

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

HB0826	Recalled	40
HB0826	Third Reading	41
HB0835	Third Reading	46
HB0851	Out Of Record	51
HB0851	Recalled	46
HB0851	Third Reading	47
HB0868	Recalled	51
HB0868	Third Reading	58
HB0966	Recalled	59
HB0966	Third Reading	60
HB1336	Recalled	38
HB1336	Third Reading	38
HB6229	Second Reading	23
SB2254	Concurrence	23
SB2495	Concurrence	24
SB2548	Concurrence	32
SB2607	Concurrence	25
SB2731	Concurrence	26
SB2757	Concurrence	28
SB2768	Concurrence	31
SB3381	First Reading	35
SB3382	First Reading	37
SR0500	Adopted	32
SR0574	Resolution Offered	1
SR0575	Resolution Offered	1
SR0576	Resolution Offered	1
HJR0048	Resolution Offered	2
HJR0068	Resolution Offered	2
HJR0069	Resolution Offered	2
HJR0078	Resolution Offered	2
Senate to Order-Senator Halvorson		1
Prayer-Pastor Andy Glass		1
Pledge of Allegiance		1
Journal-Approved		1
Messages from the House		2
Committee Reports		2
Message for the Governor		4
Executive Session		5
Committee Reports		5
Committee Reports		7
Committee Reports		8
Committee Reports		8
Committee Reports		9
Committee Reports		11
Committee Reports		11
Committee Reports		12
Committee Reports		13
Committee Reports		14
Committee Reports		15
Committee Reports		16
Committee Reports		17
Committee Reports		18
Committee Reports		19
Committee Reports		20
Committee Reports		21

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Committee Reports	22
Executive Session Arises	23
Senate Stands in Recess/Reconvenes	35
Senate Stands at Ease/Reconvenes	35
Committee Reports	35
Senate Stands in Recess/Reconvenes	36
Messages from the House	36
Committee Reports	37
Messages from the House	37
Adjournment	61

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise? The invocation today will be given by Pastor Andy Glass of Eminence Christian Church in Atlanta, Illinois.

PASTOR ANDY GLASS:

(Prayer by Pastor Andy Glass)

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR HALVORSON)

CLTV News seeks leave to videotape the proceedings? Is there any objection? Leave is granted. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of May -- Tuesday, May 25, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 574, offered by Senator Risinger and all Members.

Senate Resolution 575, by the same sponsor. They're both death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 576, offered by Senators Trotter, Hunter and Lightford.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

And it is substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 2222, together with House Amendments 1 and 2.

Passed the House, as amended, May 25, 2004.

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 48.

It is substantive.

And I have like Messages with respect to House Joint Resolution 68, House Joint Resolution 69, both offered by Senator Bomke; and House Joint Resolution 78, offered by Senator Righter.

And they're all substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Dillard -- Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, reports Motions to - - pardon me, Motions to Concur with House Amendment 1 to Senate Bill 2548, House Amendments 1 and 2 to Senate Bill 2607, House Amendment 1 to Senate Bill 2757, all Be Approved for Consideration.

Senator Obama, Chairperson of the Committee on Health and Human Services, reports Motions to Concur with House Amendment 2 to Senate Bill 2768 and House Amendments 1 and 2 to Senate Bill 2845, all Be Approved for Consideration.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, reports Motion to Concur with House Amendment 1 to Senate Bill 2145, House Amendment 1 to Senate

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Bill 2320, House Amendment 1 to Senate Bill 2731, all Be Adopted.

Senator Shadid, Chairperson of the Committee on Transportation, reports Senate Amendment 3 to House Bill 3835 and a Motion to Concur with House Amendment 1 to Senate Bill 2327, all Be Adopted.

Senator Haine, Chairperson of the Committee on Local Government, reports Senate Amendment No. 2 to House Bill 826, Senate Amendment No. 2 to House Bill 834 Be Approved for Consideration, and a Motion to Concur with House Amendments 1 and 2 to Senate Bill 2175 Be Adopted.

Senator del Valle, Chairperson of the Committee on Education, reports Senate Amendment No. 3 to Senate Bill 3001 Be Approved for Consideration.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 2 to House Bill 1067 Be Adopted.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports Senate Amendment No. 3 to House Bill 1004 Be Adopted.

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, reports Senate Resolution 500 Be Adopted, as Amended.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR ALTHOFF:

I would just -- Madam President, Members of the Senate, I would just like to note that one of the Senators on this side of the aisle is celebrating a very special birthday and we have cake in his honor, and I would ask that you join me in wishing Dan Rutherford a very happy birthday.

PRESIDING OFFICER: (SENATOR HALVORSON)

Happy birthday, Senator Rutherford. Senator Rutherford, for what purpose do you rise?

SENATOR RUTHERFORD:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Madam President, thank you. Senator Althoff, thank you very much. I just want to -- today's May 26th, and I do have the pleasure of celebrating my forty-ninth birthday. Yes. But also, a great American who's gone on to the big range in the sky, John Wayne's birthday was today. A colleague of ours who has passed on, and I remember this 'cause we were elected together in '92, was Doug Hoeft. Doug celebrated his birthday today as well. And for those on this side of the aisle, today President Philip's 74th, and for my friends on the other side of the aisle, I just got off the phone with Congressman Jan Schakowsky. Jan and I try to call each other each year on our birthday, and she is celebrating her big 60 today. So, thank you all and please enjoy the cake.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Madam Secretary, Message from the Governor.

SECRETARY HAWKER:

A Message for the Governor by Joseph B. Handley, Deputy Chief of Staff for Legislative Affairs, May 26th, 2004.

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

To the Honorable Members of the Senate, 93rd General Assembly - I have nominated the -- pardon me, I have withdrawn the nomination of the following named person to the office enumerated below and respectfully ask -- of this withdrawal to be official reflected in the record of your Honorable Body.

Rod Blagojevich, Governor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR J. SULLIVAN:

I have two young ladies here with me today from my district. They are fourth graders. Just completed fourth grade. They're going to pick up their report cards tomorrow morning. Just completed the fourth grade, Lauren Feddersen and Griffin

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Jones, and they are my Honorary Pages for the day. I'd like to welcome 'em -- welcome them to Springfield.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome to Springfield. To fulfill our responsibilities under Article V, Section 9 of the Constitution, we will now proceed to the Order of Advise and Consent. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the appointments set forth in the Messages from the Governor of October 23rd and November 20th, 2003; January 15th, March 26th, April 1st, April 22nd, April 29th, May 6th, May 20th, 2004; and the Message from the Attorney General dated May 17th, 2004; and the Messages from the Secretary of State dated May 19th and May 25th, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves that the Senate resolve itself into Executive Session for the purpose of acting on the appointments set forth in the Messages from the Governor of October 23rd and November 20th, 2003; January 15th, March 26th, April 1, April 22, April 29th, May 6th and May 20th, 2004; and the Message from the Attorney General dated May 17th, 2004; and the Messages from the Secretary of the Senate {sic} dated May 19th and May 25th, 2004. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate is now in Executive Session. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of October 23, 2003, reported the same back with the recommendation that the Senate do not advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of October 23rd, 2003, I will read the following -- I will read the salaried appointment of which the Committee on Executive

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Appointments recommend that the Senate do not - do not - advise and consent. And we will need a No vote on this nominee.

To be a member of the Industrial Commission for a term commencing September 8th, 2003, and ending January 15th, 2007: James C. Serkland.

Madam President, having read the salaried appointment from the Governor's Message of October 3rd -- I mean, October 23rd, 2003, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules on a do not recommend motion?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I just wanted to make sure, Senator Hendon, it's a do not recommend. Correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

That is correct, so we're looking for red, No, and then you'll be voting the nominee down. No -- do not recommend.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? If you wish to not, you're going to say red. It's still a motion to advise and consent, so it's a red. It means you want to say No if you want to agree with Senator Hendon. You will reject the nomination by voting No. The question is -- the question is, does the Senate advise and consent to the salaried appointment just read from the Governor's Message of October 23rd. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 1 Yea, 46 Nays, 3 voting Present. A majority of the Senators elected having refused to give their advise and consent by record vote, the Senate rejects the appointment of James Serkland, member of the Industrial Commission. Senator Geo-Karis.

SENATOR GEO-KARIS:

Just that I understand, we -- you approved the rejection. Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

We answered the question. The question was, do we advise and consent, and we said no.

SENATOR GEO-KARIS:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Chicago Tribune seeks leave to photograph the proceedings. Is leave granted? Leave is granted. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of October 23rd, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. With respect to the Governor's Message of October 23rd, 2003, I will read the salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Industrial Commission for a term commencing September 8th, 2003, and ending January 15th, 2007: James DeMunno.

To be a member of the Industrial Commission for a term commencing September 8th, 2003, and ending January 17th, 2005: Paul W. Rink.

To be a member and Chair of the Industrial Commission for a term commencing September 8th, 2003, and ending January 15th, 2007: Dennis Ruth.

Madam President, having read the salaried appointments from the Governor's Message of October 23rd, 2003, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Governor's Message of October 23rd. All those in favor, vote Aye. Opposed, Nay. The voting is open.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of April 27 {sic}(22), 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam -- Madam President, with respect to the Governor's Message of April 22nd, 2004, I will read the salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Industrial Commission for a term commencing April 19th, 2004, and ending January 15th, 2007:
Susan -- Pigott.

Madam President, having read the salaried appointments from the Governor's Message of April 22nd, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointment just read from the Governor's Message of April 22nd. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of April 29, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of April 29th, 2004, I will read the salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Chicago Transit Authority for a term commencing April 26th, 2004, and ending September 1st, 2007: Nicholas Zagotta.

Madam President, having read the salaried appointment from the Governor's Message of April 29th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointment just read from the Governor's Message of April 29th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does -- advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of May 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Madam President, with respect to the Governor's Message of May 6th, 2004, I will read the salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Human Rights Commission for a term commencing April 30th, 2004, and ending January 15th, 2007: Rozanne Ronen.

To be the Director {sic} of the State Toll Highway Authority for a term commencing May 3rd, 2004, and ending January {sic}(May) 1st, 2005: James Roolf.

Madam President, having read the salaried appointments from the Governor's Message of May 6th, 2004, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you very much. I happened to notice that Rozanne Ronen is on the list here, and she's replacing Dan Sprehe, who is a Republican member of the Human Rights Commission, so I assume that this is a Republican appointment. I'd like to have an explanation from her sister, Carol, as to how Rozanne Ronen is a Republican appointment and...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen.

SENATOR RONEN:

Thank you, Madam President. Mr. -- Mr. Minority Leader -- thank you. Thank you, Jeff. I would just say to that: Every family has its dirty little secrets.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator, for that explanation. Is that all you need, Senator Watson? Great. Is there any further discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Governor's Message of May 6th. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, none voting Nay, 1 voting Present. And a majority of the Senators elected concurring by

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of May 20, 2004, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of May 20th, 2004, I will read the salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Executive Ethics Commission for a term commencing May 14th, 2004, and ending June 30th, 2008 {sic}(2007): Ellen Craig.

To be a member of the Executive Ethics Commission for a term commencing May 14th, 2004, and ending June 30th, 2008: John Cusick.

Madam President, having read the salaried appointments from the Governor's Message of May 20th, 2004, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Governor's Message of May 20th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Attorney

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

General's Message of May 17, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Attorney General's Message of May 17th, 2004, I will read the salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Executive Ethics Commission for a term commencing May 13th, 2004, and ending June 30th, 2008: Shawn Denney.

Madam President, having read the salaried appointment from the Attorney General's Message of May 17th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointment just read from the Attorney General's Message of May 17th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Secretary of State's Message of May 17 {sic}(19), 2004, reported the same back with the recommendations that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Secretary of State's Message of May 19th, 2004, I will read the salaried appointment

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Secretary of State Merit Commission for a term commencing May 19th, 2004, and ending June 30th, 2005: James Taylor.

Madam President, having read the salaried appointment from the Secretary of State's Message of May 19th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Secretary of State's Message of May 19th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Secretary of State's Message of May 25th, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Secretary of State's Message of May 25th, 2004, I will read the salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be Executive Inspector General for a term commencing May 25th, 2004, and ending June 30th, 2008 {sic}(December 31, 2007): Robert E. Lucid.

Madam President, having read the salaried appointment from the Secretary of State's Message of May 25th, 2004, I now seek

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointment just read from the Secretary of State's Message of May 25th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of October 23rd, 2003, I will -- I will read the nonsalaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member and Chair of the Community College Board for a term commencing August 25th, 2003, and ending June 30th, 2009: Guy Alongi.

To be a member of the Health Facilities Planning Board for a term commencing August 12th, 2003, and ending July 1st, 2004: Imad Almanaseer.

To be a member of the Health Facilities Planning Board for a term commencing August 12th, 2003, and ending July 1st, 2006: Thomas Beck.

To be a member of the Health Facilities Planning Board for a term commencing August 12th, 2003, and ending July 1st, 2006: Michel Malek.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

To be a member of the Health Facilities Planning Board for a term commencing August 12th, 2003, and ending July 1st, 2005: Fortunee Massuda.

To be a member of the Health Facilities Planning Board for a term commencing August 12th, 2003, and ending July 1st, 2005: Danalynn Rice.

To be a member of the Health Facilities Planning Board for a term commencing August 12th, 2003, and ending July 1st, 2004: Annamarie Carey York.

Madam President, having read the nonsalaried appointments from the Governor's Message of October 23rd, 2003, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointments just read from the Governor's Message of October 23rd. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, none voting Nay, 1 voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of November 20, 2003, reported the same back with the recommendations that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of November 20th, 2003, I will read the nonsalaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

To be a member of the Community College Board for a term commencing November 14th {sic}(10), 2003, and ending June 30th, 2009: Suzanne Morris.

Madam President, having read the nonsalaried appointment from the Governor's Message of November 20th, 2003, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointments just read from the Governor's Message of November 20th. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of January 15, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of January 5th {sic}(15), 2004, I will read the nonsalaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 17th, 2006: Joseph Alford.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 18th, 2005: Joseph {sic} Goetz.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 16th, 2007: David Gustman.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 17th, 2006: Edward Leonard, Sr.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 16th, 2007: Timothy Ozark.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 16th, 2007: Andrew Rice.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 16th, 2007: Joseph Valenti.

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 18th, 2005: Jill Rendleman York.

And a correction:

To be a member of the Illinois Finance Authority for a term commencing January 1st, 2004, and ending July 18th, 2005: Michael Goetz.

Madam President, having read the nonsalaried appointments from the Governor's Message of January 15th, 2004, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointments just read from the Governor's Message of January 15th. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of March 26, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of March 26th, 2004, I will read the nonsalaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the State Board of Investment for a term commencing March 16th, 2004, and ending January 17th, 2005:
John Coli.

Madam President, having read the nonsalaried appointments from the Governor's Message of March 26th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointment just read from the Governor's Message of March 26. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of April 1, 2004, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Madam President, with respect to the Governor's Message of April 1st, 2004, I will read the nonsalaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Illinois Finance Authority for a term commencing March 29th, 2004, and ending July 17th, 2006: Natalia -- Delgado.

To be a member of the Illinois Finance Authority for a term commencing March 29th, 2004, and ending July 18th, 2005: Demetris Giannoulis.

To be a member of the Illinois Finance Authority for a term commencing March 29th, 2004, and ending July 18th, 2005: Martin Nesbitt.

To be a member of the Illinois Finance Authority for a term commencing March 29th, 2004, and ending July 18th, 2005: Terrence O'Brien.

Madam President, having read the nonsalaried appointments from the Governor's Message of April 1st, 2004, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointments just read from the Governor's Message of April 1st. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of April 22nd, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

SENATOR HENDON:

Madam President, with respect to the Governor's Message of April 22nd, 2004, I will read the nonsalaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the State Banking Board for a term commencing April 5th, 2004, and ending December 31st, 2004: Philip Cacciatore.

To be a member of the Community College Board for a term commencing April 5th, 2004, and ending June 30th, 2009: Marikay Hegarty.

To be a member of the Health Facilities Planning Board for a term commencing April 19th, 2004, and ending July 1st, 2006: Bernard Weiner.

Madam President, having read the nonsalaried appointments from the Governor's Message of April 22nd, 2004, I now seek leave to consider the appointments on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointments just read from the Governor's Message of April 22nd. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, 1 voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of April 29, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Madam President, with respect to the Governor's Message of April 29th, 2004, I will read the nonsalaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing April 23rd, 2004, and ending June 30th, 2004: Mary Coers.

Madam President, having read the nonsalaried appointment from the Governor's Message of April 29th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointment just read from the Governor's Message of April 29th. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of May 6th, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of May 6th, 2004, I will read the nonsalaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Southwestern Illinois Development Authority for a term commencing May 3rd, 2004, and ending January 15th, 2007: Barbara S. Johnson.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Madam President, having read the nonsalaried appointment from the Governor's Message of May 6th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointment just read from the Governor's Message of May 6th. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of May 20, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Madam President, with respect to the Governor's Message of May 20th, 2004, I will read the nonsalaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the State Board of Investments for a term commencing May 14th, 2004, and ending January 1st {sic}(17), 2005: Ronald E. Powell.

Madam President, having read the nonsalaried appointment from the Governor's Message of May 20th, 2004, I now seek leave to consider the appointment on a roll call. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the nonsalaried appointment just read from the Governor's Message of May 20th.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. And a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Senator Hendon.

SENATOR HENDON:

Madam President, I hope the record will reflect I intended to vote Aye on that last Message, but something was wrong with my brain.

PRESIDING OFFICER: (SENATOR HALVORSON)

The record will so reflect. Senator Hendon.

SENATOR HENDON:

And thank you, Madam President. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon moves that the Senate arise from Executive Session. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate has arisen from Executive Session. We will now be going to page 15 on House Bills 2nd Reading. House Bill 6229. Senator Burzynski. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 6229.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. We are now going to move to page 19 of the Calendar, on Secretary's Desk, Concurrence of Senate Bills. Senator Munoz. Senator Cullerton. On the Order of Concurrence, Senate Bills, is Senate Bill 2254. 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 2254.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Cullerton, to explain your motion.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. This House amendment that I wish to concur with is identical to a House Bill 2981, Amendment No. 2, which passed unanimously out of the Senate. Reflects a agreement between the acupuncturists and the Medical Society that would allow patients direct access to acupuncturists but gives physicians the option of maintaining management of a patient's care. There's no opposition. Be happy to answer any questions and ask for an Aye vote.

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 2254. 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 55 Yeas, none voting Nay, None voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2254, and the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence, Senate Bills, is Senate Bill 2495. Senator Cullerton, do you wish to proceed? 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 2495.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton, to explain the motion.

SENATOR CULLERTON:

Yeah. Thank you, Madam President, Members of the Senate. This is a House amendment, which is a technical amendment, that addresses an incorrectly cited provision of the United States Code. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2495. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

wish? Have all voted who wish? Take the record. On that question, there are 53 Yeas, none voting Nay, none voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 2495, and the bill, having received the required constitutional majority, is declared passed. We're going to be going to the Supplemental Calendar No. 1 on the Secretary's Desk, Concurrences. On the Order of Concurrence -- on the Order of Concurrence, Senate Bills, is Senate Bill 2145. Senator Jacobs. Do you wish to proceed? Senator Link, on 2175. Senator Welch, on 2320. Senator Walsh, on 2327. Senator Sandoval, on 2548. Senator Dillard, on 2607. On the Order of Concurrence, Senate Bills, is Senate Bill 2607. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2607.

Motion filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard, to explain your motion.

SENATOR DILLARD:

Thank you, Madam President. I appreciate the fact that I got called on since we're jumping all over like a jackrabbit on the Calendar, sort of like the House, where we never know what's coming up and what's not coming up. 2607, I move to concur in two amendments. And the underlying bill is a bill of Attorney General Lisa Madigan and it stems from a number of hearings that we had over the summer throughout the State of Illinois, and it deals with the sex offender registry. Unbelievably, almost a million people a year listen or listen and get on line and look at this sex offender registry. The Attorney General, to her credit, has made some excellent suggestions to us to improve this registry. The two amendments from the House, the first one comes from the Illinois State Police and it incorporates some changes that they wanted to see, and the second one is totally technical just to make sure that the definition of a school is consistent with other places in the law to make sure that we do not lose a two-million-dollar federal funding grant. So, the two amendments, the first is suggested by the State Police; the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

second one is technical. And I would move for the concurrence, Madam President, of these two amendments.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action, and the question is, shall the Senate concur in House Amendment No. 1 -- the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 2607. 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 55 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendments No. 1 and 2 to Senate Bill 2607, and the bill, having received the required constitutional majority, is declared passed. Senator Sandoval, on 2731. On the Order of Concurrence, Senate Bills, is Senate Bill 2731. 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 2731.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval, to explain your motion.

SENATOR SANDOVAL:

Thank you, Madam President, Members of the Senate. Madam President, Members of the Senate, the Senate Bill 2731 establishes a certification process for providers of prepaid calling cards to protect consumers from fraud. The ICC is authorized to create a certification program and to adopt rules to implement the program, including fines and penalties to enforce compliance. Sets forth also the minimum disclosure criteria for prepaid calling card sellers. I ask a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Crotty.

SENATOR CROTTY:

Thank you, Madam President. Senator Sandoval, when this legislation first came about, it appeared that the bill originally filed would affect the existing authority of the ICC on the long distance and telecommunication carriers in Illinois. Just so that I'm clear, does Senate Bill 2731, as amended by

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

this amendment, affect the authority of the ICC to certificate telecommunication carriers under existing statutes?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Crotty, no, my intent behind this bill is to clarify the Commission's already existing independent authority with respect to telecommunication carriers. It in no way is intended to affect the Commission's authority to certify or discipline telecommunications carriers.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Then, along those lines, I notice that the definition of "prepaid calling services" found in the bill specifically does not include prepaid wireless telephone service. Could you tell me why?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Crotty, first, before answering your question, the bill does not impact the Commission's existing authority to issue certificates to telecommunication carriers which includes wireless carriers. Wireless services are still covered by existing State law. I have found that the companies selling prepaid calling cards are the ones taking the advantage of the Latino community and all our constituents. Prepaid wireless phones don't seem to be causing a problem. If they become a problem, then we may be back here to add them and subject them to specific consumer protections found in this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Crotty.

SENATOR CROTTY:

Well, it was my understanding that the other major issue with the bill has been the industry's concern over the broad grant of authority given to the Commission in the Section related to service quality standards and penalties. I understand that there was even some discussion on this on the House Floor debate. First, did you work with that industry to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

alleviate these concerns, and what's your intent regarding those issues?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

Senator Crotty, yes, I did. Throughout this process I have worked with industry; Lisa Madigan, the Attorney General; Pat Quinn, the Lieutenant Governor; and the ICC staff, and we've arrived to an agreed bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Just want to point out the sponsor did a good job working on this bill. He was a pleasure to work with. We have an agreed bill. Our side of the aisle supported it in committee.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Hendon.

SENATOR HENDON:

I just rise in strong support of this legislation. I think the Senator also has done a great job.

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 2731. 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 56 Ayes, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2731, and the bill, having received the required constitutional majority, is declared passed. Senator Cullerton, on 2757. On the Order of Concurrences, Senate Bills, is Senate Bill 2757. 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 2757.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Cullerton, to explain your motion.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. The underlying bill that we passed out of the Senate creates the Reviewing Court - that is, Appellate Court - Alternative Dispute Resolution Fund, so hopefully the goal would be to be able to cut down on litigation in reviewing courts and -- and allow for the Supreme Court to designate Appellate Court fees for this purpose. The amendment that the House put on, which I agree with, exempts the Reviewing Court Alternative Dispute Resolution Fund from the eight-percent transfer back to GRF legislation, and it deletes the specific funding provisions for the program because the Supreme Court may designate them by rule. There was no opposition in committee, and I would be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator Cullerton, I'm just -- in looking at our analysis, I notice that the funding for this is going to be paid for - and I apologize if you already went over this and I didn't hear you - by Supreme Court rule. What exactly does that mean?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

The original bill specifically spelled out a statutory fee for filing when you file in the Appellate Court, and it had twenty-five dollars for the petitioner and fifteen dollars for the respondent. That actually just codified what the current practice is. The House took that specific language out in their amendment, and we're -- we're agreeing with that. It's up to the Supreme Court. They have the power to set these fees now by -- I'm not sure what the Supreme Court rule is that they can do

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

it by, but that's -- that's what the current law is. So we -- the House amendment specifically takes out the fee language.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

The -- the bill -- I don't know whether the bill creates -- or, it says in our analysis, adds the Reviewing Court Alternative Dispute Resolution Fund to the list of funds which monies may not be transferred from to the General Revenue Fund at the direction of the Governor's Office of Management and Budget. I mean, is it -- is it -- is it your intent to exempt this Fund from the chargeback authority that's in the -- currently in the State Finance Act? Because the -- the reason I ask that, Senator, is because the opening paragraph, if you will, of the language in the State Finance Acts that permits the chargeback says "Notwithstanding any other State statute" and then goes on to talk about the chargeback authority, which means -- I mean, how is it that you envision that we're going to put something in law that's going to exempt this Fund from the chargebacks when that language is contained in the chargeback legislation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

I think it would be helpful if you actually looked at the House amendment, if you have a copy of it, because you're right -- you -- you're referencing Section 8h, which is transfers to the General Revenue Fund, and it starts out "Notwithstanding". But then, down at the bottom, on line 21 - this is current law - "This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund" and then we're adding the Reviewing Court Alternative Dispute Resolution Fund. So, existing statute already allows for it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Senator Cullerton, for pointing that out. I appreciate your answers.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR CULLERTON:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2757. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Yeas, 3 voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2757, and the bill, having received the required constitutional majority, is declared passed. Senator Maloney, on 2768. On the Order of Concurrence, Senate Bills, is Senate Bill 2768. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 2768.

Motion filed by Senator Maloney.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney, to explain your motion.

SENATOR MALONEY:

Thank you, Madam President. Just as a reminder, this is the bill that would make available to residents of assisted living facilities who are sixty-five years of age and older pneumonia vaccinations. It does not mandate that the residents take vaccination, only that they be offered. The amendment, House amendment, merges the Department of Aging Assisted Living Advisory Committee with the Department of Health Advisory Committee. The reason for this is that the Department of Aging Advisory Committee met only once in four years and currently there are no appointees. This merger is agreed to by the Department of Aging. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? This is final action, and the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 2768. Those in favor, vote Aye. Opposed, Nay. The

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

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 56 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 2 to Senate Bill 2768, and the bill, having received the required constitutional majority, is declared passed. Senator Walsh. With leave of the Body, we will return to Senate Bill 2548, on page 1 of the Supplemental Calendar. And on that Order of Concurrence of Senate Bills, 2548. 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 2548.

Motion filed by Senator Sandoval.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval, to explain your motion.

SENATOR SANDOVAL:

Thank you, Madam President, Members of the Senate. This bill addresses notary publics who advertise in languages other than English. It also toughens regulations and penalties on these particular notaries with regards to advertising, translation and usage of the term "notary public", recordkeeping and et cetera. It also strengthens the requirements for people that advertise immigration assistance services in other languages. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, this is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2548. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 2548, and the bill, having received the required constitutional majority, is declared passed. At the top of the Supplemental Calendar No. 1 is Senate Resolution 500. Senator Harmon, do you wish your resolution considered? Madam Secretary, please read the resolution.

SECRETARY HAWKER:

Senate Resolution 500, offered by Senator Harmon.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

The Committee on Agriculture adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Earlier this Session I introduced Senate Bill 2612 to create the Dog and Cat Overpopulation Control Act that was objected to by the Veterinarians Association in the course of negotiations, and in the face of that opposition, I chose to hold onto the bill for the Session. Senate Resolution 500 would create the Dog and Cat Population Control Advisory Committee, a bipartisan task force to study the dog and cat overpopulation problem over the summer and report back to the General Assembly in the fall. I believe the Veterinarians Association is neutral on this. I would ask for your Aye votes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I rise to support this motion of Senator Harmon, and I ask everyone to vote for it, because there are many pet owners and I think we'll do a good service for all of them.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator Harmon, somebody's pointed out to me that there may be a -- a difficulty in terms of the timing for reporting on this and that the bill, if enacted, actually requires a report to be issued by November 1st. Is that true, and can you address that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

It -- it does require a report back to the General Assembly by November 1st. It does not prescribe exactly what needs to be

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

in that report. It is expected that there would be merely two meetings between the time we pass this resolution and the time the report is -- is drafted. I believe that the five months that we have are ample -- provides ample time to conduct those meetings and to report back to the General Assembly.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

How does this interplay with the negotiations that have gone on between the veterinarians and the ASPCA? It's my understanding that there's kind of an -- kind of an offline discussion that -- that's really substantive and this overlays on that. Could you address that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon.

SENATOR HARMON:

There were certainly extensive negotiations, not just between those two parties, but among others interested. I think that this doesn't overlay so much as it -- it supplements. It provides additional opportunity for public input, both in Cook County and in southern Illinois, and should provide an opportunity for folks on both sides of the issue to voice their concerns. The task force membership was clearly designed with the intent to make sure all those voices on both sides of the issues are heard.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Harmon, to close. Senator Harmon moves the adoption of Resolution No. 500. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you -- thank you, Madam President. Actually for two reasons. First of all to indicate that Senator Sullivan is back in his district today - that's Senator David Sullivan - on legislative business, touring the flood-ravaged areas in his district. And also to request a Republican Caucus immediately for the duration of about an hour.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

So, you're saying an hour, so that's 2:25. Senator Welch, for what purpose do you rise?

SENATOR WELCH:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR WELCH:

Senator Silverstein will not be here today or tomorrow because of a religious holiday.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Welch. Due to the request of the Republican Caucus, we will stand at recess till the hour of 2:25. Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3381, offered by Senators Harmon, John {sic}(David) Sullivan and Martinez.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Rules Committee will meet immediately in the President's Anteroom. Rules will meet immediately. Senate will stand at ease. Rules Committee is meeting. Please come to the Floor.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 984, House Joint Resolution 64, House Joint Resolution 68, House Joint Resolution 69, House

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Joint Resolution 86, Senate Joint Resolution 73, Senate Joint Resolution 81, Floor Amendment No. 2 to House Bill 1336 and Floor Amendment 1 to House Bill 7181; refer to Health and Human Services Committee - Motion to Concur with House Amendment 1 and 2 to Senate Bill 3013; refer to Insurance and Pensions Committee - Motion to Concur with House Amendment 1 to Senate Bill 2339; refer to Judiciary Committee - Motion to Concur with House Amendment 2 to Senate Bill 132 and Motion to Concur with House Amendment 1 to Senate Bill 2244, and Floor Amendment 2 to House Bill 1191; refer to Labor and Commerce Committee - Motion to Concur with House Amendment 1 to Senate Bill 2858; refer to Licensed Activities Committee - Motion to Concur with House Amendment 1 to Senate Bill 2887; refer to Local Government Committee - Motion to Concur with House Amendment 1 to Senate Bill 1631 and Floor Amendment 2 to House Bill 976; refer to Transportation - Floor Amendment -- pardon me, Floor Amendment No. 4 to House Bill 3835; and Be Approved for Consideration - House Bills 738, 846 and 911.

PRESIDING OFFICER: (SENATOR HALVORSON)

I'd like to announce that Executive Committee will be meeting at 4 p.m. in Room 212. The Senate will stand in recess to the call of the Chair. We will reconvene after the Executive Committee to receive Committee Reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will now come to order. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 2253, together with House Amendments 1 and 2.

Passed the House, as amended, May 26, 2004.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

I have like Messages with respect to Senate Bill 2375, with House Amendment 1; Senate Bill 2496, with House Amendment 1; Senate Bill 2499, with House Amendment 1; Senate Bill 2444 - pardon me, 2844, with House Amendments 1 and 2; Senate Bill 2908 with House Amendment 1; Senate Bill 2944 with House Amendment 1; Senate Bill 3064 with House Amendment 1; Senate Bill 3077, with House Amendment 1; and Senate Bill 3111, with House Amendment 1. All passed the House, as amended, May 26, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will all Members please come to the Floor. We will be going to further Floor action. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Halvorson, Vice Chairperson of the Committee on Executive, reports Senate Amendment No. 2 to House Bill 1336 and Senate Amendment 1 to House Bill 7181; and a Motion to Concur with House Amendment 1 to Senate Bill 984 all Be Adopted.

PRESIDING OFFICER: (SENATOR HALVORSON)

Mr. Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3382, offered by Senator Sandoval.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

We will be going to page 12, House Bills 3rd Reading, for - so, those of you who are here. And if you're within the sound of my voice, I would hope you'd make your way to the Senate Chambers. Madam Secretary, Messages.

SECRETARY HAWKER:

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

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

Senate Bill 2238, together with House Amendment 3.

Pass the House, as amended, May 26, 2004.

Message 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

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

following title in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 6353 -- pardon me, 6354.

Passed the House, May 26, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will all Members turn to page 12. House Bills 3rd Reading, where we left off on yesterday. Senator Cullerton, on House Bill 1191. Senator Martinez, on 1336. Senator Martinez seeks leave of this Body to return House Bill 1336 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 1336. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez, to explain your amendment.

SENATOR MARTINEZ:

Thank you. Thank you, Madam President. The amendment is -- it just grants the Secretary of Transportation authority to convey property to the Chicago -- Chicago for a dollar. And I'll be happy to discuss the -- the -- the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Martinez moves the adoption of Amendment No. 2 to House Bill 1336. 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?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1336. Senator Martinez, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 1336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Madam President. This basically is a piece of parcel in my district which right now is being maintained by the City of Chicago. It belongs to IDOT, but we're hoping to continue to keep it as an open space and develop it into a nice play area for our kids. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. To the bill, I rise in strong support. This passed unanimously out of the Executive Committee and I urge its passage.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? The question is, shall House Bill 1336 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 48 Yeas, 7 Nays, none voting Present. House Bill 1336, having received the required constitutional majority, is declared passed. Senator Crotty, on 1660. Senator Cullerton, on 1875. Senator Schoenberg, on 3589. Senator Emil Jones, on 3715. Senator Link, on 3716. Senator John Sullivan, on 3828. Senator Shadid, on 3835. Senator Lightford, 3979. Top of page 13. Senator Cullerton, on 4086. Senator Schoenberg, on 4154. Senator del Valle, on 4176. Senator Winkel, 4200. Senator DeLeo, 4241. Senator Collins, 4505. Senator del Valle, 4522. Senator Obama, on 4730. Top of page 14. Senator Jacobs, on 4847. Senator Link, on 4870. Senator Harmon, on 5875. Senator Jones, on 6496. Senator Jones, on 6499. Senator Martinez, on 6954. Senator Jones. 7169. Senator Jones. 7170. Senator Jones. 7173. Senator Jones. 7174. Top of page 15. Senator Jones, on 7177. 7178. 7179. 7180 and 7181. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Inquiry of the Chair. We're just wondering, are we just sort of looking for something to do here to make it look like we're doing something? What's going on?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

PRESIDING OFFICER: (SENATOR HALVORSON)

Well, I think we're very busy.

SENATOR CRONIN:

Doing what, may I ask?

PRESIDING OFFICER: (SENATOR HALVORSON)

Calling our bills.

SENATOR CRONIN:

Okay.

PRESIDING OFFICER: (SENATOR HALVORSON)

But we'll get back to you. We'll let you know what's going on.

SENATOR CRONIN:

I know what's going on. That's the trouble.

PRESIDING OFFICER: (SENATOR HALVORSON)

Page 8. House Bills 3rd Reading. Senator Cullerton, on 575. Senator Jones. 616. Senator Shadid. 714. Senator Trotter. 731. Top of page 9. Senator Meeks, on 750. Senator del Valle. 756. Senator Jones, on 759. Senator Jones. 762. Senator Maloney, on 766. Senator Jones. 779. Senator Clayborne. 826. Senator Clayborne seeks leave of the Body to return House Bill 826 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 826. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne, to explain your amendment.

SENATOR CLAYBORNE:

Thank you, Madam President. This is the business district bill that we passed out of here about four or five times. What happened, there was some confusion. We took out a tax that can be imposed, a permissive tax that can be imposed on food items that are prepared off-site. So, for instance, a grocery store. If you wanted to build a grocery store under this -- in this business district, you would be able to tax goods that are taken off-site and prepared. That's all this bill does.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Is there any discussion? Senator Clayborne moves the adoption of Amendment No. 2 to House Bill 826. 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?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 826. Senator Clayborne, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 826.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. We've passed this bill out of here several times already. It's under a different form. Basically this creates a business district, and in this business district, you can impose, by agreement by the municipality and the developer, up to a one-percent tax on goods and -- on certain tangible -- goods that are sold in the stores at retail and/or on a hotel/motel bed. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator Clayborne, is this -- is this -- there's a tax in this bill. Can you tell us about it?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator...

SENATOR ROSKAM:

Is it a tax increase?

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Clayborne.

SENATOR CLAYBORNE:

What it does is, it's a -- I've been told by Revenue, it's almost like a TIF -- TIF sales tax. So what happens is, you create a business district. You have a public hearing to create this business district, and if Walgreens comes to you and says we need a hundred thousand dollars, and you say, "Okay, I will allow you to impose a quarter of a percent sales tax on the goods sold in that Walgreens", until they recoup that hundred thousand dollars.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

It seems to me an unusual economic theory where you create opportunity by raising taxes. Doesn't that seem counterintuitive? You're a businessman.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, you know, what this does is, it -- it goes directly from the taxpayer, or the consumer who pays, instead of it coming from the municipality, which has tax dollars, and they don't have the tax dollars to give out. So what happens is, in areas that don't have business that would like to have business, where people would like to be employed, you don't have to go to that grocery store; you can go to the one a mile down the -- down the road, but at least now you'll have a grocery store in your own community.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Will the tax burden go up, or is this a situation where the -- the tax is actually the same? Do you follow my question? The tax -- the tax burden would go up, right?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

It will go up for a limited period of time.

PRESIDING OFFICER: (SENATOR HALVORSON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. I -- I really don't vote for a lot of -- tax increases, but this particular one that Senator Clayborne is carrying I think is a -- is a good idea. One of the things it does is it allows that particular Walgreens or whatever to maybe put in infrastructure to the facility. Once that amount of money is paid for with the taxes, the taxes are gone. And actually, this would be in -- in -- my district, I think, is -- is the one that asked you to carry this, and I appreciate it. And I would hope that you support it. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Jones.

SENATOR J. JONES:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR J. JONES:

Senator Clayborne, I believe this is almost identical to the bill you had last year that the Governor refused to sign.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

That's correct, except we just added hotel rooms on to it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR J. JONES:

And -- and have you had discussion with the Governor? I think his confusion last year is he thought it was a tax increase, and you kind of thought it -- told him it was a fee increase. And he likes fees, but he doesn't like tax increases. So, have you had that conversation with him?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

I've -- I've had a conversation with him, but I didn't make a distinguished -- I didn't distinguish between tax and fees. I

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

just said this was a -- good -- a -- an excellent economic development bill. Job creations. Employment. Pro-business.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator Clayborne, I'm having a little trouble understanding this. Will the -- once the district is created and a -- let's say the Walgreens that you're using as an example wants to do a renovation project...

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Righter. I don't think we can hear at all. If everybody could please keep it down. Go head, Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Is the one-percent surcharge or additional tax going to be imposed just at that store or at all the stores in the district?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

It will be imposed upon any business that negotiates an agreement with the municipality. So, say, for instance, it's just Walgreens in that area, then it's just Walgreens. If -- if -- say, for instance, a hotel wants to come along and they negotiate an agreement with the municipality and they agree to it, then they -- they will be allowed to impose a tax as it relates to their business, not the other businesses. This is an individual -- an agreement that's established between -- entered into between the municipality and that particular business.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

So, is it fair to say that this will allow the businesses who want to remodel or -- or do whatever they want to do with

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

their business to pass that cost directly on to the consumer or the taxpayer, rather than financing it themselves?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

It's -- it's used currently in Missouri more as gap financing than it is financing the whole project, where you come in and you may -- you may have a four-million-dollar project and you may need a half a million dollars for infrastructure, like site clearance and some environmental concerns. So, you negotiate with the municipality and they may give you -- let you impose a half a million dollars -- agree to let you impose a tax until you recoup that half a million dollars.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Well, but your bill doesn't just allow for gap financing, does it? It -- it allows for the whole boat. I mean, if the -- if the renovation project is four million bucks, then they get to assess that tax as long as it's necessary in order to recoup that four million extra. Is that -- is that fair to say?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Clayborne.

SENATOR CLAYBORNE:

It could be used like that, but I'm sure most municipalities that are responsible wouldn't do that.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR CLAYBORNE:

Thank you. This -- this is a very good bill. It's an alternative to TIF. What it does is it creates opportunities off of Highway 57 where you could create a district right in the Mattoon area to allow those people who are passing through to -- to go in and -- and to participate and buy their goods or -- or eat or whatever it is. This is just an economic development tool to help those municipalities, those urban areas that -- that typically does not have the revenue source to entice

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

businesses in. It's permissive. It doesn't have to happen. Before any tax can be imposed, there has to be a public hearing to create this business district. So, I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 826 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 36 Yeas, 18 Nays, none voting Present. And House Bill 826, having received the required constitutional majority, is declared passed. Senator Jones, on 834. Senator Sandoval, on 835. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 835.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

Madam President, Members of the Senate, House Bill 835 creates the Cicero TIF extension to a current TIF that's been in place for some twenty-some years. I am supportive of this bill. This bill is for development of infrastructure, potential convention center. I've received notices from school districts and they are all supportive. This is for a TIF. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall House Bill 835 pass. 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 47 Yeas, 7 Nays, none voting Present. And House Bill 835, having received the required constitutional majority, is declared passed. Senator Trotter, on 849. Senator Trotter, on 851. Senator Trotter seeks leave of the Body to return House Bill 851 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

granted. On the Order of 2nd Reading is House Bill 851. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, in the Chair.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to explain Floor Amendment No. 1.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. There is -- I would like to table Floor Amendment No. 1 because there is a second amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter moves to table Floor Amendment No. 1. That motion's always in order. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The Floor Amendment No. 1 is tabled. Madam Secretary, are there any further amendments?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Halvorson.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson, to explain Floor Amendment No. 2.

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. Floor Amendment No. 2 to House Bill 851 puts a threshold on the bill of ten thousand dollars.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 851. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 851.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Like to have everyone's attention. This is one of the bills that will be changing -- or, giving us revenues so we can get out of here on Monday. What this bill does is it imposes a tax on the privilege of using a watercraft that is valued at ten thousand dollars or more acquired by gift, transfer or purchase after June 30th, 2004. What Floor Amendment did -- No. 2 actually did was it limited the tax of watercraft with a value of two -- ten thousand dollars or more. I'm open for questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator Trotter, do you have any assurance that this is going to get any more than twenty-three votes if it goes over to the House of Representatives?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No. They do things different in the House. We, as a matter of fact -- and I'm sure you're making reference to a bill that just went down with twenty-three votes there, but it -- but it passed in this Chamber. So, what they do there and what we do here is two different things, and I'm concerned about us doing our part to ensure that we can get the revenues to pay for our budget.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

But in order for us to do our part so that there's a link to Monday, as you referenced, the House has to take it up and has to agree. Have you had any conversations with the House or any indication about their attitude towards this tax hike?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No, I have not; however, I have been told, in fact, that the Leaders are meeting now as we're talking, and I'm certain this is one of the things that they'll be discussing. So, hopefully there will be some movement on -- on some of these bills.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Thank you, Senator. Briefly, to the bill. We raised this issue in the Executive Committee, but one of the things that we need to take a step back in this process is realize that we are enacting tax policy. This is not simply about the mad chase for revenue, which seems to have everybody on the -- on the hunt these days, but, instead, what we're doing is we're saying that -- that the policy in the State of Illinois should be that motor vehicles under ten thousand dollars are taxed and watercraft under ten thousand dollars are not taxed. Now, I am not speaking in favor of a tax on any kind of watercraft, but what I am suggesting is that the unintended consequences of this bill, that the -- the revenue policy, if this bill becomes law, will be that somebody who needs their vehicle to go to work, single mom, young family and so forth, that's driving around with a modest vehicle that's less than ten thousand dollars, will be paying tax on the vehicle. And folks that have watercraft similarly valued won't be paying tax. I think that we need to step back and resist the temptation just from chasing the almighty dollar, from a tax point of view, and -- and really think clearly about the policy that we're embracing should this become law. I urge a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Yes. I'd like to go to the bill and just make a statement. It seems to me that this -- that this bill, now that it's amended, is -- is all show and no dough because it was originally going to bring in seven million when you were taxing

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

dinghies and canoes and tour boats and things like that. But now that you're not taxing the little ones, you're just taxing the big ones, there's not going to be anybody giving away a ten-thousand-dollar boat to anybody. So, this seven million just went down the tube. You're not going to gain any money by passing this bill. I urge a No vote. Let's do something substantive in the Senate today.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

How much is the tax involved?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Right now the only people who pay taxes on -- on watercraft are those individuals who purchase from a retailer. There are not taxes if they're sold by a private seller. So, what we're doing is closing that loophole to ensure that everyone who purchases a -- a yacht pays their fair share of -- taxes and not try to get around the law.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is that -- then are we referring to our regular sales tax? Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. There are sales tax. Yes. This is a use tax. And how it would be implemented, this is a self-reporting tax. If you buy from an individual, at -- when you go to get your license, the Department of Natural Resources has the responsibility of levying that tax on you and you pay at that time. Still here? Oh, I'm here. Yeah. Okay. Mr. President, what I would like to do, seemingly there is some -- some misperceptions and conceptions about what this bill does, so I would like to take it out of the record at this time.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Madam Secretary, take the bill out of the record. House Bill 853. Top of page 10. Senator Trotter. House Bill 854. Senator Emil Jones. House Bill 856. Senator Emil Jones. House Bill 857. Senator Emil Jones. House Bill 862. Senator Terry Link. Senator Link. House Bill 863. Senator Terry Link. House Bill 864. Senator Emil Jones. House Bill 866. Senator Emil Jones. House Bill 867. Senator Emil Jones. House Bill 868. Senator Hendon. Read the bill, Madam Secretary. Excuse me. Senator Hendon seeks leave of the Body, on House Bill 868, to return the bill 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 868. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon, to explain Floor Amendment No. 1.

SENATOR HENDON:

Thank you, Mr. President. Floor Amendment No. 1, this is the tax credits for the film production industry as well as the -- the Righter amendment which we incorporated within for the graphic -- graphic -- arts business. And we'll discuss it on 3rd.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any -- excuse me. Is there any discussion on the amendment? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. While we're on 2nd Reading, I have filed, with the Secretary of Senate a day or so ago, an amendment to make Senator Hendon's bill better. We have clearly seen the statistics on the film tax credit, and apparently it's worked pretty well. And I -- we give Senator Hendon and the Governor credit for this particular tax break for a particular industry, but we want to make this bill, on this side of the aisle, consistent with this particular amendment, which would -- which would be a five-year extension of the film tax credit. The way Senator Hendon's bill will be if it's not amended, will be a one-year extension of this tax credit, and we think that your bill works so well, Senator Hendon, that it ought to be a

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

five-year extension to make it consistent with the other provision of your bill. And would ask, perhaps, the sponsor if he would answer the question: Would he ever consider our five-year amendment to make his bill five times better than it will be on 3rd Reading?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. President. To my great friend, Senator Dillard, I had originally wanted myself for it to be five years, but after looking at the way to get it passed and get it in form in which was acceptable to -- to get it passed, one year was the way to go, and then that'll give us the opportunity to look at it next year and make sure it's still working. I believe in tax breaks for businesses and tax credits where possible but want to make sure they work. And then, next year if it works, perhaps I can convince the powers to be to go with five years, after we make sure that it is still working as well as it is, and it is working very well.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LAUZEN:

In committee, Senator -- well, first of all, let me applaud you for your work on encouraging employment in Illinois. During committee we had gone through asking the question about what's the amount of this what some people would call "tax loophole"? What's the amount of the incentive?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

So far, for this year we have a credit of four million dollars, is that amount. I -- I promised I would get that number for you yesterday, and it's four million dollars' credit and it has generated sixty million dollars in income and revenue

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

to the State of Illinois. So, we lost four million but we picked up sixty, so -- for a net gain of fifty-six million.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Lauzen.

SENATOR HENDON:

Fifty-four million.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I don't follow the math. That one is a gross -- gross revenue figure of -- bills; another is a tax. It's kind of -- that's like oranges and then seeds of oranges. But four million dollars. Now, why does this tax incentive work, whereas a tax incentive for job training or research and development in the State of Illinois, why do those not work and this one does work?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, I believe that -- that one reason why we want to keep it one year is so we can continue to look at it, and I am for tax credits for training, you know. I -- I -- I supported that when it came up a couple years ago here in the Senate. I believe that some of those do work. This one works because the film industry would love to come to Illinois anyway, but they do look at their budget. If they have a forty-million-dollar budget, and lot of these films are budgeted at that amount, if they can save ten million dollars by going to Canada, they will choose Canada or -- or Philadelphia or New York, other -- New Mexico. Texas is now offering various incentives. Canada, in fact, allows them to film in their studio for free. So, we have to compete with the national -- I mean, international economy, and this is a way to do it. And I believe that they like it because, as an accountant, you know when you can do your budget, under -- under this, they can actually put that -- the savings into their budget when they have to pitch that to the money people and -- and the bankers, and it helps a lot to -- to -- to fund the films and then they come to Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Lauzen.

SENATOR LAUZEN:

And -- and then, just a final question. I -- I certainly intend to vote for this and I agree with what you're saying. Now, it is four million dollars that it costs the taxpayers, and it's four million dollars out of the budget. It was maybe a week or so ago in this Chamber that you were saying, you know, when we have an incentive like this, that we're actually taking it away from education and we're taking away from these higher purposes, in this case to give to Hollywood filmmakers, you know, on the credit. Why is this not taking away from children and these other needs, human services needs, that you addressed us with a week ago?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, I take the position that -- and one reason we -- we're doing this year to year is so we could take a look at it, make sure that it's working. If it works, then we can continue to do it. The difference is, I take the position that these movies would not have come to Illinois without the credit. In fact, we've filmed -- we have four movies and the four million is off of those four movies. Each of them employ about one hundred Illinois residents, and the -- the tax is -- credit is based on hiring Illinois residents. So, the Illinois residents get to -- to work, their families get to eat, their children get to go and make it to school, and it's revenue-generate. And I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

There are more questioners, Senator. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. A couple questions, very briefly, of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR RAUSCHENBERGER:

Senator Hendon, you've been doing great work this Session and -- and I just want to urge you to reconsider one more time

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Dillard's suggestion that we take this out of the record and actually add an amendment to extend it. As -- as you know and as our Governor has said overwhelmingly, and frequently, that appearances are what really make a difference here, as we kind of restore the confidence of people in the General Assembly and the process. With -- with the Governor's very active activities in California, particularly in southern California, I think it makes sense for us, if -- if we believe in this tax break and we want film companies to be able to plan, that we need to -- to change this and make this a multi-year tax credit and -- and -- and stay committed to the concept. I just think the appearance of us annually renewing the film credit and the Governor being active in fundraising outside the State of Illinois, particularly in the area where films are -- are decided upon and where producers and directors are, just gives us a taint and it appears as if we're serving other needs, other than -- than the best interests of the State of Illinois. So I would very seriously urge you to consider taking this out of the record and -- adapting -- adopting a multiyear amendment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR ROSKAM:

Senator, when you gave your answer to Senator Dillard, you said a lot of nothing. What was your response on why you shouldn't put a five-year -- or, an additional four years? It went something like, "Well, to get this into the shape that it'll be shapely so it'll conform to the shape of becoming the law, we can't do that." Now, now that we're all listening, why -- why would you resist the temptation that Senator Dillard has laid out before you to make this good bill a great bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Well, let me say that most of the suggestions that come from Senator Dillard are great suggestions, and I don't disagree

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

that this one is a great suggestion. In fact, I have admitted that my first bill had a five-year extension in there. But there's a reality around here, Senator Roskam, of which you are quite aware, that you have to pass -- you have to put your legislation in positions where they can pass. This bill will pass right now. It is wonderful to hear that Senator Rauschenberger, a genius when it comes to -- to numbers and generating money and -- and -- and economic development feels that it's so good that it should be five years. So, give me this one year and then we'll look at it next year and -- and hopefully I can make it five years at that time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, did that clarify it?

SENATOR ROSKAM:

Nowhere near. Did -- who's opposed, Senator Hendon, to -- to making this -- who's opposed to Senator Dillard's amendment? You acknowledged just now that it's a good idea. You acknowledged that Senator Rauschenberger is a genius, which is actually a little bit of a stretch, but God bless you. Who -- who's actually opposed to Senator Dillard's amendment to make a good bill even better? Because according to the Illinois Department of Commerce and Economic Opportunity, when they sent us out that notice to invite us to the movie last week, they said, and I quote, "Filming in Illinois has grown tremendously since the passage of the film production services tax credit." Tremendous growth. "In fact, film revenues are up over a hundred and forty percent for the Fiscal Year 2004 over all of Fiscal Year 2003. In addition, Batman Begins, the Weather Man, parts of Ocean's Twelve and Ice Harvest, by Chicago's own Harold Ramis, will be filming in Illinois this year." Just think how many more films will be on this list next year if we're able to say we're not going to just truncate this at twelve months. If twelve months brought us this, just think what twenty-four and thirty-six and forty-eight and seventy-two and so forth can bring. Who possibly, under the -- under this dome, can resist the Governor's good idea of a tax credit for the film industry, and why in the world wouldn't we want a good thing to become even better?

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Trotter. I mean, Senator Hendon.

SENATOR HENDON:

I look like a lot of people, but not Curly. I wish I had his hair. I'm thrilled to -- to hear you admit that Governor Blagojevich had a good idea. That'll probably be the only time we hear that this week, but there are some other powers to be that are working in the industry that are concerned. They don't have to necessarily be in the Senate to -- for me to listen to their concerns, and I -- and I do listen to the concerns of many people out here. I'm just asking you to give me the one year. We had one year last year. And I did sit on the Governor's film and video task force and a number of movie people were on that task force. And they said as long as they know that it's good for a year, they can plan forward to come to Illinois within -- with a year advance and it wouldn't be a problem if it was just one year, and that's why we have it in the shape that it's in.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

I -- I'm sure I didn't hear that right. You didn't tell me that there are people in the industry that are opposed to the extension of this tax credit pursuant to Senator Dillard's suggestion. There's no -- you've not met one industry person, right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Senator, you know my nickname is Hollywood. I'm around movie people all the time. Entertainment is what I do when I leave here, and a number of people have said that one year is sufficient and they have no problem with it. I believe all of these incentives, we should take a look at them year after year and those that work. I've supported a lot of Republican initiatives that we have proved that work. And we should take a look at it on a year-by-year basis. If it works this year, I think I can get the five years next year, and I'll be happy to work with Senator Dillard and Senator Rauschenberger and -- and you, fine sir, to get the five years next year. I...

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator Hendon moves the adoption of Floor Amendment No. 1 to House Bill 868. All in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 868. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 868.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

I thank you very much, Mr. President. As Senator Roskam said, we've had Ice Harvest here. The makers of Barbershop 2 are here right now working on their film, very happy with the tax credit. And I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. -- thank you, Mr. President. Every now and then, as the lone Republican who votes for a bill on this side like I did on this bill last spring, I sometimes know what I'm doing. And this tax break has worked incredibly, incredibly well. I wish the sponsor would have done what Senator Rauschenberger suggested, and that is, not make this a one-year trolling-for-tax-breaks type of deal, especially when we know that we have people in this business who sometimes troll for tax breaks and -- and do a lot of fundraising on a yearly incremental business. I do worry about the tax policy of having these one-year tax breaks when many of us are out in the field fundraising. It looks terrible. It's a terrible precedent, and with the five-year extension of the graphic arts portion of this bill, we really should have made this consistent. But nonetheless, this tax break has worked well. We should extend it, but I just think it looks terrible when year after year,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

especially when it involves Hollywood, we're extending tax breaks for a year. The public and the media and others can draw very bad inferences, as Senator Rauschenberger said, but nonetheless, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill. Thank you. I rise in support of the bill. One thing that hasn't been mentioned here in the Chamber is that the bill now also contains a reinstatement of the graphic arts equipment sales tax exemption which is for five years, I believe, which is appropriate. That is something that we revoked last year. I appreciate those who recognize that that was a mistake. That held up several million dollars in investment and a lot of jobs in this State. And I'm very pleased that we're doing a one-eighty on that and we're going to get that back on the books and so we can be competitive with our neighboring states. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 868 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 56 Members voted Yes, no Members voted No, none voted Present. House Bill 868, having received the required constitutional majority, is declared passed. House Bill 870. Senator Emil Jones. House Bill 875. Senator DeLeo. Senator DeLeo. 875. On the top of page 11, House Bill 913. Senator Terry Link. House Bill 921. Senator Carol Ronen. House Bill 934. Senator Emil Jones. House Bill 940, for Senator Emil Jones. House Bill 966. Senator Miguel del Valle. Read the bill, Mr. Secretary. Excuse me. Senator del Valle seeks leave of the Body to return House Bill 966 to the Order of 2nd Reading for purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 966. Mr. Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 1, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The -- the amendment becomes the bill. This amendment requires that all four directors of the newly created Department of Financial and Professional Regulation have to be -- after appointment have to go through the advice and consent process.

PRESIDING OFFICER: (SENATOR WELCH)

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

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 966. Mr. Secretary, read the bill.

ACTING SECRETARY HARRY:

House Bill 966.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. When the Governor issued his Executive Order creating the Department of Financial and Professional Regulations, he failed to include the process for allowing the Senate to advise and consent on the decisions of four directors. Because of time constraints, we weren't able to encourage the Governor issue a new Executive Order and amend that Executive Order, so we've had to use the legislative process to put this in -- in -- in the statutes so that we would be able to advise and consent on these four directors. I think it's very important that we have an opportunity to look at who gets appointed and to be able to question these people through the Executive Appointments process in order to make sure that those that are being appointed are -- are good appointees.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Roskam.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

116th Legislative Day

5/26/2004

SENATOR ROSKAM:

Thank you, Mr. President. To the bill. I rise in support of the bill. It passed unanimously out of the Executive Committee, and I urge its passage.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 966 pass. All those in favor, say Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 56 Members voted Yes, no Members voted No and no Member voted Present. House Bill 966, having received the required constitutional majority, is declared passed. House Bill 976. Senator Garrett. House Bill 999. Senator Emil Jones. House Bill 1004. Senator Link. House Bill 1007. Senator Emil Jones. House Bill 1067. Senator Emil Jones. House Bill 1083. Senator Harmon. House Bill... There being no business to come before the Senate, the Senate will stand adjourned until tomorrow, May 26th, at the hour of 10 o'clock a.m. May 27th, 10 o'clock a.m. Senate stands adjourned.