

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

HB0649	Recalled	53
HB0649	Third Reading	54
HB0649	Vote Intention	69
HB0649	Vote Intention	69
HB0843	Recalled	70
HB0843	Third Reading	71
HB0848	Recalled	86
HB0848	Third Reading	87
HB0848	Vote Intention	110
HB1020	Recalled	72
HB1020	Third Reading	73
HB1659	Recalled	75
HB1659	Third Reading	75
HB2220	Recalled	8
HB2220	Third Reading	9
HB2587	Recalled	76
HB2587	Third Reading	77
HB4283	Recalled	10
HB4283	Third Reading	11
HB4894	Third Reading	80
HB4976	Third Reading	13
SB2791	Third Reading	3
SB2800	Third Reading	4
SB3000	Recalled	22
SB3000	Third Reading	23
SB3002	Recalled	51
SB3002	Third Reading	52
SR0566	Resolution Offered	109
HJR0004	Resolution Offered	109
HJR0064	Resolution Offered	109
HJR0088	Adopted	110
HJR0088	Resolution Offered	110
SJR0075	Adopted	20
SJR0075	Adopted	53
SJR0081	Resolution Offered	3
Senate to Order-Senator DeLeo		1
Prayer-Pastor Howard Bell		1
Pledge of Allegiance		1
Journal-Approved		1
Introduction of Guest-Senator Lauzen		2
Remarks by Consul General of Romania		3
Committee Reports		15
Senate Stands at Ease/Reconvenes		16
Senate Stands in Recess/Reconvenes		18
Committee Reports		18
Message for the Governor		19
Messages from the House		20
Messages from the House		106
Messages from the House		109
Resolutions Consent Calendar-Adopted		109
Messages from the House		110
Adjournment		110

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

PRESIDING OFFICER: (SENATOR DeLEO)

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

PASTOR HOWARD BELL:

(Prayer by Pastor Howard Bell)

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR DeLEO)

Mr. Secretary, Reading and Approval of the Journal, please.

ACTING SECRETARY HARRY:

Senate Journal of Wednesday, May 19th, 2004.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. Mr. President, I move that the Journal just read by the Secretary be approved, unless a Member of the Senate has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you -- thank you. Senator Haine moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Senator Crotty, for what purpose do you rise, ma'am?

SENATOR CROTTY:

For a point of personal privilege and an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR CROTTY:

Okay. If everybody just looks at Senator Maloney for just a second, I think you'd all agree with me that he looks older today. So, tomorrow is his birthday and we have a cake here -- no Saturday is his birthday, -- and we have a cake up here. So, if you'd join me in celebrating his birthday, that would be great.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Maloney, happy birthday, sir. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Just to add on to what Senator Crotty said, our good friend. I knew there was a connection between us, Senator, because my son little Rickey's birthday is also Saturday. So, that's -- you know, there's some kind of connection, we knew, out there on the softball field. Now we know what it is.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay -- just -- Senator Lauzen in the Chair.

SENATOR LAUZEN:

Ladies and Gentlemen of the Senate, we are fortunate today to have George Predescu, the Consul General of Romania, joining us in a visit. Two generations ago all four of my grandparents emigrated from Romania. Both the Lauzens and the Moldavans moved here to the United States. Throughout history, because of its geographic and strategic location and resources, Romania has stood at the crossroads of the struggle between East and West. In ancient times, from the East came the hordes of barbarians from the steppes of Asia. From the West, the Romans imposed their civilization for several centuries. In the Middle Ages, from the East came the Turks. The Holy Roman Empire pushed back from the West with men like Vlad the Impaler, who has come down to us through legend as Count Dracula. More recently, in the 20th Century, from the West came Hitler's Nazis to steal petroleum reserves to fuel his war machine and to imprison tens of thousands. From the East, five years later, came the communists to imprison a whole country and literally millions of people. Romania in eastern Europe, on the shores of the Black Sea, at the delta of the mighty Danube, has stood at the crossroads of eastern and western culture, the crossroads between freedom and fascism, hope and despair. These are hardworking people, fearless people accustomed to struggle. Mr. George Predescu was appointed Consul General in Chicago on December 1st, 2003. Prior to his appointment, he served as Political Counselor and Head of Chancery at the Romanian -- Embassy in Washington, D.C. From 1999 - 2000, Mr. Predescu was Deputy Head of NATO and International Security Affairs Division

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

at the Romanian Ministry of Foreign Affairs. The President of Romania in 2003 awarded George the National Order for Merit for his dedication to promoting Romania's membership in NATO. And now, as you know, we have Romanian troops who are fighting alongside American troops in the war against terrorism in Iraq. George -- before joining the Foreign Service in 1990, Mr. Predescu worked as an engineer in the petroleum sector. He's married with two kids. And I'd like to introduce Mr. Predescu to the State Senate. George.

CONSUL GENERAL GEORGE PREDESCU:

(Remarks by Consul General George Predescu)

PRESIDING OFFICER: (SENATOR DeLEO)

Mr. Secretary, Resolutions, please.

ACTING SECRETARY HARRY:

Senate Joint Resolution 81, offered by Senator Collins.  
It's substantive, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Would all Members please come to the Floor? Would all Members within the sound of my voice, please come to the Senate Floor? We're going to be doing Senate Bills 3rd Reading. Final passage. All Members, please come to the Senate Floor. Ladies and Gentlemen, we'll begin this morning on Senate Bills 3rd Reading. We will turn to page 6 on the Calendar. Page 6 on the Calendar. Senate Bills 3rd Reading. On that Order there is Senate Bill 2791. Senator Crotty, do you wish to proceed, ma'am? She indicates she does. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

Senate Bill 2791.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Crotty.

SENATOR CROTTY:

Thank you very much. Ladies and Gentlemen of the Senate, Senate Bill 2791 amends the Mobile Home Landlord and Tenant Rights Act. Under this bill, park owners must make up-front disclosures regarding past rent charges, park owner responsibilities, fees and taxes and security deposit

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

information. A contract may be rescinded and damages awarded against developers, park owners, and mobile home dealers for victims who rely on false or misleading information when purchasing a mobile home or lot. I also would like to put on the record that I'd like to thank all of the Members of that committee who helped us find an almost agreed bill. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Senator Dillard, for what purpose do you rise, sir?

SENATOR DILLARD:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR DILLARD:

This bill, and Senator Cullerton, I think, will attest, has been worked and reworked and reworked and reworked. I thought Maggie Crotty -- or, Senator Crotty became a Member of the Judiciary Committee for the number of times that she was in our committee. I think this bill is now worked well enough where Members on this side of the aisle and all of us should be for it. So, I commend Senator Crotty for the hours of torture she put in working this bill into a form we can all vote for. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Dillard. Is there any further discussion? Seeing no further discussion, Senator Crotty, to close. The lady indicates she'd -- okay. The question is, shall Senate Bill 2799 {sic} pass. Those in favor -- 2791 pass. All those in favor will vote Aye. All those in opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 50 Ayes, 4 Nays, 0 voting Present. Senate Bill 2791, having received the required constitutional majority, is declared passed. Okay. Continuing on Senate Bills 3rd Reading is Senate Bill 2800. Senator Hendon, do you wish to proceed? Mr. Secretary, he indicates he wishes to proceed. Please read the bill.

ACTING SECRETARY HARRY:

Senate Bill 2800.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Senate Bill 2800 simple gets rid of the oscillating, flashing light over the video cameras used by the City. It came out of committee 10 to nothing. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

Thank you, Mr. President. To speak to the bill and also to ask a -- a question of the sponsor. I rise in support of the bill. I know...

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates -- sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Thanks, Mr. President. I -- I know Senator Hendon has worked hard on this. He's crafted a compromise and so forth. And I'm just interested, for the benefit of all of us, if he could just tell us what the City of Chicago's current position is on the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Hendon.

SENATOR HENDON:

The City of Chicago still doesn't like the bill. I appreciate the -- comments. We did tweak it and change it a number of times, but they're still a little uncomfortable. But they did let me know that right now they can turn the flashing lights off and they're, in fact, doing it right now. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any further discussion? Seeing no further discussion, Senator Hendon, to close. Senator.

SENATOR HENDON:

Appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Okay. The question is, shall Senate Bill 2800 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 57 Ayes, 0 Nays, 1 voting Present. Senate Bill 2800, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, House... Okay. Ladies and Gentlemen, we will continue on 3rd Readings. Will be House Bills -- House Bills 3rd Reading. On the bottom of page 8 on your Calendar, on the bottom of page 8, we'll be starting House Bills 3rd Reading. House Bills 3rd Reading. House Bill 575. Senator Cullerton. Senator John Cullerton. Mr. Secretary, out of the record. House -- on the top of page 9, continuing on House Bills 3rd Reading, is House Bill 616. Senator Emil Jones. Out of the record. House Bills 3rd Reading. House Bill 649. Senator John Cullerton. Senator John Cullerton. Out of the record. Senator George Shadid, on House Bill 714, sir. Out of the record. House Bill 731. Senator Donne Trotter. House Bill 731. Out of the record. House Bill 750. Senator James Meeks. Senator James Meeks, on House Bill 750. Out of the record. House Bill 756. Senator del Valle, on 756, sir. Out of the record. Senator Emil Jones, on 759. Out of the record. Senator Emil Jones, on 762. Out of the record. Senator Maloney, would you wish to proceed on 766, sir? Out of the record. House Bills 3rd Reading. Continuing -- on the bottom of page 9 is House Bill 779. Senator Emil Jones. Out of the record. On the bottom of page 9. Senator James Clayborne, sir. Senator James Clayborne, on House Bill 826. Continuing on House Bills 3rd Reading, we will turn to page 10 of the Calendar. On the top of page 10 is Senator Emil Jones, on 834. Out of the record, sir. Senator Sandoval, on House Bill 835. Senator Sandoval. Martin Sandoval, on 835, sir. Out of the record. Senator Terry Link. Senator Link, on 843, sir. Indicates out of the record. Senator Pat Welch. Senator Pat Welch, on House Bill 848, sir. Do you wish to proceed? You have a Floor amendment, sir. Okay. Okay. Senator Welch seeks leave of the Body to return House -- excuse me. Out of the record, Mr. Secretary. Senator Donne Trotter, on House Bills 3rd Reading, 849. House Bill -- out of

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the record. Senator Trotter, on 851, sir. Out of the record. Senator Trotter, on 853, sir. Out of the record. Senator Emil Jones. 854. Out of the record. Senator Terry Link. Senator Link, on 855, sir. There's a Floor amendment. Out of the record. Senator Emil Jones, on 856. Out of the record. Senator Emil Jones, on 857. Out of the record. On the bottom of page 10, continuing in House Bills 3rd Reading, Senator Link, on 862, sir. Out of the record. Ladies and Gentlemen, continuing House Bills 3rd Reading, on the -- top of page 11 is House Bill 863. Senator Link, on 863, sir. Indicates out of the record. Senator Emil Jones. Out of the record on 864, 866, 867, 868. 870 out of the record. House Bills 3rd Reading. Senator DeLeo, on 875. With leave of the Body, we'll come back to. Senator Link, on -- House Bill 913, sir. Out of the record. Senator Carol Ronen. Senator Carol Ronen, on House Bill 921, ma'am. Do you wish to proceed? Senator Emil Jones, on 934. Out of the record. Senator Emil Jones, on 944. Out of the record. Senator Emil Jones, on 966. Out of the record. Senator Garrett. Senator Susan Garrett, on House Bill 976. Indicates out of the record. Ladies and Gentlemen, let's -- continuing on House Bills 3rd Reading on the top of page 14. You -- we have House Bill 4154. Senator Schoenberg. Senator Jeffrey Schoenberg. Excuse me. Let's go back to page 12. We skipped a page here. On the top of page 12. Let's go back to the top of page 12. House Bills 3rd Reading. We have House Bill 999. Senator Emil Jones. Out of the record. House Bill 1004. Senator Link. Indicates out of the record. Senator Emil Jones, on 1007. Senator Pat Welch, on 1020, sir. Out of the record. Senator Jacobs. Denny Jacobs, on House Bill 1067. Denny Jacobs, on 1067. There's a Floor amendment. We'll come back to that. Senator Don Harmon, on House Bill 1083, sir. Out of the record. Senator Emil Jones, on 1111. Out of the record. Senator John Cullerton. Senator John Cullerton, on 1191, sir. Senator John Cullerton, on 1191. Senator Martinez, on House Bill 3rd Reading, 1336. Iris Martinez. Out of the record, Mr. Secretary. Senator Silverstein, on 1659. Senator Silverstein, on... On the bottom of page 12, there's House Bills 3rd Reading. 1660. Senator Maggie Crotty. Senator Crotty, on 1660. She indicates out of the -- record, Mr. Secretary. Continuing on



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

House Bills 3rd Reading, Ladies and Gentlemen, we'll now -- go to page 13 of your Calendar. On the top of page 13, Senator John Cullerton, on House Bill 1875. Senator John Cullerton, on 1875. Senator Silverstein, on 2220, sir. You have a Floor amendment. Would you like to proceed? Mr. Secretary, he indicates he wishes to proceed. Senator Silverstein seeks leave of the Body to return House Bill 2220 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. Okay. On the Order of 2nd Reading is House Bill 2220. Mr. Secretary, are there any amendments approved for consideration, sir?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Silverstein.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Silverstein, to the amendment, sir.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This is -- this deletes the bill. It comes effective 7/1/04. The Medicaid rate -- Medicaid reimbursement rates for a skilled nursing home or immediate care facility must be raised by the difference between the facility's per diem property, liability and malpractice insurance as reported in the cost reports transmitted to the Department and be -- and be used to determine the rates by -- for 7/1/03 and those exact costs that are reported in the facility's 2002 cost reports. This passed out of the Executive Committee unanimously. I'd ask for favorable roll call on the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion? Is there any discussion? Seeing no discussion, Senator Silverstein moves the adoption of Floor Amendment No. 1 to House Bill 2220. All those in favor will say Aye. All those opposed will say Nay. The -- the Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

3rd Reading. Now we're on the Order of 3rd Reading. Senator Silverstein, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 2220.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. I just explained the bill. The amendment became the -- the bill. I'd answer for any questions, if there is any.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Senator Rutherford, for what purpose do you rise, sir?

SENATOR RUTHERFORD:

Thank you, Mr. President. I just want to make a comment on this. There's been -- there has been extensive debate going on in the long-term care industry over a number of years and one of the admonishments that we have all made to the industry was until they come together, there will not be the opportunity to move forward in a positive way. I think it is very heartening that the associations in long-term care - Health Care Association, Life Services Council {sic} and the County Homes - have come together on an agreed-upon agenda for this legislative Session and to work forward through the summer. Senator Silverstein's piece of legislation is one of those three agenda items they have presented. I stand in strong support of this, compliment the industry for working together on this and encourage my colleagues to help support not only this piece of legislation, but the rest of the agenda for long-term care and the nursing homes in our State.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. The question is, shall House Bill 2220 pass. Those in favor will vote Aye. Those opposed will vote Nay. The -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Secretary, please take the record. On that question, there are 59 Ayes, 0 Nays, 0 voting Present. House Bill 2220, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, WLS-TV in Chicago seeks leave to photograph or videotape or record the proceedings. Is there any objection? Leave is granted. Okay. Continuing on House Bills 3rd Reading, on the top of page 13 of your Calendar. Senator Meeks, on House Bill 2587. Mr. Secretary, out of the record. Senator Schoenberg, on 3589. Senator Schoenberg, on 3589. Mr. Secretary, out of the record. Senator Emil Jones, on 3715. House Bill 3715. Out of the record. Senator Link. Senator Link, on 3716. Out of the record. Senator Sullivan. Senator John Sullivan, on 3828. Senator John Sullivan. Mr. Secretary, out of the record. Senator Shadid. Senator George Shadid, on 3835. There's an amendment, sir. Out of the record. Senator Lightford, on 3979. Senator Kimberly Lightford. Out of the record. On the bottom of page 13 is Senator John Cullerton. On 4886, sir? Ladies and Gentlemen, continuing on House Bills 3rd Reading, we'll go to the top of page 14 of the Calendar. Senator Schoenberg, on 4154, sir. Out of the record. Senator del Valle. Senator del Valle, on 4176. House Bill 4176. Out of the record, sir. Senator Silverstein, on 4200. Out of the record. 4241. Senator DeLeo. Leave of the Body, we'll come back to it in another century. 4283. Senator Shadid. The gentleman indicates he wishes to proceed. Mr. Secretary, please read the bill. Oh, I'm sorry. There's an amendment. I'm sorry. So, Senator Shadid would seek leave of the Body to return this bill, House Bill 4283, to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Now we're -- on the Order of 2nd Reading, is House Bill 4283. Mr. Secretary, are there any amendments approved for consideration, sir?

ACTING SECRETARY HARRY:

Amendment No. 3, offered by Senator Shadid.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Shadid, to the amendment, sir.

SENATOR SHADID:

Thank you, Mr. President. Floor Amendment 3 exempts charitable institutions from obtaining a license from each

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

individual county within the State in order to conduct a raffle statewide. This legislation is expanded to include all charitable institutions rather than just St. Jude Research Hospital. I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Any discussion? Seeing no discussion, Senator Shadid moves the adoption of Amendment No. 3 to House Bill 4283. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor -- amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading, House Bill 4283. Senator Shadid, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 4283.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Shadid.

SENATOR SHADID:

Okay. Charitable institution is defined as an institution that is organized and conducted on a -- non-for-profit basis with no personal profit inuring to anyone as a result of the operation of the institution and is exempt from federal income taxation. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

To speak to the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR ROSKAM:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yesterday..

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam. Ladies and Gentlemen, please give the speaker your attention. There's a lot of noise coming from the Chamber. It's very hard. We are on 3rd Readings. Please give the speaker your attention. Senator Roskam.

SENATOR ROSKAM:

Yesterday, when this was presented in the Senate Executive Committee, we had contemplated a possible amendment upon -- and Senator Shadid had agreed to that. Upon reflection, we've -- and in consultation with Senator Shadid, we've determined that that's not necessary, and therefore I urge its passage.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you for your -- Senator Shadid, to close.

SENATOR SHADID:

Thank you, Senator Roskam. And I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, the question is, shall House Bill 4283 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 54 Ayes, 3 Nays, 0 voting Present. House Bill 4283, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we have another request from the media. The Chicago Tribune seeks leave to photograph or videotape or record the proceedings. Is there any objection? Leave is granted. Continuing on House Bills 3rd Reading. Senator Collins. Senator Jacqui Collins, on 4505, ma'am. Out of the record. Senator del Valle, on 4522, sir. Senator del Valle. Out of the record. Senator Obama, on 4730, sir. Out of the record. On the bottom of page 14, continuing to House Bills 3rd Reading. Senator Jacobs. 4847. Senator Denny Jacobs. Out of the record. Ladies and Gentlemen, continuing on House Bills 3rd Reading where on the top of page 15 of your Calendar is House Bills 3rd Reading. House Bill 4870. Senator Link, do wish to proceed, sir? Out of the record. Senator Schoenberg, on House Bill 4894, sir. Do you wish to proceed? Out of the record.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator Link, on 4976. Mr. Secretary, he indicates he wishes to proceed. Please read the bill.

ACTING SECRETARY HARRY:

House Bill 4976.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This bill adds an exception to the confidentiality provision for circumstances where the Department of Revenue may provide taxpayer information to non-home rule units who impose a tax -- pursuant to successful -- passage of a public referendum by a majority vote. I know of no opposition. We've worked with all the opponents. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Thank you. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR LAUZEN:

Just wanted to thank the sponsor for his good work in bringing everybody together. This received unanimous support in committee.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Link, to close, sir.

SENATOR LINK:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall House Bill 4976 pass. All those in -- favor will vote Aye. All those in opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 58 Ayes, 0 Nays, 0 voting Present. House Bill 4976, having received the required constitutional majority, is declared passed. Senator Harmon. Senator Harmon, on 5875, sir. Out of the record. Senator Emil

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Jones, on 6496. Out of the record. Senator Emil Jones, on 6499. Out of the record. Senator Martinez, on 6954. Out of the record. Senator Emil Jones, on 7169. Out of the record. Senator Jones, on -- 7173. Out of the record. Senator Emil Jones, on 7174. Out of the record. Ladies and Gentlemen, continuing on House Bills 3rd Reading, on the top of page 16 is House Bill 7177. Senator Jones. Out of the record. Senator Emil Jones, on 7178. Out of the record. 7179. Senator Jones. Out of the record. 7180. Senator Emil Jones. Out of the record. 7181. Senator Emil Jones. Out of the record. That's -- we've gone through House Bills 3rd Reading. Completed all House Bills 3rd Reading. Senator Viverito, for what purpose do you rise, sir? You're confused?

SENATOR VIVERITO:

Thank you, Mr. Chairman. After that remark, I might be. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

We're going to stand at ease for just a couple minutes. Get a little paperwork together. So, Senator Burzynski, for what purpose do you rise, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. Just an inquiry of the Chair. We're standing at ease for a couple of minutes, then perhaps a Rules Committee meeting, is that my understanding?

PRESIDING OFFICER: (SENATOR DeLEO)

That's correct.

SENATOR BURZYNSKI:

If -- if that's the case, Mr. President, then when the -- after Rules Committee, will we be doing anything except reading the report into the record?

PRESIDING OFFICER: (SENATOR DeLEO)

I think it's the intention of the Chair to stand at ease for a couple seconds, have a Rules Committee meeting, and I believe the Senate Democrats will be asking for a caucus at the hour of 11 o'clock.

SENATOR BURZYNSKI:

If -- if -- if that's the case, Mr. President, then I would suggest that the Republicans would ask for a caucus now. We can

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

get our Members in there, perhaps while Rules is meeting, and -- and get some work transacted.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. You made my announcement for me. Thank you very much. We will be having a Democratic Caucus immediately upon recess after the Rules meeting.

PRESIDING OFFICER: (SENATOR DeLEO)

We -- we have a problem. We cannot read the Rules report in while you're in caucus. So, if -- we -- just bare with us for a couple minutes. Let the Rules Committee meet. As soon as we have the report done, which will be just a couple of minutes. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you for that clarification, Mr. President. Then I would just suggest that perhaps our Members might find their way to where they need to be. Thank you. Immediately.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, all Members of the Rules Committee the Rules Committee will meet immediately in the Anteroom. All Members of the Rules Committee, please report to the President's Anteroom immediately. Thank you. Members of the Senate Rules Committee will repeat -- report. Mr. Secretary, Committee Reports, please.

ACTING SECRETARY HARRY:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Agriculture and Conservation - Senate Resolution 500; to the Committee on Education - Floor Amendment 1 to Senate Joint Resolution 75, Floor Amendment 5 to Senate Bill 3000; to the Committee on Executive - the Motion to Concur with House Amendment 1 to Senate Bill 1914, Motion to -- Concur with House Amendment 1 to Senate Bill 2148, Motion to Concur with House Amendment 1 to Senate Bill 2724, Floor Amendment 2 to House Bill -- or, 851 that is, and Floor Amendment 1 to House Bill 913; to the Committee on Financial Institutions - Motion to Concur with House Amendment 1 to Senate Bill 2710; to the Committee on Health and Human Services - Motion to Concur with



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

House Amendment 1 to Senate Bill 1412, Motion to Concur with House Amendment 1 to Senate Bill 2424, Motion to Concur with House Amendment 1 to Senate Bill 2551, Motion to Concur with House Amendment 1 to Senate Bill 2940, Motion to Concur with House Amendment 1 to Senate Bill 3211, and Floor Amendment 2 to House Bill 1659; to the Committee on Judiciary - the Motion to Concur with House Amendment 1 to Senate Bill 2165, Motion to Concur with House Amendment 1 to Senate Bill 2495, Motion to Concur with House Amendment 1 to Senate Bill 2982, Floor Amendment 2 to House Bill 1020 and Floor Amendment 1 to House Bill 1191; to the Committee on Labor and Commerce - Motion to Concur with House Amendment 1 to Senate Bill 2665, a Motion to Concur with House Amendment 1 to Senate Bill 2901; to the Committee on Licensed Activities - Motion to Concur with House Amendment 1 to Senate Bill 2254, Floor Amendment 2 to House Bill 3715; to the Committee on Local Government - Floor Amendments 1 and 2 to House Bill 843, the Motion to Concur with House Amendment 1 to Senate Bill 2158; and referred to the Committee on Transportation - Floor Amendment 5 to House Bill 2587.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, any committee announcements? Senator Pat Welch. Okay. So, the Republicans asked for a Republican Caucus in Senator Frank Watson's office immediately. The Senate Democrats have requested a caucus in Senator -- will all Senate Democrats report to Senator Emil Jones' Office immediately for a Democratic Caucus? The Senate will stand in recess to the call of the Chair. Both caucuses have asked for one hour. So, caucus will go to the hour of 12 o'clock. The Senate stands in recess to the call of the Chair.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

Senate will come to order. Ladies and Gentlemen, for purposes of an announcement, per the recent posting, Senate committees today will meet this afternoon. So, at the hour of 1 o'clock today, the Education Committee will meet in Room -- well, actually immediately -- the Education Committee will meet at -- in Room 212 today at 1 o'clock. Local Government will

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

meet at -- in A-1 at 1 o'clock. At 2 o'clock, Transportation will meet in A-1. At 2 o'clock, Transportation will meet, at 2 o'clock, in A-1. Judiciary will meet in Room 400. Judiciary will meet at Room 400 at 2 o'clock. At 3 o'clock, Human -- Health and Human Services in Room 400. At 3 o'clock, Health and Human Services in 400. It's the intention of the President to have the committee meetings this afternoon. We will come back to the Floor for 3rd Readings, final passage. It's the intention of the President, if we finish the committee work today, come back to the Floor and finish Floor action, we will adjourn this evening and come back on Monday. If we finish the committee action today. So, it is the intention of the President to try and finish the legislative work today and come back to the Floor for final passage, 3rd Readings. President Jones -- President Jones, for what purpose do you rise, sir?

SENATOR E. JONES:

Thank you, Mr. President. Just to -- so you already indicated what the schedule shall be, and to accommodate the Republicans on that side of the aisle, we will adjourn -- at the -- at the conclusion of the business today and come back on Monday around 3 o'clock in the afternoon. So, after committees, we will come back here, but we, in turn, will be off tomorrow and come back Monday afternoon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Demuzio, for what purpose do you rise, ma'am?

SENATOR DEMUZIO:

Mr. President, a point of -- personal privilege, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR DEMUZIO:

Well, a month -- the month of May is National Bicycle Safety Month. And with us in the gallery is -- today, in the President's gallery behind you, is a group from Carlinville. And we happen to have the winners of the poster contest. During the month of May for this particular event, two hundred students participated in doing posters. And with us -- is the first place runner -- first place winner and that will be Kelsey Klaus, with her parents John and Sara. And they just received

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

their -- their award today. And would John and Sara and Kelsey, please rise?

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield, our guests from Carlinville. Senator Demuzio.

SENATOR DEMUZIO:

Also, with us is the third place winner and that would be Brett Nelson and his parents, Stephanie and Tim Nelson. Would you rise, please?

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests in the galleries please rise and be recognized? Welcome to Springfield. Senator Demuzio.

SENATOR DEMUZIO:

And also with us is the Carlinville School Superintendent, Mr. Collins, and the teachers Jamie Verticchio, Karen Meyer, and Michelle Releford. And we want to thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Will our -- will our wonderful school administrators please rise and be recognized? Welcome to the State Senate. Okay. Seeing no further announcements, the Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will -- reconvene, approximately around 3:30, to receive Committee Reports, and we will do as we mentioned, the President said, further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

The Senate will come to order. Senate will come to order. All Members please report to the Senate Floor. We'll be doing substantive business. All Members please come to the Floor immediately. Ladies and Gentlemen, we'll be starting out on page 18 of the Calendar. Secretary Desk Resolutions. Secretary's Desk Resolutions. Middle of page 18. Mr. Secretary, Committee Reports, please.

ACTING SECRETARY HARRY:

Senator Haine, Chairman of the Committee on Local Government, reports Senate Amendments 1 and 2 to House Bill 843,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the Motion to Concur with House Amendment 1 to Senate Bill 2158, all Be Approved for Consideration.

Senator Cullerton, Co-Chair, and Senator Dillard, Co-Chair of the Committee on Judiciary, report Senate Amendment 2 to House Bill 1020, Senate Amendment 1 to House Bill 1191, both Be Adopted; the Motions to Concur with House Amendments -- 1 to Senate Bill 2165, Amendment 1 to Senate Bill 2495 and Amendment 1 to Senate Bill 2982, all Be Approved for Consideration.

Senator del Valle, Chair of the Committee on Education, reports Senate Amendment 1 to Senate Joint Resolution 75 and Senate Amendment 5 to Senate Bill 3000, both Be Adopted.

Senator Shadid, Chair of the Committee on Transportation, reports Senate Amendment 5 to House Bill 2587 Be Adopted.

Senator Obama, Chair of the Committee on Health and Human Services, reports Senate Amendment 2 to House Bill 1655 {sic} (1659) and the Motions to Concur with House Amendment 1 to Senate Bill 1412, Amendment 1 to Senate Bill 2424, Amendment 1 to Senate Bill 2551, Amendment 1 to Senate Bill 2940 and Amendment 1 to Senate Bill 3211, all Be Adopted.

PRESIDING OFFICER: (SENATOR DeLEO)

Mr. Secretary, Messages.

ACTING SECRETARY HARRY:

A Message for the Governor by Joseph B. Handley, Deputy Chief of Staff for Legislative Affairs, dated May the 20th, 2004.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 93rd General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Inquiry of the Chair, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

State your inquiry, sir.

SENATOR RIGHTER:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Mr. President, I noticed on page 23 of the Calendar, under the title of Motions in Writing, there are three motions that have been pending, all for at least a week or so. Can you give me any idea when we might be proceeding to that order?

PRESIDING OFFICER: (SENATOR DeLEO)

Sometime before the completion of the 93rd General Assembly. Senator Righter.

SENATOR RIGHTER:

Would you expect that to be before the conclusion of this year's spring Session, Mr. President?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, we will not be going to that order of business today. We have some resolutions and some 3rd Readings. And we don't know when that's scheduled for, but it will be carried on the Calendar next week, sir. Mr. Secretary, Messages from the House.

ACTING SECRETARY HARRY:

A Message from the House by Mr. Mahoney, 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 132, with House Amendments 1 and 2.

Passed the House, as amended, May 20th, 2004.

We have a like Message on Senate Bill 827, with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, let's go back to page 18 of the Calendar. Secretary's Desk, Resolutions. In the middle of page 18, we will go to Senate Joint Resolution 75. Senator del Valle, do you wish to proceed with your resolution, sir? He indicates he does, Mr. Secretary. Please read the resolution.

ACTING SECRETARY HARRY:

Senate Joint Resolution 75, offered by Senator del Valle. One Floor amendment has been adopted {sic}.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This is the annual School Code mandate waiver request resolution that denies certain waivers.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

In this resolution, we are denying six waiver requests. They have been approved by the Senate Education Committee. This resolution now goes over to the House, and the law requires us to act on -- on -- on these resolution before the end of Session. Let me just quickly list the -- the waiver requests that we are denying...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator. Senator, one moment, sir. If you mind holding at ease, we have a technical question on your resolution, sir. Senator, you're currently explaining the amendment. Is that correct, sir? Senator del Valle.

SENATOR DEL VALLE:

Yes, I'm explaining the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. As soon as you're done on the explanation of amendment, then we need to adopt it, then we can go to the full resolution. So, please continue. Thank you.

SENATOR DEL VALLE:

Thank you, Mr. President. Included in the resolution amendment is the Ridgeview School District. We're allowing the waiver request for one year to allow them to increase their driver's ed fee to a hundred dollars. The request is allowed for only one year in order for them to come back and -- next year and tell us what the cap, as other school districts have done, will be for driver education fees. And that's the reason why it's only one year, instead of the five years. The Rutland, Wallace and Summit School Districts are denied. It's a request regarding the limitation of administrative costs. All of these requests -- these three requests involve superintendent salaries and they're trying to, towards the end of their term, boost their salaries in order to boost pensions. We're -- we're denying those requests. Then there's the Waukegan School District request that would allow substitute teachers to teach for more than ninety days in any school year. We denied that request last year, and we're doing so again this year. And the last one is a denial of appeal -- of an appeal by the Steeleville District that would have allowed the use of instructors with certification to teach in grades six through twelve -- that teach in grades six through twelve to also

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

provide instruction to students at -- at the grade five level. And we've talked with Senator Luechtefeld, and we're going to be looking and talking with the State Board about addressing that issue at some point. And so, I'll be glad to answer any questions that there may be.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Any discussion? Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

Thank you, Mr. President. Just to simply express support for the resolution. I understand we have to adopt the amendment, and then when we consider it, I just -- in interest of a time efficiency, this is a good resolution. Senator del Valle has put something together that works well for local control, and I urge my side of the aisle to vote for this bill. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. Senator del Valle moves the adoption of Floor Amendment No. 1 to Senate Joint Resolution 75. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the -- the amendment, Floor Amendment No. 1, is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration, sir?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle, on the resolution.

SENATOR DEL VALLE:

Thank you, Mr. President. Again, this is the resolution required by law to -- to be acted upon before the end of this Session. We'd like to move it over to the -- to the House for final action, but I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator del Valle moves the adoption of Senate Joint Resolution 75. All those in favor, say Aye. All those opposed will say Nay. The Ayes have it, and the resolution is adopted. Okay. Ladies and Gentlemen, we're going to now proceed to Senate Bills 3rd Reading. I'd ask the Body to go to page 7. On the top of page 7 is Senate Bill 3000. Senator del Valle, do

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

you wish to proceed on Senate Bill 3000? Senator del Valle, on Senate Bill 3000, do you wish to proceed, sir? He indicates he wishes to proceed. Senator del Valle seeks leave of the Body to return House -- Senate Bill 3000 to the Order of 2nd Reading for purpose of an amendment. Is that correct, sir? Hearing no objection, leave is granted. On that Order of 2nd Reading is House -- or, Senate Bill 3000. Mr. Secretary, are there any amendments approved for consideration, sir?

ACTING SECRETARY HARRY:

Yes, Mr. President. Amendment No. 5, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle, on -- on the amendment, sir.

SENATOR DEL VALLE:

Thank you, Mr. President. Amendment No. 5 is the final bill. I'd like to adopt the amendment and then will proceed to discuss the final bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator del Valle moves the adoption of Floor Amendment No. 5 to Senate Bill 3000. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Okay. Now on the Order of 3rd Reading, Senate Bill 3000. Senator, do you wish to proceed? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

Senate Bill 3000.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. The Governor, in his State of the State Address, proposed some



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

radical changes in public education in the State of Illinois. After the Governor's State of the State Address, he put forth a couple of legislative proposals. The Senate Education Committee then proposed to conduct hearings throughout the State. Our first hearing was a Committee of the Whole hearing on the Governor's proposed change in governance. You'll recall that we had seven hours of testimony here in this -- in this Chamber. After that, we conducted a second hearing in Elmhurst, and at that hearing, we took testimony on two bills, including the one before you this afternoon. The third and final hearing was conducted -- conducted in Carbondale, where we also heard from -- from many representatives of school districts. The hearings were very, very productive. I'm very proud of how the Illinois Senate has handled these proposals that were put on the table by the Governor back beginning with the State of the State Address. We really did give people an opportunity to provide input, and we heard from all sides. And I think we were very fair in ensuring that all sides would be given the time that they wanted to give and express their -- their opinion regarding this very important matter -- matter. And, of course, there's no more important matter before this Body than public education. I think that's really the most important thing that we do around here, and this is to -- to, every year, work to see how we can improve the quality of public education in the State of Illinois. After that -- those hearings, we had meetings with the Governor's Office, and I recall, at the first hearing, when Senator Demuzio spoke - and he was the -- the sponsor of Senate Bill 3000. In that first hearing, Senator Demuzio said we will need to compromise, and we will look, we will look at how we can reach an agreement on this important matter. And so, what you have before you today is a product of many discussions that have taken place with the Governor's Office and with many other groups that are concerned about public education. And I'd like to quickly go through what -- what is in the bill, and at some point, I'll also say what is -- what is not in the bill and what this bill doesn't do. But I'd like to first say what it does do. This bill, which is a product of those negotiations, terminates the terms of the current members of the State Board of Education, setting up staggered terms in which the terms of a

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

majority of members coincide with the gubernatorial election cycle and also reduces the length of the terms to four years from six so that they coincide with the gubernatorial election cycle. It allows the Governor to remove members of the Board at his discretion, but for reasons of incompetency, neglect of duty or malfeasance - not for political reasons. And, of course, under the -- the Constitution, the State Constitution of Illinois, the Governor is given the power to remove any officer he has appointed, according to Article X, Section 10 of the Constitution. And I might also point out that the Illinois Supreme Court has recognized the Governor's power to remove Senate-confirmed appointed officers and the scope of his powers in a series of cases that we have seen in the State of Illinois. In the case of constitutionally created boards, certain due process rights are guaranteed, and the court may -- may review the removal decision. And so, if the Governor were to do something crazy, this certainly -- and for political reasons, that decision could be challenged. And so, I think the Governor would be very, very careful to remove an individual unless it was for the reasons stated and allowed: neglect of duty, incompetence or malfeasance. Moving on, this bill requires the appropriation for the State Board of Education to identify the amounts appropriated for personnel services, State contributions to Social Security or Medicare, contractual services, travel, commodities, equipment, operation of automotive equipment, telecommunications, awards and grants, and permanent improvement. This basically matches what we did last year with our universities. It's the same approp format. No different. And, basically, if you look at the current format for the State Board of -- of Education approp bill, you will find that it practically matches this. The only thing we're adding here are awards and grants and -- and permanent improvements as -- as another category. So, again, it's to be able to keep track of -- of the dollars that are being spent. The proposal also allows the Governor to propose the State Superintendent and reduces the length of the State Superintendent's contract to two years from three years. Now, in terms of the role of the Governor, the bill says that the Governor "may" propose a superintendent. It doesn't say the Governor "shall." The Board of Education does

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

make the decision on the selection of a Superintendent. The bill also creates two volunteer programs, and by "volunteer," I mean that the school districts can decide. They make the decision as to whether or not they want to participate. One is the prescription drug benefit program that the State currently operates. It allows school districts to decide to participate if all the employees participate, and if they do so, they certainly would be able to take advantage of opportunities to save on prescription costs. The projection is that they could save as much as eight percent on the cost of prescriptions. But, again, they're the ones who decide. The State currently has a contract that includes two hundred and twenty {sic} participants and has the buying power of over two hundred million dollars, and that's why by allowing school districts to participate in this, they would be able to save some money. But it -- it is up to the school district to decide. It also has a voluntary program for school districts to participate in a statewide education purchasing program. Again, the idea here is to afford school districts an opportunity to save money on supplies by buying in to a State master contract where bulk rates are obtained, and school districts, at their discretion, can decide to participate in this program. It also -- and lastly, it creates a -- a program for shared services. Shared services centers shall be created by the State Board to allow school districts to come together and create pools. For example, if they need accounting services, they're all using accountants part-time, they could come together and buy those services as -- as a group and therefore save money. These are the main provisions -- or, these are the provisions of the bill. Obviously, this bill has undergone a lot of changes. I think it's improved dramatically. The mandatory aspects of the bill were totally taken out. This bill respects local control. It allows school districts to make their own decisions, but it provides options that will afford districts an opportunity to save dollars that they can shift into the classroom and into other areas. That's the main goal here, and I applaud the Governor for coming up with these suggestions for helping school districts save money. Local control is protected here. Now, of course, the big question is: Why are we removing all the State

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Board members? I want to remind everyone that there was a precedent set for this and it happened back in 1996 when the Board was changed. But, why all nine instead of five? Well, I am convinced that because this Governor has decided that he is going to accept full responsibility for the condition of public education in the State of Illinois and because he understood that there were constitutional questions, problems with his original proposal to create a Department of Education - and even though he was tempted to push that issue, he understood that the General Assembly must play a role in determining education policy - now we have before us an opportunity for this Governor to say: Yes, through my appointments of an entire Board, I can accept full responsibility for what's -- what's happening in public education. I can be held accountable. And the number-one issue, in my mind, facing the State of Illinois in terms of public education, the number one issue is not addressed in this bill, and that is the condition of finances in school districts throughout the State of Illinois. This bill does not address that issue. This bill does not address the issue of the achievement gap in the State of Illinois that has African-American and Latino kids achieving at much lower levels than white children in the school system. So, there are a number of things that this bill does not address. But in order for us to be able to get off of square one and to deal with the call for increased accountability, which is the Governor's call and is a legitimate call - and so, I respect that and I want to be supportive and make sure that school districts are more efficient with the taxpayers dollars - in order for us to be able to at some point, move to what I call the "main event" - the main event - and that is, this legislative Body, once and for all, taking on the issue, hand in hand with the Governor, of reforming how we finance public education, in order for us to get to that point, we've got to get off of square one. This is square one. I want this Governor to be fully responsible, because at some point, this Governor has to understand that he has to join this Body in effecting change in how we fund public education. And so for those of you who are wondering, why did Senator del Valle agree to this even though he was a critic of the original proposal, that is my primary motivation. Will it

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

happen? I don't know. Can I guarantee it? Of course not. Can I hope? Can I have hope for the future? Yes, and that's what this bill represents. It represents hope for the future. It represents an opportunity for us to get to that main event at some point in this Governor's term, and for that, I ask for your support. Now, one last thing: The House is sending over a bill that's different. They've got some ideas in that bill. I've read that bill. I happen to think that some of the ideas in that bill are ideas that we could adopt. Not all of them, but some are ideas that we can adopt. But the bill that they're sending over is coming over on a concurrence motion. We can't amend it. We can't do anything with it. We either have to accept it or reject it. This bill that we're sending over can be amended in the House. And so, my intent is to come together with the House and the Governor's Office to work towards an agreement, an agreement that we could all be proud of, an agreement that will have us all voting green on a final bill that will get us off of that square one and on to the main event. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Before we go to discussion, we have the State Journal-Register requesting leave to photograph the proceedings. Leave is granted. Thank you. Any further discussion? Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

To make some remarks about the bill, if I may, please.

PRESIDING OFFICER: (SENATOR DeLEO)

To -- to the bill, sir.

SENATOR CRONIN:

First, I wanted to commend my colleague who just spoke from the other side of the aisle. The Chairman of the committee I think has done a marvelous job in evaluating the proposal that was first put before us. Senator del Valle is to be commended for his advocacy and his commitment to education. If it wasn't for Senator del Valle, I'm not sure we would have had the opportunity for the -- the Committee of the Whole hearing, the hearing in Elmhurst, the hearing downstate. I want to personally and professionally salute Senator del Valle for his good work. Now, having said that, I acknowledge and recognize

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

that Senator del Valle's sentiments about this bill are probably not a whole heck of a lot different than mine. Much of the language that he offered moments ago I -- I would second; however, let me -- let me emphasize a few points and -- and share this thought with you, if I may. Let's take a step back. Let's remember the State of the State Address. Let's remember how we got to this point, how it all started. And, Ladies and Gentlemen, this is it? You know, you would have thought you had to strap yourself in to your seats here and put on your helmets. And we were going to -- we were going to see a new day, a bright shining star. Reform. Soviet-style bureaucracy was going to crumble. The Superintendent, who was publicly humiliated and vilified before the State of Illinois. The world was going to change. More money to the classroom. Reform. Blah, blah, blah, blah, "blah-go-vich." This bill is simply about control. This bill is simply about the Governor wanting his nine guys or women and to be able to put 'em on the Board and keep 'em on a short leash. He can make the appointment, but he can pull 'em at any time he wants. And consider the irony of that. I've never seen an executive officer in the State of Illinois seek to make appointments, seek to make appointments to the State Board of Education no less, a body that has huge responsibilities, an appointment that -- that you should be getting the best and the brightest civic leaders, people whose character and honesty and integrity and intelligence you have full faith and trust and credit in. And he wants to make those appointments, but, yet, he wants to be able to hire and fire them at any whim. It's just -- it's astounding to me. This bill has nothing to do with mandate reform. You remember the twenty-eight hundred pages that he plopped down on the desk there with all that fanfare. There's nothing in this bill about mandate reduction. There's not even an implication that we're -- in fact, we had to fight so hard in the original proposal to get rid of all the mandates, the additional mandates. I commend Senator del Valle and others that we have come up with something that is far less onerous, but still, still, not anything positive for kids. There's no mandate reduction. There's nothing to do with student achievement here. There's nothing with regard to teacher improvement. The number-one objection that we heard from during

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the hearings was from teachers who said the recertification and the certification process is a burden. There's nothing in this bill about that. There's nothing in this bill about No Child Left Behind. There's nothing in this bill about special ed. There's nothing in this bill about funding. There's nothing in here about regional offices. There's nothing that has any, any, impact on a student in a classroom. This bill is simply about power and control and politics. Lot of noise from the Second Floor. Lot of huff and puff. I just wanted to point out, if I may, the major problem with this bill is that it, I believe, is -- is unconstitutional. I think the Speaker shares those thoughts. The whole idea of the State Board of Education was that it was supposed to be independent. There is supposed to be continuity. That's why giving the Governor five appointments, the majority of the appointments, is a better idea, which is in the bill coming over here. Nine appointments is just too much power. The last problem is a much less one but it's sort of a -- a confusing one, is the whole prescription drug policy, a new plan that -- to create a new program. I -- I -- it's sort of an anomaly to me. But the bottom line is, this bill doesn't do anything to help schoolchildren and it gives the Governor unconstitutional power and control over education. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Harmon, for what purposes do you rise?

SENATOR HARMON:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman's moved the previous question. We have one, two, three, four, five, six people seeking recognition at this time. I'd ask the Parliamentarian to please record the six speakers. Senator Winkel, for what purpose do you rise, sir?

SENATOR WINKEL:

Thank you, Mr. President. Like to speak to the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR WINKEL:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

I, too, would like to commend the sponsor. Senator del Valle has worked very hard on this, and I know that as originally proposed, you were a very strong opponent. And I know that, like you, most of us share the concern about the future reform of education, about the things that Senator Cronin just outlined that are not in this bill, that you've expressed your hope that some day, some day, perhaps even within the term of this Governor, that they might be addressed and, certainly, they're not addressed here. I wish I could share your hope that commitments that haven't been made might actually happen, that things about how we fund education would be addressed if this sort of change were actually passed by this Body and the other Chamber and signed into law, that it would follow that we would change how we fund education and address the substantive things that really have caused so much concern and trouble in our districts back home with kids, with educating our kids. This bill falls way short of real education reform. This bill -- and it's not your fault. I don't blame you. This is the circumstance we find ourselves in. But this bill falls under more the category of -- of a slogan. I remember the Governor said "We can do better." And this is it. This isn't education reform. This is a lame slogan that really doesn't even live up to the idea that we can somehow do better. I agree with Senator Cronin. This has serious constitutional problems. The Constitutional Convention made it very clear. Our Constitution itself, by the letter of the law, makes it very clear that we're supposed to have a strong and independent State Board of Education which then appoints a -- a State Superintendent who will implement policy with some degree of independence. The short leash that's included in the provisions of this bill defy and make impossible that sort of independent exercise of judgment and implementation. In fact, during the Senate Education hearing, the attorney that was there representing the Governor's Office made it clear that he didn't think there was a problem, that even though these are appointed by -- these members by the advice and consent of the Body of the Senate, that they could be at his whim withdrawn, because, after all, that's what you do with agency heads. Ladies and Gentlemen, State Board of Education members are not merely agency heads



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

that can be appointed and withdrawn at the whim of the Governor, and that's what this bill does. And that's wrong, and I think that makes it constitutionally infirm. I think it's subject to challenge. I don't think it would stand -- withstand that kind of challenge. We need a strong and independent State Board of Education, and this fails to do that. And by these provisions, if this were enacted and implemented July 1st, this Governor could appoint all nine members, replacing all of the existing members, put all nine on without the advice and consent of this Body for five months, which really belittles what we're supposed to do under the Constitution. It makes a mockery of advice and consent, and I think that that's wrong as well. Why in the world did we include a prescription drug program within the parameters of this bill? I -- I don't believe that's even germane. I can't believe it's in here. I'm also concerned that this bill says nothing, after having laid siege to the regional superintendents last spring, trying to completely abolish them out of the budget and their very -- their very existence programmatically and erasing their salaries, that there's nothing in here that says anything about the future role of regional superintendents throughout the State. And, yet, this is supposed to be governance and reform of some sweeping nature for education K through 12 and, yet, no mention of the future role of regional superintendents. I -- I think that this bill deserves to be defeated. I understand your hope and desire. I share your concern about how we fund education. This bill has nothing to do with that. And I can't go home and I don't think anybody else can -- anybody who's got a school district in their district that's struggling to make payroll, to make sure that their kids have an educational opportunity that's in jeopardy right now, that we would go home and say, "Look, we passed this -- this governance bill," it does nothing to help them in their situation. We can express our faith in the Governor. I don't share that faith. We can express our hope that the Governor may come and work with us after this becomes law and change how we fund education. I don't share that hope. I don't believe it's so. There's no commitment. There's no plan beyond this. This measure should be defeated. This measure is not education reform. I think it's -- deserves our No vote. And I appreciate

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

all the efforts of the sponsor, but I simply don't share any desire to pass this forward. Vote No.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Winkel. Senator Brady, for what purpose do you rise, sir?

SENATOR BRADY:

Speak to the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR BRADY:

Thank you, Mr. President. Ladies and Gentlemen, I stood at press conferences with the Governor when he first introduced this piece of legislation after his State of the State Address, and like my colleagues on this side on one hand and unlike them on another hand, I stand in strong opposition to this bill. When the Governor first came forward with his proposal, he, at that time, wanted to reform and change education. He realized, from the time we served together down here to today, over the twelve -- almost twelve years that I've served here, that we've done nothing but pass the buck when it comes to our State's greatest resource. Pass the buck. If it's not our fault, it's the State Board's fault. If it's the State Board -- if it's not the State Board's fault, it's our fault. Ladies and Gentlemen, the children of the State of Illinois are our most valuable resource. Senator del Valle earlier said we need to work hand in hand with the Governor. On that point, he's right. We don't need a State Board in the middle to get in the way of improving education in the State of Illinois. We need to take responsibility. This bill has been watered down for political reasons on the Democratic side. You and I know that the Speaker of the House wouldn't call the bill, so the Governor didn't have a chance to have his legislation passed - I think a piece of legislation that would have held him accountable, that would have held him accountable to the children of -- of Illinois, that would have improved education. This bill does nothing. This bill is nothing but a bunch about nothing. The Lottery looks like it does more for education than this bill. The medical malpractice reform you'll sponsor and pass will look like it'll do more than this bill. Ladies and Gentlemen, let's

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

quit kidding the people of Illinois. Let's be serious about our State's most valuable resource - education. Voting for this is just another press release, just saying you're doing another thing for education. Let's defeat this bill, sit down and come up with meaning reform for the children of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Brady. Senator Luechtefeld, for what purpose do you rise, sir?

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LUECHTEFELD:

You know, Senator, I -- I really believe that you -- you know, there are a lot of people in politics who may be a little bit phony about things, but I believe you sincerely want to do the right thing and want to help education. And I -- and I applaud you for that. My question -- to you is this. You know, you were opposed to the Governor's plan, and I guess I thought you were opposed to the Governor's plan, for one reason, because it -- it -- it maybe was unconstitutional and also that it simply did away with the State Board and put all the power in the Governor's hand to -- to -- you know, as an agency. Now, is that a -- is that a fair statement or not?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Yes. I -- I was adamantly opposed to creating a Department of Education within the Governor's Office.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

One of my concerns with this bill is that, in a way, that's what we're doing. I mean, we basically are -- we're doing it in a different way. We are keeping a Board, but we are saying to the Governor you can appoint these people and you can fire 'em at any time you want. And -- and I -- and I guess my question to you is, how is this different than -- except -- except in

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

doing it in a different way and calling it something different, I see it to be very much the same, as far as the control of that -- of that Board, to what the Governor wanted to do. Do you not see it that way?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

I think there is a difference, but this is a product of compromise and this is a means of allowing the Governor to gain more control. Control's the right word, because I want him to feel in control, because I want to hold him accountable. He wants to be held accountable. And I feel that by appointing the Board members, as, by the way, Jim Edgar did in 1996, it was -- if it was good enough for Jim Edgar, Governor Edgar, then it's certainly good enough for Governor Blagojevich. He was allowed to do that back in 1996. Many of you who are -- who were here at that time voted for Jim Edgar to be able to do that back in 1996. Now, the other reason why I decided that I was all right with the Governor appointing these individuals is because under the Constitution, the Governor is given the power to remove any officer he has appointed. He already has that power. What we did was we inserted language to remind him of how he should use that power, just in case some of his folks forget. So, it is allowed. He makes the appointments, but there is the advice and consent of the Senate. And we will be able to look at each appointment and we will be able to assess the quality of those individuals, and if we don't like or think that someone is not right for that post, we can block that appointment. There's a role for us here. And so, yes, this is a product of compromise. But I think the creation of a Department of Education and removing all the responsibilities of the State Board would have been a major -- a major disaster and would have fully, fully politicized education in the State of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I think the situation with Governor Edgar is -- is a little different. We -- we didn't give the power of that Governor to do that and then other governors to maybe do the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

same thing over, you know, for -- forever. And it's -- it is somewhat different. Tell me, are you planning -- you know, again, I -- I was -- I was offended and I really think there were people on the other side of the aisle who were offended with the Governor's speech when he talked about the State Board and -- and -- and those people who work there. He really hit on things that -- that are not in the bill. I mean, he hit on things like doing away with mandates, doing away paperwork, all those sorts of things that we're not doing. I mean, we're -- now, we may intend to do that in the future. But the way I see this bill is it's -- it's changing the leadership, but it's not changing the things that he really hammered away on and really embarrassed some people on dealing with a lot of paperwork, mandates and -- and all the other things that he wanted to make education better.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Senator Luechtefeld, I would not have delivered the speech that the Governor delivered on that day. I thought it was unfair, and I want to go on the record that I have had a great relationship with the current Superintendent. I think he's done a good job. I think the current Board members have worked very hard. I think they've done a good job. I don't think they deserve a lot of the criticism that they've gotten, but I also understand and acknowledge the right of the chief executive officer of this State, who ultimately should be responsible for the quality of public education along with the General Assembly, I understand his right to propose changes that he feels are necessary. But you bring up a couple important points. It's already been stated that this is it, that this is all we have. This is not all we have. There's another bill that we're working on, House Bill 756, which is the School Code cleanup, which includes the recommendations of the Ryan task force to clean up the School Code. We now have an amendment for that to add some additional things, and that bill's going to -- to -- to move. That's one of the paperwork issues. We're -- we're cleaning the School Code up, and that -- that's an important thing. There's a bill that's going to come over from the House dealing with the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

teacher certification issue. In the Governor's Address and in our hearings, we heard quite a bit about teacher certification. We're dealing with that issue in another bill. And so, this is not the only game in town. This is a part of a package of bills that I hope your Members will support so that when all is said and done, we will have made significant changes in public education by the end of the Session.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, I -- certainly on this side of the aisle and I know that on the other side of the aisle there were people who had a problem with putting the Governor -- and -- and there are some people who believe he should be in complete control, and I -- and I understand their argument. I have a problem with simply taking this agency, which was somewhat independent of the Governor -- and I think the people who wrote the Constitution meant it to -- to be that way and they had had some, certainly, experiences of years that that's -- that's what they wanted it to be. I have a problem with -- with the Governor being as strong in this area as -- as he is. But I ask you, do you have a problem -- isn't there a problem with continuity here? You know, I see the Governor being able to make nine appointments and actually fire those nine appointments before we even get a chance to approve those nine. With very little background as to how this thing works, this is not an easy -- you know, State Board is -- it is a very complicated issue. And do you have a problem with the continuity? Is there something maybe in the bill coming over from the Senate -- or, from the House, that would -- would straighten that out?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

As I indicated on the last point, my intentions here are to take this bill and the House bill and then come together with the Governor to see how we could blend the two. And so, that's -- that's my intention. But in -- on the issue of continuity, you know, we could certainly paint the worst-case scenario here, and it's always a lot easier to debate the worst-case scenario.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Yeah, the Governor appoints nine members July 1 and -- and -- and July 24th he decides all nine are lousy, and even though they haven't been incompetent, they haven't -- they're not responsible for malfeasance or neglect of duty, he's going to replace everyone. That's -- oh, come on. I mean, I know you -- you don't believe that that scenario could possibly be realized. But -- okay. So -- so some say they -- they could see it happening, but I just don't see it happening. And so, I think the Governor understands, from a political standpoint, that he has to be very, very careful with -- with -- with one of the most delicate areas, one of the most sensitive areas, one of the most important areas in -- in State government, and that is the -- the area of public education. And so, I -- I just don't -- can't envision the worst-case scenario that -- that you're putting forth here.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You're -- you -- you basically say there's a bill in the House that's coming over, and if -- and there's not a lot we can do with that bill. What -- what happens, Senator, if that bill comes over and this one dies? Is there any other alternative, other than to accept this Senate bill..

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR LUECHTEFELD:

...or the House bill.

SENATOR DEL VALLE:

Oh, in this place, there's always alternatives. In this place? We can -- we can -- we can revive anything in this place. Anything can come to life suddenly. Just like things suddenly die, things suddenly die and then come to life. So, you know very well, Senator - and I don't mean to be facetious here - you know very well that -- that -- that my intent is to - - is to look for a solution here, look for a compromise. Let me say, if we don't do that, it's not just the Governor that looks bad because nothing happened. We all look bad. The House Members and the Senate look bad. Because if we can't reach an agreement on a matter of such great importance to every single

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

family in the State of Illinois, then maybe none of us should come back to this place.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Let -- let's -- let's make that happen then, Senator. And my last question. As you know, the regional superintendent of schools were cut back by the Governor, at least he -- attempted to get rid of all of them. A deal was made to go to twenty-two. You know, I -- I think they were wrong for making that deal, to be real honest with you, especially now. But do you know, have any insight as to what's going to happen to those, to the regional superintendent of schools?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Well, I -- I -- I think we need regional superintendents of schools. There's still a question as to how many we need. There's also a question as to what additional responsibilities they could assume, such as a role with teacher certification, processing teacher certification. There's also the question of the budget and State support for their offices. That's a budgetary issue that's -- that's out there also. So, I can only speak in terms of what my intent is, and I'd like to see the roles -- the offices of the regional superintendents strengthened. And I think that we're going to see more activity in that arena.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Senator del Valle, one of the things that has really impressed, I think, everybody who has even spoken in opposition to this bill today is your sincerity and your transparency. You haven't hidden the ball. You haven't acted as if this does something that it doesn't do, and I appreciate that. One of the



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

things that you shared with us as part of your motivation that -  
- that I want to elicit a little bit more is your belief - and  
tell me if I'm mischaracterizing this - your belief that at the  
end of this process if Senate Bill 3000 is signed into law, that  
Governor Blagojevich is going to assume responsibility for  
public school success or failure in Illinois. Is that a fair  
characterization -- or, is that a fair characterization of your  
motivation on this? Do you believe that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Yes, and it's based on the statements that the Governor has  
made. And this is a bill that he agrees with; therefore, in  
agreeing with it and it being a product of discussions with his  
office, the Governor has conveyed the clear message, and in my  
discussions with him, he has indicated that he is assuming  
responsibility for the condition of public education in the  
State of Illinois. Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Then just briefly to the bill and sort of for your own  
benefit, I -- I want to prepare you for what I think is severe  
disappointment, because the pattern, in all -- seriousness,  
Senator, of this Governor is not really somebody that -- I mean,  
that -- that hasn't been his pattern. You know, he's somebody  
who has called us drunken sailors. He's somebody who has  
characterized all of us, all hundred and seventy-seven people  
under this dome, as, you know, cravenly interested and beholden  
to special interests, while he himself is pure -- as driven snow  
and has no interest in those types of things whatsoever. And I  
just don't -- I don't have the same confidence that you do, that  
at the end of the day, eighteen months down the road, he doesn't  
collectively push us all under the bus and have a press  
conference and say -- when there's some report card that comes  
out and it shows that Illinois is not doing well -- and you can  
envision that. This is a big, tough problem. But can't you  
equally envision this Governor, just based on his past patterns,  
coming out and saying, "Well, if they had passed my original

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

bill and if they'd given me the ability to" - you know, do all the things that you don't want to do, basically, Senator - "then this problem would have been solved"? I just don't have that level of confidence that the person on the Second Floor is going to -- simply because you're giving him the ability to make these nine appointments and make these other substantive changes - it's not just the nine appointments, but the other substantive changes - I just don't see the pattern that gives us the confidence that you do. And my fear is that in eighteen months, after -- after there's been a lot of emotional energy that's been put on this, we're going to sort of feel the -- feel the tread marks on our collective backs as we watch the Governor roll over us and say that we're -- we're the problem, somebody else is the problem, it's the regional superintendents, it's this, it's that. And I just see that at his -- as his pattern, and I don't see this -- I -- I don't have the same level of confidence and hope that you do. So, I just urge caution.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lightford, for what purpose do you rise, ma'am?

SENATOR LIGHTFORD:

Thank you, Mr. President. To speak to the bill, please.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, ma'am.

SENATOR LIGHTFORD:

Mr. President and Ladies and Gentlemen of the Senate, it has been no secret that I have been sharing great concern of our way of education reform across the State of Illinois and particularly during this 93rd General Assembly. But first let me say that I do share the same sentiments as Senator del Valle. If you don't have hope around this Body, if you don't share some faith around this Body, then you wouldn't make it in this Body. We all know that many things come and go, things change overnight, but we have to be realistic and know that educating our children should be our very first priority. You know, many Members spoke on the other side of the aisle, and they talked about the Constitution, they talked about the Constitution, and you talked about the Constitution. And it literally made me sick to sit here and listen, because, apparently, the children that I represent was not considered in that Constitution.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Because if that were the case, then that nine-member Board would have shared more diversity than it has shared. Year after year, decade after decade, governor after governor, there has not been a fair representation of diversity on the Board for the State Board of Education. And this is something that I urged the Governor to consider. He has to make that Board look like this State. It is not a one-sided issue. All of our children -- deserve a quality education. And not only that piece, when we want to talk about they should remain independent of their own, for who? Apparently, the system has failed. Look at the academic achievement gap. Look at all the minority children that are lagging behind in reading and math. When have they stopped to say we have to do something about that issue? Look at the funding disparities. When did they stop and say this district is receiving extremely less than district next door? They never stopped and said, "Let's fix that problem." I commend the Governor on saying "I want to do something," but we have a job right here, Ladies and Gentlemen, in the General Assembly and I want us to have a opportunity to begin somewhere. If Chairman Senator del Valle says there's a bill coming over from the House, we have the opportunity to insert some more things that will make this bill stronger -- and -- and I resent a -- a Member on the other side of the aisle saying this is politics for the Democrats, we're watering down the bill. That has nothing to do with anything. We all understand how this Body works. That has nothing to do with anything. I would urge all my colleagues here to vote for this bill to get it going, to demand, to demand quality services from all of our children, for all of 'em across the State. And I want to acknowledge, you know, No Child Left Behind is so screwed up that your President had to come up with this whole terrible program that's failing many, many states across this country. It's a ridiculous program, and we all know that. It's not enough funding. It's mandate after mandate, and it's still doing nothing. All it's doing is singling out bilingual children. All it's doing is singling out children in special education. It isn't doing anything to enhance the academic achievement gap. It isn't doing anything to address funding disparities, neither is it doing anything to enhance professional development. So, let's

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

be realistic. Either we vote for this, we move this over, we receive the House version, and then we go to what we all know the last week means: debate, discussion, sitting down, working in the spirit of cooperation that has lacked in this General Assembly this entire Session. I would urge my colleagues on the side of this aisle to leave politics out of it, if you really mean it from your heart, and do what's right for the children of Illinois. Allow them the opportunity, all of them, to receive a quality education. By no means am I saying that this is the best bill. It's far from the best bill. It has, in no means, addressed many of my concerns. But I'm going to have faith and hold the Governor accountable that if we pass this legislation, we bring the House bill over, we work to define and strengthen what we can come up with in this General Assembly, that he respond to us, that he fulfills the obligation that's needed to truly reform education. And this isn't the end. We have to find a funding stream. We have to find a revenue stream. We all know that. No one mentioned the State income tax, but we know that bill is up and walking. It has legs. We have to get behind it. We have to get behind some revenue stream and say we care about our children here in the State of Illinois. And I would urge all my colleagues who have a heart for children, who really want to stick to the trueness of what this really mean, deal with the issues and vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DeLEO)

He indicates he'll yield for a question, sir.

SENATOR BURZYNSKI:

Thank you. First of all, Senator del Valle, this has been great debate over the course of the spring Session. There's been a lot of issues that have been brought forward, and certainly you've taking the leadership role in that, and we appreciate your efforts here to try to make a difference for our school kids. My concerns really do lie with the new school Board and

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the implementation of that Board. Can you tell me how many people are currently serving on the State Board of Education?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

There are nine positions, and I think there's one -- yeah. There are currently seven members serving. There are two vacancies.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. And -- and that goes to my concern. If we had an administration that was really concerned about what was going on in the State of Illinois, if he really wanted to make a change in the State Board of Education, one of these appointments, one of these vacancies has been there for eleven months. The second vacancy has been open for two months, and now we have a third vacancy as of today, I believe. So there are three vacancies on the State Board of Education. There's been an opportunity for the Governor to appoint people who might fit the criteria that some of us want or that some of you are talking about that you want to help your school kids; yet, he's neglected to do that. So, let's not kid ourselves when we say there haven't been an opportunity -- or, there hasn't been an opportunity, rather, for the Governor to make appointments like that. I want to clarify something else. We talked a little bit about the fact that -- that we did give Governor Edgar the authority to do some appointments similar, and we did; however, those appointments were to take place on January 1st, not on June 1st or July 1st. So, in other words, rather than having a Board that could serve for a period of five months without any approval, consideration by this Body, they were able to be presented to the General Assembly in a timely fashion. So, there is a little bit of difference there. You know, we talk about wanting an independent Board. Well, certainly, for at least five months, this Board would be somewhat independent because the General Assembly's not in Session. So, what we would see is a Board that perhaps might be independent from our advice and consent but certainly not from the advice, consent

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

and appointment of the Governor. So, I think that is a real problem. We don't need to remove the Senate from this equation. You know, a tremendous amount of change could occur over that period of time that none of us are comfortable with, and yet we're not here in Springfield to take action to make a difference. We need Board members who know and understand that this is much, much more than merely a political appointment, and with all of our involvement, that's what we make it. When they know that they have to come in front of this Chamber or the Executive Appointments Committee, they understand it's more than just a political appointment. By approving this bill, I'm telling you that we -- abdicate our own responsibilities and authorities as a -- deliberative Body. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR RIGHTER:

Thank you. Senator del Valle, first I want to add my voice to the course of those who have complimented you and your work and what everyone knows is your dedication and sincerity on this issue. I want to talk a little bit about and ask a couple questions about a provision in the bill that doesn't seem related to education - maybe remotely, but not directly - and that is the School Employee Benefit Act provision that's in here, which I think was Senate Amendment 4 that was adopted onto the bill. First, all that has to do with, is my understanding my reading of the bill, is a prescription plan. What was it -- I mean, I don't remember -- I remember when the Governor gave his State of the State Address and we talked about education. I don't remember him talking about a prescription plan necessary to help revamp the State Board of Education or change education in Illinois. Where did that idea come from and why is that inserted into this bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

The -- the Governor did talk about health insurance and saving school districts money, creating a pool. We decided that that would not be something that we could pursue -- that we would pursue at this point but thought that the drug benefits prescription drug program would be something that could be done. And so while it wasn't specifically mentioned, when the Governor talked about health insurance and helping school districts deal with the escalating costs of health insurance, this was part of -- of -- of the idea that he had.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Thank you. Senator, it's my understanding that the Director of the Department of Central Management Services, under -- under this bill, will have the authority to set the rates or the amount of money that local school districts will have to pay each year in order to participate in the School Employee Benefit Act, or the prescription benefit program. Where will that money be deposited?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

That would be deposited with -- with the State with the CMS program that's already in place. As I mentioned earlier, there is a -- currently a contract that covers two hundred and twenty thousand participants, and the State's current vendor is Caremark. The State is going into the third year of a five-year contract, but that contract can be rebid at the State's discretion. So, the State, of course, looks for the -- the better rates, and, yes, it's -- it's managed by CMS.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

From my reading of the bill again, Senator, and I'm looking at page 3 of the amendment. And I apologize, I don't know what it is in the engrossed version. But line 27 and 28, it says that all the revenue arising from the administration of the plan will be deposited in the General Revenue Funds. So, are you telling me that there is some separate CMS drug benefit fund

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

that's just not referenced in this bill, or is this money from the local school districts going to go directly into the General Revenue Fund?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

No, that is what the bill says, yes. You're correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

I have looked in the bill and I can't find it, Senator, but maybe it's there and I haven't -- I've missed -- I've missed it, where -- any provision that requires the Director to return funds to school districts that are unused for the program. In other words, if the costs come in under what the Director said the costs would be and charged those rates based on that estimate, is there any requirement in this bill whatsoever that that money be returned to the local school districts?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

I assume that that's what would happen. Now, you're asking for specific language. No, there isn't specific language, but I would think that CMS would not -- if you're implying that CMS would try to make money off of school districts for the General Revenue Fund off of this program, it goes totally against the intent here, which is to keep the cost as low as possible for school districts because it is an optional program. So, if something like that were to happen, then school districts have the option of saying "Wait a minute, this is not a good deal for us with the State. We're going to go to -- to another insurer."

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill. Senator del Valle, they would be able to do that but only after they'd lost their money. And I -- share your hope that the Director wouldn't do that, but as proof that this administration might be willing to do that, I think most of my colleagues have received some



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

information from their local governments in the last month or so that pursuant to its, quote unquote, "chargeback authority," the administration took two million dollars out of the Local Government Health Insurance Plan Reserve Fund. That fund has absolutely, absolutely, no State taxpayer dollars in it. That is money that is contributed by units of local government to pool to help them pay for health insurance for their employees. And the State is even allowed to take administration costs out of that. None of that was our money, and we've tapped that for two million dollars and put it where? In the General Revenue Fund. So, I think, Senator del Valle, while I share your hope, I hope that all the Members will approach that issue with a great deal of caution. There is no guarantee that the school districts would get their money back and there is every bit of evidence to suggest that once that money's in the General Revenue Fund, they won't see any of that money back. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Our final speaker -- Senator del Valle.

SENATOR DEL VALLE:

Senator, I appreciate the points you've just raised, and you know what my intent is here. In the final bill, I will make sure that we have language clearly stating that the money, if there's a difference, goes back to the school district. That will be in the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Our final speaker before Senator del Valle to close, Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I rise in support of the Senator's bill. And I've been listening very, very closely to the debate, and rather than learning from it, I think it's only confusing me. I -- what I'm hearing from the other side of the aisle is that either this bill gives the Governor too much power or it doesn't give him enough, it does too much or it does too little. You know, I think everybody is struggling to try to find a problem here because of their -- their desire just to find some problem with it. And I think at core of all of the --

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the problems that are had on the other side of the aisle is that change is hard. It's hard to do things differently. We get -- we get in certain patterns and we -- we get in certain modes of operating, and it's hard to make change. But what this bill is about, is about change and it's about a Governor saying, "Give me the responsibility, make me accountable, and I will -- I will perform." Everybody -- everybody wants him to do that and everybody wants him to do it for the kids, and he has to do it for the kids. What is so wrong with saying we're going to make kids a priority? We're -- we're going -- we're going to appoint Board members and a Superintendent that has the focus on kids -- a system that now is going to help school districts, that's going to look at some of the onerous mandates, a system that's going to allow them to pool their resources to save money, to buy health insurance, and all of that savings can go into the classroom. It's about time we started talking about the kids in the classroom, and that's what this Governor has done by virtue of introducing this bill. For the first time, we are really debating about the quality of education, and this is the beginning of that debate, not the end. So, I really -- I join with my colleagues. Everybody here has said thank you to Senator del Valle for putting together a great bill. I join with my colleagues and say to you thank you. This is really a great compromise you've put together. As you say, this is part of a larger package, and I would just, you know, note that you can't make these kinds of reforms without making change. And you can't do it without providing leadership, and that's what this bill will do. It's the beginning of that, and even the -- the longest journey begins with the first step. So, thank you, Senator del Valle, for helping us take this first step, and I would urge all of my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Ronen. Senator del Valle, to close, sir.

SENATOR DEL VALLE:

Thank you, Mr. President. And it's been a -- a long and, I think, good debate. It's always great when we debate public education here in this -- in this Chamber. It's always time well spent. So, I -- I -- I thank you for -- for the -- for all

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the comments that have been made. But as I was listening to some of the comments, I -- I -- I was reminded of -- of the year before Jim Edgar appointed all new Illinois State Board of Education members. That year was 1995 and it was the year when some of you worked very, very hard to push the Chicago School Reform bill. And today you still have Members on both sides of the aisle talking about what a great thing that was, to -- to -- to give the Mayor of the City of Chicago control, full control for the Chicago public schools. And what did that bill involve? It involved the Mayor appointing a whole new board - his people, his team - so that he could -- get things going. And so -- yet, we refer to that as an example of reform, as an example of a good decision that was made by the Legislature, but here we say that this is not reform, that this is not good enough. Is it -- is it what we want, everything we want? Absolutely not. Is it one step? Yes. For those who are concerned that this does not make additional resources available and it doesn't address the equity issue and it still leaves the State of Illinois ranking dead last in the country in terms of the difference between our lowest-spending school district and our highest-spending school district - a distinction that we should not be proud of in the State of Illinois - for those of you that say that this bill does not do anything with that, I would say yes, absolutely, you're correct, and that's why I join you. I ask you to pick up one of those slips right there - I could pass 'em out - and fill out one of those slips and come on as cosponsor of Senator Meeks's bill - I am a cosponsor of it - House Bill 750, that increases the State income tax, that provides property tax relief, that expands the sales tax base, that deals with our structural deficit and that once and for all makes Illinois a state that decides once and for all that it's going to deal with the equity issue. If you really think that it's time to get serious and that we ought to stop kidding and that we should do it for the children, then fill out one of those slips, fill out one of those slips, because it will give you more credibility when you talk on the issue. It'll give you a lot more credibility. And that is not to question your right to talk on the issue without supporting a tax increase. I realize that. But let's not kid ourselves. We say we're kidding ourselves with

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

this bill. Well, heavens -- for heaven's sake, we've been kidding ourselves here for the longest when we talk about education funding. We cannot reform it without an income tax increase in the State of Illinois. It is impossible. And so, education reform, will it ever really come to Illinois? Not until we take that step. Not until we deal with those children in the overcrowded classrooms. Not until we deal with those children where their classrooms are staffed by teachers that are underpaid. When we deal with all that, then we can say that we've really done reform. This bill is one little step in that direction, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall House Bill -- Senate Bill 3000 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 32 Ayes, 27 Nays, 0 voting Present. Senate Bill 3000, having received the required constitutional majority, is declared passed. Okay. Ladies and Gentlemen, continuing on Senate Bills 3rd Reading, page 7 of the Calendar, we'll go to Senate Bill 3002. Senator Jacobs. Senator Jacobs, do you wish to proceed, sir? He indicates -- Senator Jacobs seeks leave of the Body to return Senate Bill 3002 to the Order of 2nd -- 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Okay. On the Order of 2nd Reading is Senate Bill 3002. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs, on the amendment, sir.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment 1 to 3002, before we get into the bill, we did change some procedures 'cause this is a bill that'd normally been through Insurance. Because of timing, we went ahead and put this through Executive Committee yesterday. And what it does, it provides for the continuation of the Teachers' Retirement Insurance Program, TRIP. It repeals the July 1,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

2004, TRIP sunset date and requires statutorily defined increases in school district and active teacher TRIP contributions for fiscal years. This is an agreed-upon amendment. The Governor's Office, through Mark Kolaz, did a lot of work over the year. Jill Rock and -- and a lot of us had -- had tried to come up with an agreement. We weren't able to. This is not the best agreement in the world, I'll tell you that, but it's the one that's before us. It's the one that they all have agreed to. The Retired Teachers are on board, the IEA, the school districts. You name it, they're there. The School Management Allowance {sic} (Alliance), CMS, IFT, the Illinois Retired Teachers. And this allows our teachers that are retired to continue their insurance program at a reasonable level, at least for awhile, with a caveat that they will come forth with -- with a bill sometime between this period that this is in effect that will have long-ranging effects. I know of no opposition and ask for your support.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Jacobs moves the adoption of Floor Amendment No. 1 to Senate Bill 3002. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 3002. Senator Jacobs, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

Senate Bill 3002.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Thank you, Mr. President. We -- I just explained what the -- the bill is all about. I'll be happy to answer any questions if there be any.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Any discussion? Seeing no discussion, Senator Jacobs, to close, sir.

SENATOR JACOBS:

An Aye vote, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall Senate Bill 3002 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 45 Ayes, 13 Nays, 0 voting Present. Senate Bill 3002, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, leave of the Body, we'd ask to go back to Secretary's Desk Resolutions. We did Senate Joint Resolution 75. It's -- required a roll call vote. So, Senator del Valle moves the adoption of Senate Joint Resolution 75. The question is, shall Senate Joint Resolution 75 pass. All those will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 55 Ayes, 1 voting Nay, 0 voting Present. Senate Joint -- Resolution 75, having received the required constitutional majority, is declared passed. Going to page 8 of the Calendar. On the bottom of page 8, Ladies and Gentlemen, we'll go back to pick up on House Bills 3rd Reading. Okay. Ladies and Gentlemen, on the bottom of page 8 is House Bills 3rd Reading. We have House Bill 575. Senator John Cullerton. Out of the record. Continuing on House Bills 3rd Reading, the top of page 9, is House Bill 616. Senator Emil Jones, sir. Out of the record. House Bills 3rd Reading. 649. Senator John Cullerton. Do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, Senator Cullerton seeks leave of the Body to return House Bill 649 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Reading is House Bill 649. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, to the amendment, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is on 2nd Reading. I'd like to adopt this amendment, obviously, have a debate on the merits of the bill on 3rd Reading. This bill would make it unlawful to slaughter a horse for human consumption. I would ask that we adopt the amendment and then debate the bill on 3rd.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Cullerton moves the adoption of Amendment No. 1 to House Bill 649. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 4, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, on Amendment No. 4.

SENATOR CULLERTON:

Actually, the amendment we just adopted would make it illegal to bring a sick horse to the vet. This is the one that bans the slaughter of horses for human consumption. So, I'd like to adopt Amendment No. 4 as well.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Cullerton moves the adoption of Floor Amendment No. 4 to House Bill 649. All those in favor, vote -- will say Aye. All those opposed will say Nay. The Ayes have it, and Amendment No. 4 is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading is Senate {sic} Bill 649. Senator Cullerton, do you wish to proceed? He

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 649.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. We had a very spirited and interesting debate in the Executive Committee when this bill passed yesterday. I had some great witnesses who came to explain the -- this bill. It really, in a way, is fairly simple. It says that -- recognizes the fact that horses are not bred for human consumption, and therefore we should not slaughter them and use them for human consumption. It's against the law in Illinois to consume horse meat. These animals are being slaughtered -- or, potentially they're -- they would be slaughtered in Illinois. There's a plant in -- that is in DeKalb that would like to open and do this. This would ban that. The animal itself is a companion animal. It's a pet. It's an animal that has a revered status in our society. We utilize horses on our police departments. We've utilized horses to pay -- to build our infrastructure. And to -- in this day, in Afghanistan, we have horses who are serving the military. We -- we look upon them differently. We look upon them the way we look upon animals such as cats and dogs, and so that is the philosophical reason why we want to ban this practice. The opponents have suggested that there would be a loss in jobs at this DeKalb facility. There may be a loss in jobs at the DeKalb facility, but if we -- if the DeKalb facility opens, there would be a loss in jobs elsewhere in Illinois. If the horses are not slaughtered in DeKalb, then they also wouldn't be treated humanely at a rendering facility. Many rendering facilities exist in the State of Illinois, and for every horse that goes to DeKalb, they wouldn't be going somewhere else. It -- it's true that there might be some people who are selling their horses for four hundred dollars instead of spending a hundred and fifty dollars to humanely -- euthanize them. And, apparently, that's



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

the reason why the Farm Bureau might be against it. But a live horse, when it's kept alive, is one that generates income for -- for the State as well. It's been pointed out to me that when these horses are brought to slaughter, it's -- it's done so in an inhumane way. The horse are -- in travel, they are injured. When they get to this facility, the -- the way in which they are killed is a way that is inhumane. Horses, by their nature, are not bred like pigs and -- and cattle. They are -- for example, their head is -- they're very sensitive animals. And the way they would kill these animals at the slaughter house, it's very painful because the horse's head cannot be confined. So, with that, I understand that there are concerns about the jobs, but overall for our State, it is not a loss. There's only one State in the nation that has a slaughter house. That's Texas. So, when people say, "Well, if we don't pass this bill, there's going to be dead horses all over our State, and nothing -- and we can't dispose of 'em at this facility," that's absurd. This place hasn't been open for eighteen months. All the other states in the nation don't -- don't do this. We shouldn't either. Again, be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Cullerton. News 20 in Springfield seeks leave to photograph and videotape the proceedings. Is leave granted? Leave is granted. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR DeLEO)

Gentleman moves the previous question. We have one speaker. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR BURZYNSKI:

"Oh, Wilbur!" "A horse is a horse, of course, of course." You know, we've had some fun with this bill in some of those kinds of things. We've desensitized -- or, we've made human

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

beings out of animals - out of horses. We've given them human characteristics. We've given them human feelings, a human soul. We've done all of that. But it's time for us to kind of put the emotional aspect of this bill down, lay it aside, lay aside the fact that we had Hollywood celebrities here supporting this particular piece of legislation over the last week, and let's just look at the facts. And one of the facts, Senator Cullerton, that you just mentioned is the fact that you said it's illegal to consume horse meat in the State of Illinois. Can you point to that in statute for me? Because we've not been able to find it, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, you heard the testimony in committee. Maybe it was conflicting testimony, but there were two veterinarians that had provided conflicting testimony. It's up for you to -- maybe you and I can have conflicting testimony on the Senate Floor. I believe it's -- it's illegal. The -- the -- I don't believe that the horse meat is -- is inspected, and -- and -- and -- and I would think that, as a result, it can't be -- it can't be -- it's not governed the way the other meat is processed in the United States. So, I believe that's why it's -- it's probably, as a practical matter, illegal for it to be sold.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Well, see, there's part of the problem, Senator Cullerton. You don't believe it's inspected, but, in truth, it's federally inspected and regulated. So, I mean, Members of the General Assembly, what we've got is a lot of misinformation, a lot of fact versus myth, myth versus fact, those kinds of things. Let me just try and walk through some things with you, Senator, and -- and see if we can get some clarity on this. We've talked about the -- the humaneness of the bill or the lack of humaneness of the bill. Will this bill really reduce the overall quality of life of an unwanted or dangerous horse?

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator Cullerton. Is that a question?

SENATOR CULLERTON:

Will -- will this bill -- maybe I can ask him to repeat it.

PRESIDING OFFICER: (SENATOR DeLEO)

Could you -- could you repeat that question for the sponsor?

SENATOR BURZYNSKI:

Since this bill limits what a horse owner can and cannot do with an unwanted horse, does the bill reduce the overall quality of life for that unwanted or dangerous horse?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

The owner can still dispose of their horse in a variety of different ways. They can bury the horse in certain areas in the State if -- unless the zoning laws are against it. They can euthanize the horse, send it to a rendering plant. They have many options. We're only saying that, as a matter of public policy, because of the nature of the horse not being bred for human consumption, that that's one option that we're taking away from them. And we -- we're not going to have an increase in abuse to horses. We heard the testimony from the lady from California who indicated when they passed it in California, there was fewer incidents of -- of theft of horses, there were fewer incidents of cruelty to -- to animals. So, those what the -- is what the -- what the testimony was in committee.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Well -- and see, there's another problem I have, because it's my understanding that there weren't any slaughter facilities in California, even prior to the passage of its legislation. So, that's not a good comparison either, from that standpoint. Let me ask you this, Senator: What is the preferred method of killing an animal by the American Veterinary Medical Association?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

You know, we're getting into a battle of experts. If you -  
- if you want, you can -- you can cite your expert, your  
veterinarian; I can cite mine that contradicts that. The -- the  
-- there were two vets there. They were -- gave conflicting  
testimony. One said it's inhumane and -- to -- to use this  
method of killing these animals at the Cavel plant; the other  
one said it's not.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, I understand that, but I'm looking beyond the  
veterinarians that we had in committee hearing yesterday. The  
American Veterinary Medical Association, the umbrella  
organization of veterinarians in the United States, certify that  
captive bolt stunning as the most humane method used to kill  
livestock, including horses. So, in other words, that's the  
preferred method.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

If they can keep the horse's head steady, and that cannot -  
- since that cannot be done, it's not a humane way of disposing  
of the animal. And there's a lot of animal lovers out there who  
feel very strongly - and, yes, it is emotional - that dealing  
with even cattle in a humane way is part of our laws and our  
tradition, and that's why this is so -- such an important part  
of this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, and -- and there goes to another issue, and I'm not  
ready to quite delve into that one yet, but captive bolt  
stunning is also the method used for cattle, as we know. We  
also heard testimony -- and I realize your -- your expert and my  
expert can talk about having a head restraint or whatever, but  
we also heard testimony that indicated that head restraints are  
sometimes even more damaging to a horse because the horse will  
absolutely fight that, rather than staying still, once they're  
put into the -- what they call a "box" where these horses are

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

stunned, where they have very little ability for movement. Let -- let me go on. First of all, there are a lot of people that say horse slaughter facilities and horse transportation is not regulated by the governmental body. In fact, you yourself, a few minutes ago, said that this meat's not inspected, but it is by the feds. Actually, the USDA does this. They've included regulations. In some of your testimony, you talked about regulations for transportation of animals, of horses in particular. There's a sixty-two-page regulation in the Federal Register about how to transport horses, which, by the way, includes the phasing out of the double-decker trailers that we've talked about in committee yesterday and several times. So, what I'm trying to tell you is, that method is being improved upon. There are approved rules and regs by the federal government as to how horses should be transported. Let me ask you this: Are we kind of on a slippery slope when it comes to legislation that deals with one business - it's an entire industry, but one business - in the State of Illinois that's operating legally and has since 1987? I think that's another misconception many of you have here on the Floor. This plant was in operation up until eighteen months ago, since 1987. Are we really stepping in an area here that could create some kind of lawsuits?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I'd like to -- I -- I'd like to answer a previous question. You indicated that -- I have a report here of the AVMA Panel on Euthanasia. It says adequate restraint is important to ensure proper placement of the captive bolt. So, there -- the -- the -- the point here is that the head is not restrained, unlike docile cattle and -- and animals that are raised for slaughter. And that's really the answer to your slippery slope argument. The slippery slope ends. We don't -- we don't, in our culture, take cats and dogs and provide them for human consumption, and since -- because they're not raised for that purpose. Horses are not raised for this purpose. That's where we draw the line. Animals that are raised for this purpose we do slaughter 'cause that's why they exist. They

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

wouldn't have existed if they weren't intended for human consumption. And that's the difference. So, there -- there is no slippery slope. Any animal that is slaughtered for human consumption when it's not raised for that purpose, it should be banned. Any animal that is raised for human consumption can be slaughtered.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, since, according to your testimony, we don't eat horse meat in the United States, are we then making some sort of a political statement against those countries who do eat horse meat?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

If you're in Belgium and you're in France - that's where this -- this meat is consumed for human consumption - you've got your own horses that you can use to provide the food for your country. These are not countries that are starving, that they need to have this delicacy, and that's what it is to them. We don't -- we -- we don't culturally, in this country, accept the idea of having horse meat. Other countries do. They can get their horses from their -- from their sources. We -- we're making a decision here that it's not right for our horses to be subject to slaughter so that they can have 'em on their plate.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Senator, there's certainly been a lot of discussion relative to the bill relative to humane treatment of animals, relative to the ongoing care of animals. If we're slaughtering approximately fifty thousand head of horses a year in this country -- or, in this State, what's going to happen to that fifty thousand head of horses if this market's not available?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

What's been happening for the last eighteen months while this plant has been closed? What happens in the forty-nine other states that don't have a slaughterhouse? We -- we know how these animals are disposed of. They're -- they're -- they're disposed of in a humane way by veterinarians. They're buried, they're gone to rendering plants. You have the option. The horse owners still have that option. And -- and to me, it's kind of amazing that there's only one other state that has even decided to start a similar type of a plant as this that they're proposing in DeKalb.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

I'm just asking for the same amount of time that was afforded Ms. Derek yesterday. Senator, what would you say if I indicated to you that those horses are being transported to Canada or Mexico for slaughter?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Apparently, the -- the number of horses that have been exported is -- is driven by the demand by -- foreign consumers, not by the supply of horses.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator, let me ask you something else. There's a portion of this bill that creates a little bit of a concern relative to transportation of horses in and out of the State of Illinois. Are you familiar with that? Has anyone talked to you about that particular aspect?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yeah. Are -- could you tell me what Section of the bill you're referring to?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Yeah. In -- in your bill, you talk -- it's Section 7, where you say "The Illinois Horse Meat Act is amended by repealing Section 14", which talks about the transportation of horses through, in and out of the State of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just to give you a little more information, according to the federal Act, "Horse meat prepared in federally inspected plants located in the State of Illinois, for sale outside of the State of Illinois, is excluded from the provisions of this Act."

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

I don't know if that's a question or -- I don't know how to respond to it. I don't -- I don't understand the point.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, on page 2 of your bill, Section -- or, it's Section 5(c), it says, "Notwithstanding any other provision of law, it is unlawful for any person to possess, to import into or export from this State, or to sell, buy, give away, hold, or accept any horse meat if that person knows or should know" - and we don't always know that that's the case - "that the horse meat will be used for human consumption." That's the aspect I'm talking about, how we travel through or into or out to -- out of the State of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I -- you've read what the bill says, and I don't know what your problem is with it. It -- it's -- it's -- it's very straightforward. So, I don't know how to answer your question.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Thank you. The problem is -- the problem is. I can talk slower. The problem is, Senator, that how do you know whether or not that's going to be the intended use, and is there going to be a penalty then if you suspect that might be what happened -- happens, but that's the best way for you to dispose of your livestock?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Section {sic} (c) refers to meat, not to horses. So, I -- I -- I think it's pretty -- it refers to horse meat.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Okay. Let me -- let me keep going then. How would the passage of the American Horse Slaughter Prevention Act, which is currently in the U.S. House Ways and Means Committee's Subcommittee on Trade, affect the status of this legislation if it was signed by the Governor? In other words, what does that federal law have to do with us? Can they supersede us if we pass this bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yeah. I think there's been litigation. We expect litigation, obviously, after this bill is passed. Your -- the would-be plant in your facility {sic} indicated that they would sue. I believe this bill is clearly constitutional. That's obviously to be determined by the courts. We can't stop people from suing. But I don't -- I'm not on the Supreme Court. I can't tell you how they're going to rule, but I believe it's constitutional for -- for -- without any question.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Let me ask you this, Senator: Do you know what the impact would be on the community of DeKalb if this plant is closed -- or, not allowed to open?

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator Cullerton.

SENATOR CULLERTON:

Well, it sure was interesting - wasn't it? - that my witness, one of my three witnesses, was from DeKalb and talked about how -- what a booming community it is. The University, Northern Illinois, is there, that there's been the County of McHenry that refused to accept a similar type of a facility. They didn't want it there. So, I think there was, once again, conflicting testimony. Obviously, I can understand where you, from being from that district, would like those jobs, but I point out to the rest of us that there's not going to be a loss of money in the State of Illinois because a horse that's sent to your facility in DeKalb would take away from a facility somewhere else in Illinois where they could also be doing the rendering. So, it's a net -- not a loss. It's a -- to the State of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Well, let me give you an idea of what impact it does have on the community. First of all, we've had a brand-new facility, multi-million-dollar facility, that's been built and constructed. Local construction trades. Everything else. Secondly, what we have is we have a situation of a plant that if it's allowed to be up and running, is going to contribute about ninety thousand dollars a year to the local economy through property taxes, with about sixty percent of that going to the local school district. So, fifty-five thousand dollars going to the local school district. Secondly, let's look at its impact on the State. We are talking about 1.1 million dollars in annual payroll, minimally, with the production started for this week. The facility, upon full operation, will employ approximately forty employees. And although we might say it's only forty employees, it's forty employees and their families that will be out of jobs. So, it does have a negative impact on my community. And, you know, I've heard from a lot of people on this bill. I've heard from as many opponents as I have proponents, and, believe me, I've heard from a ton of proponents. So, I understand that, and I understand their

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

concern. But I also think we need to take a look at what happens, what the next step is, and I think that we need to really strive to try and answer some of these questions before we go through this. Senator, if this is such a bad thing, why is it, under your bill, a misdemeanor for violation of the Act?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Well, first of all, I have to respond to the earlier points you made. This facility in DeKalb has not opened yet, so nobody's going to lose their job. That's very important. And if the people who decided to rebuild this facility - which, as you pointed out earlier, this used to be a facility where they - where they slaughtered -- before the horses, they -- they slaughtered livestock there. Okay? They knew that in California they had banned these slaughtering houses, in Texas they had passed a law to -- to ban these slaughtering, and they still took the risk to go ahead and -- and start to -- to build it. That was their call. So, it's something that they -- perhaps they should have thought about before -- before they did it. Now, as far as the misdemeanor penalty, there's got to be a penalty in here. If you want me to make it into a felony, maybe we can do that with a trailer bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

The -- only if a horse is pulling the trailer. But, anyway, Senator, let's just very briefly - and I'm not going to keep going. Yes, you know what I was thinking. But if we take a look at the impact that this bill could have on the welfare of animals, if we take a look at the impact it could have on our livestock industry as a whole, the fact that other forms of livestock, other types of livestock are slaughtered in the same method, the very exact same method, I don't think that's where this Body wants to go. There are a lot of concerns that people have raised throughout the last few weeks about this bill. Senator, I want to tell you, when they decided to rebuild Cavel, there was not a bill that was in the offing. This is something that has occurred since they started rebuilding that facility.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

And I don't know what all of you envision a slaughter facility to look like that's a first-class, first-rate slaughter facility, but we're talking about a modernized building. We're talking about horses that -- are kept under roof, that are transported in for immediate slaughter. They're not left on the premises. They're taken out. There's a USDA veterinarian on premises at all times. They have to be. This food has to be inspected. The transportation is extensively regulated - sixty-two pages - and enforced by federal regs. We've already talked about the fact that the American Veterinary Medical Association has approved the captive bolt method of euthanization as humane for equine. Bans on horse slaughter are opposed by the American Association of Equine -- Practitioners, and we need to make sure that we understand that. We don't even need to deal with the morality of consumption since we don't deal with that here. We're not the ones consuming it. We're exporting it for consumption. I think there are more unintended consequences of this bill, both short-term and long-term. I think that if you can't sell your animals to slaughter and your horse is not accepted for adoption, you can't bury your horse on your property - you mentioned that as an option in some areas of the State it might be; certainly is not in northern Illinois - and you can't dispose of the horse's body at the renderers, what do you do with this animal? The opponents of horse slaughter claim that the practice of slaughter is cruel. I would suggest that it's not and that the captive bolt method of slaughter certainly is probably the best means of disposition of animals. All of these horses are inspected at the commercial slaughterhouses by a licensed veterinarian, we've already talked about. And one of our individuals yesterday that gave testimony felt very strongly about the impact that this bill would have on her ability - that's Dr. Sherry King from SIU - relative to her ability to teach and to put her students out into the communities to deal with this. To quote her in a white paper that she wrote, it says, "This legislation makes an implied moral indictment of the eating habits of other cultures." We need to be careful, folks. This is a slippery slope. I wished we had more time to debate it. I wished we had done that in committee yesterday. But what I'm going to ask of you, put away the glitter of Hollywood, put

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

away those visions of Mr. Ed, Silver, Black Beauty. I can't believe it. I had people -- no -- Senator Hendon, I think you know what I meant. I had individuals contacting my office saying "Remember these beautiful animals, their contributions to society." Certainly, maybe they made contributions to society. But the truth of the matter is, we have an overpopulation of horses in this country. We have overbreeding of horses in this country by thoroughbred owners and everyone else. There has to be an outlet for this product. Cavel Industries in DeKalb presents such an outlet. I think we have a real concern here when we start talking about, I believe, dealing with one specific business, one specific entity in the State of Illinois and saying, "We're going to put you out of business because we don't like what you do." I urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you -- thank you, Senator. Senator Cullerton, to close, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Just very briefly. Here's who's for this bill: the Illinois Department of Agriculture, the Thoroughbred Breeders Association, Thoroughbred Horsemen's Association, the Harness Horsemen's Association, Horsemen's Benevolent and Protective Association, the Illinois Hooved Animal Humane Society, all five of the -- Illinois racetracks, American Society for the Prevention of Cruelty to Animals, Humane Society of the United States, Illinois boarding and training stables, Illinois breeding farms, therapeutic riding centers, pleasure horse owners and veterinarians. This bill had three witnesses. Bo Derek came to Illinois. She was very articulate. We had our expert, Dr. Lydia Gray, who's a veterinarian, Executive Director of the veterinarian -- of the Hooved Animal Humane Society, and Carol {sic} (Gail) Vacca, who is a professional horse trainer, who's from DeKalb. This facility hasn't opened yet. Nobody's being put out of business. The -- two points. Just to leave you with this: They're not livestock. They're not livestock. They're not raised for that purpose. They're different animals. It's more like a cat and a dog than it is livestock. And don't underestimate the seriousness of this issue in your district.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

There are people who feel so strongly about this, that this is a very important vote for all of us. Let's vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall House -- House Bill 649 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 38 Ayes, 15 Nays, 2 voting Present. House Bill 649, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, continuing on House Bills 3rd Reading, we have House Bill 714. Senator George Shadid. Senator Shadid. Out of the record. House Bill 731. Senator Donne Trotter. Senator Donne Trotter, on House Bill -- out of the record. Senator Meeks. Senator James Meeks, on House Bill 750, sir. Out of the record. Senator del Valle, on -- 756, sir. Out of the record. Senator Emil Jones, on 759. Senator Jones. Out of the record. Senator Emil Jones, on 762, sir. Out of the record. Senator Maloney. I'm sorry. Senator Luechtefeld, for what purpose do you rise, sir?

SENATOR LUECHTEFELD:

Yes, Mr. President. I would like to be -- I pushed the red button on the last bill. Would like to be recorded as a No on that last bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The record will so indicate your intention. On -- on House Bill 649, Senator Luechtefeld would like to be recorded as a No vote. The record will so indicate that. On -- going back to House Bills 3rd Reading, on the middle of page 9. Senator Schoenberg, for what purpose do you rise, sir?

SENATOR SCHOENBERG:

Thank you, Mr. President. I'd like the record to reflect that I had wished to be voted Aye on Senator Cullerton's bill. 649.

PRESIDING OFFICER: (SENATOR DeLEO)

The record will so indicate that, sir. Thank you. Ladies and Gentlemen, continuing on page 9, House Bills 3rd Reading, is House Bill 766. Senator Maloney, do you wish to proceed? Out of the record. Senator Emil Jones, on 779. Out of the record.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator Clayborne, on 826, sir. Senator James Clayborne, on 826. Out of the record. Ladies and Gentlemen, continuing on House Bills 3rd Reading, top of page 10, is House Bill 834. Senator Emil Jones. Out of the record. Senator Marty Sandoval, on House Bills 3rd Reading, 835. 835, Senator -- out of the record. Senator Link. Senator Link, on House Bill 843, seeks leave of the Body to return House Bills -- 843 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bills -- 843. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Link, to the amendment, sir.

SENATOR LINK:

Thank you, Mr. President. This amendment states once all township obligations have been paid and canceled this amendment will allow remaining money in township bond funds to be appropriated and expended from the effective date of the Act through December 31st, 2004. The amendment adds open space maintenance and operations to the list of purposes for which the township supervisor may appropriate and spend.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Link moves the adoption of -- Floor Amendment No. 1 to House Bill 843. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link, on Amendment No. 2, sir.

SENATOR LINK:

Thank you, Mr. President. The amendment is identical to Amendment 1 with the exception specifying that all surplus funds may only be used for the purpose of which the bonds are originally sold.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Okay. Senator Link moves the adoption of Amendment -- Floor Amendment No. 2 to House Bill 843. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading, House Bill 843. Senator Link, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 843.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. As I indicated, once all township obligations have been paid and cancelled, it allows the money to remain in township bond funds to be appropriated and expended from the effective date of the Act, December 31st, 2004. The amendment also adds open space maintenance and operation to list of purposes for which a township supervisor may appropriate and spend, and specify that the surplus funds may be only used for the purpose of which the bonds were originally sold. I know of no opposition. I'll be more than -- more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Is there any discussion? Is there any -- Senator Wendell Jones, for what purpose you rise, sir?

SENATOR W. JONES:

Just to comment that this came out of Local Government and we have no problem on this side of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Any further discussion? Seeing no other further discussion, Senator Link, to close. Okay. The question is, shall House Bill 843 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. All voted



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

who wish? All voted who wish? All voted who wish? Mr. Secretary, please take the record. On that question, there are 58 Ayes, 0 Nays, 0 voting Present. House Bill 843, having received the required constitutional majority, is declared passed. Leave of the Body, we'll come back to 848. Continuing on House Bills 3rd Reading is House Bill 849. Senator Trotter. Out of the record. House Bill 851, sir. Out of the record. House Bill 853. Senator Trotter. Out of the record. Senator Emil Jones, on 854. Out of the record. Senator Terry Link, on House Bill 855, sir. Out of the record. Senator Emil Jones, on 856. Out of the record. Senator Emil Jones, on 857. Out of the record. Senator Link, on House Bill 862, sir. Out of the record. Ladies and Gentlemen, on the top of page 11 is House Bills 3rd Reading. Senator Link. Senator Terry Link, on 863. Out of the record. Senator Emil Jones, on 864. Out of the record. Senator Emil Jones, on House Bill 866. Out of the record. Senator Emil Jones, on House Bill 867. Out of the record. Senator Jones, on House Bill 868. Out of the record. Senator Emil Jones, on 870. Out of the record. Leave of the Body, we'll come back to 875. Ladies and Gentlemen, House Bills 3rd Reading. Senator Link, on 913, sir. Out. Senator Carol Ronen. 921. Out. Out. Out. Senator Emil Jones, on 934, sir. Out of the record. Senator Jones, on 944. Out of the record. Senator Emil Jones, on 966. Out of the record. Susan Garrett. Senator Susan Garrett, on 976. Senator Garrett, on 976, ma'am? Out of the record. Ladies and Gentlemen, continuing on House Bills 3rd Reading. The top of page 12. Senator Jones. Emil Jones, on 999. Out of the record. Senator Link. Senator Link, on 1004, sir. Out of the record. Senator Jones, on 1007. Emil Jones. Out of the record. Senator Pat Welch, on 1020, sir. Okay. Senator Welch seeks leave of the Body to return House Bill 1020 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1020. Mr. Secretary, are there any amendments approved for consideration, sir?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch, to the amendment, sir.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

SENATOR WELCH:

Thank you, Mr. President. Senate Amendment No. 2 was suggested by the Judiciary Committee. And the bill itself started out being a bill to allow grandparents to intervene where their child is deceased, but has a child of their own. The other parent, the noncustodial parent, was denied custody at the time of the divorce because he had been incarcerated and he was basically not fit to have custody. This bill would allow grandparents to file a petition to get before the court to try to get custody of the granddaughter or grandson. I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Welch moves the adoption of Amendment No. -- Floor Amendment No. 2 to House Bill 1020. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading comes House Bill 1020. Senator Welch, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 1020.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill came to my attention and was drafted by me when a constituent of mine passed away, had a daughter and her former husband was not awarded custody. That husband was in jail. He was unfit. There was an order of protection against him to stay away from both the daughter and the mother, and then the mother was killed in a car crash. What happened then was the -- the husband, who had not been around for years, came back from Florida and was awarded temporary

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

custody of the child pending further review by the court. What I'm trying to do here is to allow a grandparent to intervene by filing a petition so they could get before the court to assert some rights to see if the court would award them custody. It doesn't specifically say they would get custody. It gives them the ability to file a petition to get before the court to make an argument to that effect. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I commend Senator Welch for this bill. It's about time. I think this is a good bill, because let's not kid ourselves, grandparents are important too and they care. I left my grandparents when I was four and I -- I am -- still think about 'em and I still miss them. Let me tell you, this is a bill in the right direction, and I ask everyone to vote for it.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Geo-Karis. Is there any further discussion? Seeing no further discussion, Senator Welch, to close, sir.

SENATOR WELCH:

Senator Geo-Karis is absolutely right. It is time for this bill, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall House Bill 1020 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 59 Ayes, 0 Nay, 0 voting Present. House Bill 1020, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading, in the middle of page 12 is House Bill 1067. Senator Jacobs, do you wish to proceed, sir? No, he does not. Senator Don Harmon, on 1083, sir? Out of the record. Senator Emil Jones, on 1111. Out of the record. Senator John Cullerton.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator John Cullerton, on 1191, sir. Out of the record. Senator Martinez, on 1336, ma'am? Out of the record. Senator Silverstein, on 1659. Do you wish to proceed, sir? He indicates he wishes to proceed. Senator Silverstein seeks leave of the Body to return House Bill 1659 back to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading now is House Bill 1659. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Silverstein.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Silverstein, on the amendment, sir.

SENATOR SILVERSTEIN:

Thank you, Mr. President. Floor Amendment No. 2 deletes and becomes the bill. It basically -- retains the original bill, as amended, and removes provisions exempting dialysis training facilities and home facilities -- units located in nursing homes. This was an amendment agreed upon between the proponents and the Department of Public Aid -- Public Health.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion. Okay. Senator Silverstein moves the adoption of Amendment -- Floor Amendment No. 2 to House Bill 1659. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

House Bill -- 3rd Reading. House Bill 1659 now will be on the Order of 3rd Reading. Senator Silverstein, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 1659.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Just explained the amendment. This is an agreed amendment between the Department and the proponents. I'll take any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Seeing no discussion, the question is, shall House Bill 1659 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 58 Ayes, 0 Nays, 0 Present. House Bill 1659, having received the required constitutional majority, is declared passed. On the bottom of page 12, continuing on House Bills 3rd Reading, is House Bill 1660. Senator Crotty. Out of the record. Ladies and Gentlemen, turning the page, on the top of page 13, continuing on House Bills 3rd Reading, Senator John Cullerton, on 1875, sir. Out of the record. Senator Silverstein, on 2220. House Bills 3rd Reading. Senator James Meeks, on 2587, sir. Do you wish to proceed? He indicates he wishes to proceed. Senator Meeks seeks leave of the Body to return House Bill 2587 back to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading now comes House Bill 2587. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 5, offered by Senator Meeks.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Meeks, to the amendment, sir.

SENATOR MEEKS:

Thank you so much, Mr. President. This amendment simply refers the project to underserved communities and neighborhoods rather than just underserved communities.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Bomke, for what purpose do you rise, sir?

SENATOR BOMKE:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Thank you, Mr. President. Just to let you know that it passed out of committee with no opposition from this side of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Any further discussion? Seeing no further discussion, Senator Meeks moves the adoption of Floor Amendment No. 5 to House Bill 2587. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading -- House Bill 2587. Senator Meeks, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 2587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Meeks.

SENATOR MEEKS:

Thank you -- thank you so much, Mr. President. House Bill 2587 simply creates the Illinois Transit Ridership and Economic Development Pilot (Project) Program. This program is designed to make sure that individuals in underserved communities have access to transportation.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Senator Meeks, when this bill came over originally, I think it -- it was a -- a one-year pilot project bill. And now can you explain, has it been expanded? And while it's still described

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

as a pilot project, it doesn't seem like there's an -- an end date anymore.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Meeks.

SENATOR MEEKS:

Thank you so much, Senator. We took out the specific year so that if the project was not funded this year, if there was no money available, that the project could be funded next year.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Where do you anticipate the money coming from for this project under normal circumstances? Is it a road fund -- road funds or from the General Revenue Fund?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Meeks.

SENATOR MEEKS:

Thank you, Senator. It's not a road fund. So, it would be from the general revenue and it is subject to appropriations.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Have you gotten any feedback from the Governor in terms of the spending pressure on this, and any -- any assurance that he'll -- he'll fund it?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Meeks.

SENATOR MEEKS:

Well, I think the fact that it's also federal funds that is available for this project causes us to believe that the Governor will be supportive of it.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Later on in the bill, Senator, there's a reference to a political approval in -- in a Peoria project. That's on page 4. I've not seen that -- that reference to putting that into statute - in other words, "develop a funding plan and timetable to secure final political approval." What do the drafters mean

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

by that and, how -- what -- what's -- what's defined as "political approval"? Is it the city council or the county, or...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Meeks.

SENATOR MEEKS:

I think, Senator, that would be Pekin and Peoria together, but that's my best explanation of it.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam. No further questions. No -- seeing no further discussion, Senator Meeks, to close, sir.

SENATOR MEEKS:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. House -- the question is, shall House Bill 2587 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 45 Ayes, 12 Nays, 1 voting Present. House Bill 2587, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading, in the middle of page 13 is House Bill 3589. Senator Schoenberg. Out of the record. Senator Emil Jones, on 3715. Out of the record. Senator Link. Senator Link, on House Bill 3716, sir. Out of the record. Senator John Sullivan, on 3828, sir. Senator John Sullivan. Out of the record. Senator Shadid, on 3835, sir. House Bill 3835. Senator Shadid. Out of the record. Senator Lightford, on 3979, ma'am. Out of the record. Senator John Cullerton, on 4086, sir. Out of the record. Ladies and Gentlemen, on the top of page 14 we'll continue House Bills 3rd Reading, is House Bill 4154. Senator Schoenberg, on 4154, sir. Out of the record. Senator del Valle, on 4176, sir. Senator del Valle. 4176. Out of the record. Senator Silverstein, on 4200. Out of the record. Leave of the Body, on 4241, we'll come back to this. 4283. Senator Shadid. 4505. Senator Collins. Senator Jacqui Collins, on 4505. 4522. Senator del Valle. 4522. Senator del Valle. Out of the record. Senator Obama, on 4730, sir. Senator Obama, on 4730, sir. Senator Jacobs, on 4847. Senator Jacobs. Out of the record. Ladies and Gentlemen, continuing on



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

House Bills 3rd Reading. The top of page 15. On the top of page 15 appears House Bill 4870. Senator Link. Senator Terry Link, on 4870. Out of the record. Senator Schoenberg, on 4894, sir. Gentleman indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 4894.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Schoenberg, on the bill.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a -- an -- a health initiative that allows for the Department of Public Health to develop and operate, subject to appropriation, a program that a person who does not qualify to receive a free flu vaccination through private insurance, an HMO or a related plan shall be able to receive a flu vaccination once a year at no cost to the qualified person. This is an initiative that's supported by the Illinois Academy of Family Physicians, the Illinois Public Health Association and the City of Chicago. And I -- I urge your adoption of -- of this and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Senator Schoenberg, I wasn't in the committee hearing, but I'm informed that there was discussion of a Floor amendment between you and Senator Obama, actually. Could you just give us the status of that discussion and what your understanding was of -- of that and how it related? Again, I wasn't there, but I'm informed by staff that there was discussion of a Floor amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator Schoenberg.

SENATOR SCHOENBERG:

At that time, the Chairman expressed some reservation. There was no concrete commitment to any kind of amendment. He took issue with it. Subsequent discussion didn't amount to anything more than just discussion. So, we weren't that far along.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Senator, does the bill allow -- I think you said this in your presentation: The bill allows people who don't have access to a free flu shot to get a flu shot. Would that be regardless of any other coverage that they have - in other words, even if they had a -- a flu shot that were available to them on a co-pay basis?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

If, in fact, they had that available to them through private insurance, through an HMO, or through a related plan, it would -- they -- if they did not have that, then they would indeed be able to get so. So, anybody who was -- in short, anybody who's not covered would, indeed, be able to get that flu shot, because we wouldn't want them to be at risk of contact -- contracting influenza.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

What happens if it's available for them at a very modest price? In other words, if you have coverage and you get a flu shot for a couple dollars? Under this bill, if it's -- if it is enacted, would the person that has access to a flu shot for, let's say, two dollars or five dollars, would they be eligible to come and get a free flu shot if this were passed?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

This is really to cover people who have no alternative available to them for a flu shot, that through one means or another if they were not -- if they were not covered -- even if the amount was a modest amount, if they are without coverage entirely, they'd be able to get that free flu shot.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

So, the -- the folks would, even though they had -- I mean, even though it was an access issue -- I mean, even though it's -- it's not an access issue, if they -- if it was literally accessible to them by a modest fee but they chose not to pay the modest fee, under this bill they could go and get the free flu shot?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

I think the operative principle here is coverage. If someone is not -- has no coverage through any means, then they would, indeed, be able to get a flu shot. The principle at hand here, again, is that if someone has no -- is not covered in one form or another, that they would, indeed, be able to access that flu shot so as to avert this serious illness. And that's precisely why the -- in particular, the City of Chicago's Department of Public Health is so strongly supportive of this, because they see that despite our best efforts, through one means or another, still a number of people do go -- uncovered and do not have access to flu shots.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Senator, I'm reading the bill and the flu shot, if this is enacted, would be available to eligible individuals. And your definition of "eligible individual" means a resident of Illinois who is not entitled to receive an influenza vaccine at no cost as a benefit of health insurance, managed care or a plan provided by a health maintenance organization, et cetera. So, in other words, anybody could come and get a free flu shot that

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

doesn't have someplace else to get a -- free flu shot? That's right, isn't it?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

And, Senator, isn't the Illinois Department of Public Health opposed to the bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

I -- the -- the Department of Public Health did oppose the bill. However, as I indicated in my opening remarks, this bill is, number one, subject to appropriations. And, secondly, while in their testimony the Illinois Department of Public Health raised other concerns, I think that there is a valid public debate going on right now as to the -- as to whether or not there are indeed the -- the type of shortages of flu vaccines that were perhaps represented earlier. For example, there are only a handful of manufacturers of flu vaccines. One of them, Aventis, was -- has said -- which produces more than half of the nation's vaccine supply, actually said, in the context of this past year, that in most years -- that they couldn't remember running out, and in fact, in most years, they destroy millions of doses of vaccine because they go unused. Similarly, there's now other alternatives available through sprays where millions of doses again have gone unused. So, I do believe, as do the proponents, that the quantities do exist, so, that the concerns raised about how do we address potential shortages, I don't believe that there is a legitimate shortage.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Thank you, Senator, for your responses. I don't know anything about shortages of flu shots either, but I do know a good idea from a bad idea. A good idea,

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

I think, would be making flu shots available to a defined group of people who we, through study and conversation and research and review, have come to the conclusion are not accessing flu shots because they don't have the financial resources available to do them. But the weakness in this bill is that it makes it available to anybody - anybody - in Illinois who can't get it free someplace else. So, for example, if you have a health policy and it says in your health policy that you can get a flu shot for five dollars, because that's not free to you, you now get to get a flu shot for free, courtesy of the State of Illinois. Well, what's going to happen? I mean, this is not complicated. This is -- human nature is, and if -- and it -- and we all fall into this: You go get the free one. That's absolutely what's going to happen. I think this bill -- I don't think it has much to do with -- with the -- the amount and the supply and the demand and so forth. And there could be a good bill underlying this bill, but this -- this little phrase, "at no cost," which is on line 11 of the bill, I think makes it fatally flawed. We cannot afford to give free drugs to people just because they can't get their free vaccination someplace else. I think we can work harder on this. I think that we can focus our resources in on this. And even though it's subject to -- appropriation, we're creating an expectation. We are expanding an entitlement that we can ill afford. Please vote No.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any further discussion? Any -- Senator Radogno, for what purpose do you rise, ma'am?

SENATOR RADOGNO:

Just to comment on the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, ma'am.

SENATOR RADOGNO:

Thank you. I was in committee, and -- when we discussed this and while the -- the money is a concern - that's true - I think the -- the bigger concern that several Members expressed concern about was the fact that we're creating demand for flu shots that are already in short supply. Now, whether or not they're available in adequate number across the country is one

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

thing, but perhaps they're mismatched to the populations that need them. It's been widely reported in the papers that there are shortages of flu shots. And so now we're saying anyone who wants one can get one and they not only can get it, but with the language of the bill, even -- even if they have a co-pay, it will qualify them for this free shot. And there was in committee, I do believe, an agreement that there would be -- you were cautioned, I believe, that -- that there was not support for this, that we'd help you move it out to work on it further. And so now here it is without any changes. I'm opposed to the concept. I think there's really good reasons not to do this, which is why Public Health does oppose it. So -- but I'd be interested in knowing why we're moving on it now.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Seeing no further discussion, Senator Schoenberg, to close, sir.

SENATOR SCHOENBERG:

Thank you. The -- the issue that was raised by the previous speaker points to something I mentioned earlier and that is that the shortages that were represented are not genuine. The shortages are a function of many factors. The quantities in prior years have existed, and that's precisely why the State's largest jurisdiction, the City of Chicago, their Department of Public Health, believes so strongly in this. But more importantly, this is a very modest cost that's critical to preventative and proactive public health. There would be serious health implications if people do not have their influenza shot, and it's precisely for that reason, I believe, that the House voted a 110 to 1 in support of this. I'd urge my colleagues to do the same. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. The question is, shall House Bill 4894 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 34 Ayes, 24 Nays, 0 voting Present. House Bill 4894, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, continuing on House Bills 3rd Reading is House

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Bill -- has passed. Out of the record. Senator Harmon. Don Harmon, on 5875, sir. Out of the record. Senator Emil Jones, on 6496, sir. Out of the -- Senator Jones, on 6496, sir. Out of the record. Senator Emil Jones, on 6499, sir. Out of the record. Senator Martinez, on 6954, ma'am. Out of the record. President Emil Jones, on 7169. Out of the record. Senator Emil Jones, on 7170. Out of the record. Senator Emil Jones, on 7173. Senator Emil Jones, on 7174. Ladies and Gentlemen, continuing on House Bills 3rd Reading, on the top of page 16, we have Senator Emil Jones on 7177. Out of the record. Senator Emil Jones, on 7178. Out of the record. Senator Emil Jones, on 7179. Senator Emil Jones, on 7180. Out of the record. Senator Emil Jones, on 7181. Okay. Ladies and Gentlemen, with leave of the Body, we'll go back to page 10. We gave the gentleman leave when we skipped over his bill, so we'd like to go back to House Bills 3rd Reading. The middle of page 10 is House Bill 848. Senator Welch. Senator Pat Welch seeks leave of this Body to return House Bill 848 for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading, House Bill 848. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch, to the amendment, sir.

SENATOR WELCH:

Thank you, Mr. President. This amendment closes several tax loopholes in the State of Illinois and raises about three hundred and four million dollars. I'd be glad to discuss it in further detail on 3rd Reading. I would move adoption of the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Lauzen, do you want...

SENATOR LAUZEN:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Do you want to speak now, or do you want to speak on the bill?

SENATOR LAUZEN:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

No. I just would like to request a recorded roll call on this amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman asks for a -- a roll call. So, Senator Welch moves the adoption of Floor Amendment No. 1 to House Bill 848. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 30 Ayes, 28 Nays, 0 voting Present. Floor Amendment No. 1, having received -- is adopted. Mr. Secretary, are there any further Floor -- amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading is House Bill 848. Senator Welch, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 848.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch, to the bill, sir.

SENATOR WELCH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What House Bill 848 does is close several corporate loopholes or incentives. The changes become effective if and only if House Bill 4266, which we passed a few weeks ago allowing for a two hundred and fifty dollars per student school foundation funding increase to go into affect, becomes law in the same form as it passed this Senate and the House of Representatives. Secondly, in this bill there is an exemption for small businesses as defined in the Small Business Advisory Act, meaning that if it's a business in Illinois having fifty or fewer full-time employees or four million or less in annual gross income, they would be -- excluded from the provisions of this bill. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Senator Harmon, for what purposes do you rise, sir?

SENATOR HARMON:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman moves the previous question. We have one -- seven people seeking recognition. I'd ask the Parliamentarian to please record the present lights. Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Senator Welch, I'm told that the Community Bankers testified against the bill in committee. What was their argument in opposition to the bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Their opposition was that they had many community banks throughout the State of Illinois. However, after the amendment was debated in that committee, I ran into the lobbyist for the Community Bankers and he did not know that we had an exception if you had fifty or fewer employees. So, if you have a local community bank that has fifty or fewer full-time employees or brings in less than four million dollars in gross income, they're exempt from this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

What happens if you're a small business person and you're served by a community bank that has more than fifty employees and your access to credit and your ability to go down the -- the street and secure lending and so forth, that would be impacted wouldn't it, under this bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Well, what the bill would do to a local bank like that is it would require them to pay taxes if they have a system where they split off a subsidiary corporation into another state that is a noncorporate income tax state, such as Delaware. What happens in many instances is if you get a loan for an automobile, your payments may be sent to a different state, such as Delaware. Then the subsidiary corporation claims that as income in Delaware instead of income in Illinois. Even though the purchase was made in Illinois, the interest income would be reported in Delaware, which is not taxable. This bill says that if the sale is made in Illinois, it's taxable in Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Just briefly to the bill. I think one of the reasons that the Community Bankers oppose the bill is not only from their own interest, which they're entitled to do, but because they know the impact that it's going to have on businesses that they serve. I mean, let's face it, community bankers are the ones that a lot of small businesses turn to. Community bankers tend to be rooted within the community, and rather than going through loan applications into perpetuity, a lot of times small businesses are able to go to their local community bankers and get the kind of lending support that they need. Although the bill purports to exempt small businesses, I think the unintended consequence is that the very customers that community bankers, almost by definition, are reaching out to, they tend to be small businesses. So, if you make community banks less competitive, you make it -- them less able to offer the services that our own small businesses need. So, for that reason, I urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wonder if the sponsor will yield for a question or two.

PRESIDING OFFICER: (SENATOR DeLEO)

The sponsor indicates he'll yield for a question, sir.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Well, first of all, let me say I appreciate Senator Welch. Many times over the last decade anyway, I was the one fortunate enough to carry bills like this. So, I can appreciate how exciting it is to defend a very large omnibus bill that -- that a lot of people would just as soon that we not have to pass that many people think we do have to pass. So, first of all, my congratulations. You've done a nice job in committee on this, and I know it's a complex bill. But this bill is broader than most of the things we've dealt with in the past and it's more complex. To -- to the -- first to the issue of the sourcing of sales. There's a -- there's a sourcing clause or a sourcing provision in this bill, isn't there?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Is that the apportionment section you're talking about, Senator? Then the answer is yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Can you just real briefly explain what -- what the goal of the apportionment section of the bill is? 'Cause I think we've got a -- one of those non sequiturs.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

The apportionment section, which we're calling destination sales, I believe that's the same thing you're talking about? Okay. And you want me to explain what that does, is that the question? Okay. The purpose of that is -- is because corporations compute how much of their total business income can be taxed by using the apportionment formula. As a result of a law passed by the General Assembly in 1998, corporations in Illinois use the single sales factor formula. In the case of service companies, however, a sale takes place in Illinois only if more than fifty percent of the taxpayer's cost of production in connection with that sale occurs in Illinois. Because of the single-factor sales tax, these businesses can then avoid an

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

enormous amount of tax because Illinois no longer uses property and payroll as factors in determining apportionable income.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

And that's what I thought when they first brought this to the appropriation negotiators. But -- are you aware that this bill, and this portion of the bill, also changes the way all airlines have to apportion their revenue? Currently, Illinois is lucky enough to be the -- the home of four airlines. Two hub out of Midway and two hub out of United -- or, out of O'Hare: United, American, ATA and -- yeah. If -- if we change this formula, as I understand it and as I'm reliably told, we go from what they call a mileage-based apportionment, where it's the amount of miles flown, to the number of -- from -- no, from -- yeah -- to the number of operations performed, therefore creating a disincentive at both O'Hare and Midway for airlines to agree to hub. You know, our -- currently, United, American are both in serious financial trouble. United Airlines informs us that they think this change will cost them fourteen million dollars in -- of additional revenue if we pass this Act. In addition, they're being faced today with -- with high fuel costs. Many of us in the suburbs and -- and throughout the State have employees who work for United or American or -- or the other hub airlines, and I just think we need to be cautious, because sometimes what the administration's trying to get at really is more broad than even they may realize. So, I just wonder, were you aware that we were fundamentally changing the -- the taxes on the airline industry in the middle of this fuel crisis?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator, there are basically four separate entities we're trying to tax with this. One is utilities, one is airlines, one is other service companies, and there's one other -- it's -- and financial institutions. So, the -- the purpose is sales in Illinois to collect the tax, but our projected revenue for all

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

of these four categories is only twenty-four million dollars, so I'm not sure the figure you have there is accurate.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Which -- which is why, you know -- one of the things I wonder if we might do is take this out of the record and make sure that we have the right information from United and American and the other hub airlines. If we go from a mileage basis to a operation basis, people that represent Peoria, people that represent Quincy, people that represent Champaign, people that represent Springfield are all at risk of losing additional operations because we're going to be taxing them based on the number of operations instead of the miles flown. So, you know, that's what I mean about the unintended consequences. I realize the administration had a lot of things to do, but in all fairness, they really only brought this bill to the General Assembly over the last seven or eight days and it's fairly complex. So, as we go through the debate, I would just urge you to be real cautious. You may be voting to drive -- help drive United into bankruptcy forever or drive -- convince American Airlines that they ought to move more hub operations out of Chicago into Dallas-Fort Worth or discourage utilization at Midway or flights to our regional cities. So, I just think we need to be aware, this is not just about catching some business we've never heard of and -- and getting a little bit more into their pockets. Just -- just two other things, 'cause I know there's a lot of speakers and I don't want to -- I don't want to hold you up. I -- I don't know if you're aware of it, but in the bill, on page -- page 80, little paragraph -- VI -- or vi, Roman numeral vi, beginning with "receipts." Sorry. Apology. Page 75. Apology. Page 75, little vi. And I'll -- I'll read it while you're looking, 'cause I want you to be able to see it. It says, "Receipts from the performance of fiduciary and other services are in this State if the benefit of the service is enjoyed or realized in this State. If the benefit of the service is enjoyed or realized both within and without this State, the gross receipts from the sale shall be divided among those states having jurisdiction to tax the sale in proportion

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

to the benefit of service enjoyed or realized in each state." The reason I call attention to this on page 75, v -- vi, is to the best of my knowledge, this is the first time anyone has ever asked the seller of a service to decide the taxable nature of that service. In other words, you're asking -- if -- if I sell accounting services to a -- to a nationwide company, as the seller of the accounting services, I'm supposed to figure out the apportionment of how my client enjoyed my services. And this is groundbreaking, but I'm not sure it's the kind of ground we want to be breaking. So, I just -- I would like you to take a look at that and make sure that you are aware of that, 'cause again, this is one of those, I think, non sequiturs that I'm not always sure we intend to do. To the best of our research, we'd be the only one in the fifty states asking sellers of services to determine how their clients benefited from it. Last point, and then I'll -- I'll let you answer some of these. There -- there is some fundamental questions on the first page of the Act. When they get to the definition of "small business" - it's Section 5 of the Act {sic} - it says: Small business means any for profit entity, independently owned and operated, that has -- that grosses less than four million dollars per year or that has fifty or fewer full-time employees. For the purposes of this Act, a small business has its principal office in Illinois. I -- I think this is a question of whether this violates the commerce clause, and as an attorney, maybe you could comment on it. I don't think we're allowed to deal with specific businesses differently based on their location in the State. I -- I think that we've got a commerce clause question in -- in how their -- they've drafted their definition of small business. So, if you'd comment on that, whether you're still comfortable with the airline question, whether you think we ought to be asking sellers of services to define how their clients benefit from 'em as an apportionment. I just think -- I know the -- the -- the administration's excited, but I think we'll have a lot of time next week and maybe well into June to see if we can get this bill better. But, again, my compliments on having to carry a very difficult piece of legislation.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

SENATOR WELCH:

Yes. On the airlines, that was intentional and the purpose is the sales are made in Illinois. So, that -- for that reason, it's apportioned to Illinois. In the -- in the past, the sales made at a distant location, the sale is -- is accrued to that other state that may be a non-tax state. So that's how the tax is avoided. Secondly, on the idea of selling services, the word "sell," such as accounting service, is the important word. And what happens in some instances is when you have three separate states involved. Let's say, in Illinois, you've got forty percent of the transaction occurs in Illinois, in New Jersey thirty percent, in Delaware thirty percent. Well, the company may say, "Well, all right. Illinois has forty percent. We've got the majority, but -- we'll attribute the majority to Illinois." But since it's not fifty percent of the sales taking place in Illinois, there's no tax. So, they avoid the tax in Illinois by this group splitting of the services themselves. Now, your third question was about the commerce clause. And the definition that you -- you gave for the small business is specifically out of another Section of the -- of the statutes, 20 ILCS 962 {sic} (692) Small Business Advisory Act. In that, Section 5, Definitions. "'Small business' means any for profit entity, independently owned and operated, that grosses less than \$4,000,000 per year or that has 50 or fewer full-time employees. For the purpose(s) of this Act, a 'small business' has its principal office in Illinois." When you come -- when you have a corporation in another state and you want to do business in Illinois, you have to register as a foreign corporation. Once you're registered and admitted to do business in Illinois you would then, in quote, "enjoy the same but no greater rights and privileges as a domestic corporation." So, if you have a Delaware corporation, to do business in Illinois you have to register with the Secretary of State, for -- among other purpose, for services of process. Otherwise, you couldn't sue the company. They have to designate someone in Illinois to be served so that we can collect fees and make sure they are sued by proper service of process within the State, not chasing them to another state. And the intent is for the business organization Act to be controlling so that all small businesses

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

are treated the same. So, I don't think there's a conflict among other states or a commerce clause violation.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any further discussion? Senator Sullivan, Dave Sullivan, for what purpose do you rise, sir?

SENATOR D. SULLIVAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Welch, can you give us some ballpark idea on -- how big is this tax increase that we're -- you're passing in this bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

What this is, Senator, is a recapture of taxes the State of Illinois has lost - not an increase - but, rather, getting taxes that we should have been getting all along. And the amount is three hundred and four million dollars.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan.

SENATOR D. SULLIVAN:

Wow, I thought it was only two hundred million. Over three-hundred-million-dollar tax increase again on business. It's amazing what we're doing here today. Question for you, Senator. You were -- you were very involved in the electric deregulation discussion a few years ago when that was going on here. Isn't a portion of this bill a violation of the agreement that took place in those -- electric deregulation discussions, specifically to the point of the accelerated -- depreciation?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

I don't think it was, Senator. I think that this is a -- a process that cleans up all of the taxing of electricity businesses regardless of how they were dealt with in that deregulation program.



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan.

SENATOR D. SULLIVAN:

I -- I -- I'll choose to respectfully disagree with you on that. I -- I do think it is a violation of the agreement that many Members in this Body made when we voted for electric deregulation years ago. To the bill. You're not going to say, "To the bill," Mr. President?

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR D. SULLIVAN:

Thank you. I think the message is clear here. To anyone who is a consumer of telecommunications or electricity, basically we're talking about all of our constituents - we're -- we're not - Democrats are saying to our constituents, to their consumers, "Your prices are going to go up because we're raising the taxes on the electric companies and telecommunications companies today." So, if you're looking to raise a tax on all of your consumers, you've got it right here. You're raising the tax on any phone consumer and any electric consumer. And the message also is very clear to United and American Airlines. Senator Rauschenberger certainly addressed this in -- in his remarks. I'm not going to rehash that, but the message is very clear to these airlines based in my district, "You've been knocked down by the world. You have been knocked down, American and United. You're not out. You've been knocked down. Now the Democrats are going to kick you." I urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Peterson. Senator Peterson, for what purpose do you rise, sir?

SENATOR PETERSON:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR PETERSON:

This bill certainly has a detrimental effect to United Airlines, which employees thousands of workers in the Chicago area. We're trying to help businesses get back on their feet. Here's a company that's in Chapter 11 bankruptcy, and this bill

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

is certainly going to bring them back down on their knees. It has nothing in it to help them get out of bankruptcy. Fifteen thousand employees and they're working hard to try to make it a go. Under this bill and existing Illinois law, United would not be required to reduce its Illinois net operating carryforward by the amount of debt discharged upon its exit from bankruptcies. But in this proposal, requiring a reduction in Illinois net operating loss, if it's adopted, United would stand to lose 4.6 million dollars. That's just part of this bill. So, there are other millions of dollars that are going to hit United Airlines. Ladies and Gentlemen, this bill should be voted down. I understand where there may be some areas that should be addressed regarding business and some of the credits and tax breaks they get, but this is not good legislation. I ask for a No vote. And, Mr. President, I ask for a verification of the roll call if this receives the requisite amount of votes to -- for passage.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR HENDON:

That'd be the first time I've heard a verification before a vote has -- even been taken. You know, I purposely did not speak on a number of other bills earlier today. Well, I was holding my time, my Floor time, for this particular bill. And it amazes me how people can even consider choosing corporations over the children. Senator Welch has made it very, very clear that unless House Bill 4266 is passed and signed, which clearly designates two hundred and fifty dollars per child. Not in the Democrats' district, but in all of our districts. So, when my great friend get up and say that it's Democrats over there want to do this and this -- this money is for all of the children. And what's wrong with closing corporate loopholes? And you have corporations paying no taxes at all. None. Nothing. But yet you're going to choose corporations over the kids. I -- I

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

seriously don't understand that. And for people to act like we're not in a -- in a down economy is outrageous. It's ridiculous. We are at war right now. Pick up the papers this morning. What do you see? War. War. Bombs. And, you know, they're going to take that money -- I understand President Bush now is asking for another fifty billion dollars. Where do you think that money's going to come from? It comes from the State of Illinois. It comes from -- from us. So, Governor Blagojevich -- I'm not like the number one Rod Blagojevich fan. But let me tell you something, if you were sitting down there on the Second Floor you would have to do something right now - right now - because these are hard times. These are tough times. It's time for the tough to get going when the going gets tough. You can sit down. You can criticize Rod Blagojevich all you want. His name is not up there today. This is not a -- a - - a vote on whether Rod is going to be Governor or not, 'cause when this bill passes, he's still going to be Governor until the end of his term. If he wanted to run for reelection, he'd probably win again. But let me tell you something: This is about closing corporate loopholes, not raising any taxes. I'd like to see thirty-three over here and all of you over there. You should do it for your children. You wanted the foundation raised. You wanted the extra two hundred and fifty dollars. Now how you going to pay for it? How are you going to pay for it? Are you going to -- you going to call George W. and say, "Hey. Send us this million-six we need. Send it." He's not going to send it, 'cause he's sending it to Iraq. He's sending it to Afghanistan. We are at war, Ladies and Gentlemen. This is a war economy we're operating in. We're on our own. We need to do what's right in Illinois for the children of Illinois and get passed all of this partisan "yang yang," which you know doesn't mean anything, because if the Governor was Republican and pushing this, you'd be with him right now.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Thank you, President -- Mr. President. I would just rise in opposition to the bill.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill.

SENATOR LAUZEN:

The previous speaker asks all of us to consider who could possibly choose or how we could possibly choose corporations over kids and then makes a -- a compelling argument. However, if you need that question answered, on the previous amendment to this bill that was voted upon, folks could ask Senator Obama or Senator Schoenberg to answer your question for you. Tax increases generally occur in one of two ways. Either by a rate increase or tax base expansion. These proposals are an expansion of the corporate tax base. The administration's own estimate and, once again, confirmed by Senator -- Senator Sullivan's questions, this legislation, for all those who are considering a vote Yes, is approximately thirty percent increase in the income tax paid by business in this State. A thirty percent. I just verified that three hundred million over the one billion that corporations pay, that that -- that estimate by the administration is accurate. This legislation represents the most comprehensive change in the business income tax structure in the history of the State's income tax. Tax professionals, accountants, tax lawyers who have been dealing with the technical aspects of the Illinois Tax Code for years are finding that it's a challenge just to determine the full effects of these changes of specific taxpayers or industry segments, and we're going to pass it out today. For those, again, who are thinking about voting Yes, I would ask you to please consider how impossible or even destructive its implementation is. I mean, this is a tax man's dream come true. What I'd like to do is just give four quick examples, as -- as - as simply as -- and straightforward as I can. Number one, in its implementation, this is a retroactive application of the tax law. On page 55 of a document - if I'm not mistaken, this goes over a hundred pages - of this -- of this bill, it adds language to recapture certain deductions taken in previous tax years. The bill changes the fundamental -- definition of business and nonbusiness income. It also recaptures deductions from prior years. Think -- think -- imagine on your own tax return. If you run a small business or even your personal tax return, if this was applied to the

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

personal tax return, and you took a deduction in a previous year, auditors could go back and they could actually disqualify that type of -- they could reclassify business income that is now classified nonbusiness income. I think that this may be a constitutional problem, a change in the law that impairs prior contracts. The second thing that I would ask you to consider on the implementation are the penalty provisions in this legislation. On page 114 of the bill, on line 23, there's a fifteen-thousand-dollar fine if you miss sending a sheet of paper in regarding disclosing any tax shelter that you might be using. And in another provision, there's a thirty-thousand-dollar fine if I miss just sending in a sheet of paper. I think that that is just too onerous. The third example, implementation, is the decoupling from federal depreciation rules certainly puts our businesses and our employers at a disadvantage in Illinois. The big guys, the big companies, will just move the pieces around the federal table and they'll just put it into another state. The little guy is going to get stuck with the bill. I understand that there's that provision of fifty or fewer employees. People will literally lose their jobs. They either will be let off -- laid off if they're the fifty-second or fifty-first employee. And I have sat at people's kitchen tables when they make these determinations and they either won't grow or they'll lay off people to get under that so that they can take the bonus depreciation. Then, finally, other states making changes like this go through a whole process of -- of vetting this. When -- when other states have had similar comprehensive legislation in their tax code, they've done so in a more thoughtful, over-time manner with a task force or study commission working in an open or transparent manner. Usually they have included representatives from the legislative and executive branches of government, from the community of tax professionals and from various businesses and industry segments. Everyone might not always agree with the outcome, but because it's been transparent process, everyone - policymakers, the business professionals, citizens - can understand the implementation of the changes. I ask you to consider one of the changes that we had made last year where one accountant told me that they had sent out on -- by January 28th, they had sent out

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

three hundred unemployment insurance tax returns to their clients. It was completed. They were all due on January 31st. On that day, this accountant got notification from the State of Illinois that -- about what the new regulations were, had to go back and redo all of those tax returns, and just asked me in a letter, in -- in some pretty harsh language, you know, "What are you folks doing that you would go through such major changes?" So, with those reasons, I would ask you for a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. President Jones, what -- what purpose do you rise, sir?

SENATOR E. JONES:

Thank you, Mr. President. Listening to the spirited debate on both sides of this issue, and I recall many, many years ago - nearly thirty to be exact - when we funded education in this State at approximately forty-three -- percent. At the same time, one in four of all the tax dollars that came in, one dollar -- one of every four dollars that came in for income tax came from the corporate tax. Under the previous administrations what has happened, there's been a dramatic shift from the corporate to the individual working person. Today, only one in ten of the dollars that come in come from corporations. You know why? They're able to get these slick lawyers and accountants to go in and figure out ways not to pay their share of the taxes. The ordinary working people do not have those type lawyers. So, as a result, our funding for education over the past few years has dropped down to the -- in the middle thirds in State's share of funding education, and the individual taxpayers has borne the brunt of the loopholes that have been given to corporations through -- that's through lawyers in finding ways to manipulate the Tax Code to their benefit, at the expense of the schoolchildren, at the expense of the individual taxpayer. Each of you on that side of the aisle stood up proudly, and you ran back to your school districts and said, "I'm fighting. I'm voting for legislation to give you two hundred and fifty dollars per year per child." You went back and you said that. You probably issued press releases indicating you're going to do that. But now is the time to come and pay for it. Now is the time to put your vote where your mouth is. Now is the time to

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

stand up for that Yes vote that you pushed. So, it's a -- it's a choice between the slick lawyers and the corporations who give all these tax breaks to the corporations in the State of Illinois and the schoolchildren in the State of Illinois. You have to make that decision. You want to choose the corporations who have all these great tax breaks that the average citizen does not have. You want to make sure they pay their fair share so our schools can be better funded. But if you are true to your word that you promised the people back in your -- your districts that you are helping to fund education to give every child some more money, then you will vote Yes for this bill. But if you don't vote Yes for this bill, you were not sincere, and they will know the difference. They will know that you had no intentions of doing that. So, the -- the responsibility falls back on you. I voted for the bill, but I intend to put my vote where my mouth was when I said all the schools need these increases. The sponsor of this bill has done a tremendous job. But one in ten - now listen what I'm saying to you - one in ten of every income tax dollar coming in from the State come from corporations. Years ago they paid their pro rata share. It was one in four. But through those slick lawyers and accountants and maybe with help from the General Assembly, we gave them tax loopholes, and they've used them wisely at the expense of our -- schoolchildren. Now it's time in tough times to say, no, no, no. Everybody must pay their pro rata share. And I do urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Thank you, President Jones. Seeing no further discussion, Senator Welch, to close.

SENATOR WELCH:

Thank you, Mr. President. You know, when you -- you think about corporations, you just assume that they are paying their fair share of taxes. But here in the State of Illinois, that's just not the case, and that's why we have this bill. Out of the top ninety-five corporations in the State of Illinois, those large corporations, in the year 2000, thirty-two out of ninety-five paid zero dollars in Illinois taxes. The next year, thirty-one of those ninety-five. The next year, thirty of the ninety-five paid no corporate income tax. Zero. How is that

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

fair? And, you know, when you think of corporations not paying the taxes, the taxes are going to be paid by somebody and that's all of your other individual constituents. Not your corporate constituents, but your -- individual constituents. It's a shifting of the burden of funding education to individual homeowners. That's what we've done in the State of Illinois. All of these deductions, they've been talked about as if, "Well, Illinois is the only one doing this. Why is Illinois the only one doing this?" Well, let's talk about the ones shifting income to tax havens. What other states have done that? Alabama, Arkansas, Connecticut, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio. Being considered: Maryland, Missouri, Pennsylvania, Texas and Virginia. To shift income to the Cayman Islands, shift income to Bermuda. There's been a lot of talk about that happening with a particular situation here in Illinois. But now you got a chance to vote against doing that and you won't do it? Come on. This is fair for the kids of the State of Illinois, and it's fair for all of us Illinoisans. Other businesses that pay their fair share as well, they are also bearing a higher brunt of the burden because of those corporations that take advantage of these loopholes. They're hurt, too. Another point I wanted to make is that these corporations that go to Havana, to other tax havens, the Cayman Islands, the -- I guess they wouldn't go to Havana. George -- George Ryan went down there and wanted them to go to Havana, but that -- he didn't -- he wasn't able to do that. But -- but they do go to Bermuda and Cayman Islands. It's time they paid their fair share. Attribute that Illinois -- that tax to Illinois. The sales are in Illinois. It's a -- it's a false premise that they're made in -- in these tax havens. It's -- it's absurd. It's -- it's bilking the State of Illinois money that we're due. And, you know, the funny thing about the Illinois Tax Code and benefits in the State of Illinois is this: If you're a senior citizen and you want to get a circuit breaker, they come into your office. "You've got to be below this income level. You got to meet this certain age requirement and you got other requirements you got to meet before we'll fill out this form and send it into Springfield for you." And every one of us, fifty-nine here, have done that. If you're a senior citizen and you



STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

want to get into the prescription drug program, you've got to fill out a form. You've got to meet a certain test, certain income. You're below that. Every one of us has done that. If you're a kid and you want a free lunch, your parents have to fill out a form. You're under a certain level of income. Otherwise, that kid can't eat. But, Ladies and Gentlemen, if you're a corporation, regardless of how large, how small, you get this tax break, regardless. "You're a corporation? Oh, you're different. Don't stand in that line, fella. Come to the front of the line." Your little kid, "Hey, wait till your parents fill out that form." You're a senior citizen, "Go down to your legislator's office and fill out that form and then wait six to eight weeks." And, "Hey, come back next year, because we don't trust you. You may have died and somebody may not have told us and somebody may get a benefit." You've got to come back every year in the snow to our offices to fill out the circuit breaker form, the prescription drug form. But if you're a corporation, "We'll send it to you in the Cayman Islands. Stay down there. We don't want to bother you. That's where your headquarters is. We'll send it to the Caymans. Just fill it out. Just mail it when you get the chance." And, you know, looking at the -- looking at the purpose of this bill -- you know, another thing I wanted to point out. Something's happened in the Revenue Committee that I serve on recently and that is this: One or two of the Senators have started saying, "Can you tell me how many witness slips there are for the proponents and how many there are for the opponents?" Well, usually the opponents, there are more on bills like this, of course, because they have the -- the lobbyists. They have the people out here who are paid to try to keep these breaks in the statute. Let me ask you this question today: How many children are here to hear this debate, how many senior citizens that have to meet these means tests who would be for this, and how many people who are here are getting paid to be here to oppose these bills that would take care of those people? Count 'em yourself. Look in the -- look in the galleries. Finally, Ladies and Gentlemen, in many of the committees, time after time we've heard, "How you going to pay for this? Where's the dedicated source of funding? Where's the money coming from? Where's the revenue?" Ladies and

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Gentlemen, fifty-two people, four of the five speakers on that side voted Yes on House Bill 4266 to raise the foundation level two hundred and fifty dollars for every single child in their district. Ladies and Gentlemen, this bill specifically pays to pay for that two hundred and fifty dollars. It pays right in the first paragraph of the bill. You can't use that argument. If you don't vote for this, it was a complete hypocrisy that you voted for the two hundred and fifty dollars for those kids. It was a complete sham. And I listened to the crocodile tears earlier on Senator del Valle's bill. "Oh, boy, we -- we have -- passed the buck on funding. Let's quit kidding ourselves. The people of Illinois are being hoodwinked." Lady -- give me a break, these crocodile tears on behalf of these speeches. If you vote No against this, you should -- you should go on record and retract what you said. We'll give you that chance. Mr. President, keep the -- keep the speakers on so those people can retract what they said. But before I close, before I close -- I'm using the Burzynski rule. I can talk as long as I want, apparently. But I -- but we're not taxing horses, I want to point that out. At least not till next week. Let me just say, this is the start of trying to balance this budget. Instead of going home and saying to everybody, "Oh, we didn't have the bills to vote on; they didn't give us a chance; we had our program..." And you guys do have a program. I'll give you credit for that. I've got it right here. Here is the Republican program to balance the budget, folks. The deficit of 1.7 billion dollars. Republican plan: The book club money, twenty-six million dollars. Let's take that off. Flowers in the medians between the highways. Let's take that off. Total reduction you folks have proposed, twenty-eight million dollars. The Republican plan, there's still a deficit of one billion six hundred and seventy-two million dollars. This is the Republican plan, folks. So, vote for this. We can start reducing this number. And then we'll agree to your plan. So, Ladies and Gentlemen, I would certainly urge an Aye vote for the kids of the State of Illinois, the seniors of the State of Illinois, and the people who deserve a fair share, your constituents. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

Okay. The question is, shall House Bill 848 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 30 Ayes, 28 Nays, 1 voting Present. House Bill 848, having received the required constitutional majority, is declared passed. Mr. Secretary, there was a request for a verification. That -- request is always in order. Please read the -- those voting in the affirmative.

ACTING SECRETARY HARRY:

Following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Forby, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Obama, Ronen, Schoenberg, (Shadid), Silverstein, Trotter, Viverito, Walsh, Welch, and Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Peterson, do you question the presence of any Member voting in the affirmative, sir?

SENATOR PETERSON:

Mr. President, I withdraw my motion for a verification.

PRESIDING OFFICER: (SENATOR DeLEO)

All right. On a verified roll call, there are 30 Ayes, 28 Nays, and 1 voting Present. So -- 848, having received the required constitutional majority, is declared passed. Mr. -- Mr. Secretary, Messages from the House, sir.

ACTING SECRETARY HARRY:

A Message from the House by Mr. Mahoney, 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 1631, with House Amendment No. 1.

Passed the House, as amended, May 20th, 2004.

We have like Messages on Senate Bill 2175, with House Amendments 1 and 2; and Senate Bill 2215, with House Amendment 1.

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

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

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

House Bill 6415.

Passed the House, May 20th, 2004.

A Message from the House by..

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen -- Ladies and Gentlemen, we have committee announcements for Monday. Would you please pay attention? Senator Silverstein, for what purpose do you rise, sir?

SENATOR SILVERSTEIN:

Purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR SILVERSTEIN:

The Senate Executive Committee will meet Monday at 4 o'clock in Room 212.

PRESIDING OFFICER: (SENATOR DeLEO)

Senate Executive, 4 o'clock, on Monday. 4 o'clock in Room 212. Senator Link, for what purpose do you rise?

SENATOR LINK:

For announcement, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR LINK:

Senate Revenue Committee will meet at 4 p.m. in Room 400 on Monday.

PRESIDING OFFICER: (SENATOR DeLEO)

Senate Revenue, 4 o'clock on Monday. Senator Munoz, for what purpose do you rise, sir?

SENATOR MUNOZ:

Purpose of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

State your announcement, sir.

SENATOR MUNOZ:

Licensed Activities will meet Monday at 5 p.m. in the Stratton Building, A-1.

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

PRESIDING OFFICER: (SENATOR DeLEO)

Licensed Activities at the hour of 5 o'clock on Monday.  
Senator Lightford, for what purpose do you rise, ma'am?

SENATOR LIGHTFORD:

Thank you, Mr. President. Purpose of an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, ma'am.

SENATOR LIGHTFORD:

Financial Institutions will meet in Room 400, on Monday,  
5:30 p.m. Financial Institutions on Monday, 5:30 p.m., in Room  
400.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Senator Hendon. Senator Hendon, for  
what purposes do you rise, sir? Senator Hendon. Executive  
Appointments will meet at...

SENATOR HENDON:

The Executive Appointments Committee will meet Monday?  
Tell me something -- sometime next week.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR MALONEY:

Purpose of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR MALONEY:

The Labor and Commerce Committee will meet Monday, 5 p.m.,  
in Room 400.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs, for what purpose do you rise, sir?

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement.

SENATOR JACOBS:

The Insurance and Pension Committee will not meet Monday.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank God. Senator Burzynski, for what purpose do you  
rise, sir?

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

SENATOR BURZYNSKI:

Thank you, Mr. President. Just to announce that there'll be a Republican Caucus immediately upon adjournment.

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman has requested a Republican Caucus immediately upon adjournment. Will meet in Senator Watson's Office. Republican Caucus immediately upon adjournment. Continued Messages from the House, Mr. Secretary.

ACTING SECRETARY HARRY:

A Message from the House by Mr. Mahoney, 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 64.

Adopted by the House, May 20th, 2004.

I have a like Message on House Joint Resolution 4.

Adopted by the House, June 1st, 2003.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Geo-Karis, for what purpose you rise, ma'am?

SENATOR GEO-KARIS:

Senator Hendon, I believe, made an announcement about Executive Appointments.

PRESIDING OFFICER: (SENATOR DeLEO)

No. It'd be later in the week. It will not be Monday. Be later in the week.

SENATOR GEO-KARIS:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions.

ACTING SECRETARY HARRY:

Senate Resolution 566, offered by Senator Schoenberg. It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions Consent -- Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Mr. Secretary, has there been any objections filed to any resolution on the Consent Calendar?

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

113th Legislative Day

5/20/2004

ACTING SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Seeing no discussion. If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. All those opposed, Nay. The Ayes have it. The motion carries, and the resolutions are adopted. Messages from the House.

ACTING SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following House joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 88.

(Secretary reads HJR No. 88)

Adopted by the House, May 20th, 2004.

The resolution, sponsored by Senator Welch.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Welch moves to suspend the rules for the purpose of immediate consideration of the adoption of House Joint Resolution 88. Those in favor will say Aye. Those opposed will say Nay. The Ayes have it. The rules are suspended. Okay. Senator Welch moves the adoption of House Joint Resolution 88. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it. The resolution is adopted. Senator Sullivan, for what purpose do you rise, sir? Senator John Sullivan.

SENATOR J. SULLIVAN:

Mr. President, on House Bill 848, I intended to push the green button. I accidentally pushed the red. I want to be recorded as a Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

The record would so indicate your intentions on House Bill 848, sir. Okay. Pursuant to House Joint Resolution 88, the Senate stands adjourned until Monday, May 24th, 2004, at the hour of 3 p.m. That was Monday, May 24th, the year 2004, at 3 p.m. The Senate stands adjourned.