

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

115th Legislative Day

5/25/2004

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PRESIDENT JONES:

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 the Reverend Brandon Boyd, of Loami Christian Church, Loami, Illinois.

THE REVEREND BRANDON BOYD:

(Prayer by the Reverend Brandon Boyd)

PRESIDENT JONES:

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Monday, May 24, 2004.

PRESIDENT JONES:

Senator Maloney.

SENATOR MALONEY:

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

PRESIDENT JONES:

Senator Maloney moves to approve the Journal just read by the Secretary. There being no objections, so ordered. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Link, Chairperson of the Committee on Revenue, reports Senate Amendment No. 3 to House Bill 855 and Senate Amendment 1 to House Bill 868 and Motion to Concur with House Amendment No. 1 to Senate Bill 2112, all Be Approved for Consideration.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 2 to House Bill 851, Senate Amendment 1 to House Bill 913, Senate Amendment 1 to House Bill 966 and Senate Amendment 1 to House Bill 1111; and Motions to Concur with House Amendment 1 to Senate Bill 1914,

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House Amendment 1 to Senate Bill 2148 and House Amendment 1 to Senate Bill 2724, all Be Adopted.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports the Motion to Concur with House Amendment 1 to Senate Bill 2252, House Amendment 1 to Senate Bill 2254, House Amendment 1 to Senate Bill 2377 and House Amendment 1 to Senate Bill 2395, all Be Adopted.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, reports Senate Amendment 1 to House Bill 812, Motions to -- Concur with House Amendment 1 to Senate Bill 2665 and House Amendment 1 to Senate Bill 2901, all Be Adopted.

Senator Lightford, Chairperson of the Committee on Financial Institutions, reports Motion to Concur with House Amendment 1 to Senate Bill 2710, all Be Adopted.

PRESIDENT JONES:

Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Motion {sic} from the House by Mr. Mahoney, Clerk.

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

House Bill 5252.

Passed the House, May 24th, 2004.

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 86.

It is substantive.

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 follow title, to wit:

Senate Bill 984, together with House Amendment 1.

Passed the House, as amended, May 24th, 2004.

I have like Messages with respect to Senate Bill 2244, with House Amendment 1; Senate Bill 2251, with House Amendment 1;

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Senate Bill 2257, with House Amendment 1; Senate Bill 2270, with House Amendment 1; Senate Bill 2339, with House Amendment 1; Senate Bill 2382, with House Amendment 1; Senate Bill 2365, with House Amendments 1, 2 and 3; Senate Bill 2878, with House Amendments 1 and 2; and Senate Bill 3013, with House Amendments 1 and 2.

All passed the House, as amended, May 24th, 2004.

PRESIDENT JONES:

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 571, offered by Senator Harmon {sic} (Hunter) and all Members.

PRESIDENT JONES:

Resolution Consent Calendar.

SECRETARY HAWKER:

And Senate Joint Resolution 82, offered by Senators Harmon, DeLeo and Cronin.

It is also a death resolution.

PRESIDENT JONES:

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I would seek leave of the Body for immediate consideration and adoption of Senate Joint Resolution 82. It is a death resolution for Tom Tarpey, the Mayor of the Village of River Grove, who served for almost twenty years. I'm joined in offering the resolution by Senator DeLeo, who is in a neighboring district, and Senator Cronin, who for years represented River Grove himself.

PRESIDENT JONES:

Senator Harmon moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 80 {sic}. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Harmon now moves for the adoption of Senate Joint Resolution 82. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 5252, offered by Senator Harmon.

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(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT JONES:

Will all those Members in their office or within the sound of my voice, please come to the Senate Floor? We will be going to final action on House Bills -- on Senate Bills, Concurrence. So, if you're in your offices or in the cafeteria -- kindly come to the Floor. This will be final action. On the Order of Concurrences, Senate Bills, on page 18 of your Calendar, is Senate Bill 1412. Senator Obama. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1412.

Motion filed by Senator Obama.

PRESIDENT JONES:

Please tone it down a little bit, Members. Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill that passed unanimously out of the Senate essentially just structures how -- anatomical gifts can be made. And the -- I know of no opposition on the House side. I ask for a concurrence.

PRESIDENT JONES:

Is there any discussion? Any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. I rise in support of this bill. This bill has enjoyed broad bipartisan support both here and over in the House. And I would urge an Aye vote from our Members.

PRESIDENT JONES:

Members, if you could tone it down. It's very difficult to hear. Very difficult to hear. Senator Sandoval. This is final action. The question is, shall -- shall the Senate concur in House Amendment No. -- No. 1 to -- to Senate Bill 1412. All those in favor will signify by voting Aye. All those -- in favor -- I mean against, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting

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Yea, no one voting Nay, no one voting Present. The Senate -- the Senate concurs in House Amendment No. 1 to Senate Bill 1412, and the bill, having received the required constitutional majority, is declared passed. On page 19 of the Calendar, is Senate Bill 2158. Senator Garrett. Senator Garrett. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2158.

Motion filed by Senator Garrett.

PRESIDENT JONES:

Senator Garrett, to explain the motion.

SENATOR GARRETT:

Thank you, Mr. President. This is really concurrence with the House. There were some technical changes made on this piece of legislation having to do with TIF districts. I'd be happy to answer any questions.

PRESIDENT JONES:

Is there any discussion? Is there any -- any discussion? Seeing none - this is final action - the question is, shall Senate -- shall the Senate concur in House Amendment No. 1 to Senate Bill 2158. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yea, no -- none - - no Nays, no one voting Present. The Senate concurs in House Amendment No. 1 to House -- to Senate Bill 2158. And the bill, having received the required constitutional -- majority, is declared passed. Senate Bill 2165. Senator Petka. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in adoption of their Amendment No. 1 to Senate Bill 2165.

Motion filed by Senator Petka.

PRESIDENT JONES:

Senator Petka, to explain the motion.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. House Amendment No. 1 to Senate Bill 2165 restricted the areas where the application of a person using the

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affirmative defense to a local ordinance which prohibits the possession of a firearm within the home. The restriction that was placed in House Amendment No. 1 is the same restriction which is currently found in the unlawful use of weapons Section, that is that a person has a right to possess a firearm on his fixed place of business or his abode or residence. The -- this amendment simply incorporates the language of -- of the unlawful use of weapons Section as a restriction. And with that, Mr. President, I would urge a concurrence on the motion.

PRESIDENT JONES:

Is there any discussion? Is there any discussion? Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President. A question of the sponsor. Will the gentleman yield?

PRESIDENT JONES:

He indicate he will.

SENATOR SCHOENBERG:

Thank you. Just for the attention of the Members, Senator, this is what is referred to as the so-called "Wilmette bill," is it not?

PRESIDENT JONES:

Senator Petka.

SENATOR PETKA:

Senator, some have referred to it as that. Right.

PRESIDENT JONES:

Senator Schoenberg.

SENATOR SCHOENBERG:

Well, as -- as the Senator for Wilmette and the former Representative of Wilmette, I -- I can assure you that the majority of Wilmette residents are actually in opposition to this, as -- and the primary reason that they are in opposition to it is that there's a strong concern that their prerogative to exert home rule powers to pass tougher gun ordinances may be, indeed, curtailed. Senator, what assurance do we have that they would be able to continue their own local prerogative, which, as you know, in many suburban communities is like the eleventh commandment? How would they be able to exert that local prerogative for either particular gun laws which happen to be

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stronger or how -- or any other ordinance that happens to have a higher standard if, in fact, we do accept this concurrence motion?

PRESIDENT JONES:

Senator Petka.

SENATOR PETKA:

Well, thank you for that question, because it gives me an opportunity to explain that this does not affect the charging power of -- of any home rule unit in terms of an ordinance that it has. The -- the -- the municipality may, if it chooses, file a civil -- a civil complaint against the individual who may be in violation of their ordinance. What the individual who is charged then can do is to assert this affirmative defense, which he must plead, prove and overcome a presumption.

PRESIDENT JONES:

Senator Schoenberg.

SENATOR SCHOENBERG:

So, for those of us who are laypeople, what is the -- what is the threshold of proof or what's the standard by which you make an argument that something -- that your act is in self-defense? How -- how liberal is that definition that one could claim self-defense?

PRESIDENT JONES:

Senator Petka.

SENATOR PETKA:

Well, first of all, Senator, we incorporated the language of the long body of law under criminal law dealing with when a -- the defense of self-defense can lie. But it -- it happens to be the same burden that -- that the community has in terms of going forward with its charge.

PRESIDENT JONES:

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you. I'd just like to say in conclusion that many of the communities..

PRESIDENT JONES:

Well, you know, you talked the lights out.

SENATOR SCHOENBERG:

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Someone upstairs wants me to wrap it up, perhaps. In -- in conclusion, I want to say that many of the communities in my area were really at the forefront of efforts to enact stronger ordinances on the use of firearms. They have exerted their local home rule powers in order to do that, and over the past number of years we have seen repeated efforts to erode those -- those local control prerogatives. We've heard them in the name of uniformity, as we've seen in the past efforts to actually dilute local -- and make weaker local gun ordinances in the name of having a uniform standard in all communities and counties across the State. Now we have a new twist to the same argument that takes away local control, which is we will enable people to argue self -- to argue self-defense as a means of being able to make the standards of gun laws in their own communities weaker. I would -- those of you who are suburbanites, who value local control, I would urge you to vote No on the concurrence motion.

PRESIDENT JONES:

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am always for local control, but there is a limit. I've been a mayor, so I know what it's all about. I've been a village attorney. I know what that's all about. And I can tell you right now, when you have to defend yourself and be castigated for it, that's wrong. That should be a State matter, not one of local control when it involves so many municipalities and areas. And I rise to speak in favor of this amendment.

PRESIDENT JONES:

Is there any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Just wanted to comment on the amendment that the House put on. I was against this bill in committee and voted against it on the House Floor for the reasons that Senator Schoenberg mentioned. It -- undermines the local ordinances in Wilmette. The dilemma that we have is that the House said they didn't like the bill unless they put this amendment on, so they -- they added it, and now the sponsor of this bill is agreeing to this amendment. So, the amendment actually makes the bill a better bill, but this is

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final action and it is approving something that would go to the Governor. I would hope the Governor would veto it if it does go to him. So, I just wanted to point out that even though this amendment improves the bill, if you're still against the underlying bill, you would still vote No on the bill 'cause then it would go back to the House. They won't pass it without this amendment. If -- so, if we can reject the amendment, we, in effect, reject the bill. Thank you.

PRESIDENT JONES:

Any further discussion? Senator Haine.

SENATOR HAINE:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I speak to the bill, Mr. President, and I rise in favor of the bill. Certainly, as my good friend, the able Senator Jeff Schoenberg indicated, home rule is a valued concept in Illinois. I wouldn't say, as he said, that it rises to the level of an eleventh commandment because the thought entered my head: Can you imagine Charleston -- Charlton -- Heston adding an eleventh commandment that would prevent this bill? I don't -- see -- see that my -- myself. But certainly home rule, while a valued concept of local control, is -- is a good thing, but it is not -- it should not trump, it should not obviate or weaken the historic commitment of the American way, the American constitutional system to protect one's home and hearth. This is part of the American story, to protect one's home and hearth and one's family, and home rule should not overcome that principle. And this bill, as amended in the House, as Senator Cullerton ably pointed out, is a better bill. And I would ask for an Aye vote for those people who wish to respect the right of every American to defend one's home and family from violent intruders and criminals. Thank you, sir.

PRESIDENT JONES:

Any further discussion? Senator George Shadid.

SENATOR SHADID:

Thank -- thank you, Mr. President. I just rise in strong support. I urge everybody on the Floor to vote for this bill. Thank you.

PRESIDENT JONES:

Senator Schoenberg, for the second time.

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SENATOR SCHOENBERG:

Thank you, Mr. President, my name was used in debate by the gentleman from Madison County. I just want to make one point as to the -- that I neglected to make earlier - and I apologize - as to the actual necessity of -- of our standing here today to weaken the -- the prerogative that -- that local communities have to enact stronger gun laws, and that is, the presumption is, is that we need this new -- new law because the system doesn't work. The -- that the -- it presumes that the system doesn't work for those who wish to defend themselves and their property. But I want to remind everybody that the Cook County State's Attorney felt the same way that many of those who are proponents felt, and that is that there was not grounds for proceeding and prosecuting Mr. DeMar for his use of a firearm. They felt that it -- because it was in self-defense, that -- that they dropped the charge. They refused to prosecute. The system in that case worked. If it isn't broke, why do we feel the need to fix it, unless we're looking to set a precedent that will weaken the ability of local communities to have their own tougher gun laws? Thank you.

PRESIDENT JONES:

Any further discussion? Senator Petka, to close.

SENATOR PETKA:

Thank you again, Mr. President, Members of the Senate. First of all, I'd -- very much appreciate the debate on this issue. I'd like to -- to simply zero in on -- on a couple of very, very important factors. To argue that the constitutional provision dealing with home rule is so sacred that it should basically overrule the natural law, to me is an argument that is without foundation. Perhaps the first law of nature that exists is -- is the right and the natural reaction of self-preservation, and it is instinctive. It is a part of our nature. It is part of the creation process that was given to us by -- by the Lord, so that an individual has this as an instinctive right and a natural right, and no government, no home rule unit can take it away. In terms of the exercise of that right, we have limits that have been placed upon us not only by -- by case law, but also by statute. This legislation, after it came out of the House, further limited where the right

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of self-defense could be exercised in home rule communities that had ordinances that banned firearms and banned handguns. In my opinion, the correct vote is a vote that is simply part of the natural law, and that is that no community has the right, and we have the duty, if we choose, to defend ourselves in our -- in our home and in our place of business. And for that reason, I would urge the concurrence of this amendment and ask for an Aye vote.

PRESIDENT JONES:

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill -- 2165. The voting is open. Have all voted who wish? Have all voted who wish? Have -- have all voted who wish? Take the record. On that question, the Ayes are 41, 16 voting Nay, no one voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 2165, and the bill, having received the required constitutional majority, is declared passed. Senator Sandoval, what purpose do you rise?

SENATOR SANDOVAL:

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

PRESIDENT JONES:

State your point.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. I'd like to welcome the Chairman of the Board of Morton College, the second-oldest community college in the State of Illinois and the largest Hispanic-serving institution -- community college in the State of Illinois. Here with us today, Chairman of the Board Marcelo Rios of Morton College in Cicero, Illinois.

PRESIDENT JONES:

Will our guest rise and be -- and please be welcomed by the Senate? On page 20 of the Calendar on the Order of Concurrences is Senate Bill -- 2424. Senator Halvorson. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in adoption of their Amendment No 1 to Senate Bill 2424.

Motion filed by Senator Halvorson.

PRESIDENT JONES:

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Senator Halvorson, explain the motion.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Senate Bill 2424 was the Cervical Cancer Task Force that we put together over here. They made a few changes to make it better as to who would serve on this board and now we're over here to concur. And I think it -- it was -- there were a lot of great changes to it. So, I encourage everybody to vote.

PRESIDENT JONES:

Is there any discussion? Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2424. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, no Nays, no one voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 2424, and -- and the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrences is Senate Bill 2495. Senator Cullerton. Out of the record. On the Order of Concurrence is Senate Bill 2548. Senator Sandoval. Out of the record. On the Order of Concurrence is Senate Bill 2551. Senator Hunter. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2551.

Motion filed by Senator Hunter.

PRESIDENT JONES:

Senator Hunter, explain your motion.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the -- of the Senate. The Amendment 1 included technical changes which deleted the requiring auto recyclers, -- dismantlers, and scrap yards to remove mercury-containing switches from discarded motor vehicles prior to shredding or crushing vehicles. This bill was on the -- Agreed Bill List and I ask for your approval. Thank you.

PRESIDENT JONES:

Is there any discussion? Any discussion? Senator Righter.

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SENATOR RIGHTER:

Thank you, Mr. President. To the bill: I rise in strong support of the bill. I thank the sponsor in her efforts of behalf of the legislation in making sure that all the parties were included in the negotiations, including the business community. And I would urge an Aye vote.

PRESIDENT JONES:

This is final action. The question is, shall Senate concur in House Amendment No. 1 to Senate Bill 2551. All those in favor, signify by voting Aye. Nays, opposed. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, no one voting Nay, no Nays {sic}. The Senate concurs in House Amendment No. 1 to Senate Bill -- 2551, and this bill, having received the -- required constitutional majority, is declared passed. On page 22 of the Calendar is Senate Bill 2940. Senator Hunter. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2940.

Motion filed by Senator Hunter.

PRESIDENT JONES:

Senator Hunter, explain the motion.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment 1 basically retains the bill as passed by the Senate, and it changes the type of data collected and assures privacy of data gathered. I ask for a favorable vote.

PRESIDENT JONES:

Is there any discussion? Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2940. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, no Nays, no one voting Present. The Senate concurs in House Amendment No. 1 to -- to Senate Bill 2940, and this bill, having received the required constitutional majority, is

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declared passed. On the Order of Concurrence appears Senate Bill -- Senator Collins, what purpose do you rise?

SENATOR COLLINS:

Thank you, Mr. President. On a point of order. On Senate Bill 2940, I was not at my desk. I would have voted affirmative, a Yes, on Senate Bill 2940. May I be recorded as voting Yes on Senate Bill 2940?

PRESIDENT JONES:

The record shall so reflect. On the -- on the Order of Concurrence appears Senate Bill 2982. Senator Harmon. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2982.

Motion filed by Senator Harmon.

PRESIDENT JONES:

Senator Harmon, explain the motion.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 2982 is the Uniform Limited Partnership Act. The House amendment was technical in nature, deleting an unnecessary definition. I would ask the Senate to concur.

PRESIDENT JONES:

Is there any discussion? Any discussion? Seeing none - this is final action - the question is, shall the Senate concur in House Amendment No. 1 to -- to Senate Bill 2982. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, no Nays, no one voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 2982, and the bill, having received the required constitutional majority, is declared passed. WTTW-TV requests leaves to -- to videotape and record the proceedings. Is leave granted? So ordered. On the Order of Concurrence is Senate Bill 3211. Senator Harmon. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3211.

Motion filed by Senator Harmon.

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PRESIDENT JONES:

Senator Harmon, explain the motion.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 3211 is the all too publicized Right to Breastfeed Act. The House amended the bill to eliminate the only controversial provision, the mandate of lactation consultant coverage by insurance companies. Their amendment eliminates all opposition. I ask the Senate to concur.

PRESIDENT JONES:

Is there any discussion? Any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill: I rise in support of the bill. The change made in the House removed the insurance mandate from the legislation. Makes it a better bill. And I would urge Members on our side of the aisle to vote for it.

PRESIDENT JONES:

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. To the bill: I just wanted to thank the sponsor for his work in amending the bill over in the House. I think it makes it a better bill and I hope that everyone supports it.

PRESIDENT JONES:

Any further discussion? Any further discussion? This is final action. The question is, shall Senate Bill -- shall the Senate concur in House Amendment No. 1 to -- to Senate Bill 3211. The question -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, no Nays, no Present. The Senate concurs in House Amendment No. 1 to Senate Bill 3211, and the bill, having received the required constitutional majority, is declared passed. Senator Halvorson in the Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

We're at the top of page 23, Secretary's Desk, on the Order of Nonconcurrency of House Bills. Illinois Information Service requests leave to videotape. Leave is granted. On the Order of

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Nonconcurrency, House Bills, is House Bill 599. Senator Shadid, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 599 and request that a conference committee be appointed.

Motion filed by Senator Shadid.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid, to explain your motion.

SENATOR SHADID:

Yes. I do nonconcur {sic} with Amendment 1 on 599.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Shadid moves to refuse to recede from Senate Amendment -- no -- on House Bill -- Senate Amendment No. 1 on House Bill 599. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. We'll now be proceeding to Supplemental Calendar No. 1, Secretary's Desk, Concurrence on Senate Bills. Senate Bill 1914. Senator John Sullivan. On the Order of Concurrence, Senate Bills, is Senate Bill 1914. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1914.

Motion filed by Senator John Sullivan.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan, to explain your motion.

SENATOR J. SULLIVAN:

Thank you, Madam President. Senate Bill 1914, with the House amendment, creates the Western Illinois Economic Development Authority Act. It's a regional Authority covering thirteen western Illinois counties, governed by a twenty-one-member board. It also amends the Tri-City Regional Port District Act. Gives that Tri-City Regional Port District various powers concerning a former military base. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator Sullivan, in the creation of the enterprise zone, it's my understanding that -- that the bill, as -- as drafted, would allow the enterprise zone to be created in the entire thirteen-county area. Is that correct, or are there any limitations?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR J. SULLIVAN:

The enterprise zone is addressed in Section 55, Senator. Let me take a look here.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR J. SULLIVAN:

In Section 55, enterprise -- when it's addressing the issue of enterprise zones, the Authority may by ordinance designate a portion -- may designate a portion of the territorial jurisdiction of the Authority by certification as an enterprise zone under the -- Illinois Enterprise Zone Act.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

So, in other words, it could be, the entire thirteen-county area could be declared an enterprise zone if this were to be enacted?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR J. SULLIVAN:

According to the language here it says, "designate a portion" of the territory.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

So, that would mean it could be the entire portion or any subset thereof. So, it could be twelve counties and every township except one?

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR J. SULLIVAN:

I would anticipate it being targeted to a specific area within the -- within the regional Authority and -- and this language, it's my understanding, is similar to other authorities that are set up around the State.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

But there's nothing in the bill itself that would actually limit it to what you anticipate the targeting to be. Wouldn't it be wiser to craft this more narrowly? Because, it seems to me, one of the risks, Senator, is that there could be a declaration of the -- of the enterprise zone to be a very, very large area. Even under the bill, it could be all thirteen counties, as I understand it. And here's the benefit: There's a sales tax -- a State sales tax exemption that's created on building materials, on purchases of personal property used in manufacturing, an exemption from State taxes on utilities such as gas, electricity and telecommunications and so forth. I mean, there's obviously a huge incentive. It seems to me that if -- if -- if an economic development tool is going to be used wisely, it's got to be used narrowly. And there's -- there's nothing in -- in the legislation that would prohibit just simply the declaration that basically these thirteen counties are no longer going to be paying sales tax on building materials, they're not going to be paying sales tax on electricity and all these other utilities. Is that a good idea?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan.

SENATOR J. SULLIVAN:

You know, again, the reason for -- the reason for designing this Authority is for economic development in western Illinois, something that is needed, and the language in this Authority is similar to the other authorities around the State. If you think that we need to address that issue and all these authorities, why, we could possibly look at that at some point in time. But

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these are the tools that allow the creation or the retention of -- of jobs in western Illinois.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Well, then briefly to the bill: I -- I think that, you know, sometimes ideas come along that have merit but -- but need to be changed, sort of surgically, and this would be one. There is no prohibition in this bill from the Authority simply declaring themselves a tax-free zone. Now, think about that. At a time when -- when we are hearing about State budget pressures in an unprecedented fashion, at a time when the Majority is -- is being asked to vote on some very unsavory tax and revenue bills that are even making folks on the Executive Committee squeamish, why in the world would we be giving a local unit of government the ability to simply declare themselves to be tax-free because they want to be? I mean, economic development is terrific. Economic development and -- and the use of the enterprise zone is a wise and a good tool, but it is a limited tool. And it is limited and it should be targeted. According to the sponsor, there's nothing in this bill that targets this. I urge a No or Present vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Thank you, Madam President, Ladies and Gentlemen of the Senate. To the bill: There's a provision in this bill, this well-crafted piece of proposed legislation that affects my district, the Granite City Port Authority, which actually affects the entire Metro East. The Port Authority in Granite City was given an old army base by the United States Department of Defense but they were not granted authority to do certain things within the base, and this bill gives them that authority. And I would ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan, to close.

SENATOR J. SULLIVAN:

Just to address the issue of the enterprise zones. Last week the Southeastern -- Southeastern Illinois Economic

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Development Authority, which Senator John Jones, Senator Clayborne sponsored, the language was identical to that Authority that passed out of here, I think, 56 to nothing. So, if you have -- with one exception. I stand corrected. So, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action. The question is, shall the Senate concur in House Amendments -- No. 1 to Senate Bill 1914. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Yeas, 5 voting Nay, 3 voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 1914, and the bill, having received the required constitutional majority, is declared passed. Senator Link, on Senate Bill 2112. On the Order of Concurrence, Senate Bills, is Senate Bill 2112. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2112.

Motion filed by Senator DeLeo.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

With respect to the Body, I'd like to defer to Senator Link on Amendment No. 1, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain your motion.

SENATOR LINK:

Thank you, Madam President. Basically what happened on 2112, which passed out here unanimously out of the Senate, the changes into it in the homestead exemption..

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Link. We cannot hear. This is a very important bill. Please give Senator Link your attention. Senator Link.

SENATOR LINK:

Thank you, Madam President. In the homestead exemption statewide Act in the original bill, it increased from forty-five

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hundred to five thousand dollars on the amendment. The increase of the senior homestead exemption Act increased from twenty-five hundred dollars to three thousand dollars. The homestead improvement exemption was in the act, which is forty-five thousand. The other additional change in it on the limits of additional homestead exemption availability for homeowners that have household incomes of thirty thousand or less for assessment increases or twenty -- of twenty percent or more to be for the first taxable year only. That was the change. This also incorporated -- House Bill 850 into this bill. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR GEO-KARIS:

Is it optional on counties to go ahead with -- with the -- with this bill?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

For the seven-percent cap freeze, it's optional for the counties. The other positive endeavors for increases in -- for our -- for property tax will go in effect immediately.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

To the bill: Madam President and Ladies and Gentlemen of the Senate, if your bill did not make it optional, but made it mandatory on the counties, I could support it. As long as it's optional, my county may never do anything about it. So, you're not really helping to lower property taxes. Therefore, I speak against the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

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Thank you very much. To the bill, please. Okay. Ladies and Gentlemen, this is, as the -- as the President mentioned, this is a very important bill. It's been dubbed the Houlihan bill, the sponsor of -- of the -- of the original bill. The base bill, Senate Bill 2112 it did pass unanimously out of this Chamber earlier, but that was before it was massively amended. Senate Bill 2112 was a good bill that helped many and hurt only a few when Senator -- DeLeo passed it out of the Chamber a couple of months ago. It's now been termed the largest property tax increase on employers in history. It comes back a bit of a monster to us this time. Let me explain what I mean. And I believe that the sponsor is a hardworking, patient, conscientious Senator, but this bill helps an important group, but hurts everybody else. First of all, the levy -- you know, how this is going to work is that the levy's going to stay the same and it's just going to shift who pays for it. In a nutshell, the people who benefit are those whose property assessments are going up more than seven percent, but everybody else is hurt because they have to make up the -- the taxes that are going to be levied. That means that everybody who doesn't have their property going up seven percent gets hurt. Commercial property gets hurt. Residential -- industrial gets hurt, and even renters get hurt under this. The impact on employers and their citizens also is just going to be enormous. The impact on the State budget is something that I don't think has been calculated here. Although Cook County revenues will remain essentially unchanged, the proposed shift of burden in the property tax from households to employers in just Cook County will have a jarring effect on State revenues. The measure shifts about four hundred and fifty-four million dollars in property tax to business. The reason why this affects the State budget is the amount of the deduction taken on residential tax returns versus on corporate property -- I'm -- I'm sorry. I'll try to continue, but, I mean, the -- it's -- it's...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen cannot hear. Please keep it down.

SENATOR LAUZEN:

This shifts nearly a quarter of a billion -- or, a half a billion dollars over to employers where they receive a 7.3

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percent deduction versus the personal deduction, which is three percent. In earlier calculations, this is somewhere between thirty and ninety million dollars, and that's a greater hole than I think that we can afford. So much has been given away in order to get this bill to this point that there are some opponents in the education establishment who feel that this is going to be a 3.7 percent drain on local school districts. Just to read off some of the opponents: the Illinois Property Tax -- or, Property Tax Lawyers Association, the -- the Illinois State Bar, Illinois Retail Merchants Association, Chicagoland Chamber of Commerce, Metro Counties, Chicago Development Council, FAIRCOM, National Federation of Independent Businesses, Illinois Manufacturers' Association - these are all opponents - Illinois Statewide School Management Alliance, ED-RED, Illinois Education Association. The IEA is opposed. Illinois State Chamber, the Building Owners and Managers Association of Chicago, Illinois Municipal League, Chicago Bar Association, Chemical Industry Council, the Taxpayer Federation of Illinois, Illinois Association of Realtors. Ladies and Gentlemen, this is a bad bill, please vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. To the bill: I live on Cookane Avenue in Elgin, Illinois. It's the border between Cook and Kane Counties, and I have seen firsthand what almost forty years of manipulation of the property tax system in Cook County has done to people's opportunity in Cook County to have commercial, to have industrial, to have jobs in Cook County. I -- I understand there's some real tension and frustration about the -- the rising property values for residential people in Cook County and I understand the assessor and some of his friends' intense desire to deliver something to the voters, but this is the wrong mechanism, it's the wrong time, and it's the wrong bill. If we start -- continue down this path not only of classifying property in Cook County, but now artificially repressing its market value to get a -- an achievement -- to achieve the kind of results that we think are going to get us votes, we -- we are moving down a path which will denude

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suburban Cook County of all of its remaining commercial, retail and industrial opportunities. Those jobs are being lost. We're going to pay for it in -- in -- in -- for years in many ways. This is not a reversible decision. If we freeze these levels today, we're never going to have the political courage to unfreeze them and see them rise at twenty or twenty-five percent. I -- I just -- I -- this is a bad bill. It's a bad idea. I appreciate the sponsor's persistence in trying to move this piece of legislation, but I -- I can't think of anything that's worse tax policy to come out of the General Assembly and I can't think of anything that's worse for Cook County residents. Whether you live in the City or in suburban Cook County, whether you're a Republican or a Democrat, this is a bad bill. It's bad for jobs. It's bad for development. It -- it further puts Cook County behind the eight ball for, I think, the assessor's political gain. And I think we should all vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Emil Jones.

SENATOR E. JONES:

Thank you, Madam President. I rise in support of Senator Link's motion, and I don't know what all the hullabaloo is about as it relates to this motion and this bill with the House amendment. The individual homeowners across the -- the State of Illinois are the ones that -- who have been impacted by the constant increase. I -- I'm glad to see the gentleman from the opposite county next to Cook talk about Cook County. But what you need to know simply is this: Over the past five years, industry's taxes have only gone up one percent in Cook County. Commercial property has gone up sixteen percent. The homeowners' have gone up thirty-two percent. They have been the ones who have been absorbing the cost of local government - not business, not industries. So, ma and pa, the senior citizens who work all their lifelong to -- to pay for a house, they need a break. The same thing as relate to taxes to this State, whom you always talk about -- let's protect business. I have no problem with business, but they must pay their fair share, as the homeowners and the individual taxpayers. Twenty-five years ago, every tax dollar that came into the State, businesses paid one in four of those dollars. Today they pay one out of ten

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dollars. Everything has been shifted to the individual taxpayers, the homeowners across the State of Illinois, the senior citizens who work all their lives to pay for a home. The burden has been shifted to -- to them. This bill gives the counties across the State -- of Illinois an opportunity, if they so desire, to cap those assessments at seven percent per year. It's left to the individual hundred and two counties across the State of Illinois. But I'm shocked to see you stand here and talk against the senior citizens, talk against the homeowners across the State of Illinois. They have -- they have been the ones who have borne the -- the -- the increase in property tax. They've been the ones who have had the constant increases over the years. They deserve a break, just like anyone else. And I urge an Aye vote in this concurrence motion.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to close.

SENATOR LINK:

Thank you, Madam President. I'm going to be a little bit calmer in my closing than I was the last time, because I don't know if we've passed the defibrillator bill and I'm not sure if anybody would give me mouth-to-mouth if I have a heart attack over here. So I'm going to be a little bit calmer, but I want to -- I want to answer a few statements that were made here on -- and echo on President Jones' statement. The shift to business would be approximately 2.6 percent, relatively insignificant considering the tax burden facing residential taxpayers, and I'm using the example of Chicago has grown thirty-five percent in 1997 to a projected 42.3 percent in 2003. And according to the Civic Federation, the shift would be only 1.4 percent, an amount forty-six percent lower than the 2.6 projected. We're looking -- and to my distinguished colleague who is the Minority Spokesman in Revenue with me, I cut out an article in the Chicago Tribune and the headline reads Kane County, "Property tax bills on rise, county says" and how they raised -- and they're looking at an assessment freeze in that county. My other colleague from Lake County who indicated that he wanted it mandatory, the only thing that we're looking on this that they can opt in is the seven-percent tax. Everything else is mandatory. So, every taxpayer -- property tax owner {sic} in

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this State will see some relief. I don't know about you, but I know that when I walk the neighborhoods, either in campaigns or talking to people, the number-one topic is the high property tax in their neighborhoods and how seniors are being forced out of their neighborhoods that they've worked their whole life to stay in. And they raised their children in those neighborhoods and looked forward to enjoying their retirement in that neighborhood but are being forced out because of high property tax. Today we could do something about it. You can call it the Houlihan bill. You can call it the Jones bill. You can call it the DeLeo bill. You can call it the Link bill. You can call it all -- whatever name you want to call it. But I'm calling it relief for the people of the State of Illinois, and it's time we do something. We talk about it, we talk about it, we talk about it. Today you have a chance of pushing a green button and actually doing something about it. This is final action. We finally can put something on the Governor's desk to give true property tax relief to the citizens of State of Illinois. I urge affirmative vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2112. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 27 Nays, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2112, and the bill, having received the required constitutional majority, is declared passed. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Request for a verification of the positive vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

That's always in order. Senator Lauzen has requested a verification. Will all Members be in their seats? The -- the Secretary will read the affirmative votes. Mr. Secretary.

ACTING SECRETARY HARRY:

The following voted in the affirmative: Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Garrett, Halvorson, Harmon, Hendon, Hunter, Lightford, Link, Maloney, Martinez,

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Meeks, Munoz, Obama, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, Dave Sullivan, John Sullivan, Trotter, Viverito, Walsh, Welch, and Mr. President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Does -- does Senator Lauzen question the presence of any Member voting in the affirmative? Senator Lauzen.

SENATOR LAUZEN:

No. Thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

On a verified roll call, there are 30 Yeas, 27 Nays, none voting Present. And Senate Bill 2112 -- the Senate concurs in House Amendment No. 1 to Senate Bill 2112, and the bill, having received the required constitutional majority, is declared passed. Senator Silverstein, on 2148. On the Order of Concurrence, Senate Bills, is Senate Bill 2148. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2148.

The motion, by Senator Silverstein.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein, to explain your motion.

SENATOR SILVERSTEIN:

Thank you, Madam President. What this does -- this came at the suggestion of Senator Rauschenberger, Senator Roskam, and Senator Link's secretary, Bunny. This amends the Act to allow no more than a thousand cigarettes to be transported at one time to any person, instead of the original proposed two hundred.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2148. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2148, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 2252. Senator Munoz. Senate Bill 2254.

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Senator Cullerton. Senate Bill 2377. Senator Ronen. On the Order of Concurrence, Senate Bills, is Senate Bill 2377. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2377.

The motion, by Senator Ronen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen, to explain your motion.

SENATOR RONEN:

Thank you, Madam President. The -- this amendment to Senate Bill 2377 rewrites language in relation to allowing advanced practice nurses to -- under a written collaborative agreement with a -- physician, to provide health services. It maintains the physician's right as supervisor over advanced practice nurses and physician assistants. And it removes the authority of advanced practice nurses and physician assistants to perform tests under the AIDS Confidentiality Act. This change took away any opposition. I would ask for a concurrence.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2377. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. And the Senate concurring in House Amendment No. 1 to Senate Bill 2377, having received the required constitutional majority, is declared passed. Senator Crotty, on 2395. On the Order of Concurrence, Senate Bills, is Senate Bill 2395. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2395.

The motion, by Senator Crotty.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty, to explain your motion.

SENATOR CROTTY:

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Thank you very much. Ladies and Gentlemen of the Senate, House Amendment No. 1 attempts to fix the current shortage of speech pathologists in school settings by developing different paths in which a person could obtain a Type 75 Certificate from the State Board of Ed. The House amendment creates a number of requirements to allow the individuals to attain such certificates. Out of -- right now a speech pathologist holds a master's degree. Out of the State Board of Ed, the standards are about eighty of them. A mastered speech pathologist holds all but seven, and let me tell you what the seven are. One of 'em, understands how school systems are organized and how they operate in relation to the -- general and special education. Another one, understands school policies and procedures; follows school policies and procedures; understands programs and services available in the school environment; assists parents and -- and students in accessing community and school resources and services; and lastly, provides consultation to parents/guardians, school staff, community agencies, and relevant others in understanding the scope of speech-language services in the school setting. So, in order to acquire those seven standards, the amendment allows a hundred and fifty hours in which a speech pathologist could work in the schools under -- under guidance of the school district. I would ask that everyone join me in supporting this so that we can meet the needs of -- of the special kids that we have in our districts with speech pathology.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Winkel.

SENATOR WINKEL:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she will.

SENATOR WINKEL:

Senator, as we discussed this in committee yesterday, it came out the State Board of Education was opposed to it. And part of their concern, and I'd like you to address that, is, under current federal law, because this is an attempt to address a shortage of -- of personnel, that actually federal law, as it currently exists, already provides for a way of providing for

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more personnel if there is a shortage. Why do we need this amendment?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

The State Board of Ed, in some of those instances, feel as if they need to go back to school. That would then tell a speech pathologist that already holds her master's degree or his master's degree to quit their jobs and take courses that has -- has, really, little to no services other than just understanding the school setting. I think you can certainly take a mastered speech pathologist, put them in a school setting and they should be able to pick up pretty quickly on a lot of the things that I read. You know, the State Board said, "Well, they would need to be able to fill out an IEP." Many of us that see an IEP, that certainly can be filled by a -- a mastered speech pathologist. That's a plan in which some -- that the speech pathologist would have in a therapeutic setting. So, certainly, she would be able, or he, would be able to have that plan and be able to put it on an IEP. I don't think that's something that a mastered -- speech pathologist would have to go back to college for.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Well, in the testimony that we had yesterday in committee, and reading from my notes here from the analysis, the concern that the State Board of Education had was with such things as diversity, knowledge of such -- Individuals with Disabilities Education Act, knowledge of the latest restrictive environment, English as a second language, knowledge of how school districts are organized and operate within the context of special education school policies and procedures, and no training with cognitive disorders. I mean, this -- those sound like pretty serious areas to me. Not being an educator myself, I mean, I -- I think that what the State Board is saying is that being an educator is a special situation that does require specialized training and preparation. And their concern is, is that they do not believe that just having a speech pathologist be mentored for a hundred and fifty hours would ensure that they would have

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this kind of critical information. I mean, how do you respond to that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Thank you. I would respectfully disagree with the State Board of Ed, because right now if we take a speech pathologist who is a mastered speech pathologist, they are working with persons with disabilities. I don't know of -- you know, whether it be a person who has taken a stroke. In a therapeutic setting, you could have people who have had car accidents, persons with disabilities. They already work with that group of people just by the nature of their -- of their studies. So, I would highly disagree. And remember, out of the eighty standards, the seven that I read really has to do with carrying out school policies. I know parent volunteers that go into a district that can do that. So, I certainly think that a speech pathologist doesn't need to go back to school to learn school policies.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR CROTTY:

And...

PRESIDING OFFICER: (SENATOR HALVORSON)

Oop! I apologize. Go ahead.

SENATOR CROTTY:

The Type 73 is a non-teaching certificate. So -- and again, speech pathologist is not going to stand and give a lesson. And so, I would highly, again, respectfully disagree with the State Board of Ed on that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Well, my purpose today is not to stand in opposition to the amendment. I just wanted to make sure the Members understood that this is a pretty clear departure from what -- where we've been in the past where the State Board has regulated this area, has promulgated rules and regulations that ensure that the people who are speech pathologists in our school are qualified

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and ready to act for our kids in a school environment. Just wanted to make sure Members were aware of this, and that was the purpose of my questions. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. As the only trained master's degree speech pathologist in this Body, I rise in strong support of this bill. Clearly, the State Board of Education, once again, has -- overreacted in a bureaucratic fashion. And clearly this bill would provide more trained speech pathologists to the schools of Illinois. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, this is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2395. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2395, and the bill, having received the required constitutional majority, is declared passed. There will be a Rules Committee immediately. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR SIEBEN:

Well, thank you, Madam President. With all this discussion of master's degree, I thought this might be an appropriate time to introduce a guest in the Illinois Senate today. A good personal friend of mine and a constituent of Senator Halvorson's from Bourbonnais, Greg Willis is completing his master's degree in public administration at Governors State University. Please welcome Greg Willis.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome, Greg. Thank you for being here. Welcome to Springfield. A good intern he was for me also. So, the Rules

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Committee will meet immediately in the President's Anteroom.
Senate will stand at ease for a few minutes.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Mr. Secretary, Committee Reports.

ACTING SECRETARY HARRY:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Education - Floor Amendment 3 to Senate {sic} Bill 3001; refer to the Committee on Executive - Floor Amendment 2 to House Bill 1067; to the Committee on Licensed Activities - Floor Amendment 3 to House Bill 1004; and to the Committee on Local Government - Floor Amendment 2 to House Bill 826, Floor Amendment 2 to House Bill 834, and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 2175.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

For purpose of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR SILVERSTEIN:

Thank you, Madam President. The Senate Executive Committee will meet at 2 o'clock in Room 212.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR HENDON:

Purposes of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR HENDON:

Tomorrow morning Executive Appointments Committee will meet in Room 212 at 8:30 a.m. Tomorrow morning.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Hendon. Senator Crotty.

SENATOR CROTTY:

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Thank you very much. Licensed Activities will be meeting at 2:30 this afternoon in the Stratton Building, Room A-1.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Shadid.

SENATOR SHADID:

Yes. Thank you, Madam President. Transportation meets at 12:30 in A-1, Stratton. 12:30.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator John Sullivan.

SENATOR J. SULLIVAN:

Thank you, Madam President. Ag and Conservation Committee will meet at 8:30 tomorrow morning in A-1. 8:30 tomorrow morning in A-1.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Education Committee will meet at 1:30 today in Room 212. 1:30 in 212.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Haine.

SENATOR HAINE:

Thank you, Madam President. The Local Government Committee will meet today at 1:30 p.m. in A-1 of the Stratton Building. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. That should do it for all the committee announcements. Senator Hunter.

SENATOR HUNTER:

Thank you, Madam President. The Health and Human Services Committee will meet in Room 400 at 1 o'clock today. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

I rise for a point of personal privilege -- I mean, personal announcement -- for announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR CLAYBORNE:

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The Energy and Environment Committee will meet at 1 p.m. today in Room 212. Again, the Environment and Energy Committee will meet in 212 at 1 p.m.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. The Judiciary Committee will meet at 12:30 today in Room 400.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Obama. Thank you. We will be continuing on the Supplemental Calendar No. 1, second page, on Senate Bill 2665. Senator Ronen. On the Order of Concurrence, Senate Bills, is Senate Bill 2665. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2665.

The motion, by Senator Ronen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen, to explain the motion.

SENATOR RONEN:

Thank you, Madam President. This amendment makes basically three changes to the WARN Act that we passed last month and sent to the House. First of all it makes it clear that federal law -- that the State bill will mirror federal law in that units of government will not be affected. Secondly, it changes the Department of Labor to the Department of Economic Opportunity. And thirdly, it makes clear that there -- this bill would not change, in any way, unemployment insurance. I ask for concurrence.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2665. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2665, and the bill, having received the required

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constitutional majority, is declared passed. Senator Lightford, on 2710. Mr. -- on the Order of Concurrence, Senate Bills, is Senate Bill 2710. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2710.

The motion, by Senator Lightford.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lightford, to explain your motion.

SENATOR LIGHTFORD:

Thank you, Madam President. This motion is basically a technical change in language. It retains the underlining {sic} bill and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Hunter.

SENATOR HUNTER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR HUNTER:

I'd like for my colleagues to welcome the KIPP Chicago Youth Village Academy. Will you please stand and welcome them to the Senate, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome to Springfield. Those in the gallery, please rise. Okay. Back to Senate Bill 2710. Was there any -- Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Madam President. I stand in support with Chairman Lightford on this piece of legislation. It -- it's a good bill and she's got a great cosponsor on it as well.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2710. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. And the Senate concurs in House Amendment

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No. 1 to Senate Bill 2710, and the bill, having received the required constitutional majority, is declared passed. Senator Schoenberg. On the Order of Concurrence, Senate Bills, is Senate Bill 2724. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2724.

The motion, by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, to explain your motion.

SENATOR SCHOENBERG:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I move that the Senate concur with House Amendment No. 1 to Senate Bill 2724. This represents an agreement between the Illinois Municipal League and the proponents for the affordable housing. The highlight of this amendment is that it provides municipalities with more time to develop their plans for -- and approve a plan for affordable housing. It pushes back that date from January 1, 2005, to April 1, 2005. It also makes a technical change in adding the definition of "area median household income" and requires the Housing Development Authority to -- to notify a local government that they're required to comply with the Affordable Housing Planning and Appeal Act, which became law last year. I'd be happy to answer any questions. There's no opposition to this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RAUSCHENBERGER:

Senator Schoenberg, what -- what affect does this have on home rule? I know that we were passionately concerned about that just a few minutes ago. Are -- are home rule communities exempt from this in case they have other desires or other directions that they want to go?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

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SENATOR SCHOENBERG:

This -- what this would do for those home rule communities is to provide them with more time to develop their affordable housing plans.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Again, are they exempt from this bill? I mean, this is an interdiction of home rule power. I know how you feel about that. So, if you're carrying it in error, there's still time to table the bill or table the concurrence or whatever.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

I'll decline your offer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

So -- Madam President, will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR ROSKAM:

So, Senator Schoenberg, home rule, which you were passionate about, as Senator Rauschenberger said, moments ago, now basically has tread marks on its back if this bill passes, is that right?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

The objective of providing affordable housing in all communities, whether they are home rule or exempt, is certainly one that merits greater attention and one which also should provide these communities, whether they're home rule or not, with more of an opportunity to develop their plans.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, as home rule is -- is -- is getting back up after you've dusted it, if you could address one particular

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portion of the bill. It's my understanding that there is going to be a list that's going to be published of which local units of government, including home rule units of government, are going to be subject to this mandate. That list is going to be published on October 1st of 2004. And then January 1st, ninety days later, those units of government that are going to be mandated under this mandate are going to be required to publish a plan. Do you really believe ninety days is enough time for them to publish an affordable housing plan, as you would be requiring them under this mandate?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

If we're speaking to the amendment on the concurrence motion, that deadline is pushed back until April 1, precisely for the reason that we wish to give municipalities more breathing room in order to be able to develop a workable and acceptable affordable housing plan. You may recall that the underlying bill and that the initial intention of the proponents was to also push up the deadline by which the Appeals Board would take action. We dropped that provision and -- because we wanted to adhere to the wishes of the Municipal League and the other -- the other groups representing municipalities. We would rather give municipalities a little more time and have them do it right and perhaps stay out of court, because we all believe in avoiding unnecessary litigation, than -- than to create an unrealistic framework by which they would be required to comply with the -- with the new law from last year.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you for that answer. I mean, isn't the general discussion of -- of local control, isn't that kind of a ruse? I mean, isn't that just a manipulation that -- that we should, in -- in all -- honestly in the future just set that aside? Because -- and I'm not -- I'm not -- I'm not suggesting that anybody is necessarily pure as the driven snow on the local control issue. But the -- but the -- the irony of making an argument, essentially, against the second amendment and -- and

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putting the eleventh commandment, as you articulated, up on this high shelf, and then within twenty -- twenty minutes coming in and saying, "Well, but you know what? If it's -- if it's an agenda that I personally..." And -- and I'm not saying it's your own agenda. It's an -- and it's an agenda that is supported by many, many people across the State. But, "If it's an agenda that I'm -- that I'm behind, then local control doesn't matter." I mean, doesn't it become -- doesn't the local control argument ultimately, in this Chamber, become an absurdity and isn't that absurdity best represented by the juxtaposition of the -- argument that you made on Senator Petka's bill and the very argument that you're making that's incongruous on Senate Bill 2724?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR WALSH:

Senator, can you tell me, is the Municipal League supportive of House Amendment No. 1?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

They are. And, in fact, I give them a great deal of credit for the final version of this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Walsh.

SENATOR WALSH:

Then the Municipal League is totally in favor of the whole piece of legislation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

That's correct, and that's why the House unanimously approved this amendment and the underlying bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney.

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SENATOR MALONEY:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR MALONEY:

Just -- I understand, Senator, the amendment also addresses the rate for affordable housing. Changes it from...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

I'm sorry. I didn't hear the question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney.

SENATOR MALONEY:

Addresses the rate from three percent every five years to three percent overall. I just want to...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

The -- the -- the amendment does not -- that's a feature of the underlying bill. The amendment just has three components to it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney.

SENATOR MALONEY:

That is included in the underlying bill, then? Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR GEO-KARIS:

Does this bill relate strictly to affordable housing, or did I hear somebody say something about a gun bill in there?

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Does this bill relate strictly to affordable housing or does it have any other gimmicks in there? Somebody said something about a gun bill being in there?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

This is strictly related to affordable housing. I think, in retrospect, I probably should have picked a different movie than The Ten Commandments. I thought that there were some ironies since Charlton Heston grew up in Wilmette, went to New Trier. I -- I should have picked a different movie. Maybe something that Jim Carrey was in instead.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I don't care where Charlton Heston lived. Couldn't care less. The only thing I wanted to know, if this was strictly an affordable housing. That's all I want to know.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wendell Jones.

SENATOR W. JONES:

Yeah. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR W. JONES:

Senator Schoenberg, the underlying bill, the State Appeals Board, is it your understanding that the State Appeals Board can overturn local zoning?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

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I thought the debate -- I thought we were discussing the amendment. The -- the powers of the Appeals Board would -- that was done last year in the -- in the new law. What the amendment does not do is push up the time, which was the original intention of some of the proponents, to have the Appeals Board take action and supercede what local communities were doing.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wendell Jones.

SENATOR W. JONES:

So, it pushes out the time that the Appeals Board can supercede local control.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

The amendment gives communities, whether they are home rule or non-home rule communities, the -- more time to develop and approve affordable housing plans. It does not change the deadline, by any way, in -- in which the State Appeals Board would be involved.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR W. JONES:

Madam President, clearly the sponsor does not want to utter the words that this will supercede local control, but, in fact, it does. I did not hear your answer when Senator Rauschenberger asked you the question about this. Do -- do you want to, for the record, answer the question specifically? Does it, in fact, supercede home rule and local control?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

I think the question is -- the question that was directed is really a question as to the -- the original bill, which became law, that Senator Martinez sponsored. That, indeed, sets up a framework by which there is a State appeals process if, in fact, local municipalities, whether they're home rule or not, fail to comply with approving and developing a -- an affordable housing plan.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator...

SENATOR SCHOENBERG:

I -- I believe we should give municipalities more time to do a good job on affordable housing.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR W. JONES:

...think we -- I think we should give municipalities more time, because when they find out what's really in this bill, they're going to come back to the Legislature and we're going to kill it. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2724. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Yeas, 20 Nays, 3 voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2724, and the bill, having received the required constitutional majority, is declared passed. Senator Garrett, on 2901. On the Order of Concurrence, Senate Bills, is Senate Bill 2901. Mr. Secretary, please read the motion.

ACTING SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2901.

The motion, by Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett, to explain your motion.

SENATOR GARRETT:

Yes. Thank you very much, Madam President. The motion really basically is technical. It talks about changing -- replacing the 92nd General Assembly with the 93rd General Assembly. And we added policy in practice language to eliminate post-sale charges and fees, and there are maybe two or three other technical changes. And I just would ask for an Aye vote on this concurrence.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2901. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2901, and the bill, having received the required constitutional majority, is declared passed. We'll be now turning to page 15 on House Bills 2nd Reading. Senator Lightford. On the Order of House Bills 2nd Reading is 4686. Senator Lightford, on House Bill 4686. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 4686.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. On the same Order of House Bills 2nd Reading, Senator Welch, on 6806. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 6806.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. We'll be going to page 8 on House Bills 3rd Reading. But first, Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you. An inquiry of the Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay.

SENATOR BURZYNSKI:

I -- I noticed that we were just on House Bills 2nd Reading. We did two bills. There are several bills that are on 2nd Reading, including House Bill 6229. I was wondering when we were going to come back to that order of business.

PRESIDING OFFICER: (SENATOR HALVORSON)

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We'll let you know. Page 8. House Bills 3rd Reading. Senator Cullerton, on 575. Senator Jones, on 616. Senator Shadid, on 714. Senator Trotter, on 731. Page 9. Senator Meeks, on 750. Senator del Valle. 756. Senator Jones, on 759. Senator Jones, on 762. Senator Maloney. 766. Senator Jones, on 779. Senator Ronen. 812. Senator Ronen seeks leave of the Body to return House Bill 812 to the Order of 2nd Reading for the purpose of an -- amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 812. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Ronen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen, to explain your amendment.

SENATOR RONEN:

Thank you, Madam President. This bill amends the Unemployment Insurance Act in relation to wages. It becomes the bill. It makes technical changes to the Act correcting a drafting -- error. Remember last year there was a -- an agreed bill process that made significant changes to the Unemployment Insurance Fund. This -- inadvertently there was one change that should have been made that was not. This just makes that change. I would -- there's no opposition and I would ask for concurrence.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Ronen moves the adoption of Amendment No. 1 to House Bill 812. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading we have House Bill 812. Senator Ronen, do you wish to proceed? Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 812.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen.

SENATOR RONEN:

Yes. As I -- I think I mentioned in my previous remarks, this bill makes a -- a technical change to the Unemployment Insurance Act. It was -- should have been made when significant changes were made last year via the agreed bill process. There's no opposition to this. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall House Bill 812 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, none voting Nay, none voting Present. And House Bill 812, having received the required constitutional majority, is declared passed. Senator Clayborne, on 826. Senator Jones, on 834. Senator Sandoval, on 835. Senator Trotter, on 849. Top of page 10. Senator Trotter, on 851. Senator Trotter, on 853. Senator Jones, on 854. Senator Link. 855. Senator Jones, on 856. Senator Jones, 857. Senator Link. 862. With leave of the Body, we will return to 855. Senator Link seeks leave of the Body to return House Bill 855 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 855. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain your amendment.

SENATOR LINK:

Thank you, Madam President. My apologies. This amendment just replaces line 24 and 25 on page 6, as amended {sic}. the -- the amendment provides that withholding is required only if the payment must be reported to the Internal Revenue Service by persons making their payment; thus the taxable event of the

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Illinois tax purposes is triggered by reporting requirements of -- the Internal Revenue Service.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Link moves the adoption of Amendment No. 1 to House Bill 855. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 3, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain your amendment.

SENATOR LINK:

I'm sorry, Madam. That was -- that was -- my discussion was No. 3.

PRESIDING OFFICER: (SENATOR HALVORSON)

So, then you...

SENATOR LINK:

Number... Okay.

PRESIDING OFFICER: (SENATOR HALVORSON)

You ready to explain Amendment No. 3? Or that was?

SENATOR LINK:

That was. That was 1 and 3 together, I discussed.

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay. We've adopted Amendment No. 1. Now we need to adopted No. 3. So, is there any...

SENATOR LINK:

No. 3 -- No. 3 is -- just makes -- basically the same. It makes it reportable to the Internal Revenue Service -- or, the same reporting as the Internal Revenue Service payment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Just a point of order. I think we adopted Amendment No. 2. At the very least, that's what Senator explained. So, maybe -- could you just -- maybe the Secretary can tell us where we are.

PRESIDING OFFICER: (SENATOR HALVORSON)

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We've adopted Amendment No. 1, and we are now considering Amendment No. 3. Is there any discussion? On the Order -- Senator Link moves the adoption of Amendment No. 3 to House Bill 855. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading we have House Bill 855. Senator Link, do you wish to proceed? On House Bill 855. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 855.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Thank you, Madam President. This bill will tax all winnings from wagering and gambling in Illinois through withholding. The withholding will be done with federal requirements for reporting as done. If a payer is required to withhold at a tax rate for individuals when -- a person is required to file under the Federal Act, they would be required to file under the State Act in -- on any winnings. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. I would just like to thank the sponsor for his work on this. It received unanimous support in committee.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. Can I -- a couple of questions of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Sponsor indicates he'll yield.

SENATOR RAUSCHENBERGER:

Senator Link, can you take us through a very short example of how this -- I mean, I've been involved with the budgeteers and we've been trying to figure this bill out for several weeks now. The Department of Revenue has not been able to fully answer the questions that we've raised in the budgeteers' meetings. Can you give us -- you know, walk us through an example of how -- I -- I go on the riverboat. I sit down at a blackjack table. I -- I put four hundred-dollar bills on the table. This is more like what Rick Winkel would do, 'cause I wouldn't have that much money with me. But I put four hundred-dollar bills and I get chips and I -- I play blackjack. When -- when -- how -- how do they figure out when to come over and tap me on the shoulder to do federal withholding and -- and to -- no, to do federal notification? 'Cause the federal side is only a -- a notice that's sent on to the IRS. How does the riverboat know when I have crossed the magic threshold?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Thank you. This is a question that's been discussed numerous amount of times and I agree with you. The only time that you would be filing is the only time it was by the federal requirement, such as in the game of -- a card game if there is a -- a -- a certain jackpot type of game in there that would be a -- a winning, in your slots if you exceed a certain amount, which I think it's twelve hundred dollars, to -- to where there would be withholding on federal. That same thing would equate to where then it would -- the State income tax would kick in to where you would have to take withholding at that time for it. That's the only time that they would be withholding.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That's about the explanation that I got from the Department of Revenue. And again, though, I guess I'm confused. Do I -- do I have to win twelve hundred dollars on a single hand of blackjack to trigger, or is this somehow the great eye in the

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sky is going to track my entire transactions for the day? I mean, the Department of Revenue has not answered that for me yet. I don't know if they've answered it for you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

According to the Department of Revenue in their explanation, is any time that the feds require you to report is when they will withhold. As far as the blackjack table goes, I -- I can't answer that question, because I'm like you. I'm not like in Senator Winkel's classification of playing like that. So, I don't know where -- what -- you know, what limits or anything or in the -- the crap tables or any of those types of games of chance, what would kick in to make them report. Maybe there's an unlimited amount, I don't know, on that. But if the -- it's -- the way it's considered, if the feds make you report, that's when it would kick in for the State to -- to bring withholding.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Do you know, Senator, off the top of your head, or has Revenue briefed you that -- let's say -- let's just use a slot machine example. I play -- you know, I -- I go in with -- with Mrs. Winkel this time. So, she's -- she's really got all the money. And I cash in five hundred dollars and get a lot of quarters and I'm over beating on the machines. I lose about four hundred and fifty, and then I hit the jackpot, which is thirteen hundred dollars. Does that then -- I mean, am I allowed to net out my losses against the win on that machine, or, you know, is this -- I mean, how do I get credit on my Illinois tax return for my losses against my winnings?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Well, that you would have to talk to your colleague, Senator Lauzen, who is a CPA, who could answer that. But that is at your reporting period of time when you then decide that you have to prove your losses, and if you could verify your

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losses, then is when you get to claim your losses, but you cannot exceed your amount of your winnings. But you would -- the only time your -- you would be -- the withholding would be on the thirteen-hundred-dollar jackpot in which you had described.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I don't want to disagree with you, but my reading of the bill shows that in Illinois, you do not get to net your losses against your winnings. Only on the federal return do you have the right to net your losses against your winnings. So, in -- in this case, they would not only withhold, but you would not be able to claim your losses against your winnings for netting out your gambling. So, you know, I'm a big fan of Brian Hamer and I know this is a -- a very difficult time. And -- and gamblers are a lot like smokers and -- and people that -- that drink a beer once in a while. We figure we can, you know, spank 'em any time we want. But I just would -- I just would ask all the Members of the Senate to take a hard look at this bill. I think this is one of those ideas that they may ought to spend a little bit more time on before they figure it out. When your constituents go to a riverboat and start being subject to Illinois withholding, they're going to ask, "Who passed this law?" And they're not going to say, "Brian Hamer, from the Department of Revenue."

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Soden.

SENATOR SODEN:

To the bill sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR SODEN:

Just to kind of clarify it between you and my good Senator Rauschenberger. Crap tables and blackjack tables are not controlled. There's no way that you can control how much they win, how much they lose at a crap or a blackjack table for the simple reason I could win ten thousand dollars. The only time you could track it is when I go in to cash those chips into the

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casino cage. What I would do under those circumstances, I would give the chips to my wife and split 'em around and ask people to cash 'em in for me so I don't get caught on that particular portion of the bill for eleven hundred dollars. So, the only people you can control are the people that are playing slot machines because that is automatically done. They're notified at the cage what machine, what the number is, and then the federal -- they come out with the federal form and have you fill it out and turn it in. The same way would -- thing would apply with the Illinois term.

PRESIDING OFFICER: (SENATOR HALVORSON)

Was that a question, Senator Soden? Senator Haine.

SENATOR HAINE:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR HAINE:

What impact does this proposal have on those of us who represent boats that are facing stiff competition from Missouri, Iowa, Wisconsin? Is there any calculus of the loss to the boat based upon the -- another imposition on a customer?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

I don't see where it would be an imposition. The only thing they're doing is basically withholding that tax, and then in the long run, the person probably would be in a benefit, because when they see that winning at the end of the year, they would already have the withholding when they're doing their tax form instead of having to come up with that extra money at the end of the year to pay the taxes on it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Okay. Senator, does Missouri have the same rule as we're proposing here? For example, to be specific, I mean, my boat is losing market share every year to the Missouri boats. And this -- I mean, I see the rationale for this, but it's an imposition -- another imposition on a customer to get to a slot machine

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because we have a -- a restriction on the number of slot machines. And I'm just concerned about the -- further loss of -- of market share with these impositions without a way to ameliorate them, to give a customer a feeling that the Illinois boat welcomes them.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

I cannot answer that. I know the State of Wisconsin, who has the Indian reservations, has withholding there in the State of Wisconsin. I can't answer if Iowa or Missouri or Indiana has it, Senator, but we'd be more than happy to check on it for you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the Senator yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR JACOBS:

It's one I didn't think about yesterday, Senator Link. How does this raise any more money for the State? Because I won over twelve hundred dollars once, and -- and I've got to do my -- my federal income tax? And when I do my federal income tax, then when I do my State income tax, I pay that already. So, at the end of the year -- the only thing I'm saying that -- or, appears to be the only thing this bill does, it gets the money in a more timely fashion, or the out-of-staters. I don't know. But how does it raise any more money?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

The main effort on this is because of the out-of-staters and the fact is that we are having a hard time recapturing that money from these out-of-staters that are basically coming in, winning money at, you know, our riverboats and then not reporting or coming back with the money to the State. So, we're losing in excess of I don't know how many millions of dollars a year on that. So, this way we would have that money up front.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

So under that circumstance - because I know Iowa doesn't take out the State income tax; they'll take out the federal income tax - and still if I have a winning in Iowa and -- and I put it on my federal income tax, I still have to pay the State of Illinois State tax, 'cause it's a -- it's a gaming winning, which comes on the tax bill on -- when you file your income tax. I think you may have been familiar with that once.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR LINK:

I -- I -- I just -- I just think this is a positive endeavor, and I -- I would ask an affirmative vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 855 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Yeas, 11 Nays, 3 voting Present. And House Bill 855, having received the required constitutional majority, is declared passed. Senator Link, on 863. Senator Jones, on 864. Senator Jones. 866. Senator Jones. 867. Senator Jones. 868. Top of page 11. Senator -- Senator Jones, on 870. Senator DeLeo. 875. Senator Link, on 913. Senator Ronen, on 921. Senator Jones. 934. Senator Jones. 944. Senator del Valle. 966. Senator Garrett, on 976. Senator Jones. 999. Senator Link. 1004. Senator Jones, on 1007. Senator Jacobs. 1067. Senator Harmon, on 1083. Senator Silverstein. 1111. Senator Silverstein seeks leave of the Body to return House Bill 1111 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1111. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator Silverstein.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein, to explain the amendment.

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SENATOR SILVERSTEIN:

Thank you, Madam President. Basically, this is the annual bipartisan quick-take bill for Ottawa, Skokie, Oak Forest, Machesney Park, Morris, Oakbrook Terrace, Mt. Vernon, Ogle County, Sangamon County and Plainfield.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? On the Order of 2nd Reading is -- Senator Cronin. No.

SENATOR CRONIN:

I was just going to rise in support of this amendment. Senator Silverstein has crafted a fine piece of legislation that -- it adheres to the policies that we have adopted here in the Senate, in that there must be a public purpose, there must be support at the local level. It must be very carefully crafted and very thoughtfully put together. And I think Senator Silverstein has done so, and I stand in support of this legislation.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein moves the adoption of Amendment No. 1 to House Bill 1111. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1111. Senator Silverstein, do you wish to proceed? Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 1111.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Madam President. I just explained the amendment and I would appreciate bipartisan support on this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Is there any discussion? Seeing none, the question is, shall House Bill 1111 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 8 Nays, none voting Present. And House Bill 1111, having received the required constitutional majority, is declared passed. Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the Secretary of State, dated April 28, 2004.

Dear Members - I am nominating Robert Lucid for appointment to the Executive Inspector General for the Office of Secretary of State.

Sincerely, Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Madam President. I'd like to -- we had a little snafu on my paperwork for tomorrow's Executive Appointments Committee meeting, so I'd like to make a motion that we waive the -- the posting requirements for Robert Lucid to be Inspector General of the Secretary of State's Office.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam Secretary and Ladies and Gentlemen of the Senate, we agree to the waiver to Senator Hendon.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves to waive the posting requirements for the -- purposes just stated. All in favor, say Aye. Opposed, Nay. The Ayes have it. I want to remind everybody that we have committees all afternoon. Please remember, you have committees. Madam Secretary, Motions. Do you have any motions on file?

SECRETARY HAWKER:

Yes. I have two motions. One with -- with respect to Floor Amendments 1, 2 and 3 to House Bill 4847.

Filed by Senators Watson, Luechtefeld and Dillard.

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And the other is regarding the same bill, 4847, with Floor Amendment No. 4, with the same sponsors.

PRESIDING OFFICER: (SENATOR HALVORSON)

That should be reflected on the Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 572, offered by President Jones, Senators Collins, Clayborne, Hendon and others.

And Senate Resolution 573, offered by Senator Wojcik and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. There being no further business to come before the Senate, the Senate stands adjourned -- Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Yes. I don't know if this was announced or not, but the Senate Judiciary Committee will meet immediately upon adjournment in Room 400.

PRESIDING OFFICER: (SENATOR HALVORSON)

Great. There being no further business to come before the Senate, the Senate stands adjourned until the hour of noon on Wednesday, May 26, 2004. The Senate stands adjourned.