commercial distribution fee, as well as the transportation employee credit for employers. It exempts vehicles subject to the newly created commercial distribution fee from the Use Tax Act, the Service Use Tax...

PRESIDING OFFICER: (SENATOR WELCH)

Senator, if we could read back the... Senator, when you ask a question, please let the Chair answer. If we could read back the transcript, you will find that I did ask leave to go to the second Supplemental Calendar, page 2, to House Bill -- Senate Bill 841. I asked that. Leave was granted. But if we're going to keep yelling over there. It wasn't you yelling. It was someone over that way. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Thank you. We are on Supplemental Calendar No. 2.

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR WATSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

First order of business is -- House Joint Resolution 13.

PRESIDING OFFICER: (SENATOR WELCH)

No, there was leave to go to page 2, Senate Bill 841, so we can do the revenue bills, Senator.

SENATOR WATSON:

You just asked for leave to go to the Calendar, not necessarily go to a particular order of business.

PRESIDING OFFICER: (SENATOR WELCH)

No, Senator. No, Senator, I didn't. This is being dilatory. Senator Trotter...

SENATOR WATSON:

You just said it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. This is a very important piece of legislation. This is a -- certainly a piece of the puzzle as we're trying to find ways to fill our budget deficit of five billion dollars, and so we're trying to find dollars to pay for those education programs that we have put and -- in our education budget, as well as find more dollars for health care and for public safety. This bill amends the Illinois Income Tax Act. It exempts vehicles subject to the newly created commercial distribution fund {sic} (fee) from the use of the -- Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act and the Retailers' Occupation Tax Act. It restricts the rolling stock exemption of the Use Tax Act, the Service Use Tax Act and the Service -- Occupation Tax Acts. It also deals predominantly with those vehicles and those persons and property for hire that is predominantly used in interstate commerce. Further, it imposes an annual commercial distribution fee on commercial motor vehicles weighing more than eight thousand pounds. The fee will be a surcharge on current registration fees and will be apportioned based on the percentage of the vehicle's use in Illinois. A vehicle that's traveled only fifty percent of the time of Illinois would only be subjected to fifty percent of the fees. It also proposes an income tax credit for trucking firms, which is created in an amount of fifty dollars for each driver employed who is a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

resident of Illinois, and has a twenty-million-dollar value to that line. The proposal also narrows the exemption to apply only to vehicles, once again, that do business fifty-one percent of the time across the -- State border.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a very important piece of legislation. I know that I've gotten a number of inquiries from my district about it and the reason is because transportation is a huge, huge industry in the State of Illinois. Trucking employs many, many people. I believe the testimony in committee was one out of fourteen or so persons are employed by the trucking industry. Tonight we're going to be passing about 2.2 billion in taxes and fees and we are assuming that we'll get about eighty-two million from rolling stock. So this is not something that should be dealt with lightly, by any means. First I want to tell you a couple things I've heard today about this and then I want to wind up with a question. We've got colleagues in the Senate that own trucking companies or are very involved in the trucking industry, and I have heard from them that at least five companies, with five hundred trucks, will be leaving the State of Illinois if this passes. Don't forget, last year we put Illinois FIRST fees on them. Tonight we'll be increasing workers' comp fees. We haven't done that yet, but we probably will. And then, of course, we've got these new fees with the rolling stock. So the thing that we're doing is the exact opposite of what the Governor has continued to say he wants to do, and that is, bring jobs to Illinois. This is a prime example of doing everything we possibly can to push jobs out of Illinois. The other interesting thing that happened in committee that I want to make you aware of is - because there is a lot of confusion about these bills - the question was asked by Senator Shadid, does this apply to pickup trucks, and no one was quite sure - there's an eight-thousand-pound limit - whatever - but the question was continued to be posed: Does it cover pickup trucks? John Filan, the Budget Director, said yes. This bill covers pickup trucks. Now, one of two things is going on

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

here: Either we are imposing these taxes on everyone that owns a pickup truck or the Budget Director does not know what's in this bill and we're voting for it. That's a big problem. Now, finally, I want to end with a specific question, and that is, on page 1 of House Amendment 1 to Senate Bill 841, there's a transportation employee tax credit. I believe this is meant to help offset the thirty-six-percent surcharge on truck registrations. My question is that this seems to be of assistance to companies with many employees. What about the owner/operator of an eighty-thousand-pound truck who will be paying a surcharge of almost a thousand dollars? He has no employees. He's just a little guy out there trying to make a living and we seem to be helping his -- big business in this case at the expense of the little guy and, apparently, our pickup truck owners.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you. The answer to the question is, when you say one, they are an employee and I agree with you, there may be some inequities here, but that is a -- basically a minority of individuals, and -- and in this case, probably the -- more the exception than the rule. We're dealing with tough times and we have to come up with some tough decisions. What this bill does is basically comparable to what they're doing in Wisconsin, as what they're doing in Iowa, and we also -- what they're doing in Indiana. So, we're not doing anything different. We're becoming competitive. We are now trying to raise funds so we can ensure that our children here in the State of Illinois can get the best education that they can. This is a two-tiered -- the way this -- the taxes and the exemptions would work. If you do intrastate travel, it does not apply. Fee only applies to those into interstate. The truck issue of eight thousand pounds, there is some little ambiguity that is there. But the fact is, the majority of the trucks that are under eight thousand pounds that do business in the State of Illinois, this will not impact upon them. There is -- again, we're talking about the -- the income tax credit. That's fifty dollars for every employee based on that employer's headcount, saying that they're full-time,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

working thirty hours or more on their jobs. That's a twenty-million-dollar tax credit that goes back to the employees and to those employers. This bill has a ninety-two-million-dollar value. And, sir, I would seek Aye votes, unless there's other questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill. We spoke about this bill quite a bit in committee, and just to reiterate what Senator Radogno was talking about, the Budget Director, John Filan, did indicate this can apply to pickup trucks and does. Perfect example will be a farmer that has a pickup truck that does business, perhaps in both Illinois-Wisconsin, Illinois-Iowa, Illinois-Indiana, wherever. It will apply. We need to be aware of that. We need to make sure that we understand what we're doing here. We asked a lot of different questions in committee. For instance, I have a new intermodal facility that's going into my district. If you don't know what intermodal is, that's trucks, that's rail and that's cargo containers that get placed and get moved from one place to the other. This could have a dramatic impact on a two-hundred-and-seventy- or two-hundred-and-eighty-million-dollar project in my district, and many of the rest of you have those as well in your districts. We need to be aware of that as well. We talked earlier. I talked to Senator John Jones - we were just visiting - a little bit about the impact this could have on trucking business in the State of Illinois. He gave me an example. He said if the average of those that are paying apportioned taxes are about twenty-five hundred dollars now, add another thousand dollars and four on top of that about twenty-five percent of the businesses -- or, trucking businesses leave the State, we're going to gain thirteen million dollars in taxes; however, we're going to lose forty-four million from those businesses -- moving out of State. So, our net loss - not our net gain - our net loss is thirty-one million dollars. We need to be aware of that. You know, we talk about a lot of things in this bill. Again, we can look at the farm community. We've got a lot of farmers that have semi-trucks that aren't on mileage plates, and my

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

understanding is mileage plates aren't a problem with this bill. But if you're not using mileage plates, you've got semi rigs and you happen to go out of State, for some reason, to some kind of a -- an area, certainly you're going to fall underneath this. So, then again, we've got the farmers, the farm community, getting hit again. I'd just like to -- to -- to talk very briefly about a little story as well. Several years ago, there was an individual that was well known in this State who had a trucking business. That trucking business was domiciled in Indiana. He was asked, "Why is this in Indiana and not in Illinois?" The answer was, "It's a lot cheaper to operate in Indiana and I don't have the taxes to pay in Indiana that I do here." His name was Cosentino. I think you all know who that is. I would urge a No vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much. Just to address a couple of the issues that were just raised. It was specifically said in committee by the Director of the Bureau that this will not affect - have no effect - on the intermodal facilities in your district or wherever else they may be being built. No effect. It also -- the language in the bill says that it -- it -- that it exempts farm trucks. So the farmers will be exempt by this bill. What this proposal would do would level the playing field -- between local vehicles and interstate vehicles that travel in Illinois. This is a fair proposal. It's -- other states have -- already have these types of exemptions and fees in their states. We need to be doing it now, in this time, in the State of Illinois, to raise the dollars we need to fill -- backfill our deficit. And ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 841. 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 30 Members voting Yes, 27 Members voting No, no Members voting Present. Having received the required constitutional majority, the Senate does

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

concur in House Amendment No. 1 to Senate Bill 841, and the bill is declared passed. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 4, together with House Amendment 1.
Passed the House, as amended, May 31, 2003.

I have like Messages with respect to Senate Bill 706, with House Amendment 1; Senate Bill 740, with House Amendment 1; Senate Bill 742, with House Amendment 1; Senate Bill 744, with House Amendment 1; and Senate Bill 874, with House Amendment 1. All passed the House today.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you, Mr. President. A verification of the affirmative vote on that last bill, please.

PRESIDING OFFICER: (SENATOR WELCH)

We have moved on to the next order of business, Senator. I don't -- do we -- do we have it available? Senator Watson, please. Do we have that bill available still or has it been recorded? If we have it available -- do we have Senate Bill 841 available for a verification? If we do, the verification's in order. Please put the bill back up on the board. The Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Garrett, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, Trotter, Viverito, Welch, Woolard, and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Does Senator Watson question the presence of any Member voting in the affirmative?

SENATOR WATSON:

Is DeLeo here? Jimmy DeLeo?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo. He's in the front of the Well.

SENATOR WATSON:

Excuse me. You know, if you'd raise your hand, we wouldn't have to go through this.

PRESIDING OFFICER: (SENATOR WELCH)

Please raise your hand, Senator DeLeo.

SENATOR WATSON:

He just did. Thank you. Senator Crotty. She's back. Senator Obama?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama?

SENATOR WATSON:

I know. I know. I'm just putting you on. You know, just joshing with you a little bit. It's a man with a conscience. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

On a verified roll call, there are 30 Ayes, 27 Nays, and no Members voting Present. Senate Bill 841, having received the required constitutional majority, is declared passed. With leave of the Body, we'll go to Senate Bill 1725, on the same page of the -- of the Calendar. Senator -- leave is granted. Senator Trotter. Read the bill, 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 1725.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. This is another bill to -- that we have here today. House Amendment No. 1 {sic} to Senate Bill 1725 - it has a value of forty-five million dollars. What it specifically does is decouples from -- the State estate tax credit from the federal estate tax, thereby increasing the revenues collected from it. Illinois' State tax system mirrors the federal government's tax system. The federal government is increasing the exemption for the inheritance tax. Illinois, by decoupling, would hold the exemption at 1.5 million dollars. The

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

exemption would increase to two million dollars after December 31st, 2005, and will remain that way until the sunseting of the federal legislation in 2009.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Sieben.

SENATOR SIEBEN:

Well, thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Not going to ask any questions about this bill because there really aren't any good answers on this bill. If you did notice the newspapers yesterday, they were indicating states in which you don't want to die in, and we're very shortly here going to add Illinois to one of those states in which you want -- don't want to die. So, just to the bill, Mr. President, a few statements. You know, why in the world is the death tax still alive and why do we want to institute a death tax here in Illinois? Americans say it's bad. Eighty-nine percent of Americans believe it is unfair for the government to tax a person's earnings while it is being earned and then tax it again after a person dies. Communities say it's bad. The death tax is a leading cause of why family farms and businesses go under, leading to thousands of layoffs across America. Experts say it's bad. The costs associated with the estate tax, gift and generation-skipping transfer tax are equal to the tax revenue collected. And we heard in the committee today that -- probably would cost sixty-five cents on the dollar just to collect the dollar - not an efficient way to raise revenue for the State. Businesses say it's bad. Ninety-six percent of manufacturing firms and ninety percent of minority-owned firms feel the estate tax impedes their long-term business growth. And voters say it's bad. Seventy-five percent of voters would support a candidate who believes the estate tax should be eliminated. And now Governor Blagojevich and a Democrat Majority in the House and Senate want us to decouple from the federal estate tax and reinstate an Illinois State tax on death. Difficult to administer, inefficient way of collecting taxes, a double taxation - you tax 'em when you earn it, you save it and you get taxed on it again when you die - a blow to family farms, a blow to family businesses - especially family-owned businesses - a blow to hardworking men and women

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

who have saved, who have lived frugally, who have accumulated a little net worth and want to pass it on to their children. You know, at a time like this, I'm reminded of a quote that many of you have seen around this State, normally -- attributed to Abraham Lincoln. You'll probably recognize his words: You cannot bring about prosperity by discouraging thrift; you cannot strengthen the weak by weakening the strong; you cannot help the wage earner by pulling down the wage payer; you cannot further the brotherhood of man by encouraging class hatred; you cannot help the poor by destroying the rich. Ladies and Gentlemen, it's time to put the death -- death tax to rest. Vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dave Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, death should not be a taxable event. In three bills tonight, we are raising approximately 1.2 billion dollars in tax increases on about fifteen minutes of debate. That's eighty million dollars per minute. Even by State spending standards, that's obscene. The public should be outraged by what's going on here tonight. And just another kicker: I believe that this bill is retroactive to January 1st of this year. So if any of those people who are going to be subjected to this tax were buried around O'Hare Airport, we're going to dig 'em up and pick their pocket at the same time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Now, let's -- this one -- this one I think we should -- it's a cute -- it's a cute saying. This is not a tax increase if you look and see how -- why we're here. The federal government, which prints money, which doesn't have a balanced budget, decided to give out a tax break. We're tied to it. And so they voted to give this money back. We're saying, "No, we don't think it should happen." If you look at how many people are affected, how many estates are affected - I asked for the statistics from the IRS - there's exemptions for a million up to a million and a half in the year 2006 - two-million-dollar estates. How many estates do you

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

think are going to pay this forty-five million dollars? Seventeen hundred and twenty-one. That's it. That's the estimate as to how many estates, and when the exemptions get up to two million in 2006, it'll be five hundred estates. We're talking about a very small number of estates - people who are extremely wealthy - and we're saying that we ought to have that money for education, for all the reasons that we've been here -- and once -- one more time, remind you folks, there's no income tax, there's no sales tax increase. That's why we're going this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1725. 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 71 {sic} (31) Members voting Yes, 26 Members voting No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 2 to Senate Bill 1725. The bill is declared passed. Senate Bill 1733. Senator Carol Ronen. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 4 to Senate Bill 1733.
Motion filed by Senator Ronen.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Senate Bill 1733 creates the Gas Use Tax Law. What this does is close what is right now an egregious loophole in our taxing system that says if you buy natural gas out of State, there are no taxes, but in State, there are. This is wrong. Deregulation of natural gas has allowed customers to go outside Illinois to purchase their natural gas, then pay an Illinois utility to deliver the gas. In this case, the natural gas itself is not taxed and tax is due only on the transportation charge. Customers, therefore, have structured these transactions to avoid Illinois transactions. Elimination of this exemption would generate forty-two million

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

dollars. This is a critical piece of the Governor's plan to address this huge five-billion-dollar deficit so that we could fund the priorities that we all have said we care about. I would urge all my fellow colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. A statement, then a question for the sponsor. Certainly I rise in strong opposition to this tax, a very bad tax at a very, very bad time in the state of the economy. With natural gases -- prices tripling in just the past few years, Illinois manufacturers are -- struggling under the high cost, the worst possible time to impose a tax on natural gas. The average price in 1999 was two dollars and nineteen cents for a thousand cubic feet. Yesterday natural gas prices closed at six dollars and fifteen cents a thousand. That's a tripling of the price. Now we're going to add a five-percent sales tax on that. This tax was so bad that John Diesch, the managing -- the operations manager from the Royster-Clark plant in East Dubuque, spent two weeks away from his business to come down here and convince people of the onerous tax this would place on their business. They manufacture anhydrous ammonia and nitrogen fertilizer in East Dubuque. Hundred and twenty jobs averaging about sixty thousand dollars a year job -- salary. Eighty-five of those jobs are UAW jobs. He prevailed. He was successful in convincing the Governor's staff and the people -- the sponsor of this bill to write them out of the business -- or, write them out of the bill with an exemption for their business. I'd like to ask the sponsor a question, if she would respond to how you determined who was going to get out of this bill after we realized the impact of this bill. How did you determine who was going to get an exemption out of the bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Thank you for that question. There is a -- let me talk about who is exempted from this bill. Gases used by businesses who -- in enterprise zones were exempted. It was felt that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

'cause of the -- the economic impact that that would have, that any business in an -- in an enterprise zone would be exempted. Gas that was used by governmental bodies, or a corporation, society, association, foundation, or an institution that was organized and operated exclusively for charitable or religious purposes was exempted because we thought that was in the public good to allow them to use that loophole. And then gas used in the production of electric energy was -- because this is a -- a growing field, we thought that this was important. So, it was a process of looking at what was good public policy, listening to business from around the State, listening to legislative leaders, listening to people on your side of the aisle as well as my side of the aisle. And I think the -- one of the business you were talking about in your district was, in fact, exempted from this legislation because the case was made that it shouldn't be covered now. But the -- the fact remains what we're talking about addressing here is what is a terrible loophole in law that should not stand. It's not fair. This is a question of fairness. The fact that somebody purchases natural gas in State and pays a tax should not really be the -- be the case when you -- if they don't have to pay it out of State.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much. Appreciate the -- opportunity to answer the question, but just a quick statement. I think what's frustrating about this is, obviously, I'm gratified that Royster-Clark is now out of this bill, but we've exempted out steel mills in enterprise zones, we've -- we've exempted out Exxon Mobile, big refineries. People that had money and influence came down here and got themselves exempted out of this bill. Big manufacturers in enterprise zones. But what about all the businesses across this State that are not in enterprise zones that aren't tracking this process, that next week, or whenever this bill gets signed, they're going to get a big hit on their gas bill? They're struggling to stay involved. It's wrong. It's unfair. It's a discriminatory tax. It's anti-jobs. There's no question this is going to send jobs out of the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

State of Illinois just like it would have done to the fertilizer plant in my district. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Question of the sponsor and maybe just to follow up a little bit on what Senator Sieben was talking about. We started with a -- a proposal that the -- the Governor introduced and then there was decisions made to pull out different groups who had representation down here, to pull those out. And I guess I'm -- I'm trying to figure out the math. Maybe, Senator, you can help me. Who is -- who's left -- or can you give me an example of who's left under this bill now who will be paying this tax?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

For one example, a business outside of an enterprise zone would be left.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

You mentioned that the -- we took out those things that were for the public good. So, businesses in an enterprise zone are for the public good, but those businesses outside enterprise zones are not in the public good?

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Ronen.

SENATOR RONEN:

No, Mr. Syverson. What I said was, there were a set of criteria that were looked at to determine what the exemptions would be. One of the exemptions was businesses operating in an enterprise zone. Another exemption were those not-for-profit groups doing charitable good. Another exemption were those companies that deal in the production of electric energy. There were a set of criteria. In any sound public policy, you -- you look at things in a -- in a complex way and you look at a set of criteria and you discuss things with business. There was dialogue, extensive dialogue, with business leaders throughout

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the State and those determinations were made, and extensive dialogue between Members of -- of your side of the aisle and my side of the aisle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you. Well, I -- I had just heard you -- in your opening remarks, you said that one of the determinations was the public -- was public good and so that's when I -- when we looked at this and said those enterprise zones were -- were that way. I guess the last question would be, by implementing this tax on those businesses that are outside of the enterprise zone, do you think that we have a more likelihood of helping the Governor achieve his goal of creating fifty thousand new jobs or do you think that by implementing this tax, that it could cost jobs? Do you -- is there anything in this that's going to -- do you believe, that is going to help create new jobs in Illinois?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

Let me just go back to the -- the basic premise here. This is really getting overblown. The basic point here is to inject some fairness into our tax code. The existing exemption was discriminatory. We are removing that discriminatory practice. When the tax code is fair and treats people equally, that is good for business, that will help create jobs. This is something that will help -- this is not something that is radical or different or that hasn't been done in other states. I -- I can -- I'll list the states now but that would be part of your time. I'll save that for later.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson...

SENATOR SYVERSON:

To wrap it up.

PRESIDING OFFICER: (SENATOR WELCH)

Please wrap it up.

SENATOR SYVERSON:

Okay. Thank you. Well, just, again, I -- I can't help but stress the concerns that what we are doing today is passing a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

couple of billion dollars' worth of expenses onto businesses that are already struggling, and my concern is that - I think it was raised in the committee earlier - that what we're doing is we're driving so many businesses into not-for-profit status, I'm not sure who's going to be left to pay the taxes when -- when all these fees are put into place. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 4 to Senate Bill 1733. 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 31 Members voting Yes, 27 Members voted No, no Member voted Present. Senate Bill 1733, having received the required constitutional majority, the Senate does concur in House Amendment 4 to Senate Bill 1733 and the bill is declared passed. Senate Bill 1901. Senator Demuzio. 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 1901.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you. This House amendment, it clarifies the Executive Reorganization Implementation Act, the Executive Orders 9 through 12. Under the Executive Orders, apparently the Governor is transferring a number of individuals to CMS, both the internal auditors as well as various attorneys from various agencies across the State -- State government. This is at the request, I think, of the Attorney General. This clarifies the status of employees that are being transferred pursuant to the Executive Order. The -- it also clears up some references that have been made to the Illinois State Auditing Act that is -- that were -- that were not -- that were incorrect, not correct, and the references are -- are -- are being corrected with respect to this. This is basically something that just clears up what the status of the employees would be with respect to the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Executive Orders 9 through 10, specifically 10, to the agencies been assigned to the -- to Central Management Services.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he will yield.

SENATOR LUECHTEFELD:

Senator, we've added an awful lot of money to education tonight. Most all these taxes are going to go to education. It should be in great shape. This one I don't think does. Does this -- this one doesn't put any money in education, does it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

No, there's a significant cost savings. They estimate around 72.7 million dollars, but specifically the money is -- is not earmarked for education. It's just part of the overall budget implementation that we're attempting to do this evening.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

That -- that one won't, then, go to education. Thank you. You know, just -- this one, I think, is a -- a good bill that we can -- we can vote for. This, I think, was some concerns that both -- both sides of the aisle had with regard to these employees that were going to be transferred, these necessary changes to correct some of the concerns of both sides. I think it's a good vote. Hopefully we'll see some green lights over here. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? If not, the question is, will the Senate concur in House Amendment No. 1 to Senate Bill 1901. 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, 1 Member voted No, no Member voted

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1901, and the bill is declared passed. The Rules Committee will meet immediately in the Anteroom behind the Senate President's Chair. Will Members of the Rules Committee please come forward?
PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR RADOGNO:

On Senate Bill 1725, the estate tax decoupling bill, I did not vote. The fact is, I was in the ladies' room. It's been a long day. But because it's important, I'd like the record to reflect that I would have voted No. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The record will so reflect your intent. Thank you, Senator Radogno. Senator Jones, for what purpose do you rise?

SENATOR E. JONES:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR E. JONES:

I'd like for the Body to recognize and congratulate our colleague, Senator Jacqui Collins. She will receive her Master's in Theology from Harvard University school -- Harvard - Harvard Divinity School on Thursday, June 5th.

PRESIDING OFFICER: (SENATOR HALVORSON)

Congratulations, Senator Collins. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment No. 1 to Senate Bill 4, Motion to Concur with House Amendments 1 and 2 to Senate Bill 212, Motion to Concur with House Amendment 1 to Senate Bill 706, Motion to Concur with House Amendment 1 to Senate Bill 740, Motion to Concur with

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

House Amendment 1 to Senate Bill 742, Motion to Concur with House Amendment 1 to Senate Bill 744, Motion to Concur with House Amendment 1 to Senate Bill 787, Motion to Concur with House Amendment 1 to Senate Bill -- 874, Motion to Concur with House Amendments 1 and 2 to Senate Bill 1075, Motion to Concur with House Amendment 1 to Senate Bill 1601, and Motion to Concur with House Amendment 1 to Senate Bill 1923.

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay. Returning to the Supplemental Calendar, Senate Bill 1903. Senator Welch. 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 1903.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Ladies and Gentlemen, this creates the 2004 Budget Implementation Act. In particular, it does three particular things. Contains fee increases, new fees, funds transfers, as well as administrative chargebacks necessary to implement the Fiscal Year '04 budget. The total fiscal impact is 890.6 million dollars. Creates several fee increases of 309.7 million dollars, fund transfers of 158.9 million, and administrative chargebacks of four hundred and twenty-two million dollars. This is part of the Governor's package in order to implement his -- his view of how Illinois should be run. It's a far-reaching view. I won't say it's just for education, as Senator Jacobs requested, but I will say that it helps us to enact those programs that so many of us support. So many of us have campaigned in our districts to say we want to see better health care, we want to see our seniors taken care of, we want to see the veterans get their just due in this State, as well as education, and this bill, implementing the Governor's budget, does just that. This is an opportunity for everybody to show that we're on the same path with this Governor and his ideas to reform government here in Illinois. It reminds me of something that William Shakespeare wrote some four hundred years ago. What he said was this: There is a tide in the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

affairs of men, Which, taken at the flood, leads on to fortune; Omitted, all the voyage of one's life Is mired in shallows and in misery. Now we are afloat on a full sea; We must use the currents to our vantage, lest our cause be lost. Ladies and Gentlemen, this cause should not be lost. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Althoff.

SENATOR ALTHOFF:

To the bill, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

To the bill.

SENATOR ALTHOFF:

To the tune of three hundred - three hundred - fee increases, penalties and sanctions, and most of them one-hundred-percent increases over current fees. Not-for-profit organizations, boaters - when we're promoting tourism in Illinois. Pet food, on Fido and Fluffy. Make no mistake. Despite the rhetoric - despite the rhetoric - these increases affect our consumers. These increases to fund this budget, this legislation, increases consumer fees, and even if not imposed directly upon the consumer, the cost of doing business in the State of Illinois will go up. And who ultimately pays those increased costs? The Illinois consumer. And to cap it off, the taking, the thievery, of one hundred and twenty-five million dollars from the Clean Energy Trust Fund. Private money. Supposed to be used for alternative energy and environmental programs. Illinois residents will and cannot be happy. Their interests and needs are not being met. In addition, 7.5-percent chargebacks that hit the Toll Highway Revenue Fund. This can't be good. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Madam President. You know, Ladies and Gentlemen of the Senate, before I address this bill itself, I feel compelled to comment that the gnarled and distorted format of this debate is an -- unnatural political act spawned from a political culture arrogant and drunk with unlimited entrenched power. If -- you're in the process of cramming through three

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

billion dollars -- or, you've already passed three -- a billion dollars more in General Revenue spending last week. Now you're cramming through the tax increases and fee increases to spend it -- or, to -- to pay for it. You know, in the last four months, we've been treated or subjected, depending on what your point of view is, to speeches about the pain and the indignity of the oppression of being a minority or being in a minority. Implicit in those speeches is a certain superiority of a -- a moral high ground, where you can almost hear, behind the speech, "If only I were in the majority, I would treat people better. I would not sustain the injustice." Yet, tonight, at a pace of eighty million dollars a minute, you have stolen our right to debate freely. You've put us on a clock, tried to limit the number of questions. You have limited how many people can participate. But more importantly, you have disgraced yourself and forfeit any moral authority that you have had. To the bill. You know, Ladies and Gentlemen, this is one that you can tell your grandchildren that you voted either for a billion dollars or against a billion dollars - three hundred million in fees, four hundred million in chargebacks, three hundred million in fund transfers - in one vote. You'll be responsible for a -- a -- one billion dollars. These fees are, in actuality, illegal taxes. You're holding out that you're raising these fees for one purpose, and yet you're going to spend it for another purpose. That's a classic bait-and-switch strategy. To give you just three examples: The Industrial Commission -- you're going to be raising the fees by forty-two million dollars. It costs ten million dollars to run that agency. That's a thirty-million-dollar bait and switch. In the IEPA, the gross fees are going up sixty million dollars. To run the agency, twenty-five million dollars. That's a net -- a thirty-five-million-dollar bait and switch. The third example, in the aggregate manufacturers association fee for Environmental Fund, it's literally ten times the amount that's needed to run that agency, is what you're going to be voting for this fee increase. I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, I have you to close. And Senator Rauschenberger, we've had our two speeches. Do you -- are you

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

waiting for the next bill? Okay. Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your inquiry.

SENATOR RAUSCHENBERGER:

Yeah. Some weeks ago, I checked in with Vince Demuzio when he was in the Chair on a couple of occasions and asked him if he could total the number of shell bills that we had passed out of the Body. And he assured me, on various occasions, he might be doing that. And since, I guess, you're not allowing three speakers, I guess I would just, you know, ask if Vince has had time to complete that work and can give us the number of shell bills now.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. And we'll get back to you as soon as we have that number. Senator Welch, to close.

SENATOR WELCH:

I would just say that this bill is meant to level the playing field among Midwestern states. Other states have much higher fees than Illinois. We've been subsidizing every fund that we have moved money from. And you know something else, the idea for this came from the Governor's Office. But you know how it came from the Governor's Office? Governor Blagojevich found a blueprint that Jim Edgar left in one of the drawers in one of those desks, and this is what he did in 1991. That's what this is. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1903. 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 30 Ayes, 28 Nays, none voting Present. Having received the required constitutional majority, the Senate does incur {sic} in House Amendment No. 1 to Senate Bill 1903, and the bill is declared passed.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Ladies and Gentlemen, we'll go back to the top of the order of bills. Page 1, Secretary's Desk, Concurrence, Supplemental Calendar No. 2. Senate Bill No. 96. Senator Watson. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 96.

Motion filed by Senator Watson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Actually, the top of the page of Senate Calendar No. 2. Shouldn't you go back to the top of the page?

PRESIDING OFFICER: (SENATOR WELCH)

Let me get back to you on that. I was told to get to Senate Bill 96. We're on -- we're on the Order of Secretary's Desk, Concurrence. That's a different order of business, Senator. That's why we didn't go to it. Senator Watson.

SENATOR WATSON:

I guess your Calendar got cut off at the top. Mine's got House Joint Resolution 13, my reelection resolution of the year. But this is Senate Bill 96 and this bill passed out of here unanimously, passed out of the House unanimously after it was amended, and it -- it's in response to an Illinois Supreme Court decision in regard to a case called People versus Pomykala. And in that case, the court struck down the current DUI reckless homicide statute as unconstitutional. These amendments -- the first amendment requires truth in sentencing for a violation of the new aggravated DUI death subsection, and No. 2 adds DUI involvement -- involving snowmobiles, ATVs and boats to the new aggravated DUI statute. It increases the penalties to a limited extent for the violation of a new aggravated DUI statute, and it also eliminates the current reckless homicide statute as it relates to DUI homicides. And this -- elimination is needed because the new aggravated DUI Section replaces the corresponding reckless homicide Section, and this is -- legislation is supported by the State's Attorneys Association and it was -- actually Scott Rueter, from Macon County, the State's Attorney there, is the one that brought it to my

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

attention. And I would ask for your concurrence on all three amendments.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Any discussion? Seeing none, the question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 96. 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, 57 Members voted Aye, no Member voted Nay, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendments 1, 2 and 3 to Senate Bill 96, and the bill is declared passed. Senate Bill 222. Senator Clayborne. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 222.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senate -- Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. Thank you, Mr. President. This bill previously passed out of here, I believe with pretty much unanimous support. This is a administrative bill by IEPA, and the two changes that were made, one was to satisfy JCAR and the other one was just a technical amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator David Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is actually a bill I think we can support on this side of the aisle. I recommend an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 222. 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 Nay, no -- no Member voted Present.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 222, and the bill is declared passed. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point

SENATOR SIEBEN:

Thank you, Mr. President. Just like to acknowledge the presence of the State Treasurer. Judy -- Judy Baar Topinka is with us this evening.

PRESIDING OFFICER: (SENATOR WELCH)

Treasurer Topinka, welcome to the Senate. Senate Bill 428. Senator Larry Walsh. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 5, 6 and 7 to Senate Bill 428.

Motion filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh.

SENATOR WALSH:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendments to Senate Bill 28 {sic} becomes the body of the bill. Senate Bill 428, with House Amendments 1, 5, 6 and 7, has three main provisions. First, it implements the federal requirements for -- of the Help America Vote Act of 2002 so Illinois can secure over a hundred and fifty million dollars to upgrade voting equipment. This includes creating a special fund in the State treasury for the federal money, new provisional voting procedures so a voter in question can cast an entire ballot, and updates the definition of a vote to include punch card, optical scan and touch-screen voting systems. Secondly, Senate Bill 428 makes changes allowing for both optic scan and direct recording electronic voting systems. This is also part of the Help America Vote Act which requires people with disabilities to be able to vote independently and privately. Optic scan and DRE are the two currently available technologies that could achieve that goal. The third aspect of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

this bill updates the Election Code to promote public participation in the -- electoral process. Senate Bill 428 does that by expanding ways a person can register to vote, including a study of using the Internet for registration. It allows any registered voter in the State to be a poll watcher. The bill also makes it easier to place a public question on the ballot by lowering the number of signatures needed to at least eight percent of the votes cast for candidates for Governor in the preceding gubernatorial election in appropriate districts. I'll be more than glad to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill. You know, this drastically changes a number of voter registration forms that can be given to third parties for distribution. The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. This means they can have a hundred in their possessions and go back and get another hundred if they want 'em. It allows for out-of-county poll watchers. Established political parties shall be entitled to appoint one poll watcher per precinct. It changes the Election Code definition of "expenditure". Now includes electioneering communication made within sixty days prior to the general election or thirty days prior to a primary regardless of whether the communication is made with the knowledge of the candidate. Candidates will be required to report third-party expenditures. Also, the State Board of Elections shall study the feasibility of offering voter registration on its website and consider voter registration methods of other states. The Board shall report to the General Assembly no later than 1/1/06. And last, but not least, since our great State Treasurer is here, she had a request and the House chose not to add the language that would allow the State Board of Elections to place the name of the Republican nominee for President of the United States on the 2004 ballot. The Republican National Convention will occur one week after the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Illinois deadline for certifying ballots, but Speaker Madigan chose to not let this happen.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. First of all, I want to commend Senator Walsh for all the great work that he's done on -- on these issues, but this bill -- the bill that he sent over is -- is not this bill. And I just want to point out that this bill has a lot of things in it that are important, that are necessary. I am a lead plaintiff in a lawsuit right now that's pending to change our voting system in the State of Illinois. We need changes. We need to make use of technology, and this bill points us in that direction. But the problem with this bill is that it's been tainted. It's been tainted by politics. And what I'm referring to is the provision in the bill that extends the residency requirement for Cook County Board of Review members to two years. Where did that come from? What does this have to do -- the Cook County Board of Review residency requirement have to do with the reform measures that are in here? We just had an election in the 1st Ward in Chicago where the candidate challenged the two-year residency requirement of aldermen and won in court. The courts decided that he was right, and here we turn around and include, in a very important bill, a two-year residency requirement for the Cook County Board of Review. Now, what I'd like to do is be able to send this back so that we could take this provision out and not taint this bill so that Senator Walsh could continue with his fine work. So, I urge a No vote or a Present vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Walsh, to close.

SENATOR WALSH:

Thank you, Mr. President. And -- and I thank -- I thank Senator del Valle and -- and Senator Jones in their comments. Let me say that when 428 did leave here, basically the bill was a good bill. When it got over to the House, it was used as a omnibus bill, basically, to -- to put all kinds of extra language on there. And the State Board of Elections has guaranteed me that during the course of the summer that they are

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

going to be holding meetings throughout -- throughout the course of the summer in order to take all these considerations, all these thoughts and ideas into consideration. I know it's not a perfect bill. The amendments that were put on there were -- were -- were not my -- my amendments, but -- but the bill has come back to me. And -- the most important thing...

PRESIDING OFFICER: (SENATOR WELCH)

Could we clear the aisle in front of Senator Walsh? He's doing the public's business, for once. Senator Walsh.

SENATOR WALSH:

I -- I'll always -- if the -- if the -- if the State Treasurer would like to... But the most important -- the most important aspect -- the most important aspect of this bill is this: That there is federal dollars out there, federal dollars that are going to come to the states that are prepared, federal dollars that are going to implement new voting techniques, the most modern technical voting machines that are going to be out there. Many of our county clerks are going to be looking for those dollars to help underwrite the cost of changing over from -- from punch cards to these new, modern "votamatics". So, be -- be aware that we need to make sure that Illinois is out there in the forefront, trying to reach out for them millions of dollars.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1, 5, 6 and 7 to Senate Bill 428. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Members voting Yes, 23 Members voting No, 3 Members voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments 1, 5, 6 and 7 to Senate Bill 428. The bill is declared passed. Senate Bill 594. Senator Clayborne. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Point of inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR RIGHTER:

Mr. President, I think there was a little confusion on that last bill with regards to the debate and how many speakers could speak, and you and I discussed that just a little bit ago. Is it the rule that there will be two on each side of the Floor or two on each side of the bill? And the reason I ask that, my concern there is because if there's someone over here and there's someone over there and there's not coordination, which I think you asked for us to try to do earlier...

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR RIGHTER:

...then there's going to be some confusion. Can you help clear that up for us?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter, there will be two proponents, two opponents, regardless of which side of the aisle they are on. The Senator who spoke on the Democratic side opposed the bill, spoke to me beforehand. I advised him to discuss it with the spokesman on the -- on the committee. My assumption was that was done because those were the only two lights lit at the beginning of that debate, Senator. You -- your light was not lit until later. That's why I called those two. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I appreciate that. I -- I just -- I -- I'm concerned whether or not we -- this is going to be a -- a race...

PRESIDING OFFICER: (SENATOR WELCH)

Let me -- let me clarify.

SENATOR RIGHTER:

...to the switch now...

PRESIDING OFFICER: (SENATOR WELCH)

Yeah. Let -- let me clarify it. From now on, if a Member on the other side of the aisle from the individual sponsoring the bill wishes to oppose the sponsor, meaning if the opponent is on the same side of the aisle as the sponsor, he needs to talk to the minority spokesman or the majority chairman of the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

committee that bill came out of. Would that clarify the situation, Senator? Senator Righter.

SENATOR RIGHTER:

It does, Mr. President. Will that be Jones, too?

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR RIGHTER:

All right. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senate Bill 594. Senator Clayborne. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 594.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator James Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Members of the Senate. This is the same bill that passed out of here 55 to 2 {sic} (52-5). What happened in the House is they deleted the bill then they put the amendment back -- put the same -- they amended the bill, put the same language back on. Basically what this -- this bill does again is it takes pressure off of TIF and if there is a developer who negotiates with a -- with a municipality, they pass a redevelopment agreement for either a certain period of time or for a certain dollar amount, then a one-percent tax will be imposed only on that business to recoup a certain dollar amount or for a certain period of time. So, this passed out of here 55 to 2. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. This passed 55 to 2 but it didn't have all these taxes in it when it passed out of here, and I don't remember seeing this in Local Government. So, it must have become a tax bill after it came back from the House. So, looks like a tax on alcoholic beverages, cigarettes and all this for a one-percent sales tax

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

in declared business districts. So, I think this is just another -- just another -- are you on the tag team now? Senator Clayborne, the tax -- I'm sorry. The tax team. I think -- I think this would be a good No vote on this side of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Well -- well, again, maybe -- maybe you -- you don't understand the bill, Wendell, but basically, if -- if say -- say, for instance, Walgreens wants to come in and the municipality doesn't have the money, then they will allow, through negotiations and something passed by the city -- that -- passed by the city council, they will allow Walgreens to put a one-percent sales tax only on that Walgreens, only for that store, for either a certain dollar amount or certain period of time. If you are for development, then you are in favor of this bill because it's a user's fee only for that particular business. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR RIGHTER:

Thank you. Senator Clayborne, I'm looking at my analysis and I'm looking up at the board and I see that we're concurring in House Amendments 1 and 2 to the legislation that left the Senate. And from my analysis, it appears that House Amendment 1 changed the bill substantially and then House Amendment 2 changed the bill back to exactly the form in which it left the Senate. Is that really what happened?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. They -- they didn't understand the bill so they deleted the bill, and then once I explained it -- what the bill did, then they put the original language back on the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 594. 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 30 Members voting Yes, 27 Members voting No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendments 1 and 2 to Senate Bill 594, and the bill is declared passed. Senate Bill 600. Senator Lightford. 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 600.

Motion filed by Senator Lightford.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Members of the General Assembly. Senate Bill 600 is the minimum wage bill that I'm sure many of us are familiar with; however, when it left the Senate, it arrived in the House and they felt it may have needed some changes. I'm not sure if we concur with that or not, but the minimum wage increase is very important for nearly a million families across the State. What I'd like to say is that this bill is proposed to increase the minimum wage from five fifteen an hour, which is the federal standards that were set in 1997, which means there's been six years since there has been any type of minimum wage increase. Ten other states has also enacted a wage higher than the federal standards level. Over eighty percent of Illinois voters support an increase of the State minimum wage. Over four hundred and fifty thousand of Illinois workers would directly see an increase in their pay. Sixty percent of those workers are women, 15.7 are African-American, 19.2 are Hispanic, seventy -- 70.8 are adults and many people are misconceiving, thinking that this is a teenager bill, but in fact, there's over seventy percents of households across the State where heads of the households are actually receiving minimum wage rates. Forty-eight percent of -- minimum wage

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

workers work full time; 31.8 work twenty to thirty-four hours a workweek. 95.3 of minimum wage workers are nonunion, and between twenty-six and forty-three percent of Illinois households with a minimum or near minimum wage earning fall below the self-sufficiency standard for meeting basic household needs. This will stimulate the State's economy. Businesses will see an increase of 1.2 billion in sales as a result of over eight hundred thousand workers having more purchasing power. I believe this is to be a safe and great investment in the future of the State of Illinois, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wojcik.

SENATOR WOJCIK:

Mr. President and Members of the -- Senate, I'd like to say that after all we've done tonight, I guess minimum wage is the less -- the most important thing we're going to speak to, correct? Actually, I would like to point out a few things. Increasing the minimum wage does nothing to help the individual that you are really intending to help. When you increase the minimum wage, your lower-skilled workers get bumped, and then the higher-skilled workers are more willing to take their jobs that were previously occupied by the lower-skilled workers. The Chicago Tribune editorial stated that increasing minimum wage is a misguided, inefficient way to help low-wage workers. Worst, as the State tries to draw -- jobs in a tough economy, this will put the State at a big disadvantage to our surrounding states. And for those of you who represent those areas, you're going to find out that you'll be driving these people across the border. This is not the answer today. It will not be the answer tomorrow. I think we should keep it the way it is and make sure that we keep business in the State and let it be status quo. Thank you very much.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I pay -- I have part-time help. I pay 'em ten dollars an hour. Fine. But I'm in a different classification. But when you know the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

surrounding states are paying five fifteen an hour, we're not competitive. This is an item that should be handled by the federal Congress. Once the federal Congress determines it, then it's nationwide, but when we are doing it now, we're not helping matters. We are in a very critical period. We don't have enough money to pay our bills in the State of Illinois, and yet we want these poor people who -- the small business people cannot afford this going up and down. Because I'll tell you, instead of hiring two people at five fifteen an hour, they'll hire one, and then after awhile, that job might disappear. We're not really helping matters any by going now when the federal government hasn't acted yet. We should be guided with what the federal government will do. And if I could have your attention, I'd -- I'd appreciate it. I have never hurt anyone in my life, and I can tell you right now, the minimum wage, you've got it right now. It isn't the best, but for the time being, we should gather our horses together and wait until we do a little better financially. Because if we're going to lose businesses to the surrounding states, who still maintain five fifteen an hour, then where are we? I believe in jobs. I believe in business. And just remember, business and labor are brothers and sisters. They are brethren. If you don't have business, you have no use for labor. For heaven sakes, we've got to encourage industry to come into Illinois. We've got to encourage all kinds of jobs to come to Illinois. We cannot do it if we set our minimum wage higher than our surrounding states. We're only killing our own competition and that does not help us at all. And none of us want to be underpaid. I paid for -- I got paid thirty cents an hour. I made two dollars and forty cents a day and I was glad to get it. That was years ago, that's true. But I want to tell you, it's not easy, sure, but these minimum wage jobs, if the people are good, eventually will be getting more. You show what you can do. And I've -- I've known people, I've known Latinos, I've known Blacks, who've gone up the scale because of a dedication and hard work and that's true for all of us. I did the same thing when I was a young person. So, don't kill the goose that lays the golden egg. For heaven sakes, be guided by common sense, not by emotion. You cannot exist without business. If you think all you want is labor, fine. Then you

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

have no business. Then what do you do? Then the unemployment lines become longer and longer. So, let's not be stupid. Let's be sensible and follow the guidelines of the federal government, and as soon as they raise it, fine. Then it'll be universal. Then all the other states will have to comply and we won't have that kind of competition. I ask you to vote against this bill because I don't think it's time, at this time, when we're in such a critical financial crisis.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. To the bill: First of all, I want to congratulate Senator Lightford, who has been working on this bill relentlessly throughout the Session. I think she deserves enormous congratulations. I actually preferred the first bill she passed out and -- because it provided an important boost to so many workers who are working every day full time and are not getting paid enough money to support their families. This appears to be the best we can do in this Session. Couple comments I just want to make addressing to what was said earlier. Number one, I have never -- somebody who was actually making the minimum wage complain about how bad it is to raise the minimum wage. I hear people who are making hundreds of thousands of dollars complaining about how this is terrible, but I promise you if any of us in this room were making the current minimum wage in this State and trying to struggle to support our families, we would think it was a pretty good thing to raise the minimum wage. That's point number one. Point number two, with respect to competition from other states. I'm sympathetic to that. And, Senator Geo-Karis, I promise you, when I get to the federal level, I will make sure that at the federal level we raise the federal minimum wage. But until I get there, this appears to be the best we can do. We can only vote on what happens in this State. If we get into a -- a race to the bottom in which our only argument for keeping business in the State of Illinois is how low our wages are, then we've already lost. Most business is going to be moving to Mexico or China. So we might as well throw up our hands and give up. The fact of the matter is, most minimum wage workers in this State are service

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

workers. They're not jobs that can be easily moved across the border, and I'll give you a particular example. You read -- Senator Wojcik read a -- a Tribune editorial. The Chicago Tribune is one of probably the few folks who pay the minimum wage to their workers that stuff all those advertisements in the newspaper. Now, I generally like the Tribune editorials. They've been pretty good to me this Session. But I've got to say that this'll take a couple of million bucks out of their bottom line, but they can afford it. And I think it's important for us to recall that when we have a choice between making people be able to raise their families adequately and the interests of businesses that are generally profitable, I think, at some point, we've got to make a decision on behalf of working families of Illinois. I congratulate Senator Lightford. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Mr. President. Thank you, Senator Obama, for calming me down because Senator Geo-Karis has expressed how emotional I might be. But let's speak about emotion. Let's -- let's not even look at emotion, Geo. Let's talk about common sense. When you made thirty cents an hour, I probably wasn't even born, Geo. Let's talk about right now, today, 2003. None of us in this Body make five fifteen an hour. None of us in this Body labor and labor and labor and labor and, at the end of the year, make twelve thousand four hundred dollars a year. That's a family of four. Two heads of the household making minimum wage. Common sense says we need to help people. We need to help the low-wage worker. They're not standing out with their hands out. They're saying, "I'm willing to work. I'm willing to bust my butt. But can I please be able to pay for basic necessities? Can I please be able to buy toiletries? Can I please be able to, at the end of the day, pay my rent, pay my phone bill, pay for child care, pay for transportation?" That's why we have the Link card, Ladies and Gentlemen. That's why we have Section 8, Ladies and Gentlemen, because these are the people who cannot, at the end of a long day, still afford to pay their basic household needs. That's not emotion. That's common

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

sense. That's not -- none of us have to deal with that. So, let's not talk about being emotional. Let's have compassion and think about the people who struggle day after day to make basic ends meet. We are at the brink now. We have the opportunity tonight to make history. That's right. We can really, really help people across the State of Illinois. We can take it upon ourselves to fulfill the responsibility of truly impacting the livelihood of minimum wage, low-wage workers and their families across the State of Illinois. Nearly a million families will now have the opportunity to afford basic household needs, a real necessity that I'm sure none of us in this Chamber have to deal with on a daily basis. And to know that this legislation has been negotiated and debated and discussed time and time again, it's much longer than I care to acknowledge. The -- the final amended bill that is before us right now, in my belief, is an outstanding piece of legislation that all of us can be proud of. It demonstrates a winning spirit for the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

All right.

SENATOR LIGHTFORD:

The business community will have immeasurable time to ease in an increase. Thirty-five cents will be the first step, from five fifteen to five fifty an hour, which will take effect January 1 of 2004, and then the other dollar January 1 of 2005. And I'd encourage an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 600. 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 33 Members voting Yes, 23 Members voting No, 1 Member voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 600, and the bill is declared passed. Senator... Mr. Secretary, Messages from the House.

ACTING SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

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 785, with House Amendments 1, 2 and 4.

We have like Messages on Senate Bill 1621, with House Amendments 1 and 2, and Senate Bill 1937, with House Amendment 1.

All passed the House, as amended, May 31st, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Senate Bill 735. Senator Woolard. 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 735.

The motion, by Senator Woolard.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think that all of you know the good that has come about throughout this great State by the Illinois Arts Council in the last several years. I know that all of you are aware of the fact that there's been a bill to create or to change the boards and commissions of this State. This is one of those that was segregated or -- or set aside and is in this bill by itself. It reduces the number of members of this board from thirty-five to twenty-one. There shall be no compensation with the exception of a minimal amount of monies to compensate for those people who need the adjustment if -- if they're having financial difficulties in participating in the commission. I would very much appreciate your support for the continuation of an organization that has done great good for a lot of people across the entire State of Illinois.

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 735. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

all voted who wish? Take the record. On that question, 55 Members voted Yes, 3 Members voted No, no Member is voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 735, and the bill is declared passed. Senate Bill 788. 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 788.

The motion, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill provides that if a person is charged with a misdemeanor and they stay clean for three years after their acquittal or the dropping of the charges or the completion of their suspension or four years after they're conviction, they can request that records of the proceedings be sealed. And we also provide that they're subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanors and felony violations and they can be inspected and used by law enforcement agencies and State's attorneys or other prosecutors in carrying out the duties of their offices. It's something which is supported by the State's Attorneys Association, and the Retail Merchants have no opposition. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President. And to the bill: While I very much appreciate the attempt of the -- the sponsor of this legislation to try to make what I consider to be a bad idea a little bit better, to me, it's like changing the pins on a soiled diaper. The fact of the matter is that this legislation does something which is basically unfair; that is, that in the attempt to try to give people a second chance, those who may have been convicted of prior offenses, it places upon employers a burden which they should not shoulder because it forbids, absolutely prohibits, employers from making inquiry

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

about whether or not a person has ever been convicted of theft, ever been convicted of stealing a car, or something we call criminal trespass to vehicle, also if -- whether or not that person has ever been involved in any type of domestic battery or whether or not that person has ever been involved in a type of mob crime. The reason that is so bad, especially for business owners, is that if you have a person who is applying for a job to be a driver of a car as a valet -- or valet driver, they cannot even inquire whether or not this person was a car thief. If you -- if you asked this -- the questions about this individual, you'd be breaking the law. You're placing -- you're placing businesses in a terrible situation. Hiring a person as a cashier who has a theft conviction may not be in the best interests of a healthy business. This bill has passed the General Assembly before. And just a word of caution to my side of the aisle, that if you were to be voting for legislation like this, you are voting for the -- those business men, large and small, who'll be buying a pig in the poke because they will not be able to ask a very, very essential question: Have you ever been convicted of some -- of -- of crimes of theft or deception? I recognize that at the core of most people's faith is the concept of a second chance. This is more than a second chance. What we are doing here is stacking the deck so heavily in favor of -- in hoping to provide people who are convicts with the right to -- opportunity to work, that we're -- that we are -- that we are placing a burden upon business which they should not shoulder. And for that -- for those reasons, I would very respectfully request a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me, Senator Haine. Will the Doormen please ask the individuals demonstrating in the hallway to please move out to the Rotunda if they want to demonstrate? Thank you. Senator Haine.

SENATOR HAINE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in support of the bill. I, too, belong to the church of the second chance. A four-year period of time for a first-time offender of these classes of misdemeanors is sufficient time to find whether that person is a repeat offender. It seems to me that many of us can see and visualize a situation where a young man or young woman commits an act -- a criminal act, a misdemeanor, that is otherwise a blemish on their career. Thanks to our -- our records of permanency in this electronic age, those mistakes of judgment become permanent stains. This allows a one-time wiping away of that stain. It seems to me that is reasonable in -- in the law. Many of our discretions, mine, are not known because of the inefficiencies of the era of which I was a youth. And I ask for an Aye vote. This is a reasonable way to treat a misdemeanant in this class of an offense. The other classes, the supervisions, are automatically entitled to -- to supervision and should have the benefit of a sealed record. This is truly a second chance. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton, to close.

SENATOR CULLERTON:

There's a lot of protections built into this bill. We worked it very hard. We -- we spent time with the Retail Merchants to get their neutrality. The State's Attorneys have signed off. It is about a second chance. I -- I -- we've even corrected the bill, which has already passed, to make a distinction between those people who've been convicted and those who've just been not convicted, but charged. And so, I really think it -- it's an easy vote Aye. Please vote Aye again.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 788. 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 30 Members voting Yes, 26 Members voted No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 788, and the bill is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

declared passed. On page 2 of the Supplemental Calendar, Senate Bill 989. Senator Obama. 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 989.

The motion, by Senator Obama.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill comes over -- I sent a shell bill over that was attached by Representative Daniels and Representative Biggins. What it does is it deals with the developmentally disabled and it -- it permits, doesn't require but permits, the Department of Public Aid to utilize Medicaid dollars to encourage the developmentally disabled into community-based settings and other settings other than institutions. I know of no opposition. It's something that encourages the sort of community-based -- encourages the sort of community-based programming that I -- I think we're all seeking, and I'd 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)

Indicates he'll yield.

SENATOR RIGHTER:

Senator Obama, I'm going to ask you to walk me through the bill a little bit. This bill, it's my understanding, left this Chamber as a shell and then was run through Executive Committee tonight. What -- what will this allow the Department to do that it cannot do already?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

It's my understanding that there's some question as to their authority to place the developmentally -- disabled into noninstitutional settings. This makes clear that they have that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

authority and can use Medicaid dollars to do so. It also sets up a -- mandates -- it does mandate that DPA, in conjunction with the University of Illinois-Chicago, report to the Governor and General Assembly on the numbers of children that are eligible for home-and community-based services, the number that apply, the number receiving services, the nature of those services, the comparative costs of providing these services rather than services in an institution, so forth and so on. So, essentially what this really, I think, is doing is sending a message to the Department: We encourage you to look at options other than institutionalization for the developmentally disabled. And -- but it does not require them to do so.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

But, Senator, we have thousands of individuals who are developmentally disabled who are living in community-integrated living arrangements now. How are they being placed there if the Department is not doing that already?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Senator Righter, it is my understanding that children with developmentally disabled and severe -- and -- severely mentally ill or emotionally disturbed children, this applies to those who would not otherwise qualify for Medicaid but are still receiving - but are still receiving - State services of one sort or another.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter..

SENATOR OBAMA:

So, it would allow Medicaid dollars to be used.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Would -- would these -- I mean, is it your thought that these individuals be directed to CILAs or like facilities if they're not going to be put in State institutions?

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Obama.

SENATOR OBAMA:

Potentially, that is correct.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Senator, one last question. Things are moving very quickly. I understand that this is -- doesn't require the Department to do something, but at this point, it's difficult to tell exactly where everyone might be. I -- I appreciate your comment that you're not aware of any opposition. I mean, how much assurance can you give me that the people who do do the services, who help provide the CILAs, are going to be okay with this? Because they're the ones we're going to have to answer to when we go back home.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama, to close.

SENATOR OBAMA:

My understanding is, is that they, in fact, helped draft the bill. As you know, Representative Daniels has been heavily involved. This has been one of his major causes. He helped facilitate this, and so I believe that there's consensus that this is the right direction to go. And I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 989. 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. Having received the required constitutional majority, the Senate does concur in House Amendment 1 to Senate Bill 989, and the bill is declared passed. Senate Bill 1021. 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 1021.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Hold it. Take the bill out of the record, please. Senate Bill 1342. Senator Radogno. 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 1342.

The motion, by Senator Radogno.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is -- is a bill that tightens up the requirements when someone who has been found not guilty by reason of insanity is discharged from a mental facility. The House made five specific changes. It hasn't changed the general intent of the bill. If anyone's interested, I'd be happy to go through the details, but there is no opposition. And if there's no questions, I would ask for an Aye roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the -- shall the Senate concur in House Amendment No. 1 to Senate Bill 1342. All those in favor, 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 Member voted No, no Member voted Present. Having received the required constitutional majority, the Senate concurs in House Amendment No. 1 to Senate Bill 1342, and the bill is declared passed. Senate Bill 1543. Senator Radogno. 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 1543.

The motion, by Senator Radogno.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill created what was called the death review team for nursing home residents who died within six months of care

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

plan violations or to review situations where there was a confirmed sexual assault. The purpose was not to be punitive but to figure out ways that we could do things better. What the House changed was the name of that team, rather than death review team to abuse prevention review team. So, it carries out the nonpunitive intent of this 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 1543. 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. Having received the required constitutional majority, the Senate does concur in House Amendment 1 to Senate Bill 1543, and the bill is declared passed. Senate Bill 1650. 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 1650.

The motion, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Very simple. Amends the Juvenile Court Act. States that if a court has appointed a guardian ad litem that is a practicing attorney, it need not appoint a separate counsel to represent the minor in motions or petitions filed under the Act.

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 1650. 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. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

1650, and the bill is declared passed. Senate Bill 1701.
Senator Jacobs. 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 1701.

The motion, by Senator Jacobs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the
Senate. This was number three hundred and ninety-seven of the
shell bills, I think, that we sent over. It come back. It
amends the Chicago Pension Fund Articles of the Illinois Pension
Code. What it does, it -- we have been codifying, since 1987,
the agreements between the Chicago pension funds and the City of
Chicago. House Amendment 1 and House Amendment No. 2 {sic} both
deal with that. One -- one is between the four Chicago pension
funds - the Chicago -- Municipal, the Chicago Laborer, Chicago
Police and Chicago Firemen's Fund. And the other one deals with
the Chicago Municipal and Laborers Pension Funds shall make
payments to retired, noncertified employees of the Chicago Board
of Education for the -- purpose of subsidizing the cost of their
-- group health insurance. It's agreed upon by the City of
Chicago and the pension funds. I know of -- known opposition
and I ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Brady.

SENATOR BRADY:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR BRADY:

Senator Jacobs, if I understood you correctly, on the issue
of the Chicago Teachers Pension Fund, what this legislation does
is it takes money out of the Chicago Teachers Pension Fund and
gives it to the City of Chicago. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Let's see here. Yes, for the purpose of subsidizing the cost of their group health insurance.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Now, years ago -- eight years ago, the federal government said we couldn't do that with the -- with our pension systems in this State. Are you -- you sure this is legal?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Could we go for two out of three? You're a gambling man, I know, Senator. Ladies and Gentlemen, I would caution you that this may not be legal. I would also suggest to you that we've already put at risk the five State pension funds in the State of Illinois with, as Senator Jones says, the boon -- or "bonddoggle". This simply takes money out of the Chicago Teachers Pension Fund, which is well funded, but that doesn't mean we should raid it. And I think that we should look at this cautiously. It's my understanding that the Members on this side of the aisle who voted for this in committee did it because they wanted to move, in an expedited fashion, issues through. So, I just suggest everyone look at this closely and consider the fact that this is reducing the equity that has been built up in the Chicago Teachers Pension Fund and then possibly putting them at risk. And you know what happens if that happens: We're going to bail 'em out with General Revenue. So, please look at this cautiously.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment Nos. 1 and 3 to Senate Bill 1701. 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 32 Members voting Yes, 25 Members voted No, no Member voted Present. Having received the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

required constitutional majority, the Senate does concur in House Amendment Nos. 1 and 3 to Senate Bill 1701, and the bill is declared passed. On page 3 of the Supplemental Calendar No. 2, Senate Bill 1912. Senator Demuzio. 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 1912.

The motion, by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Amendment 1 to Senate Bill 1912 is a bill that says that no health care employer -- I'm sorry, that no -- shall employ anyone with direct duties for care for patients who has been convicted of certain crimes which includes aggravated domestic battery and a number of others. No criminal -- it's a -- a bill from the Department of Aging. I know of no opposition. Be happy to answer any questions.

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)

He indicates he will yield.

SENATOR RIGHTER:

Senator Demuzio, what burden of proof is on the person who is doing the hiring to see whether or not an individual who they're considering bringing on board with their facility has been convicted of one of these offenses?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

We couldn't hear the question. We heard the first part.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, I know everybody's anxious to go home. We only have one or two more bills yet. Senator Righter, please repeat the question.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR RIGHTER:

Senator, the question was, what duties or what does the potential employer have to do in order to satisfy whatever burden of proof may be to ensure the person they are looking to hire is not convicted of one of these offenses? I mean, do they have to go to the police department and request a criminal background check? Do they just simply have to give 'em an application form that says "Have you been convicted of any of these?"

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, as a matter of fact, that is permissive under this bill; that, in fact, a UCIA, of which is current law, criminal history record need not -- need not be redone for health care employees who have been continuously employed by the health care provider since January the 1st, 2004. It's -- this bill's only applicable to the new ones. Current law does afford, I am told, the opportunity for a -- a background check with the -- with the local law enforcement agency.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1912. All those in favor, 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 52 Members voting -- 53 Members voting Yes, 2 Members voting No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1912, and the bill is declared passed. Senate Bill 1915. Senator Hunter. 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 1915.

The motion, by Senator Hunter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you, Mr. President. Amendment 1 to Senate Bill 1915 creates the offense of criminal trespass to a place of public amusement. Criminal trespass to a public amusement deals with knowing and -- without lawful authority it enters and remains on portion of the place of public amusement. It expands the areas covered, such as the playing field and the athletic surface and stage. The penalties is a Class 4 felony with a minimum of one thousand dollars' fine. I ask for concurrence to this legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion, other than the whistling the theme to "Bridge Over the River Kwai"? The -- the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1915. 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 Members voting No, and no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1915, and the bill is declared passed. Ladies and Gentlemen, we will proceed to the top of page 1 of Senate Supplemental Calendar No. 2. With leave of the Body, we will go to Secretary's Desk, Resolutions. House Joint Resolution 13. Senator Watson. Mr. Secretary, read the resolution.

ACTING SECRETARY HARRY:

House Joint Resolution 13, offered by Senator Watson. There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. You may have been a White Sox fan, but you couldn't have been a very good one because that was "Take Me Out to the Ball Game", not "Bridge Over the River Kwai". House Joint Resolution 13 designates the north and southbound bridges on Illinois Route 51 in Decatur as Korean War Veterans Memorial Bridge. And they're having a -- having a celebration this summer due to the fiftieth anniversary of the Korean War, and this is a resolution that will honor those veterans.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? The resolution requires a recorded vote since it does spend money for signage. The question is, shall House Joint -- Resolution 13 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Members voting Yes, no Members voted No, no Members voted Present. House Joint Resolution 13, having received the required constitutional majority, is declared adopted. Ladies and Gentlemen, Supplemental Calendar No. 3 has been passed out. It should be on your desk at this time. We will begin at the top of the Order, Secretary's Desk, Concurrence, Senate Bill No. 4. Senator Obama. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 4.

Motion filed by Senator Obama.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know it's getting late, but I'm very proud of this bill. We passed out, originally, Senate Bill 4 fairly early in the Session with a -- on a unanimous roll call. It eliminated the sunset of the earned income tax credit, a program that's put over one hundred million dollars in tax breaks into the pockets of the neediest working families in Illinois. As many of you know, the federal earned income tax credit has been judged by people like Ronald Reagan as the most successful poverty program on the books. At the federal level, we have a refundability provision. What that means is, is that, potentially, working families could have not just their income tax offset but also some of the sales and property taxes that they pay offset through the earned income tax credit at the federal level. We don't have that, up until now, at the State level. We had played with the idea of setting up a refundability provision at the State level but our concern was potentially that it would be too costly in this current budget environment. It turns out

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

that over in the House what they identified was is that we have a maintenance of effort requirement under TANF - TANF being the welfare program at the federal level - and if we don't maintain our maintenance of effort, if we don't spend a certain amount of money on TANF, then, in fact, not only do we lose money that we would otherwise receive from the federal government but we actually have to pay a penalty. As a consequence, we have discovered that states -- a number of states across the country have used the earned income tax credit refundability as a portion of their maintenance of effort for TANF as required by the federal government. Here's -- here's the bottom line: We can now create a refundability mechanism that will give an additional twenty-eight million dollars in tax breaks to the lowest working -- lowest-income working families in Illinois, typically families making fourteen thousand dollars or less for a family of four, and we can do that in a way that ultimately saves us money, because if we don't do it, we're not going to be able to meet the maintenance of -- effort requirements; we're going to have to pay twenty-eight million dollars, the cost of this earned income tax credit, in lost money to the federal government and we'll have to pay an additional twenty-eight million dollars in penalties. I'm getting the hook from my colleague, Senator Ronen, but it's a complicated bill. I know we didn't have a hearing on it in committee. I just want to emphasize that this is actually going to save the State twenty-eight million dollars. I would urge an Aye vote, and I welcome any questions that people may have.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR WATSON:

What committee was this heard in, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

The Committee of the Whole.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yeah. Well, I guess all of these on the Calendar No. 3 -- Supplemental Calendar No. 3, not one of 'em went into Rules. None of 'em -- went into Rules, but none of 'em went into a substantive committee in which it should be heard. This is not probably the manner in which you would normally conduct yourselves. But having known what went before us, what should I expect?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I rise in support of this important legislation. I believe, to summarize and echo, that it accomplishes two important things. The -- the refundable earned income credit drives up individuals' income to -- to help them start up the ladder of economic self-sufficiency, and it also drives up our maintenance of effort to recapture federal TANF dollars. Especially on the Republican side of the aisle, I believe that it was Ronald Reagan who started this at the federal level decades ago, so let's vote one for the Gipper.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 4. All those in favor, 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 Member voted No, no Member voted Present. Having received the required constitutional majority, the Senate has concurred in House Amendment No. 1 to Senate Bill 4. The bill is declared passed. Ladies and Gentlemen, we are very fortunate to have the Speaker of the House on the Floor, Speaker Michael Madigan, and even more fortunate to have his beautiful wife, Shirley Madigan, on the Floor as well. Senator Wendell Jones, for what purpose -- all right. Senate Bill 212. Senator Clayborne. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 212.

The motion, by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you -- thank you, Mr. President and Members of the Senate. This is a bill that passed out dealing with SWIDA, and I'm sure the Republican Leader on that side is going to support this bill as well. So, it's a good bill. Two changes were made over in the House. One, to make sure that this is a bipartisan effort, I added language for Senator Wendell Jones, for Palatine, and -- and to be consistent, I also added language for John Jones to make sure that Clinton County was a part of this bill so that they can participate in SWIDA and have a voting Member as well. I ask for your -- favorable vote, since I helped the Jones' brothers on the other side.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you very much, Mr. President and Members of the Senate. We discussed this when it went out of here. It had -- this was a beautiful thing. It had -- it had two TIFs in Palatine, one in Mt. Vernon and one in Crestwood. When it wound its way back, it had two from Palatine and the rest of it in SWIDA. So, I -- I really think this is probably a good way to end the evening's festivities, with this fine, bipartisan effort between my good friend from southern Illinois. And my friends in Palatine thank you, my wife thanks you, and my -- everybody thanks you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Frank Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. Just so you know that people actually do listen to us, after I made my comments a moment ago about the fact that all these bills on the Supplemental Calendar No. 3 probably weren't heard in committee, John Valenti from the RCGA called me on the cell phone and said, "Senator, the next bill, 212, was heard in Executive Committee."

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

So, John -- John's doing a good job. Congratulate him. Hope you'll help Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 212. 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, 48 Members voted Yes, 8 Members voted No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 212, and the bill is declared passed. Ladies and Gentlemen, we are fortunate to have the Lieutenant Governor of the State of Illinois, Pat Quinn, on the Floor as well. Welcome to the Senate, Lieutenant Governor. Senate Bill 706. Senator Garrett. 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 706.

The motion, by Senator Garrett.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Mr. President. This is an amendment to allow for an inspector general for the Secretary of State's Office.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any -- is there any discussion? If not, the -- I'm sorry. Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield.

SENATOR RIGHTER:

Senator Garrett, what did this bill look like when it left the Chamber the first time?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I -- can you -- can you just repeat the question?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter, repeat the question, please.

SENATOR RIGHTER:

Is this -- is this bill in the same or substantially the same form it was when it left this Chamber?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I believe it was not.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

What are the differences that were put on by the House?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I'm sorry. Can you just repeat it one more time? I'm just having...

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, could we please have a little quiet? The speaker -- the sponsor cannot hear the questioner. Senator Righter.

SENATOR RIGHTER:

Senator Garrett, staff has advised me that we literally received this about twenty minutes ago. Can you walk through the differences in the bill now as opposed to when it left the Chamber the first time?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

The way -- Senator, the way I understand it, it was a shell bill when it left the first time. It's an inspector general for the Secretary of State.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford, Senator Righter has the Floor. Senator... You're out of order. Senator Righter, do you have any more questions?

SENATOR RIGHTER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Thank you. Senator Garrett, let me try this way. I think Senator Demuzio had a -- an inspector general bill for the Secretary of State's Office that we had passed out of the Chamber earlier. Maybe you can tell me how it differs from his legislation. I mean, I guess I'm looking for a little meat here, a little guts of what's in the bill. I understand that it's late and everything like that, but inspector generals have been topics of interest in the Secretary of State's Office in the past few years, and I -- I -- I think that we're entitled to get some detailed explanation about what the bill does.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, the way I understand it, this is the -- almost identical bill as Senate Bill 13 in organizing the framework for appointing an inspector general for the Secretary of State's Office in the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

You know, Senator Garrett, we had a piece of legislation that came through the Senate, oh, a couple, three hours ago, I think, with regards...

PRESIDING OFFICER: (SENATOR WELCH)

Excuse me, Senator Righter. One second. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, I rose to speak, Mr. President, on this bill and...

PRESIDING OFFICER: (SENATOR WELCH)

Oh, I thought you wanted immediate attention. I'm sorry. Senator Righter, please continue.

SENATOR RIGHTER:

Perhaps Senator Demuzio could answer my question about how this bill differs from the bill that we passed out of the Chamber a little earlier.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Yes. In consultation with one of my chief advisors from the House over here, it's my understanding that this was, in fact, the Secretary of State bill that I had last year and this year, went over to the House. It is a bill that says that the -- that the inspector general for the Secretary of State, with the advice and -- of the -- of the Senate. It also provides, as I recall, a number of -- of provisions in there for -- for the inspector general to have some police powers for some of his -- for some of his staff as well. And it is not a departure from anything that we have not seen in the last couple of sessions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter, could you wrap it up, please?

SENATOR RIGHTER:

Certainly. Senator Garrett, I would say a couple, three hours ago, I think, we passed out of the Chamber an inspector general's bill for the Tollway Authority, and in that legislation, there was a provision that prohibited the inspector general from doing any investigation or subpoenaing of any documents that had to do with collective bargaining agreements, even if the collective bargaining agreement or someone involved in it was the subject of the investigation. Your legislation appears to have the same exact language. Can you tell me why you think that's necessary to have it in there, especially considering the fact we could be in a situation where we're trying to investigate that kind of fraud and the inspector general's going to be blocked from doing that? Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Any further discussion? If not, the question is, will the Senate concur in House Amendment No. 1 to Senate Bill 706. That was a question? All right. Senator Garrett.

SENATOR GARRETT:

Senator, I think what we're doing is establishing some continuity and consistency with the appointment of the inspector generals, and it makes sense to me. I don't see this as, again, any conspiracy theory. This is something that actually makes sense, to have the consistency that we may not have had in the past. So, I ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 706. 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 47 Ayes, 9 Noes, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 706, and the bill is declared passed. Senate Bill 740. Senator Carol Ronen. 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 740.
The motion, by Senator Ronen.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Carol Ronen.

SENATOR RONEN:

Thank you, Mr. President. Senate Bill 740 is related to Mount Sinai Hospital and it allows -- it permits it to become a children's hospital for purposes of Medicaid reimbursement. Mount Sinai is a major, wonderful, a great institution in the City of Chicago, and major provider of pediatric care. It includes a facility devoted exclusively to caring for children, and based on its pediatric volume, its specialized services and the amount of care provided to Medicaid child patients, Mount Sinai clearly qualifies for children's hospital status. I'm anxious to answer any questions and to point out that my -- my -- my co-proponent is Senator Rauschenberger, who has been eager to -- to speak all night. I'd love to hear from him.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Well, I'm going to be an opponent unless this answer to my question is correct. So, I -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR CULLERTON:

I'm qualifying as an opponent to this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Yes. Chair understands.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR CULLERTON:

The Department of Public Aid has indicated this provision only applies to Mount Sinai Hospital, and I understand that no Medicaid provider will receive less reimbursement as a result of this bill. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Ronen.

SENATOR RONEN:

That is correct, Senator Cullerton. May I call you now a proponent?

PRESIDING OFFICER: (SENATOR WELCH)

Then that would be your second person. You'd better not call him that. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Boy, it's pretty exciting, speak as a proponent here tonight. I just want to compliment the sponsor. This is one of those things that, unfortunately, emerges late in the Session. It really could have come about a lot earlier. It was included in a couple of other bills and then removed. Mount Sinai Hospital clearly is, I think, the second-largest provider of pediatric services in the State. The Senator is exactly right: It does not divert any money from any other provider. It's probably about twelve and a half minutes' increase in the payment cycle, so that's essentially where the funding comes from. I appreciate her bringing it forward and would endorse Members on both sides of the aisle supporting this.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 740. 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. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 740, and the bill is declared passed. Senator David Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Point of personal privilege.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR D. SULLIVAN:

Mr. President, Ladies and Gentlemen of the Senate, in the last couple days we've been joined by several of our former colleagues in the gallery, and at this late hour, I'd like us to welcome former Senator Bill Mahar, in the gallery up above the Republicans.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Mahar, nice to see you. Senate Bill 742. Senator Trotter. 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 742.

The motion, by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

...very much, Mr. President, Members of the Senate. Amendment No. 1 to Senate Bill 742 establishes the Human Services budget implementation bill for the year 2004. The passage of this bill is necessary to make the substantive changes necessary to implement the budget of 2004. Included in here is language which will allow the pharmaceutical services to be paid from the U of I Hospital Services Fund. It has language for the Family Care Fund, which will require that the federal financial participation dollars that have not been deposited into this Fund be so. It -- it increases the age in which a child can qualify for Federal Supplemental Social Security Income, called the Katie Beckett waiver. It has nursing home rate changes. It allows the Department of Public Aid to establish a new intergovernmental transfer program for nursing home facilities that are either owned or operated by a county, a township, a municipality or hospital district. It allows for no rate increases or updates for inflation in nursing home rates before July 1, 2004. It also allows federal funds to be received by State universities to be deposited into the Public Aid Recoveries Trust Fund -- uses. It -- allows for all funds received by the State -- Disbursement Unit to be deposited into

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the State Disbursement Unit Revolving Fund, as established by the Illinois Department of Public Aid. And it also allows for the Department of Public Aid, by rule, to establish a separate rate methodology for long-term care facilities provided by hospitals. Its final provision allows for payments to be made to the Regional ADA Centers to be effected by the Department of Public Aid. That will provide enhanced payments to three centers: the Rush-St. Luke's-Presbyterian Hospital, SIU School of Medicine and the Northwestern Memorial Hospital. And I'm available for any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. I'm going to stand and rise in support of this. I did speak to Senator Trotter prior to this so we didn't have any surprises. One of the points that he mentioned in it was the fact that the hospitals are going to be able to develop a methodology for payments in regards to their long-term care services. Last year this Assembly, both in the Senate and the House, passed unanimously a methodology for long-term care called the Minimum Data Set. I would hope that as the Department of Public Aid works with the Hospital Association, we would continue that same philosophy, in regards to the hospitals and their long-term care, to utilize the MDS. As a -- as a reminder to our -- our folks here tonight - and again, I -- I am standing in support of this, because there was some discussion earlier in this Session about possibly trying to derail the implementation of the MDS - this Senate passed unanimously, the House of Representatives passed unanimously, every long-term care association in this State stood in support to implement the Minimum Data Set. We put into that law a two-year hold harmless so there would be no one that would be negatively affected by that. The Department of Public Aid did file the -- I'm sorry, did file the emergency rules to meet their posting deadline for the federal requirements to meet our State law to be in effect July 1st. I've spoken to Director Barry Maram, who I will say has been extremely cooperative in working with all sides on this debate. I am led to believe that the rules they're going to file in regards to long-term care will come to meet this

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

statutory deadline set by this Assembly. I also want to thank Andy McCain -- I'm sorry, Andy Kane, from the Department of Public Aid, and their extra efforts there. Recently there have been, within the last few weeks, some who have attempted to try to derail the timing to implement the Minimum Data Set. We've gone through discussions. We have all agreed that we are not going to derail that. We have agreed that we're going to implement it per the July 1st deadline. There have been some that have looked to bring in a provider tax, which means a granny tax. There's been discussions, multiple occurrences from both the Democrats, Republicans, House and Senate and the Department of Public Aid. There is nothing in this implementation bill - Senator Trotter, I agree - nor in any appropriation bill we've tried to present that would present a granny tax. I just want it to be very clear to those who are pushing to try to change what we have agreed to a year ago: We are vigilant, we are watching, we are looking to put the reimbursement to our nursing homes to follow the medical need of the resident. Those with the most medical need, the most frail, will get the dollars. We all want to help the elderly and the most frail of our society. Be aware, we're going to be watching. Let's continue, as we have all unanimously agreed last year. Senator Trotter, this implementation bill is a good piece to go forward. Let's continue to do it for the elderly and not let things change, as some have tried to do before. I stand in support of this piece of legislation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much, Mr. President. Thank you, Senator Rutherford, for such thoughtful comments. As pointed out, to my knowledge, there is no intent by the Department to do anything - anything other than what you have stated at this time, and I ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 742. 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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the record. On that question, 57 Members voted Yes, 1 Member voted No, and no Members voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 742, and the bill is declared passed. Ladies and Gentlemen, there will be an -- an immediate meeting of the Senate Rules Committee in the Anteroom behind the President's podium. Senate Bill 744. 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 744.

The motion, by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Again, Members of the Senate, as we continue with trying to move this budget process forward and to move and to continue and finish our work by midnight, what we have before us now is enabling language to implement the 2004 budget relative to education. The -- the short script is that it eliminates the gifted education program. It deals with the transitional assistance payments. It ensures that it increases the general State aid from forty -- four thousand eight hundred and ten from four thousand five hundred and sixty, the two-hundred-and-fifty-dollar increase. It creates and changes the supplemental general State aid poverty grant changes. It addresses the charter school funding and adult education formula changes to the community colleges. And it deletes the existing ITEACH teacher shortage program and creates the Illinois Future Teachers Corps Program. And if there's any discussion, I'm here for questioning.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President. I rise in support of Senate Bill 744, the implementation bill, but I would like to offer a few observations, please, about the bill itself and then something about the process, if I may. There are good -- good things in this bill: the -- the transition aid; the -- the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

level in the school funding formula increased the two hundred and fifty dollars; the financing for charter schools - that was -- that's a nice feature of this bill; the teacher shortage scholarship changes. All in all, I think those are -- are very meritorious. There's a few concerns I have and just want to make sure they're there for the record. We are eliminating the gifted program. Not zeroing it out; we're actually eliminating the language, which is a little confusing to me, why we need to do that. The new poverty grant formula I think is somewhat troubling because what it does is it looks at sort of a moving average and it tends to funnel more money into traditional poverty areas, like the City of Chicago, and poverty is finding its way into many communities across the State. And so, I think there's a little bit of a bias there. I also would like to point out that the community colleges here, the Community College Board, it specifically says, shall award a deferred maintenance grant to the City Colleges of Chicago only. I don't know why that's in there, but -- but I guess, you know, it's like making sausage. There's good parts and there's bad parts. Finally, if I may, I'd just like to offer just a thought about the process, and I think, you know, the result I'm coming to is that the education budget is a -- is a -- is a pretty darn good one, in light of all the challenges and problems that we've had this year. I feel sort of left out, in some respect. I think I share that concern with many of my colleagues. You know, if you look back at the history of our debate on education and the funding, first we had the approp bill. We were pretty much in the dark about that. There was conflicting information between the Administration, State Board, superintendents back home. Then we got the supplemental. You know, there's no revenue source, there's Member-initiative language in it, and now the Budget Implementation Act. I only offer that because when we were in the committee, you know, the Administration officials that were there were either ill informed, unprepared or both. I only offer these observations because I want to vote Yes. I want to be a supporter of education. You know, be fair to us. We're legislators. We're an equal branch in government here, and we're ready, willing and able to -- to join shoulder to shoulder and support good policy and good healthy funding for education. But

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

it -- it's a shame that the process sort of left us in the dark. Having said all that, this is a good bill. This is our chance to vote Yes. Please, let's see some green votes up there.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to close

SENATOR TROTTER:

Thank you very much. Thank you very much, Senator Cronin. Just to address the -- one of your concerns or cover your concerns, the one dealing with the gifted program. In this language, the gifted program is eliminated; however, because we have put more dollars in the general school aid formula, there is more -- there are dollars there for the individual school boards in the school districts. If they decide that it's a priority, they can fund it through those additional dollars. On the adult education formula, what happened with -- with the -- the Illinois Community College Board, along with the Chicago City Colleges, is that there was an agreement that they would change their -- reimbursement formula, and that was done because they also wanted the City Colleges to remain harmless. As a consequence of the -- the influx of -- of many minorities and people who speak a foreign language, the City Colleges have an inordinate amount of individuals who have to take bilingual classes, and those dollars and those costs were put into this language. So, with that, as stated by Senator Cronin, this is a wonderful bill and it's something that we all can vote on.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 744. 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, 55 Members voted Yes, 3 Members voted No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 744, and the bill is declared passed. Senate Bill 787. Senator Cullerton. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment 1 to Senate Bill 787.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

The motion, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The Illinois Supreme Court has held that court reporters do not have collective bargaining rights under the Illinois Public Relation -- Public Labor Relations Act because of a separation of powers, a constitutional issue. So this House Amendment No. 1 provides collective bargaining rights to court reporters while remaining in compliance with the Supreme Court's holding. It amends the Court Reporters Act, rather than the Illinois Public Labor Relations Act. It ensures that in collective bargaining disputes, Supreme Court will not be compelled to submit to the jurisdiction of the State Labor Relations Act. And it therefore doesn't raise the separation-of-powers issues. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. May I ask the sponsor if he'd be kind enough to explain sort of the genesis of this bill, and -- and -- and why we're attempting to unionize the court reporters?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, the -- the amendment requires the Supreme Court to bargain with an exclusive bargaining representative of the court reporters over wages, terms of conditions. It mandates the court to recognize an exclusive bargaining representative of all persons employed as court reporters in this State and then have an election. The reason why we have to do it this way is because the Supreme Court themselves, in a 1995 Supreme Court decision, said that court reporters do not have collective bargaining rights, which they normally would, under the Public Labor Relations Act because of the separation-of-powers concern of the Constitution. So, it's a unique case. The Supreme Court themselves are the ones that employ the -- the court reporters,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

and as a result, to allow them to unionize, if -- if they wish, through an election, you need to do it by amending the Court Reporters Act, rather than the Illinois Public Labor Relations Act.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin.

SENATOR CRONIN:

Yeah. I'm just -- so you've thought this thing through and you think that we can -- carefully crafted, we can override or skirt the Supreme Court's decision. I believe that was the AIOC {sic} (AOIC) versus Teamsters 726. Because we have some concerns on this side of the aisle that you've got a separation-of-powers issue, and we're -- right. And you -- you've carefully navigated this and -- and you think this accomplishes your goal?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. We're well aware of the Supreme Court decision. That's why it's -- it's drafted the way it is. The Supreme Court is aware of the language. It -- it amends the Court Reporters Act, rather than the Illinois Public Labor Relations Act. Okay? Provides for advisory, nonbinding arbitration if there's a dispute. It -- and initially we talked about having each local jurisdiction do the negotiations, like the -- in Cook County, the Cook County Chief Judge. Instead we -- we changed it to having the Supreme Court be the one that would do it. So it's not a violation of separation of powers.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cronin, please wrap up your comments.

SENATOR CRONIN:

Just for the record, our position here is that if it's not certified by the National Labor Relations Act, I don't know that you can circumvent the issue. And I appreciate your attempt. And for the record, I wanted to make that note.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR RIGHTER:

Senator Cullerton, I -- I guess I'm not quite clear on how this legislation, if became law, will remedy the separation-of-powers problem that the Supreme Court says we already have.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Because the bill amends the Court Reporters Act, rather than the Illinois Public Labor Relations Act. So that in collective bargaining disputes, the Supreme Court will not be compelled to submit to the jurisdiction of the State Labor Relations Board.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Is there anywhere else in Illinois statutes that you can think of, Senator Cullerton, where we put in a provision with regards to collective bargaining?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

...courts. Of course not. It's the Supreme Court. You know why. These people are employees of the Supreme Court. That makes it unique. The Supreme Court said, in their own decision, you can't organize under the Illinois Public Labor Relations Act, because they then would be the ultimate -- ultimate decider of any disputes. So we're putting it in the Court Reporters Act and having binding arbitration -- I'm sorry, advisory, nonbinding arbitration to resolve the disputes. That's why. It's not a conspiracy. It's not a trick. It's the best way to do it without violating the separation of powers.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Yeah. Thank you, Mr. President. Senator Cullerton, I'm just asking. I mean, we've had discussions in this Chamber throughout the Session about the -- the importance of a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

independent Judiciary. And my concern is, is it not the Supreme Court's venue to decide -- or, decision to decide how they're going to handle the court reporters with regards to their employment? I mean, is not the Administrative Office through the Supreme Court already the entity that dictates terms of employment and issues like that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, the problem is that what they're decision in '95 said is that the court reporters don't have a right for collective bargaining rights under the Public Labor Relations Act. So, if they don't have it under that Act, there's nothing in statute that authorizes them to have bargaining rights. So, therefore, we have to create it. And we're creating it, and it is unique because it's the Supreme Court, because the separation-of-powers issue only comes into play when the Supreme Court employees are the ones who are trying to organize.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 787. All those in favor, 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, 46 Members voted Yes, 11 voted No, and no Members voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 787. The bill is declared passed. Mr. Secretary, Messages from the House.

ACTING SECRETARY HARRY:

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 713, together with House Amendment No. 1.

We have like Messages on Senate Bill 723, with House Amendments 1 and 2; Senate Bill 1620, with House Amendment 1; and Senate Bill 1742, with House Amendment 1. (Senate Bill 362, with House Amendments 1 and 2; Senate Bill 821, with House

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Amendment 1; Senate Bill 1607, with House Amendments 3 and 5; and Senate Bill 1957, with House Amendment 1, all submitted in writing, but inadvertently not read into the record.)

All passed the House, as amended, May 31st, 2003.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has 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 36.

Adopted by the House, May 28th, 2003.

Message from the House by Mr. Rossi, Clerk.

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

House Bill 318, with Senate Amendment 1.

Nonconcurrent in by the House, May 31st, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Senate Bill 874. Senator Trotter. 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 874.

The motion, by Senator Trotter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Mr. President, Members of the Senate, this is the final budget implementation bill, and it addresses the omnibus revenues, as well as the language -- enabling language for the Administration. It changes the name of the Department of Commerce and Community Affairs to Department of Commerce and Economic Opportunity. It changes the name of the Bureau of the Budget to the Governor's Office to the Governor's Office of Management and Budget. It addresses bidding/contracting prohibitions. It -- it talks about the Illinois Art(s) Council, reconstituting the membership of the Illinois Arts Council. It has other highlights, which include allowing the Department of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Revenue to share delinquency/failure to collect Use Tax information from {sic} State agencies, add business processing reengineering to -- CMS duties, allows administrative costs to be paid from the Local Tourism Fund, transfers the Workforce Investment Act and the Trade Adjustment Act programs from Department of Employment Security to DCEO. It established the Debt Collection Fund and the Efficiency Initiatives Revolving Fund. It continues funding for the Secretary of State and State Police from the Road funds at FOY3 {sic} levels, and it addresses fee collection consolidation. And if there's any questions, I'm available to answer.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I -- I -- I think this is truly a historic bill, and everyone ought to enjoy the four short minutes while I talk about it, maybe check your computer to see some of the things in this bill. They're truly groundbreaking things that I've never seen before. On page 4 through 6 of the bill, it creates a new information technology structure, supporting the Executive Order on those. It permits the transfer from all other agencies of State government, without legislative authority, to the Department of CMS to be used for information technology or any other related costs or expenses of CMS, including the Road Fund could be tapped for this. So, without having to check with us, it gives CMS the authority to order the Comptroller and Treasurer to make transfers from agencies to CMS, not even limited to information, but to information functions or related costs and expenses of CMS. But this bill does more than that. This is truly groundbreaking. This bill also creates a really fascinating new energy initiative in State government, one that -- that's called, I think the -- Efficiency Initiatives Revolving Fund initiative. It permits the Director of CMS to order other departments to make expenditures from their appropriated lines for things that need to be paid for or might ought to be paid for, and these line items are to be paid even where costs are just anticipated to occur. In other words, CMS is able now to direct the action of agencies like the Department of Public Aid, -- DHS, and order

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

them to make expenses. So not only do we have a Governor's Office in charge with the Bureau of the Budget, we now have Central Management Services, apparently, in charge of the appropriated lines that used to be the authority of the General Assembly or used to be the responsibility of designated cabinet officers. Another groundbreaking thing in this bill - probably its most egregious action - is the way it deals with the fee increases that were passed in earlier bills. This bill, for the first time ever, permits the new Director of the Bureau of Management and Budget - John Filan's restyled himself now; he's no longer Director of the Bureau of the Budget, but now he's the Director of the Bureau of Management and Budget - it allows him to calculate - the word "calculate" is in the statute - what funds are necessary to meet the demands of funds that have been created by statute in the Treasury and gives him the authority to order the Treasurer and the Comptroller to transfer amounts he deems excess into the General Revenue Fund, essentially erasing any discussion of caps or responsibility by anybody else on what amounts are supposed to be there. Lord help us if John Filan ever calculates wrong. I guess we'll just have to raise fees again. But, you know, this bill transfers a tremendous amount of authority. It uses the term "notwithstanding any other law" half a dozen times in its structure. This bill is overreaching and frightening. I mean, I -- John Filan, you know, I'm not sure what he -- where he thinks he is, but this is not the Land of Oz. We have an independent legislature. We appropriate for good reason. We establish funds in the Treasury to allow for segregation of funds. When we have extraordinary circumstances, we give extraordinary authority. This takes the concept of extraordinary authority and basically vests it in the new Director of the Bureau of the Budget. I would urge all Members who believe in separation of powers to vote against this bill. This doesn't make sense. It's overreaching and it's wrong.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 874. 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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the record. On that question, there are 31 Members voting Yes, 27 Members voting No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 874, and the bill is declared passed. Senate Bill 1075. Senator Demuzio. 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 1075.

The motion, by Senator Demuzio.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What Senate Bill 1075 seeks to do here, it abolishes -- I think, seven authorities and combines them all into the Illinois Finance Development {sic} Authority. In creating the new Illinois Finance Development Authority, it would consolidate the following: the Illinois Development Finance Authority, the Illinois Rural {sic} (Farm) Development Authority, the Illinois Health Facilities Authority, the Illinois Research Park Authority, the Illinois Rural Bond Bank, Illinois Educational Facilities Authority and the Illinois Community Development Finance Corporation, and it would contain provisions that -- concerning industrial revenue bonds, venture investments, land - - land bank funds, local government, motion picture production, ag assistance, and a number of other items. What this, in fact, seeks to do is to consolidate all of these. Now, it's my understanding that a number of the individuals who are employed in these various facilities could very well be hired -- would be sought and could be hired into the new Illinois Finance Development Authority that's being established. It would establish a fifteen-member board appointed by the Governor with the advice and consent of the Senate and would also include a Venture Investment Fund which is similar or identical to a bond authority consolidation proposal that we saw in the former -- former Governor during his administration, but was never enacted. I would ask for your consideration.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Is there any discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. I just rise in opposition to this proposal. Again, an overreaching, I think, power grab here that may sound good on its -- on its face, but, certainly, I doubt that it'll accomplish what the sponsors feels that it might. Each of these finance authorities has developed over the years to serve a unique constituency. Certainly things like the Rural Bond Bank or the Illinois Farm Development Authority have specialized people that -- that know the lending needs of their constituents. We're going to lose that talent and that -- expertise in this kind of consolidation. Secondly, I don't think we're going to save any GRF money here, because, primarily, these authorities are self-funded and, also, they really don't generate any excess fees that can be, you know, skimmed off at five percent or seven and a half percent or eight percent, or whatever, to help run State government. One of the interesting things that's proposed in this consolidation now is to have the Illinois State Finance Authority develop a program for financing the production of motion pictures in the State of Illinois. I mean, that's going to be some great economic development now, that we're going to try to attract the motion picture industry to Illinois. But there's a caveat here. These projects shall require the approval of both the Illinois Arts Council and the Authority. Another interesting concept. I just think it doesn't make a lot of sense to do this. These -- these authorities are functioning well, serving the needs of their constituencies, doing an excellent job, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I also rise with real concerns about this consolidation. Consolidation sounds like a pretty good idea, and, you know, we -- we did some consolidation during the nineties. I think we spent nearly five months studying the concept of merging agencies into the new Department of Natural Resources. We, in the end, put that together carefully by

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

statute. We had extensive hearings on it. When we did the consolidation in the DHS, we also took a lot of time. I -- I don't think the sponsor's aware of this, but there's some real fundamental problems with this restructuring. In particular, the bill itself appears to call for the -- an additional twenty-three billion dollars in bonding authority, and I'll read the plain language. For those people who are interested, it's on page 112 of the bill, lines 13 through 17. The -- and it reads exactly, "The Authority may not have outstanding at any one time bonds for any of its corporate purposes in an aggregate principal amount exceeding \$23,000,000,000, excluding bonds issued to refund...bonds of the Authority or bonds of the Predecessor Authorities." The predecessor authorities currently have seventeen billion dollars' worth of outstanding bonds. That's a total of a forty-billion-dollar bond authorization. I've had people try to tell me English isn't English, and you can modify something in a -- in a phrase it's not in, but that's a forty-billion-dollar, new authorization. We submerge and lose the value of the Illinois Development -- Illinois Farm Development Authority and the Rural Bond Bank. This is, again, I think, an idea that may have some merit, but if it does, it would have merit in a -- in a time when we could have a hearing, we could discuss it, we could hear from the affected parties. We shouldn't have to do this in a rush, you know, at -- at quarter after 11 at night. This has nothing to do with implementing the budget and everything to do with consolidating power.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I rise to speak to the bill as both a cosponsor and as a bond lawyer who has worked with many of the agencies that are going to be consolidated. I do support the bill. I have read the language that Senator Rauschenberger raised, and, for the purposes of legislative intent, I would say that as a bond lawyer, while the language could be more clear, I would read it not as an expansion of the bond authorization, but as a directive that it excludes bonds of this Authority or predecessor authorities, the refunding bonds of both. Just for

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the record, that's the way I would read it, as a bond lawyer. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1075. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Members voting Yes, 25 Members voting No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1075, and the bill is declared passed. Senate Bill 1601. Senator Cullerton. Read the motion, Mr. Secretary.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment 1 to Senate Bill 1601.

The motion, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I wonder if I could defer to my cosponsor, Senator Harmon, on this bill. This bill needs a -- a -- a bond lawyer to...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I rise, again, as a cosponsor and as a bond lawyer. Senate Bill 1601 left our Chamber as a -- a cleanup bill that modernized the various provisions of our public finance laws. The House amendment amends the State Finance Act and the Bond Authorization Act. And, again, it continues in the vein of modernizing the public finance practice. Essentially what this does is it permits the State to issue variable rate general obligation bonds, just as the State can now issue variable rate Build Illinois bonds, just as all the major bond agencies in the State can issue variable rate bonds. Home rule units can issue variable rate bonds, and most of the -- the -- the financially more sophisticated states can

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

do this already. It also permits other governmental units -- it essentially levels the playing field so that all governmental units have another tool in their portfolio of prudent debt management tools. A necessary complement to the variable rate authorization is the authority to enter into interest rate protection agreements in order to manage the interest rate risk. There are three practical results from this that are important. First, variable rate debt is an important component of a debt portfolio. This bill has a hard limit of twenty percent variable rate exposure. Second, because of the interest rate exchange agreements, we can enter into variable rate debt, in conjunction with that sort of -- of vehicle, and create what's called a "synthetic fixed rate" that is oftentimes much, much lower than the true fixed rate. And finally, it keeps the market honest. If we go to the market and they know we can only sell fixed rate bonds, the price will be a bit higher than if they know we have variable rate authority in the portfolio. This is a prudent management tool. It brings Illinois into the modern age, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I -- I rise in reluctant opposition. I do want to compliment both the prime sponsor and the cosponsor for graciously coming over and walking both Senator Brady and I through the -- the concept. In many ways, I think this concept is good for the State of Illinois, and I think Senator Harmon has the best intentions of the world, as does Senator Cullerton. I guess couple of things do bother me and I -- I need to raise them again. You know, there are reasonable people over here. We were supportive of the Earned Income Tax Credit. There's no reason that good ideas like this can't stand the light of day. They don't need to be done at twenty minutes after 11 at night, because even if they are exactly right, there's no need to raise the suspicion of -- of reasonable people trying to do the State's business. The very fact that we're pretending that this is part of the Budget Implementation Act and limiting this to two speakers and kind of hurrying this through in the dead of night without hearings,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

without people having time -- no, this is not budget implementation. There is no reason we couldn't do this in Veto Session. I -- I think the concept's okay. From the three and a half minutes I had in review of the bill, the bill seems fine. I respect both the sponsors, but, I mean, this really isn't the right way to do business. And I would just caution my colleagues on this side of the aisle, you are voting, for the first time, to permit variable rate bonds for the State of Illinois. It's a tool used throughout business and through other units of government. It's not bad if managed appropriately, but perhaps if you look at the whole way this whole budget process has been managed, it may give you pause giving further authority to the Executive Branch.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. I must say first that I agree with Senator Rauschenberger on many of his concerns about the timing of this matter and so forth. And I also want to state that in no way, shape or form does my support for this measure indicate my support for what Senator Jones has called the bond or boondoggle. I will tell you that I think the sponsors of this legislation have done a good job in -- in drafting it. They've provided for some hedging in its nature and its sale, and I think it can help us. Other states use this, and I stand in support and intend to vote for the measure.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1601. 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, 48 Members voted Yes, 9 Members voted No, 1 Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1601, and the bill is declared passed. Senate Bill 1923. Senator -- Senator Rutherford, for what purpose do you rise?

SENATOR RUTHERFORD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Just for a point of personal privilege. I want to just -- you know, many of us have been young at one time, and many of us have been younger than what we are today. And there's a young man in the gallery by the name of Matt Jones, who is a young person that's had the opportunity to be recognized today by the Illinois State Jaycees as one of the ten outstanding young persons in the State of Illinois. I think it's appropriate to recognize this young man for his accomplishments. Matt Jones, congratulations.

PRESIDING OFFICER: (SENATOR WELCH)

Matt, stand up. Senator Soden, for what purpose do you rise?

SENATOR SODEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SODEN:

Mr. President and Members of the Senate, I would like to extend my most heartfelt thanks to each and every one of you for the courtesies and all of the help that you've given me since my arrival as the new kid on the block. I especially want to thank you for passing all the veterans legislation that has come before us, because I know it will be helping the veterans of this country and it will be an inspiration to those that are serving when they come home. So, with that, God bless you, have a great summer. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Senator Soden. Senate Bill 1923. Senator Demuzio. 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 1923.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1923 would centralize collection of past due receivables into a new Collection Bureau. As you know, over the years, the Illinois Audit Commission has been

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

continuing to indicate the number of past due receivables that the State has accumulated. What this would do is -- and there have been several ideas as to how to go about collecting that debt. What this would do is, it would sunset each of the agencies' authority to adopt rules regarding payment plans and offsets. It would develop in the Department of Revenue the -- a -- Collection Bureau to assume collection responsibilities. And it would afford a new Debt Collection Fund to be created in a special fund in the State Treasury. I would ask for your support.

PRESIDING OFFICER: (SENATOR WELCH)

Any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just three questions for the sponsor. But first of all some background. Currently, Ladies and Gentlemen, the Debt Collection Board has the responsibility and authority to manage and collect our debt. The Comptroller leads the effort, assisted by the Attorney General so he can't be sued, and the Governor and -- through CMS so that he has maximum authority. Illinois has an abysmal record of collecting its debt. According to the most recent accounts receivable report, we have four billion dollars in certified worthless debt. And in 2002 alone, three hundred and thirty-four million dollars was written off. Just thrown away. If we had sold it for just one penny on the dollar..

PRESIDING OFFICER: (SENATOR WELCH)

Senator, that is dilatory. You've given that same speech five times on the Floor of the Senate. Please.

SENATOR LAUZEN:

I have a question.

PRESIDING OFFICER: (SENATOR WELCH)

Then ask it.

SENATOR LAUZEN:

Wait. I'm on the clock, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, you're also being..

SENATOR LAUZEN:

Five minutes.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

...dilatory with twenty -- thirty-five minutes left. Ask a question.

SENATOR LAUZEN:

You know, I've worked here for -- I've worked here for eleven years.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, ask a question. You're being dilatory.

SENATOR LAUZEN:

The question, then, is now that we have such a tremendous mess in this area, has the Comptroller given up trying to manage his responsibilities to collect this debt? We're changing it from the Comptroller to the Department of Revenue, which represents one-quarter, nine hundred and eighty-three million dollars, of the mess. It's a legitimate question. It's background. I'm on the clock.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Demuzio.

SENATOR DEMUZIO:

Senator, I -- I know that you were an unsuccessful candidate for -- for Comptroller. I also understand that you and I both share the same feelings about trying to collect this debt, because we are bona fide members of the Audit Commission, the oversight agency for the State of Illinois. You had a proposition, I think, last year. Audit Commission's talked about a number of these propositions over the years. This is this administration's attempt to try to collect some of the money that is due the State of Illinois. I think it's a laudable attempt. I think we ought to proceed with this. It seems to me that this is a credit to the administration. They want to go after and see how much money that they can collect that is owed to the State of Illinois, and I would urge your support.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, will the Senate concur in House Amendment No. 1 to Senate Bill 1929 -- 1923. 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? Could you push my button Yes? Take the record. On that question, there are 35 Members voting Yes, 19 Members voting No,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

no Members voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1923, and the bill is declared passed. Senator Lauzen, you did not have your light on. That's why you were not called. Senator Jones, for what purpose do you rise?

SENATOR E. JONES:

Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR E. JONES:

Tonight will probably mark the last roll call that one of our colleagues will take with us in the Senate. They will be leaving for greener pastures. We hate to lose him. He's a great southern Illinoisan a good friend. Many of you may not see him again in this Body as a legislator, but we -- we've enjoyed you, Larry Woolard. When you came over, you shedded those House old ways and became a great Senator. Good luck. God bless you, buddy.

PRESIDING OFFICER: (SENATOR WELCH)

Messages from the House. Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendments 1, 2 and 4 to Senate Bill 785, Motion to Concur with House Amendment 1 to Senate Bill 821, Motion to Concur with House Amendments 3 and 5 to Senate Bill 1607.

PRESIDING OFFICER: (SENATOR WELCH)

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 759, together with House Amendment 3.
Passed the House, as amended, May 31, -- 2003.

I have a like Message with respect to Senate Bill 869, with House Amendment 1.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Also passed the House today.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Woolard, for what purpose do you rise?

SENATOR WOOLARD:

Thank you, Mr. President. You -- you know, I'd like to -- I'd like to leave this Chamber believing that I made a difference. I'd like to leave the legacy that you don't have to be the smartest person in town to accomplish something. I'd like to leave this Chamber by saying that I've made friends from places that I didn't even know existed when I came. This is my ninth term to be involved in the Legislature and it's been a -- a great journey. You know, a few people have had the chance to change jobs in life once. Maybe some even twice. I spent thirty-two years in the lumber business. Retail lumber yard. It was a great experience. It was a great opportunity and it was something that I enjoyed tremendously. I got the privilege to serve people of this State as a State legislator, first a State Representative and for the last couple of years and terms involved in the greatest job in the State of Illinois, being a Senator in this State. With that, I've learned to enjoy, I've learned to appreciate, and I've learned the art of compromise in working with individuals. I can honestly say that there is nothing greater for any of you than to learn that together we can make this a better place, but alone we can accomplish nothing.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, be a -- meeting of the Rules Committee in the room behind the President's chair. An immediate meeting of the Senate Rules Committee in the room behind the Senate President's chair. Messages from the House, Madam Secretary.

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 -- in the passage of a bill of the following title, to wit:

Senate Bill 1239, together with House Amendment 1.

Passed the House, as amended, May 31, 2003.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, we are moving to Supplemental Calendar No. 4. It has been passed out, is on your desk. With leave of the Body, we'll start with Senate Bill 1607. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

Senate Bill 1607. I move to concur with the House in the adoption of their Amendments 3 and 5 to Senate Bill 1607.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link. Could you please clear the aisle in front on Senator Link? We can't even see him. Please. Senator Link. Senate Bill 1607.

SENATOR LINK:

Thank you, Mr. President. I think this is probably the last piece of the puzzle. This provides language to allow -- this is the riverboat tenth license. This is the provision that allows the boats that are on the Mississippi River to move up to five miles off of the Mississippi. It allows the State of Illinois to own a license if it should be beneficial to the State. It provides that a manager for a license -- to apply to manage a State-owned license. This is to take the place of a dormant or revoked license. This is not expanding gambling in the State of Illinois. This has a provision for minority and women ownership. This will increase the head tax of people coming in to the boat in various rates. This is -- also will show that there will -- the profits of this will go to the State Gaming Fund. This is Amendment 3. The rest of it -- Amendment 5 is severability to this. I would be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Petka. Senator Petka.

SENATOR PETKA:

Well, thank you very much, Mr. President, Members of the Senate. Well, here we are a half hour before June 1, and we've probably come to the ultimate conclusion of a very, very interesting Session. Starting out we had government, first of all, at the usual pace. Then we slopped through five hundred, six hundred bills on a single roll call. Then we went to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

government by -- in one hour and running into various committees on one-hour notice. Then we started having committee meetings in which the debate has -- had been seriously curtailed, Floor debate that was seriously curtailed. But now we've come to the ultimate, and that is we have a bill that not only did not have a committee hearing other than Rules, but it's now here out on the Floor. We have been placed in a position of analyzing a bill, not on an hour's notice, ten minutes' notice, but a few moments' notice.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR PETKA:

Excuse me. I've still got...

PRESIDING OFFICER: (SENATOR WELCH)

I thought you were asking a question, Senator.

SENATOR PETKA:

I just said to the bill, sir.

PRESIDING OFFICER: (SENATOR WELCH)

I'm sorry.

SENATOR PETKA:

So now we -- we have a bill that, among other things, will place us squarely in a position where some people from outside can view us as now being the "People's Republic of Illinois", because we are going to authorize the State - the State - to come in and basically not only be a bidder, but actually to be - - be running a business, a big business, and compete with other license holders in this State. An adjunct to this legislation is that it's supposed to raise money. Two hundred million, three hundred million, four hundred million. Take your pick. These numbers are generally drawn out of hats anyway. But we have this competitive bid that's supposed to raise a -- a lot of money for this State, right after we have enacted a seventy percent tax on the other boats. You know, you don't have to go through this entire bill to realize that this is not in the best interest of anybody in this State, to place us on this experiment of State ownership of a casino, because you don't have to eat the whole apple to know that it is rotten. The best vote, the sane vote on this legislation, is dead red. Vote No.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

We have two -- we have room for one more opponent and we have Senator Watson and Senator Rauschenberger with their lights lit. Gentlemen, could you decide between yourselves? Senator Watson.

SENATOR WATSON:

Yes. Thank you very much. Would -- I guess a question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR WATSON:

Senator, on page 25 of the amendment, top of the page, I see where there's a change in language where it says, "whichever comes first, shall be paid from the State Gaming Fund". It -- it used to say, "into the State University {sic} Athletic Capital Improvement Fund." And I believe that language was in there primarily for -- Senator Weaver put that in when the bill passed for University of Illinois, and that -- that language has been taken out, Senator. And now we have, "shall be paid from the (State) Gaming Fund to Chicago State University." What's the impact of that language, sir?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

I couldn't answer to you what the impact is. I think that it's very obvious that we're going with Chicago State University to help them. There is a lot of things and provisions in this that have been changed since the original bill that was -- I think what was commonly referred to as 10A or as what was bid at the original tenth license in 1999. There's been a number of changes that I think are more beneficial to the State. And this is, I think, just one of the minor changes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Well, this is a far from minor change, Senator. This is -- this is taking money that would have gone to the flagship university of this -- of this great State - University of Illinois - and take -- sending it now to Chicago State University, which I'm sure most of you recognize has done quite

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

well in this Session already thanks to Senator Trotter and all the votes that most of you put on that legislation when -- when it passed. Chicago State University is doing quite well. Another question for you, sir. The horseracing language, is this the same horseracing language that was in the original tenth license?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

If you can refer to the Section that you're talking about, Senator Watson, I'd be more than happy to answer that. But I feel that this has changed considerably.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. Is there a provision in here, Senator, that would allow for a State ownership of this license?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Why?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Very easily, because if the bid does not come in at the appropriate number that we possibly could see that the benefit would come to the State, that I think that this is something that the State should consider. I don't think the State is in the business of wanting to do this, but it's just like State parks that are in your area or other things that we own. We have a managing company that would be running this boat, which would be giving a net profit, a profit that would be going to the State to help other functions of this State, and I think that this is a great avenue for the State to take.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Watson, please wrap up.

SENATOR WATSON:

Yeah. Thank you. I actually remember when the Governor was going around and -- and somehow he made a comment that the -- the State might take over the riverboats in this -- this State. And I thought -- and I told anybody that asked, I said, "Well, that's just ludicrous. Ludicrous. Nobody would even think that that could happen." Well, here it is twenty till 12, last night, and sure enough we got a bill on us, never heard in committee, slapped right on our desks, last minute, and the State's going to take over a license -- a riverboat license in this State? I'm sorry. But this is -- this is ludicrous.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR CULLERTON:

Senator Link, on page 23 of the amendment, it talks about tax revenue going to a -- unit of local government that's designated as the home dock of the riverboat. It would be an amount -- I believe, five percent of adjusted gross receipts. Is it possible then for that home-dock-designated local government to then enter into an intergovernmental agreement so as to disburse that money to other jurisdictions throughout the area that -- if they so choose?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

Well, I believe we should vote for the bill because I think it enables the State and clarifies that the State should -- could get the proceeds of the sale of the tenth license, whatever that amount shall be. I would say, though, Senator Watson and Petka, who indicated opposition to the bill, that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

there's a -- there is one thing missing in this law that should be there, and that's the repeal of the Horse Racing Equity Fund. Just so you know, back in 1999 we passed this Rosemont tenth license bill and when we did that we...

PRESIDING OFFICER: (SENATOR WELCH)

Senator, could you please refer only to what's in the bill? We are running out of time here.

SENATOR CULLERTON:

We're talking about the repeal of the Horse Racing Equity Fund. When this tenth license goes and starts operating, sixty million dollars will go to the racetrack owners and the horsemen instead of the State. We're going to lose that money. We've been here all day voting for tax increases and -- not -- fee increases, not tax increases. But there's sixty million dollars that's going to the -- owners of racetracks throughout this State and horsemen, and we don't make a dime on horseracing in Illinois. And that's an error that should -- should have been in this bill.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, will the Senate adopt House Amendments No. 3 and 5 to Senate Bill 1607. 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? Have all voted who wish? Take the record. On that question, there are 30 Members voting Yes, 24 Members voting No, 3 Members voted Present. Having received the required constitutional majority, the Senate does concur in House Amendments Nos. 3 and 5 to Senate Bill 1607, and the bill is declared passed. Senate Bill -- Madam Secretary, Rules Committee Report.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Motion to Concur with House Amendment 1 to Senate Bill 748; and Be Approved for Consideration - Motion to Concur with House Amendment 1 to Senate Bill 1239.

PRESIDING OFFICER: (SENATOR WELCH)

Senate Bill 785. Senator Hendon. Read the motion, Madam Secretary.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SECRETARY HAWKER:

...move to concur with the House in the adoption of their Amendments 1, 2 and 4 to Senate Bill 785.

Motion filed by Senator Hendon.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Senate Bill 785 and the concurrence motion is a tax credit for the movie industry. Governor Blagojevich has come up with a great idea that will bring films back to Illinois. We used to get over a hundred million dollars a year. That has dwindled down to about twenty-seven million dollars a year. This tax credit will bring jobs to Illinois and help out the movie industry, which is a great industry for the State of Illinois. I would like to concur with this -- amendments put on in the House to move this forward and bring more movie production to Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Watson.

SENATOR WATSON:

I guess a question of the sponsor. Hollywood -- Hollywood Hendon, can you answer this question? Why are we doing this?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, as you said, my nickname's Hollywood. I produced a movie before myself. That's how I got that nickname. When a movie comes to Illinois, normally they spend -- the ratio based on the budget is three to one. If the budget is ten million dollars, they spend thirty million dollars in Illinois, with the hotels, with the restaurants. It's a thriving industry. Lately Canada has been very aggressive and have done a lot better than us and stole movies from Illinois. This'll bring films back to Illinois and create some stars and tax for the State, tax base, and bring economic development, because they spend that money while they're here.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Well, that's what I thought it did. It's trying to bring business to the State of Illinois. Well, I find that quite ironic. And I think this is an unbelievable, unbelievable contrast between those of us who sit on this side and those of you who sit on that side, an unbelievable contrast. When we've been fighting right here to save jobs for the working men and women of this State, when this caucus has been united - united - in an effort to save the working people of this State, we're -- now have before us a tax credit for Alec Baldwin, for Martin Sheen, for Barbra Streisand, for Susan Sarandon and Tim Robbins. Please. I can't believe what we're doing here. We have -- we have an opportunity all week - all week - to do something for the people of this State. The -- and we had an opportunity for the people who work in this State, businesses who are here, businesses who provide jobs for the people that we represent, and we're worried about the Hollywood crowd? Please. This is a disgrace.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I -- I -- I don't know if I can say it much better than -- than the Leader did, but I -- I don't know how we go back and face the eleven thousand or so people that work for RR Donnelley and tell 'em, "Well, I'm sorry. Things were so tough in Springfield that we had to repeal the graphic arts credit. That ten-million-dollar new press that's ordered from West Germany will probably land in Tennessee along with the attendant jobs. But we're just sorry we couldn't afford to do it." Or what we say to the -- to the executives at Boeing, who we enticed to move their corporate headquarters here, who were looking at MidAmerica Airport in downstate Illinois to locate their new aircraft construction facility, that we couldn't help you, that, in fact, that we've raised taxes on you, that we've -- we've removed the exemption on -- on the natural gas, that you just have to live with this. Or all the people that we raised fees on. Three hundred separate fees that we have raised that affect businesses. Or how about the professions of the State of Illinois, where we have stolen -- walked in the door or kicked

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

the door open and taken more than four hundred million dollars of their dedicated registration fees, because times are tough? But we can afford, as our last action of the General Assembly this year, we can afford to do a tax credit to entice movie production in the State of Illinois. I think this bill speaks for itself.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall the Senate concur in House Amendments No. 1, 2 and 4 to Senate Bill 785. All those in favor, 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 32 Members voting Yes, 21 voting No, 1 Member voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1, 2 and 4 to Senate Bill 785, and the bill is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you. We want to verify.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson, we can't -- we cannot retrieve -- all right. There's a verification. Madam Secretary, please read the Members who voted in the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Collins, Cronin, Crotty, Cullerton, DeLeo, del Valle, Dillard, Garrett, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Obama, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, Trotter, Viverito, Walsh, Welch, Woolard and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, do you -- Senator Watson.

SENATOR WATSON:

Senator Meeks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Meeks is here. I hear him. He's in the middle aisle.

SENATOR WATSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

Senator Cronin.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cronin? Senator Cronin? Strike his name.

SENATOR WATSON:

Senator Clayborne.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne did not vote. Senator Watson, do you question the presence of any other Member? All right. On a verified roll call...

SENATOR WATSON:

Donne -- Donne Trotter. I'm sorry. Donne Trotter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon?

SENATOR WATSON:

Senator Trotter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter. Right over here. All right. On a verified roll call, the Ayes are 31, Nays are 21, none voting Present. All right. And those amendments, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 5. Senate Bill 1239. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1239.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Ladies and Gentlemen, this is the Governor's capital program. What it includes is ten million dollars for the Lincoln Developmental Center; thirty-five million dollars for Correction; eight million dollars for Military Affairs; five hundred million dollars for the School Construction Grant Program; 2.2 million dollars in Veterans' Affairs. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill -- Senate Bill... Senator Rauschenberger.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

SENATOR RAUSCHENBERGER:

Could -- could -- maybe someone could -- is this an appropriation bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

It's the capital appropriations bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rauschenberger. Senator Rauschenberger. Senator Burzynski. Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you -- thank you, Mr. President. We request a Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we are on the -- we're on the last leg here. Further discussion? If not, the question is, shall -- shall the Senate concur with House amendment to Senate Bill 1239. Those in favor will vote Aye. Those opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 7, none voting Present. Senate does concur with House Amendment 1 to Senate Bill 1239. The bill, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 4. Senate Bill 821. Madam Secretary. Senate Bill 821. Read the motion. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

I'm -- I'm embarrassed for you, Mr. President. That was totally your action to -- to do something of this nature. We've not even had a hearing. We had no clue what was in the bill. And the troubling -- that -- that -- what I have, troubles me more than anything else, is the precedent this is going to set for future Sessions. You know, you can say what you want about the way we conducted ourself over the last ten years, but we never did anything quite what we just witnessed. And you can laugh about it all you want over there. And that's -- part of the problem is -- is the attitude -- the unfortunate attitude that seems to prevail on the -- in the Majority side. And I -- I -- I think it's a sad day, Mr. President. And unfortunately,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

you do this at five minutes till midnight, and once again, the public was shut out by the lack of our ability to even know what's in the legislation and have any clue as to how -- how this might impact the people. And to deny the -- Senator Burzynski's request for a caucus, I -- I don't know that I've ever seen that done either. Where -- where a individual Member, the Caucus Chairman, asks for a caucus, I don't know that I've ever seen that request denied, but I just witnessed that -- this -- here this evening. And I think, once again, it's a sad day for democracy in Illinois. It's a sad day for the institution of the Illinois Senate. And I know that, Senator Demuzio, when you go home tonight, you will regret the fact of what you've just done here. It will bother you, Senator Demuzio. And you can laugh. There you go. Laugh all you want. Laugh all you want over there, but this is not good.

PRESIDING OFFICER: (SENATOR WELCH)

The last order of business. Senate Bill 821. Senator Silverstein. Read the motion, Madam Secretary. It's dilatory, Senator. Read the motion, Madam Secretary. Read the -- read the message -- read the motion, Madam Secretary. 821. Senate Bill 821. Senate -- Senator -- Senator -- Senate Bill 821. Read the -- Senator Silverstein. No. She read the motion. Proceed. Senator Silverstein.

SENATOR SILVERSTEIN:

Deletes everything. Amends the -- this amends the -- the Personnel Code. Provides that personnel -- employment by the Prairie State 2000 Authority and transferred to the Department of Commerce and -- Opportunity on July 1st, 2003, pursuant to the Executive Order shall receive certified status under the Code, and -- and personnel employed by the Department of Economic {sic} Security transferred to the Department of -- Commercial {sic} and Economic Opportunity on July 1st pursuant to Executive Order -- Executive Order 11 shall retain their status under the Code and shall be applicable for collective bargaining agreements. Effective immediately.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones. Senator Jones, for what purpose do you rise? Senator Jones. The question is, will the Senate concur in House Amendment No. 1 to Senate Bill 821. All those in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

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 32 Members voting Yes, 3 Members voting No, no Member voted Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 821, and the bill is declared passed. Senator Jones.

SENATOR E. JONES:

Thank you, Mr. President. We knew eventually it was going to happen. And sometimes taking care of the people of the State of Illinois can be painful to those individuals who resisted the opportunity to aid the senior citizens with a discount in prescription drugs. We were able to take care of those persons on the lower rung of our society with the minimum wage. We were able to correct a flawed criminal justice system. We were able to get all those things done. We were able to take care of equal pay for women. We were able to -- to pour over four hundred million dollars extra into our school systems across the State of Illinois. We -- we -- we did have a very, very successful Session. We were able to pass a balanced budget. We did not increase the property tax or sales tax. We didn't balance the budget on the backs of the poor, the elderly and the schoolchildren. And I expected that from the other side of the aisle, because they didn't want to do that. They didn't want to do all those things. They wanted to cut education. They wanted to cut programs for the poor and the elderly. They didn't want to be on board trying to solve the -- the serious fiscal problems we found ourselves in. So we on this side of the aisle should very -- be very proud of ourselves. We did a tremendous job and -- and we're about ready to adjourn. I ask each Member on this side to take time; we have a little something in the office, then we're ready to get out of here and enjoy our wonderful summer, because we did the job for the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jones.

SENATOR E. JONES:

After -- after -- after you adjourn, after you leave my office, the Governor invited everyone over to the Mansion. He

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

5/31/2003

wanted to hug and kiss. You know, all those weird things. And so, after we leave my office, those who wish to go over to the Governor's Mansion to celebrate this great victory for the people of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

We will now proceed to the Order of the Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it and the motion carries, and the resolutions are adopted. We are awaiting the adjournment resolution. Senator -- Senator Demuzio. Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

We are working -- wait -- waiting for the adjournment resolution. Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 38.

(Secretary reads SJR No. 38)

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 38. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Link moves for the adoption of Senate Joint Resolution 38. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen, there being no further business to become -- to come before the Senate, pursuant to the adjournment resolution, the Senate stands adjourned until the hour of noon on October {sic} 4, 2003. The Senate stands adjourned.