

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

40th Legislative Day

5/12/2005

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PRESIDING OFFICER: (SENATOR DeLEO)

The regular Session of the 94th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Pastor Thomas Radtke, the Trinity Evangelical Lutheran Church here in Springfield. Pastor.

PASTOR THOMAS RADTKE:

(Prayer by Pastor Thomas Radtke)

PRESIDING OFFICER: (SENATOR DeLEO)

Please remain standing for the Pledge of Allegiance. Senator Wendell Jones will lead us in the Pledge of Allegiance this morning.

SENATOR W. JONES:

(Pledge of Allegiance, led by Senator W. Jones)

PRESIDING OFFICER: (SENATOR DeLEO)

Reading and Approval of the Journal, Senator Hunter -- Madam Secretary.

SECRETARY HAWKER:

Senate Journal of Wednesday, May 11, 2005.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move that reading and the approval of the Journal of Thursday {sic} (Wednesday), May 11, in the year 2005 be postponed, pending approval of the printed Journal.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Hunter moves to postpone the reading and approval of the Journal pending the arrival of the printed transcripts. There being no objection, so ordered. Madam Secretary, Committee Reports, please. Madam Secretary, Messages from the President.

SECRETARY HAWKER:

Message from the President, dated May 11, 2005.

Dear Madam Secretary - Pursuant to Rule 3-5(c), I hereby appoint Senator James DeLeo and Senators -- Senator James Clayborne to replace Senators Louis Viverito and John Cullerton respectfully -- respectively as members of the Senate Rules Committee. This appointment is effective immediately.

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

PRESIDING OFFICER: (SENATOR DeLEO)

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Madam Secretary, Messages from the House, please. Excuse me, Madam Secretary, House Bills 1st Reading, please.

SECRETARY HAWKER:

House Bill 279.

(Secretary reads title of bill)

1st Reading of the bill. Offered by Senator Garrett.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, we'll be going to Senate Bills 2nd Reading. On page 2 of your Calendar is Senate Bills 2nd Reading. We have Senate Bill 276. Senator Haine. Senator Haine, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill. Madam Secretary, please read the bill.

SECRETARY HAWKER:

Senate Bill 276.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Ladies and Gentlemen, we have an announcement. The Rules Committee will meet immediately in the President's Anteroom. The Rules Committee will meet immediately in the Anteroom. I ask all Members, please report to the President's Anteroom immediately. Thank you. Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Higher Education Committee - Floor Amendment No. 2 to House Bill 755 and Be Approved for Consideration - Floor Amendment No. 4 to Senate Bill 276.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Maloney, for what purpose do you rise, sir? To talk to Senator Crotty?

SENATOR MALONEY:

Purpose of announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR MALONEY:

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The Higher Education Committee will meet at 10:30 in Room 400.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Senator Ronen, for what purpose do you rise, ma'am?

SENATOR RONEN:

For the purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement.

SENATOR RONEN:

The Health and Human Services Committee will -- meet immediately after recess. Immediately after recess in Room 400.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LAUZEN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR LAUZEN:

I would like to introduce to the Senate a -- a -- a friend to the Senate. Stewart Schmadeke is with us today. He's just finished his first year at Duke University. He's a fraternity brother of my son at the ATOs. He's a public policy, history double major. I'd like to just welcome to the Senate.

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome to Springfield and congratulations. And, Ladies and Gentlemen, the Senate will stand in recess till the call of the Chair. After committee meetings we will reconvene, we'll receive committee reports and we will -- there will be further Floor action today. So, once again, we will stand in recess to the call of the Chair. After the committee meetings we will reconvene to receive the committee reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

The Senate will come to order. I'd ask all Members within

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the sound of my voice to please report to the Senate Floor. We will be going to the Order of House Bills 3rd Reading, final action. So, I'd ask all Members, please report to the Floor immediately. We'll be going to Order of House Bills 3rd Reading. Final action. Madam Secretary, Resolutions, please.

SECRETARY HAWKER:

Senate Resolutions 191 through 203, all offered by Senators Forby and all Members.

They're all death resolutions.

And Senate Resolution 204, also -- this is offered by Senator Collins and all Members.

And it is also a death resolution.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Consent Calendar. Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

Senator Maloney, Chairperson of the Committee on Higher Education, reports Senate Amendment No. 1 {sic} (2) to House Bill 755 Be Adopted.

PRESIDING OFFICER: (SENATOR DeLEO)

Message from the President, please.

SECRETARY HAWKER:

Message from the President, dated May 12th, 2005.

Dear Madam Secretary - Pursuant to Rule 3-5(c), I hereby appoint Senator John Cullerton to replace Senator James Clayborne as a member of the Rules Committee. This appointment is effective immediately.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

Senator Hendon, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - Senate Joint Resolution 45; and refer to State Government Committee - Senate Resolutions 186, 188, 189, 190, Floor Amendment 1 to House Joint Resolution 1.

PRESIDING OFFICER: (SENATOR DeLEO)

The Chair would like to recognize Trustee Richman from Deerfield, Illinois. Trustee, thank you for joining us. Senator

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Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR CRONIN:

I would -- I'm most delighted to introduce a wonderful family that's joined me here today and joined all of us here in the State Senate. The Duncan family: Cheryl Duncan, Stephanie Martinez, Natalie Duncan, Joseph Duncan and -- Nathaniel Duncan. A wonderful group, a wonderful family from Wheaton, Illinois. The mighty City of Wheaton, the county seat in DuPage, the nerve network of the nation, tree city USA, I think about four or five times. It's a wonderful place, a wonderful community and I'm proud to introduce my friends, the Duncan family who are down here. Let's give the Duncan family a warm Senate welcome.

PRESIDING OFFICER: (SENATOR DeLEO)

Would our guests in -- are they in gallery? Please rise -- please rise, be recognized. Welcome to Springfield. And, Senator Cronin, you missed your class photo earlier. You missed your class photo earlier. Senator Roskam stood in for you, sir. We -- going to start, as we mentioned, on House Bills 3rd Reading. Page 78 of the Calendar. Before we do that, I'd like just to make an announcement to let the Body know what the intentions are for today and next week. We're going to do some 3rd Readings. Today will be final passage. We will hope to move some of these bills today. It is getting very close to -- to the end of deadline. I'd like to -- remind all Members that Floor amendments should be filed by the close of business day tomorrow. All Floor amendments be filed by the close of business day tomorrow, so they can get to Rules Committee and to the appropriate committees early next week. We will be returning on Monday. Monday afternoon at the hour of 3 p.m. We will be doing final passage, 3rd Readings Monday evening and all day Tuesday. We have quite a lot of 3rd Readings on the Calendar. So, once again, we will be doing final passage 3rd Readings on Monday. Having said that, we're going to page -- House Bills 3rd Reading, page 78 of your Calendar. House Bill 1358. Senator Munoz. Out of the record. Senator Forby, on House Bill 1370, sir. Do you

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wish to proceed? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Forby.

SENATOR FORBY:

Thank you, Mr. President. House Bill 1340 {sic} (1370) comes from Attorney General's Office. This bill amends the Prevailing Wage Act regarding violations by allowing higher penalties and -- on the second violation. This bill will increase penalties violation on the Act from a Class B to a Class A misdemeanor. This bill also increases a longer period of violation from a two years to four years in a five-year period. What this bill does, actually is, the people that tries not to pay prevailing wages -- putting everybody on a same playing field. This bill is not to go after somebody that made a twenty-dollar mistake or something like that. This bill is for somebody that's doing this on purpose that's not on the same playing field. So, I'll try to ask {sic} any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Thank you. Senator Forby, this bill had a lengthy discussion in the -- in the Senate Labor Committee, which you Chair. And there were some serious questions raised by the business community about the -- the need for these changes. One of those areas - I just want to talk about one of 'em here - is with regards to the amount of time by which -- the expansion of the amount of time in which the Department of Labor can find that there are two quote, unquote violations. It's being expanded from two years to five years. I mean that is a pretty serious

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expansion. And I know that you have a lot of employers, particularly small employers, in your district, Senator Forby, as I do in mine. What -- what do we say to these smaller businesses who - it's been my experience - have plenty of prevailing wage investigations launched against them that -- that why is this necessary to so dramatically expand the amount of time with when -- within which they can be found to have a second violation and be subject to much more severe penalties?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Forby.

SENATOR FORBY:

Well, as you know, before I came to the legislature I was a small contractor. And what I want to do as a small contractor, if I had to pay prevailing wages, I expect everybody else to. All this does is try and put everybody on the same playing fields and this is not to go after people. This is to stop the people that's coming in down the road. They see this penalty, they're gonna think twice before they're not paying prevailing wages.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Senator, let's go back to the point I raised in my question. The -- the need to expand, more than double the amount of time within which -- an employer can be found in violation twice and be subject to such severe penalties. I mean, what you're talking about, Senator Forby, you know, the offenders who -- are the repeat offenders. What I'm talking about is, how many other groups, employers are you going to find to fall within this two-violation category by expanding it from two years to five years? I mean, I -- I get the impression you're talking about the chronic violators that you want to go after. What I'm suggesting to you is the breadth of that expansion that's going to catch a lot more people than that.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Forby. Is that a question or is that a statement, sir? Senator Forby, to answer the gentleman's question.

SENATOR FORBY:

Not every violation out here today is -- will be on that one or two year -- one or two term things. But, you know, anybody

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can appeal a violation if they want to. So, what this is all about is, like I said before, it's going after the people that is -- intend to do a violation. So, these people that see that goes from two to four years different, they're going to think twice before they try to do this - violations.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen, I hope that everyone in here who has employers in their district who may be subject to the prevailing wage requirement, will take a very close look at this legislation. This is a very aggressive increase. Not just as -- on the issue that I talked about with Senator Forby on the length of time within which you can be found to have a second violation and be subject to much more severe penalties, but other issues as well. I don't think this bill is aimed at the chronic repeat violators who violate on every project. That's what we should be concerned about. The people who are out to -- intentionally violate the law, not the employers who make a mistake on the records. And I don't think anyone in here represents an employer who wouldn't over five years make a mistake on their records. And this is going to subject them to much higher, much more severe penalties. I don't think in a State where we are already lagging far behind our neighboring states in job creation that this is another thing that we want to toss on those employers and say, here we want you to deal with this as well. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Forby, to close, sir.

SENATOR FORBY:

This -- I agree what you saying, Mr. Righter, but this bill is not to go after people that made a twenty-dollar mistakes. This bill is not to go after somebody that didn't do something on purpose. This bill is to go after people that's done intentionally, on purpose. I am going to do this. I'm going to

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beat the people out of it. With this, adding a term to it - longer, it's going to make the people think twice. I think this is a good bill. I was a contractor for thirty years and when I had to pay prevailing wages, I expect everybody else to have to. So this puts everything on the same playing field so everybody's equal. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. The question is, shall House Bill 1370 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 32 Ayes, 24 Nays, 0 voting Present. House Bill 1370, having received the required constitutional majority, is declared passed. Senator -- Senator Righter, for what purpose do you rise, sir?

SENATOR RIGHTER:

I would request a verification of that roll, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Gentleman requests a verification. Will all Members please be in their seats. The request is certainly in order. Madam Secretary, would you please read those people voting in the affirmative.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR SILVERSTEIN:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, sir. Please state your point, sir.

SENATOR SILVERSTEIN:

Thank you, Mr. President. With us today in both the Republican gallery and in the Democratic gallery is the girls from Arie Crown Hebrew Day School located in Skokie, Illinois. I

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would appreciate if you would give them a warm Senate welcome.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Would our guests please rise and be recognized. Welcome to Springfield. Senator Crotty, for what purpose do you rise, ma'am?

SENATOR CROTTY:

Thank you very much. I also rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR CROTTY:

Up in the gallery we have the Chief of Police, not only in my own district, but in my very own hometown and his wife, Lindsay and Betty Jo Laycoax. From the fire department. I'm sorry, did I say chief of police? Okay. Let me start over. No. No. Our fire chief.

PRESIDING OFFICER: (SENATOR DeLEO)

Would our guests please rise and be recognized, please? Thank you. Welcome to Springfield. Senator Righter, do you question the presence of any Member voting in the affirmative, sir?

SENATOR RIGHTER:

Inquiry of the Chair, first, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, sir.

SENATOR RIGHTER:

Mr. President, do you think it's appropriate for us to have matters personal privilege in the middle of a verification of a roll call?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, as you know, the Chair extends courtesies to all Members of -- for personal privileges in this Chamber. Republican, Democrat, Independent. When people have guests here in Springfield in the middle of 3rd Readings and the middle of debate, we've extended courtesy. Guests aren't here for long stays, they do have travel plans. School buses are moving in and out of this Capitol plaza quite frequently. We do not control the scheduling of that. So, to extend a Member that courtesy for their constituents, this Chair will always extend the courtesy.

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SENATOR RIGHTER:

Thank you, Mr. President, remind me never to ask you that question again.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Senator Hendon.

PRESIDING OFFICER: (SENATOR DeLEO)

Is Senator Hendon in the Chamber? Is Senator Hendon in the Chamber? If not, Madam Secretary, please strike the name. Senator Righter, do you question the presence of any Member?

SENATOR RIGHTER:

Senator Bill Brady. Senator Bill Brady, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bill Brady.

SENATOR RIGHTER:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bill Brady is in the Chamber. Madam Secretary, strike the name from the record. Senator Righter, do you question the presence of any other -- Member?

SENATOR RIGHTER:

No. That concludes our verification. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. On a verified roll call there are 30 Ayes, 24 Nays, 0 voting Present. Having received the required constitutional majority, House Bill 1370, is declared passed. Ladies and Gentlemen, continuing on Senate Bills 3rd Reading. House Bills, excuse me. Senator Sullivan, for what purpose do you rise, sir?

SENATOR D. SULLIVAN:

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

PRESIDING OFFICER: (SENATOR DeLEO)

It's not an appropriate time for personal privileges, sir. Senator Sullivan.

SENATOR D. SULLIVAN:

Could we have a verification on that? And in light of Senator Hendon not being on the Senate Floor for the moment he --

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he asked me if would announce that the Senate will be replaying the game against the House next week. Right now they're talking about Wednesday. There is some conflict with that, so I'm not sure it is Wednesday. But we will be -- replaying them. We were down, but we know that we're going to win this thing. So, everyone bring your clothes again so we can come back for a strong Senate victory. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR HUNTER:

For a matter of comment to the announcement that was just made.

PRESIDING OFFICER: (SENATOR DeLEO)

Please -- please state your comment, ma'am.

SENATOR HUNTER:

I would like -- as a female Legislator of this Body, I would like to register a formal complaint about the softball game yesterday where no women at all played. And we were all prepared to play. Now someone made an agreement with the House members that if one Body does not have their females there then the other will not have their females to play. And that's unfair and I hope that will not happen again.

PRESIDING OFFICER: (SENATOR DeLEO)

The -- the Majority Leader seek recognition. Senator Halvorson, for what purpose do you rise, ma'am?

SENATOR HALVORSON:

Thank you, Mr. President. Actually, to announce that Senator Viverito is not here due to business back in his legislative district.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. The record will so indicate. Senator Sullivan, for the second time.

SENATOR D. SULLIVAN:

Thank you, Mr. President. To respond to Senator Hunter. My first suggestion is, take it up with our manager, Senator Hendon. As anyone who saw Senator Halvorson and Senator Hunter practice in -- in the batting, you want them to play. We want them on our team. So, everyone tell Senator Hendon to put the ladies in there.

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PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR WILHELMI:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

That's always in order, sir. Please state your point of personal privilege.

SENATOR WILHELMI:

Thank you -- thank you, Mr. President. It's my distinction and my honor today to be able to recognize two men from the Lockport Township Fire Protection District who are in the President's gallery. Both of these individuals earlier today received recognition. One, Lieutenant Joseph Casagrande, who received the medal of honor for entering a burning house that had exploded in Crest Hill, Illinois, and -- displayed incredible courage and honor. Also with him is firefighter Michael Gale who also -- both men were not on duty - they were -- they are residents of the neighborhood. They came to the assistance of this house and they saved a ninety-four-year-old woman who was trapped in that house. And I think it's just a great thing to have them in the President's Gallery today. And I'd like to welcome them to the Illinois Senate.

PRESIDING OFFICER: (SENATOR DeLEO)

Would our -- would our guests please rise and be recognized? Congratulations. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR LAUZEN:

I would like to introduce to the Senate folks from all over the State. The Illinois Federation of Republican Women are here today, very appropriately, over on the Republican side of the gallery. If you would all -- rise. They are ably led by Kay Hatcher. Please welcome them to the Senate.

PRESIDING OFFICER: (SENATOR DeLEO)

Would our guests -- please rise and be recognized? And

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welcome to the Illinois Senate. Okay. Ladies and Gentlemen, I think we've introduced everybody in the Capitol today. So, going back to House Bills 3rd Reading. Senator Bomke, on House Bill 1383, sir. Do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1383.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1383 allows State employees to repay just a part of a refund of their employment contribution to the State Employment {sic} Retirement System. What -- what this does, it allows an employee who has left State employment and -- withdrawn their contribution to the system, it allows them -- current -- under current law they must repay it all. This would allow them to make a partial payment. There's no fiscal impact and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Thank you, sir. Is there any discussion? Seeing no discussion, Senator Bomke, to close, sir.

SENATOR BOMKE:

Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. The question is, shall House Bill 1383 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 1383, having received the required constitutional majority, is declared passed. House Bill 1384. Senator James Clayborne, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1384.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton -- Senator Clayborne. Sorry, you look alike.

SENATOR CLAYBORNE:

Thank -- thank you, Mr....

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne. Out of the record. House Bill -- continuing on House Bills 3rd Reading is House Bill 1386. Senator John Sullivan. You wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

Senate {sic}(House) Bill 1386.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator John Sullivan, sir.

SENATOR J. SULLIVAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 2031 amends the -- excuse me, House Bill 1386 amends the Illinois Vehicle Code introduced at the request of IDOT. Allows the Illinois Department of Transportation to -- issue special permits on a quarterly or annual basis for continuous limited operation of vehicles that exceed the current allowable weight limits. It will reduce the number of permits issued by the Department by as many as twenty thousand. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Senator Geo-Karis -- Senator Dahl, for what purpose do you rise, sir?

SENATOR DAHL:

Mr. President, question for the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR DAHL:

Is -- is a -- a carrier still going to be able to -- to have just one permit if that's all he ever needs for the year? Can -- can one permit still be bought? Or, you know, one permit -- now,

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if they -- if I've only one movement am I going to be able to get a permit for that, or am I going to have to buy a year permit?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Sullivan.

SENATOR J. JONES:

Yes. If you -- if it -- if you have the need for one permit you can do that. If you want -- if you have a continuous need then they can be done on a quarterly and/or annual basis.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RISINGER:

Thank you, Mr. Chairman. I just rise in support of this bill. This bill will cut down on some of the paperwork and -- and -- and speed up some of the permits. And I think it's a good bill and I urge an Aye vote on this side of the aisle.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Senator Sullivan, to close.

SENATOR J. SULLIVAN:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. The question is, shall House Bill 1386 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 52 Ayes, 0 voting Nay, 1 voting Present. House Bill 1386, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose are you seeking recognition?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I just want to remind everyone here that our President of the Senate, yesterday played very good ball, caught the balls, unlike some of our folks who dropped them in the fields. But I want to congratulate him for doing such a great job on the ballgame. And also Senator Hendon, who knocked himself out killing himself to carry all the balls and he did a great job both as a runner and as a player. And I want to commend both of them for doing such a terrific job in spite of the weather. They lasted and lasted and

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so did the girls. They did not sit back and I'm proud of all of you. Congratulations.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Thank you very much. Okay. Continuing on House Bills 3rd Reading is House Bill 1387. Senator Jacobs, do you wish to proceed, sir? Out of the record. Continuing on House Bills 3rd Reading on the top of page 79 of your Calendar is House Bill 1391. Senator Link. Senator Terry Link. Do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This bill provides that funds and stocks distribution during a demutualization or related reorganization of an insurance company is considered abandoned if they have not been communicated with -- with the holder of -- two years after the date of demutualization or related reorganization. I know of no opposition. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RUTHERFORD:

To comment on the bill and just note that this does nothing to do with township governments regulating loose chickens. And, secondly, that in part because of the effervescent and glowing comments by the sponsor during the Senate Financial Institutions Committee, as well as, the sum and substance of this bill. It did pass unanimously and I would encourage a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LINK:

Just would ask for affirmative vote.

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PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. The question is, shall House Bill 1391 pass. All those in -- favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 1391, having received the required constitutional majority, is declared passed. House Bill 1395. Senator Don Harmon, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1395.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1395 amends the Intergovernmental Cooperation Act. The current law provides that in any county outside of Cook, a special district that is entirely within the boundaries a township may merge or transfer into that township. This bill would simply extend that ability into Cook County, as well. I'm aware of no opposition and I would ask for your Aye votes. I'd be happy to take any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Any discussion? Seeing no discussion, the question is, shall House Bill 1395 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 1395, having received the required constitutional majority, is declared passed. Senator Jacobs, on House Bill 1402, sir. Do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

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House Bill 1402.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jacobs.

SENATOR JACOBS:

Mr. President, thank you. The Firemen's Disciplinary Act currently states that a firefighter may be suspended for up to seventy-two hours without a formal investigation. Most firefighters in Illinois work twenty-four-hour shifts followed by a forty-eight hours off. The intent of the statute is to allow suspension of one twenty-four-hour shift followed by forty-eight hours off duty. The statute has been incorrectly interpreted by some employers to allow for seventy-two-hour duty suspension. House Bill 1402 is an agreed bill by all parties representing various interest of firefighter issues. I'd appreciate your positive consideration.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, the question is, shall House Bill 1402 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 1402, having received the required constitutional majority, is declared passed. House Bill 1403. Senator Martinez. Senator Martinez. Senator Martinez. Out of the record. House Bill 1406. Senator Collins, do you wish to proceed, ma'am? She indicates she wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1406.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate -- Ladies and Gentlemen of the Senate. House Bill 1406 was passed out of

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Health and Human Services on the agreed bill list. And the -- and the bill is at the discretion of DHS -- not discretion, but at the request of DHS based on the fact that if House Bill 1406 is not passed the Department's ability -- to administer the TANF program will be jeopardized and the State's federal TANF funds will be threatened. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Seeing no discussion, the question is, shall House Bill 1406 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 1406, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading. House Bill 1411. Senator Clayborne, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1411.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, President Hendon {sic}. House Bill 1411 will provide some relief from hours of service. Truck driving regulations as these regulations apply to utilities while vehicle drivers -- for vehicle drivers while they are dealing with utility service interruption services. This will be -- the Department of Transportation will declare it an emergency and will allow them to have some relief as it relates to being out in service. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Is there any discussion? Any discussion? Seeing no discussion, the question is, shall House Bill 1411 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary,

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please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 1411, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading. House Bill 1428. Senator Martinez, do you wish to proceed? She indicates she wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1428.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Senate. Ladies and Gentlemen of the Senate, House Bill 1428 requires a mortgage lender who pays the property tax from an escrow account to give the borrower within forty-five days after the tax payment written notice of the date the taxes were paid, the amount of taxes paid, the permanent index number, mortgage account number, address of the property or other property description that is used for assessment and taxation purposes under the property tax code. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LAUZEN:

To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR LAUZEN:

I just want to commend Senator Martinez on her work on this. It passed out of the Senate Revenue Committee unanimously.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Any further discussion? Senator Brady, for what purpose do you rise, sir?

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DeLEO)

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

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SENATOR BRADY:

Senator, in committee I voted for your bill, but I also asked the question about what the penalty would be and you said you would find out.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Martinez.

SENATOR MARTINEZ:

There are no penalties.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Any further discussion? Seeing no further discussion, the question is, shall House Bill 1428 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 1428, having received the required constitutional majority, is declared passed. House Bill 1430. Senator Peterson, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1430.

(Secretary reads title of bill)

3rd Reading...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. House Bill 1430 requires a nursing home employee or agent who becomes aware of another employee or agent's theft or misappropriation of a resident's property must immediately report the matter to a facility administrator. The administrator must immediately report the matter by telephone and in writing to the resident's representative, to the Illinois Department of Public Health and to the law -- the local law agency. What we've had up in our area is in certain nursing homes we've found people working as

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employees have stolen from the clients and they have not been reported. And these people have gone to work at other nursing homes and they have been found by folks to be working there and also stealing from the residents. So I ask for your support of House Bill 1430.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Seeing no discussion, the question is, shall House Bill 1430 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting President. House Bill 1430, having received the required constitutional majority, is declared passed. Senator Dillard, on House Bill 1432, sir. Indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1432.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. We often name bills after people in this particular Body. This bill doesn't have a formal name, but I call it the Ron Artest bill. Named after Ron Artest the NBA basketball player who after a fan threw a cup of beer at an NBA basketball game there was a huge melee in the stands and it led to the suspension of Mr. Artest from the National Basketball Association. And I also find it ironic that the very two teams involved in that melee are playing right now in the NBA playoffs. But this bill would increase the penalty for assault or battery at a sporting event in venues that are indoors. We've had certain melees where a man attacked an umpire at US Cellular Field, but that was an outdoor arena. In looking at our statutes we really didn't cover indoor arenas as well as we should. And what this does is, it sets up a penalty for somebody who goes into the stands and attacks fans. And I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you. Is there any discussion? Is there any discussion? Seeing no discussion, the question is, shall House Bill 1432 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 54 Ayes, 1 voting Nay, -- 0 voting Present. House Bill 1432, having received the required constitutional majority, is declared passed. Senator Martinez, on House Bill 1434, ma'am. Do you wish to proceed? She indicates she wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1434.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. House Bill 1434 increases the penalty for theft when government property is stolen. This is that same identical bill I had here Senate Bill 471 that passed -- passed out of this house unanimously.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Seeing no discussion, the question is, shall House Bill 1434 pass. All those in favor, vote Aye. All those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 1434, having received the required constitutional majority, is declared passed. On the bottom of page 79 is House Bill 3rd Reading. House Bill 1445. Senator Sandoval, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 1445.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. House Bill 1445 was on the agreed bill list in the Licensed Activities Committee. It is mainly an administrative cleanup language to the Fire Sprinkler Contractor Licensing Act which passed several years ago. It adds definition to fire protection system layout drawings and clarifies that they can be performed by either a professional engineer or a fire sprinkler contractor with certain specialized training and certification. And the amendment adds licensed architect. There are no opponents to this measure. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Seeing no discussion, the question is, shall House Bill 1445 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 55 Ayes, 0 voting Nay, 0 voting Present. House Bill 1445, having received the required constitutional majority, is declared passed. Okay. Ladies and Gentlemen, once again, let me remind the Body all Floor amendments must be filed by -- close of day tomorrow. All Floor amendments must be filed by the close of business day tomorrow so they can go to Rules and be sent to the appropriate committees next week. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all the resolutions read in today will be added to the Consent Calendar. Madam Secretary, has there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the motion carries. And the resolutions are adopted. Okay. On the Orders of Resolutions. Senator Shadid, do you wish to proceed on Senate Joint Resolution 46? He indicates he does. Madam Secretary, please read the resolution.

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SECRETARY HAWKER:

Senate Joint Resolution No. 46, offered by Senator Shadid.

(Secretary reads SJR No. 46)

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Shadid now moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 46. Those in favor will say Aye. Those opposed will say Nay. The Ayes have it, and the rules are suspended. Senator Shadid moves the adoption of Senate Joint Resolution 46. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen, there being no further business to come before the Senate, pursuant to the adjournment resolution, the Senate stands adjourned until the hour of 3 p.m. on Monday, May 16th, the year 2005. The Senate stands adjourned.