

STATE OF ILLINOIS  
99th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

110th Legislative Day

5/5/2016

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PRESIDING OFFICER: (SENATOR LINK)

The regular Session of the 99th 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 Shaun Lewis, Civil Servant Ministries, Springfield, Illinois.

PASTOR SHAUN LEWIS:

(Prayer by Pastor Shaun Lewis)

PRESIDING OFFICER: (SENATOR LINK)

Please remain standing for the Pledge Allegiance. Senator Cunningham.

SENATOR CUNNINGHAM:

(Pledge of Allegiance, led by Senator Cunningham)

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, May 4th, 2016.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter moves to postpone the reading and approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolutions 1837 and 1838, offered by Senator

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McConnaughay and all Members.

They are both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Resolution Consent Calendar. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Cunningham, Chairperson of the Committee on Agriculture, reports Senate Joint Resolution 46 Be Adopted; and House Bills 5796, 5808, and 5933 Do Pass.

Senator Trotter, Chairperson of the Committee on Appropriations II, reports House Bills 648 and 2990 Do Pass, as Amended.

Senator Holmes, Chairperson of the Committee on Commerce and Economic Development, reports Senate Amendment 2 to Senate Bill 517 Recommend Do Adopt.

Senator Collins, Chairperson of the Committee on Financial Institutions, reports House Bills 4595, 4614, and 5755 Do Pass.

Senator Forby, Chairperson of the Committee on Labor, reports Senate Bill 2961 Do Pass; and Senate Amendment 1 to Senate Bill 3163 Recommend Do Adopt.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

Message from the House by Mr. Mapes, 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 102.

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Offered by Senator Haine.

We have received a like Message on House Joint Resolution 116, offered by Senator Holmes. Adopted by the House, May 5th, 2016. Timothy D. Mapes, Clerk of the House. They are substantive, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 5540, offered by Senator Haine.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Sherrie Phelps {sic} (Phipps), WICS, seeks permission to videotape. Ed Cross, WAND-TV, seeks permission to video. Tony Yuscus, Blueroomstream.com, seeks permission to videotape. Seeing no objections, permission granted. Senator Morrison, for what purpose do you rise?

SENATOR MORRISON:

For the purpose of an introduction, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your introduction.

SENATOR MORRISON:

This afternoon, we are joined by a group of moms, who, just three days before Mother's Day, are here to visit the Capitol and to speak to us about some important issues. Moms Demand Action is seated in the gallery there. I'd like the Senate to give them a warm welcome. And in particular, we have a -- a mother here who is with us, Janice Cannon, from Park Forest. Janice's Mother's Day will not be as special as it could be, as she lost her son to

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gunfire in 2007. So I would ask everyone to please give this group a warm welcome.

PRESIDING OFFICER: (SENATOR LINK)

Mothers are always welcome. Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Announcement of a Democratic Caucus, for thirty minutes, upon recess.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you very -- Mr. President. I am going to echo Senator Silverstein and ask for a Republican Caucus, for about thirty minutes, immediately.

PRESIDING OFFICER: (SENATOR LINK)

Senators Silverstein and Althoff move that the Senate recess for the purpose of a Democratic and Republican Caucus, lasting thirty minutes. Seeing no objection, the motion is granted. The Senate now stands in recess to the call of the Chair. After the Democratic and Republican Caucuses, the Senate committees -- the Senate will reconvene after the caucus for further Floor action. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LINK)

The Senate will please come to order. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

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Senate Resolution 1839, offered by Senator Clayborne and all Members.

It is a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Resolution Consent Calendar. Mr. Secretary, Introduction of Senate Bills.

SECRETARY ANDERSON:

Senate Bill 3424, offered by Senator Manar.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Will all Members at the sound of my voice come to the Senate Floor immediately? We will be going to 3rd Readings, final action. All Senators at the sound of my voice, please come to the Senate Floor immediately. We will be going to 3rd Readings, final action. With leave of the Body, we'll turn to page 8 of the printed Calendar, Senate Bill 580. President Cullerton. President Cullerton seeks leave of the Body to return Senate Bill 580 to the Order of 2nd Reading. Seeing no objection, permission is granted. Now on the Order of 2nd Reading is Senate Bill 580. President Cullerton has indicated to -- Senator Hutchinson will carry the bill. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson, on the amendment. And could we please keep the noise down on the Floor? Keep the conversations quietly. Senator Hutchinson, on your amendment.

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SENATOR HUTCHINSON:

Thank you, Mr. President and Members of the Senate. The Floor amendment becomes the bill and I'm happy to discuss on 3rd.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion on the amendment? Seeing none, 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 ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 580. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 580.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson, on Senate Bill 580.

SENATOR HUTCHINSON:

Thank you, Mr. President. Floor Amendment No. 1 deletes all and becomes the bill. This eliminates the payback requirement of the interfund borrowing that the Governor authorized on June 30th, 2015. Currently, 454.3 million dollars plus interest is due to be paid back on December 31st, 2016. This will allow us to use these very needed funds for critical services today. I appreciate your support. Happy to answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Senator McCarter, for what purpose



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do you rise?

SENATOR McCARTER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

She indicates she will yield.

SENATOR McCARTER:

Senator, I -- I apologize, I guess I don't understand. Can you help me understand? Where is the money?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

We provided authority to the Governor to borrow these funds from certain other State funds. This bill allows him the flexibility to not pay that money back. So this is an IOU we are forgiving to ourselves.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

Okay, so you borrowed the money from the different funds, then we spent that money - correct? Where is the money?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

You just said it - we spent that money.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

It looks like we're going into "who's on first" - right? If the money was spent, is this -- are we assuming we're going to

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take the money from those funds again that has built up in those funds and -- and use it for this purpose?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

No. We are saying out of our General Revenue funds that we will not pay that money back to those funds. That was a onetime thing that we did and we are saying that we have some considerable and extreme financial pressures right now in the absence of a budget and so, because of that, we are going to extend this flexibility to the Governor to not have to pay that -- those funds back.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

Okay, so -- so if the money's in the General Fund, what you're saying is correct, that the money will be there to be spent on something here in the future. But I -- it -- it appears that this is all on the condition that the money is there in the General Fund. Am I correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

The money was taken out of the other funds when we came together in a bipartisan fashion and did the Fiscal Year '15 fix. What we are saying is that we will not repay this money into the funds that were swept when we did that, so that we can use the -- that -- let me say it a different way. We are now getting rid of a liability that would happen in the future. So we are able to

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not count that towards our liabilities in 2017.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

So, again, we have to assume that we have the money to pay that back and so my -- so, again, do we have the money to pay that back?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

I'm sorry, say that one more time.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

Do we have the money existing right now to pay that money back? Does it exist?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

No.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

Do you expect it to be there in the near future?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

Yes, I fully expect that, at some point, we'll get a budget, but that's going to require a whole lot of different kinds of

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negotiations than the ones that are happening on this piece of legislation right now.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

Okay, so the money's not there, but we expect it to be there when we have a budget, and what are we going to take money out of to put it there? Or we going to create some other money? Are we going to -- would we might -- have a tax increase to put the money there?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hutchinson.

SENATOR HUTCHINSON:

What I am saying is that this money was due to be paid back, we are not -- we are going to allow, through this provision, this money to not be paid back so that we can use this for other -- we can relieve some pressure on our liability side. This is actually a Republican initiative, so there'll be some other Members of your caucus that I'm sure that would like to speak to it.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter.

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR McCARTER:

Yeah. You -- you know what, if you think that I'm going to just ignore this because I'm a Republican, you're wrong. This is ridiculous - swapping money from one pocket to the other, saying

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that you have it when you don't. Now maybe I don't -- you know, maybe everyone on my side is much smarter and I just don't get it, but the -- but the money has to go there somehow and it's either gonna based -- be based on that tax rate which you have now or the tax rate that you have in the future, and you're telling us that you're going to put the money there in some other way. And I know it's good, because then we can spend that money to get relief at home on higher ed or whatever it is and we can go home and people will be happier with us. But we're not being honest with people. This is not being honest with the people at home. We're going to go home and tell 'em, yeah, we bumped up your higher ed and we saved your schools and we did it with getting rid of a liability, which most likely will turn back into the need for a tax increase. This is not the way to do business.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rose, for what purpose do you rise?

SENATOR ROSE:

To the bill, if I may.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR ROSE:

Ladies and Gentlemen, when you take a liability off your balance sheet, that's a net positive. Okay? We're taking that liability off our balance sheet and then we're going to support a bill in a few seconds that Leader Trotter is bringing forward that, once again, shows that individuals in this Chamber are willing to work in a bipartisan fashion to move the State forward and begin breaking the budget stalemate. Now I've heard other speakers today, but here's a speaker that's not in this room that counts,

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and that's the Governor's Budget Director. The Governor's Budget Director has previously characterized this as real funds that exist when a similar bill - not this bill, but a similar bill that used this funding mechanism - was produced in the House for consideration. So, if I'm going to believe anybody in the room about what's real and what's Memorex, I'm going to take Tim Nuding's word for it as the Governor's Budget Director that this is real and an opportunity for us to once again act like adults, join with my colleague Senator Hutchinson, join with my colleague Leader Trotter and Members on our side of the aisle, and start to get out of this mess that we've dug ourselves into. I will take Tim's word for it any day of the week. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

To the bill, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR RIGHTER:

Thank you, Mr. President. Thank you very much, Mr. President. I rise in support of Senate Bill 580 as well. I think that there's been a lot of rhetoric here. The simple fact is, the General Revenue Fund owes these funds four hundred and fifty-four million dollars. Do we want to pay back those special funds or do we want to use -- keep the money in the General Revenue Fund or make sure the General Revenue Fund doesn't carry that liability so that we can use it for things like higher education? I think that's a good idea. I'm in support of the bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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Senator Hutchinson, to close.

SENATOR HUTCHINSON:

Thank you, Mr. President. Tensions are high in this building. I appreciate the feedback on this. I do know that none of us particularly like the situation we're in right now, but this is something I think we need to do to make sure that we show people in our districts that we're listening and that we hear them, and that to the extent we can work together to do something positive for our districts, we should. So I appreciate all the questions and I ask for your support.

PRESIDING OFFICER: (SENATOR LINK)

Question is, shall Senate Bill 580 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 3 Nays, none voting Present. Senate Bill 580, having received the required constitutional majority, is declared passed. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

For purposes of an introduction, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your introduction.

SENATOR HARMON:

We have a surprise guest on -- on the Senate Floor with us today, a distinguished guest, a friend to many. He is the U.S. Representative for the 7th Congressional District, which overlaps my Senate district, Senator Lightford's Senate district, Senator Van Pelt's Senate district, and many others, the one and only Danny K. Davis. Please join me in welcoming him to the State Senate.

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PRESIDING OFFICER: (SENATOR LINK)

Welcome, Congressman Davis. Senator Delgado, for what purpose do you rise?

SENATOR DELGADO:

Thank you, Mr. President, Members of the Senate. For a personal privilege.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR DELGADO:

Wow, I have come to a point that I didn't know I was going to be part of someday so soon, although I've been here eighteen years. I want to thank all of our Members and the Senate and -- and a lot of particulars who I've spoken with. But I'm here in a real exciting time right now as we continue to celebrate on the northwest side of Chicago bringing new young leadership to the Illinois General Assembly. With me here to my right is a young man who I believe in and I've known for quite a number of years in the community. And this man, when I had to contemplate, and it took a lot of thinking for me - as you know, I'm a little -- pretty deep little person - that I would be leaving a General Assembly that I love to deal with policy, and I care so much, it is embedded in my heart and soul, but today I have a young man that I feel like a -- I finally feel like a decent mentor to and that's a young man that many of you will learn to believe in and be able to be very pragmatic, comes with a tremendous academia and a well understanding of State government and community empowerment. And this young man's name is the Democratic nominee for the 2nd Legislative District, with the proud {sic} of Senator Willie Delgado, and that is my good friend and young man on his own



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merits, who is a self-striving individual, is Omar Aquino, and I'd like to give him a -- warm welcome of the Illinois Senate, because today is another bridge for me as I continue on to my path of evolution and making sure that the public crisis of Chicago can also be addressed. Omar, welcome to the Illinois Senate.

PRESIDING OFFICER: (SENATOR LINK)

Welcome. Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm flanked by some very beautiful, intelligent, young -- excuse me, young ladies from the Nazareth Academy in La Grange Park, Illinois. They are here in Springfield today for the annual high school (history) competition, in which they have successfully advanced in both the National {sic} and Chicago competition. Please help me welcome Emily Wilson {sic} - she's Vincent Williams' daughter, Maria Flach, Harika Reddy, Maya Vondrasek, Meghan Nelson, and Michelle Nelson. Please welcome them. They're doing a wonderful job representing us across the State of Illinois.

PRESIDING OFFICER: (SENATOR LINK)

Welcome to Springfield. Senator Rose, for what purpose do you rise?

SENATOR ROSE:

Point of personal privilege, if I may, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

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SENATOR ROSE:

Ladies and Gentlemen, in the President's Gallery is a young man named Dustin Clark. He's a 2010 graduate of Millikin University in Senator Manar's district; a 2014 graduate, unfortunately, of the University of Wisconsin Law School; but most importantly, he's a 2006 graduate of my hometown, Mahomet-Seymour High School. Dustin's been practicing law in New York for the last two years, but today -- today, Ladies and Gentlemen - and Senator Haine will get a delight out of this - this young man was sworn in to the Illinois Bar today, Senator Haine. Right up there, Dustin Clark. Now - hang on, hang on - at the age of twenty-eight, he'll be coming back from Wall Street to take over a small practice in Senator Sullivan's district, in Rushville. And he's joined by his parents, my friends, Randy and Lori Clark. But he is also -- come here, Tyler. We all know Tyler Clark from the Governor's Office. He is the brother of our own Tyler Clark. So let's join Dustin Clark and congratulate him on being sworn into the Illinois Bar today.

PRESIDING OFFICER: (SENATOR LINK)

Congratulations. With leave of the Body, we'll go to page 10 of the printed Calendar, Senate Bill 2048. President Cullerton has switched sponsorships to -- or -- to Senator Trotter. Senator Trotter seeks leave of the Body to return Senate Bill 2048. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2048. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by... Floor Amendment No. 1, offered by President Cullerton.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Cullerton seeks leave of the Body to send over the sponsorship to Senator Trotter. Senator Trotter, now on Floor Amendment 1.

SENATOR TROTTER:

Thank you very much, Mr. President. Can we adopt the amendment and then move it to 3rd?

PRESIDING OFFICER: (SENATOR LINK)

Senator Trotter seeks -- all -- 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 for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2048. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2048.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Leader Trotter, on Senate Bill 2048.

SENATOR TROTTER:

Thank -- thank you very much, Mr. President, Members of the Senate. First, let me begin by thanking everyone for passing the legislation last week over to the House, the one that appropriated dollars to our struggling universities. In that bill, we gave dollars to our MAP grants, our -- our nine-university system, as

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well as to our school for our gifted children, IMSA. Well, in that bill, we gave sixty percent of the expected funding to Chicago State University and thirty-one percent funding to the other universities. We have since seen and have found things -- more dollars in which we can appropriate to our universities to make them more competitive, to make them more viable, and to -- to give them a bridge going forth into the 2017 budget. And with that, this bill would appropriate 453.4 million dollars General Revenue Fund for operational funding for our eight universities, for ISAC, our MAP grants, Illinois Community Colleges, the Math and Science {sic}. And that is essentially what it would do and I would like to have its passage.

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR RIGHTER:

To the bill, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR RIGHTER:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. First, my thanks to Senator Trotter and all of those who have worked to put Senate Bill 2048 together. A couple weeks ago, as Senator Trotter mentioned, we approved legislation that did get some money into the higher education system. This bill remedies, perhaps, the inequities that we may have seen in that legislation, both for community colleges and for the eight State universities, and it's paid for by the legislation that this Senate just approved. But there is a broader point here, Mr. President,

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that is as important as the dollars that we are -- sending to our system of higher education, and that point is that this is another example - the bill right before was a good example; the one that we passed a couple weeks ago with regards to higher education funding in the first place was yet another example - of how this Chamber, once putting aside some partisan tensions, the partisan edge, can work together and actually do things on a bipartisan basis and move those over to the House of Representatives. I hope - and I think I speak for every Member on this side - I hope that this is a sincere beginning to furthering that kind of bipartisanship and moving things together. So thank you again, Senator Trotter. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

I think the twelve million people in Illinois think the same. Senator Murphy, for what purpose -- Senator Rose, for what purpose do you rise?

SENATOR ROSE:

Double.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR McCARTER:

So, Senator Trotter, I commend you for bringing this up. It's -- there were some complaints last time about fairness and equity, and obviously you balance that out with this. My concern is very simple: We're paying for this with a reduced liability and that's

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given - that's a big assumption - that no one else in this State needs funded but higher ed. The assumption is that no one else in human services needs funded. The assumption is that there's not one other person that needs to be paid and that there's no backlog of bills, which we know is not true. And so, as much as I want to help universities, this is not a honest proposal - that you're going to pay them with money that you really don't have. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Leader Trotter, to close.

SENATOR TROTTER:

Thank you very much. Thank all of you and all of us for coming together on this legislation. Thank all of us for -- for now realizing how important it is - as the speakers have -- have mentioned on the other side - it is for us to work together to get something done. It's unfortunate that we're at this point in time, that we have to piecemeal together a budget to help things that are essential to the growth of the State of Illinois. However, we are at that time and I'm just grateful that we have all now recognized the fact that we have to do something - we have to do something about higher education, we have to do something about public safety, and we certainly have to do something about human services, hopefully in the near future, near being as near as next week, that we start making these -- these incremental changes to making Illinois great once again. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill 2048 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 55 Ayes, 2 Nays, none voting Present. Senate Bill 2048, having received the required constitutional majority, is declared passed. With leave of the Body, we'll go to page 8 of the printed Calendar, Senate Bill 581. Senator Sandoval. Senator Sandoval seeks leave of the Body to return Senate Bill 581 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 581. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Sandoval.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval, on your amendment.

SENATOR SANDOVAL:

Thank you, Mr. President. I'd like to adopt the amendment and speak to the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, 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 ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 581. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 581.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Sandoval, on your bill.

SENATOR SANDOVAL:

Thank you, Mr. President. This is an agreed bill. This is -- Senate Bill 581 with -- allows IDOT, with guidance from the DUI Prevention and Education Commission, to distribute grants to the newly created fund for crash victim programs and materials, impaired driving prevention programs, law enforcement support, and DUI-related programs. Forty-five dollars of the fifty dollars collected would go to this new fund and a onetime transfer of seven hundred and fifty {sic} (750,000) dollars. This -- this new program would be -- would go a long way to help a lot of -- of folks who are dealing with DUI issues in their lives. I'd ask a favorable vote.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 581 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 581, having received the required constitutional majority, is declared passed. With leave of the Body, we'll return to page 10, Senate Bill 1120. Senator Anderson. Mr. Secretary, please read the bill. Oh... Senator Anderson seeks leave of the Body to return Senate Bill 1120 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on -- Mr. Secretary, are there any Floor amendments approved for



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consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Anderson.

PRESIDING OFFICER: (SENATOR LINK)

Senator Anderson, on your amendment.

SENATOR ANDERSON:

Thank you, Mr. President. I would like to have Floor Amendment 3 adopted - it becomes the bill - and discuss it on 3rds.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, 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 ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1120. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 1120.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Anderson, on your bill.

SENATOR ANDERSON:

Thank you, Mr. President, Members of the Senate. Senate Bill 1120 is an initiative of the American Rental Association. The rental industry officials are hoping that with this legislation - - we hope to re-categorize the offense - that will help deter

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problems that creates larger annual losses among the business. I would like to thank Senator Althoff, Senator Raoul, for their help on this bill. This has been a year of work in the making. I know of no opponents at this time and I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR VAN PELT:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR VAN PELT:

Well, I'm a Member of the Criminal Law Committee and I did not support this bill and it's not because I think it's not a good idea - we need to try to protect people who are renting supplies and equipment - but what I didn't like about it is that if someone has rented something that's five hundred dollars and don't -- do not return it within three -- three days of the deadline for the rental, then that person can then get a felony record, a Class 4 felony, which means -- the minimum according to the bill -- it said minimum one year in prison. Well, I don't think that if it's five hundred dollars' worth of rental supplies, is worth us as citizens in this State to pay the thirty-eight thousand dollars that it costs to imprison someone. I would rather just give the renters the money, because it'd be a lot cheaper for us. So I just want to raise that issue. I know this bill is likely going to pass. It's been worked on for -- a long time and I really appreciate that, but I think we need to remember that when we pass laws that somebody gets caught up in that law. Once a person gets

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that felony, it costs us a lot of money, not only for that -- that period, not for -- only for that one year when they're in prison, but for the rest of their lives. And I think it's just -- the price we're -- we're paying is too high. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Is there any further discussion? Senator Anderson, to close.  
SENATOR ANDERSON:

Thank you, Mr. President. Just to that point, Senator, and I appreciate your comments, but as we just discussed in the -- in committee, this is not a for sure punishable offense. This is probationable. So that would be up to the judge. And, again, I -- I would like to remind everybody that under -- under current law with libraries, you can -- if you don't return a book, you are sent a notice, multiple times, and that would be the same way under this. And -- and with a library book, it can be -- you -- you can be charged with the -- with the same offense. And, again, this -- this goes in front of a judge and the judge would be -- would be the one that would decide. I ask for an Aye vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill 1120 pass. 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 50 Ayes, no Nays, none -- 1 voting Present. Senate Bill 1120, having received the required constitutional majority, is declared passed. Rachel Taylor of WCIA Channel 3 seeks permission to record. Seeing no objection, permission's granted. On page 10 of the printed Calendar, Senate Bill 1525. Senator McGuire. On page 11 of the

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printed Calendar, Senate Bill 2370. Senator Van Pelt. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Out of the record. Page 13 of the Calendar. Senate Bill 2804. Senator Biss. Senator Biss seeks leave of the Body to return Senate Bill 2804 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2804. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Biss.

PRESIDING OFFICER: (SENATOR LINK)

Senator Biss, on your amendment.

SENATOR BISS:

Thank you, Mr. President. I move that we adopt Floor Amendment 2.

PRESIDING OFFICER: (SENATOR LINK)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill

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2804. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2804.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Biss, on your bill.

SENATOR BISS:

Thank you, Mr. President and Members of the Senate. Senate Bill 2804 is about the topic of wage assignment. Wage assignment is a -- a procedure somewhat analogous to garnishment, but it takes place outside of the judicial process and, as a result, it's heavily regulated by the - pardon me - by the federal government. The federal government has strict guidelines about the way in which a wage assignment can be revoked and, in -- in our view, the current Illinois statute is not in full compliance with these federal mandates. Senate Bill 2804 brings us into compliance and fully informs consumers of their rights under federal law. This was meticulously negotiated with many stakeholders. I want to thank all of them for their hard work. And at this point, I believe there are no opponents to the bill and I would be appreciative of your support.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 2804 pass. 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, no Nays, none voting Present. Senate Bill 2804, having received the

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required constitutional majority, is declared passed. Senate Bill 2903. Senator Brady. Out of the record. Senate Bill 2933. Senator Hastings. Out of the record. Senate Bill 3020. Senator Sandoval. Out of the record. Senate Bill 3163. Senator Van Pelt. Senator Van Pelt seeks leave of the Body to return Senate Bill 3163 to the Order of 2nd Reading. Mr. -- seeing no objection, leave is granted. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Van Pelt.

PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt, on your amendment.

SENATOR VAN PELT:

Yes, I would like to adopt it and I'll explain it on the 3rd Reading.

PRESIDING OFFICER: (SENATOR LINK)

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

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 3163. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 3163.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt, on your bill.

SENATOR VAN PELT:

Yes, thank you very much, Mr. President. Senate Bill 3163 provides that if -- that a state -- that -- it states that an employer cannot enter into an agreement with a low-wage employee, defined as anyone who is making thirteen dollars an hour or less or minimum wage, whichever one is higher, they can't enter into a -- a non-compete agreement. So in other words -- what we're having is that some of these restaurants that sell sandwiches are making their employees sign a non-compete agreement, which means if you make sandwiches at one restaurant, you can't go and make sandwiches at another, and these are low-wage workers. So this bill just -- prohibits that and makes it so that that's no longer possible.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 3163 pass. I'll give you the break. It's a very late light, Senator Oberweis. Senator Oberweis, for what purpose do you rise?

SENATOR OBERWEIS:

To the sponsor, Mr. President. To -- okay?

PRESIDING OFFICER: (SENATOR LINK)

Do you have a question for the sponsor?

SENATOR OBERWEIS:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

She indicates she will yield.

SENATOR OBERWEIS:

Senator, in the committee, I understood that you were working

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on some modifications and that that would be an amendment to the bill. As I expressed, my concern is actually for those workers. There are cases where there may be an acquisition of a company - for instance, company A acquires company B - and the main asset they're acquiring in company B is the workers, and they want to keep the workers there and they might offer those workers, even lower-waged workers, bonuses of five hundred or a thousand dollars or something of that nature to stay with the company and not go with a competitor. I would -- I'm hesitant to be wanting to pass a bill that might deprive lower-wage workers of a bonus that they might receive in the case of an acquisition. It was my understanding you were going to work to modify the bill to encompass something along that line.

PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt.

SENATOR VAN PELT:

Thank you, Senator Oberweis. We did speak about that and there is a discussion that will be had in the House about tweaking some of the -- the bill, but I'm not sure if that is a -- is an issue that will end up in the final bill - but it will come back over here for -- for concurrence. We do have the Illinois Chamber of Commerce and -- and the Department of -- no. The Illinois Chamber of Commerce is supporting the bill and the AFL-CIO. So we're going to do some tweaking over in the House and come back on this side. If -- and -- and if we can fit that into the bill and it's still okay, fine with me.

PRESIDING OFFICER: (SENATOR LINK)

Senator Oberweis.

SENATOR OBERWEIS:



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To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR OBERWEIS:

I would just like to thank Senator Van Pelt for her efforts on this bill. I think it certainly has a good intention. I appreciate the work that's done. I think we all want to support and help people. And it's crazy to think that a company would try to prevent somebody who makes sandwiches or whatever from going to another competitor. So I -- I will vote in favor of the bill, but I hope that -- some adjustment to protect workers, to protect them from being able to receive a bonus, in cases that I was describing. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill 3163 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 3163, having received the required constitutional majority, is declared passed. Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR ALTHOFF:

Thank you very much. You know, we celebrate the Police Memorial the first Thursday of every May and so we did that today and I would just like to acknowledge that one of the individuals

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who is inducted into that Memorial is an officer from McHenry County. His name was Deputy Sheriff Dwight Maness. He was actually shot in the back and the leg in October of 2014 while responding to a call. It was a large neighborhood emergency and he was one of the only casualties. And unfortunately, as he was recovering, he contracted a blood clot and ultimately passed away. He was inducted today. I would like to have him recognized, as well as the unfortunate second inductee today, which was a gentleman from Tazewell County by the name of Whisenand, and I believe that's Senator Brady's constituent. So might we acknowledge the public service these men have given to the State of Illinois with perhaps a moment of silence?

PRESIDING OFFICER: (SENATOR LINK)

Will all please stand for a moment of silence? (Moment of silence observed) Thank you. With leave of the Body, we'll return back to Senate Bill 2933. Senator Hastings. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2933.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings, on your bill.

SENATOR HASTINGS:

Thank you, Mr. President. Senate Bill 2933 provides that the Department of Revenue may disclose information in relation to sales tax data for municipalities to independent third parties who are authorized in writing by the municipality to receive the information. And I'll answer any questions.

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PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR LINK)

He indicates he will.

SENATOR RIGHTER:

Senator Hastings, would you walk through for me and the Chamber here how Senate Bill 2933 will change current law when it comes to confidential taxpayer information and who it can be provided to?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

Thank you for the question, Senator Righter. Currently under law, a municipality, the mayor or the chief fiscal officer, can request sales tax data from the Department of Revenue, and what that'll do is it'll provide information of sales tax that is generated from the municipality, and the Department of Revenue will provide it to the municipality. This bill will allow for a third party, independent party, to have access to the information under a confidentiality agreement, which they enter into with the municipality.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Is there any limitation on who can access this -- this confidential taxpayer information as long as the mayor or the --

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the -- the CEO of the municipality signs off on it and there's a -- there's a confidentiality agreement signed? Is there any limit to who this information can be provided to?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

There is, Senator Righter, and it's listed in the bill and which we talked about earlier.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

I'm glad you said that, Senator, because I recall in committee pointing out in the bill that there -- and I'm looking now at page 4 of the bill, beginning with line 1 through line 3. The bill says that it can be provided to eligible third parties, including, but not limited to, consultants, attorneys, accountants, auditors, and financial advisors. Now when you and I had this conversation in committee and I raised the issue of the fact that "but not limited to" makes everything else irrelevant - once you put that phraseology in there, that means that those people can have it, but anyone else can have it - and you said that there might be a possibility of limiting this list or removing that language. Can you tell me, after that committee hearing, what your thoughts were on this?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

Senator Righter, we reviewed the language and determined that the listed specialties that have access to the information, it

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would be reasonable to be within that area and we did not find it reasonable to take that wording out.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Tell me, Senator, how a financial advisor is going to be helpful in -- with a municipality in trying to determine whether or not a business is in a municipality's borders for purposes of sales tax allocation. How does a financial advisor help that?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

Well, a financial advisor in the terms that you're talking about may not just be constrained to your local Edward Jones consultant. A lot of these people run auditing firms and they have the ability to have software that can provide a check and balance on the Department of Revenue, who makes a mistake in providing the sales tax revenue or data back to the municipality. Time and time again, we've seen in the news the Department of Revenue has made multiple mistakes in terms of distributing money that towns aren't entitled to, to municipalities with the expectation of them paying it back. This bill provides just that. It provides a check. It provides a balance for third-party auditing companies and those within that -- who have a specialty to have these skills to audit the Department of Revenue and say to their municipalities, look, you just lost a quarter of a million dollars. And a prime example of that is the city in which we stand today, in Springfield. Springfield had realized that they had lost close to a quarter of a million dollars in tax -- tax moneys

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that they should have been owed if it was not for the Department of Revenue's mistake and that's why I bring the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Let's go to another subject in the bill, Senator Hastings, and that is the provision that allows contingent fee contracts. And I'm sure that most people in this --in this Chamber, if we think for just a minute, can come up with an example from the not too distant history of contingent fee contracts with governmental entities - red light cameras. This bill contains a provision that allows the municipality to engage in a contingent fee contract with these entities to search for tax money. Tell me what you think the wisdom in engaging in contingent fee contracts is in this setting, Senator Hastings.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

So I -- I welcome that question, because I find it quite hypocritical on some of the opponents to rise -- or to raise this concern about contingency fee contracts. The municipality elects their mayor. The mayor is competent in which he has the ability to engage in contracts with third-party vendors, that being attorneys, that being accountants, that being whatever professional services in which they engage in contingency fee contracts. I find the notion of not being able to enter into a contingency fee contract insulting to our local mayors and for -- mayors should have the local control in which a lot of administrations that enter into government think that governments

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on the municipal level should have local control. And I also find it hypocritical in which the Department of Revenue enters into contingency fee agreements with third-party vendors in order to collect our personal income taxes. They also enter into third-party agreements with vendors to administer the collection and processing of our personal income tax. So when I hear the argument of contingency fees and whether or not they're bad, whether they're good, I can tell you when the Department of Revenue or anyone raises that opinion of whether or not contingency fees are bad, I find it very hypocritical and it's a nature of business in which we enter into on a day-to-day basis as municipalities.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Senator, that's the first I've ever heard about the Department of Revenue engaging in contingent fee contracts with regards to the collection of personal income tax information or dollars. Can you give me a specific example?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

I can provide you the specific statute. I will assure the General Assembly that I wouldn't stand up here and say something in which I didn't read verbatim. If you want the specific line item, I could take the time to research the statute, because I don't have that paperwork in front of me, but if you want that, Senator Righter, I could provide it to you. And just for clarification, if anyone is wondering, in terms of those that pay -- don't pay their personal income tax, the Department of Revenue

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does enter into a contingency fee contract in order to collect those revenues.

PRESIDING OFFICER: (SENATOR LINK)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, if I might.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR RIGHTER:

You know, Ladies and Gentlemen of the Senate, I absolutely empathize with both the sponsor and with the municipalities who feel -- one, who feel that they've been short-changed by the Department of Revenue at least on -- at some point with regards to sales tax and where the entity paying sales tax, whether it's in a certain municipality's boundaries or not. And I absolutely also sympathize with the fact that some municipalities do not on their staffs have the expertise that's necessary to determine whether or not an entity that's paying sales tax is within their borders. But we put limitations on the kind of contracts that we allow, particularly public bodies to engage in, all the time. Remember a few years ago when the General Assembly and then Governor got all excited about traffic safety and we said we are so excited about this and we are so encouraged by red light cameras that we're going to allow the municipalities - the same people that Senator Hastings is referring to - we're going to allow them to engage in contingent fee contracts with the companies that install the cameras. And what happened? We found out there was an overreach in many cases, because there was a profit motive. The more people who got tickets or who got pulled over, the more people who got



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cited, the more money the company made. I don't think that we need to wander into that. If we want to pay a fee to someone to do that, that's fine, but it shouldn't be based on revenue, Mr. President. Back to the issue, remember we're talking about private - private - confidential tax information. The language that exists in Senate Bill 2933 allows the municipality, as long as there are confidential agreement, to share that with literally anyone. There is nothing on the black and white page that limits as long as the mayor, and a confidentiality agreement are signed, agrees to that. You don't have to believe me. Page 4 of the bill, "but not limited to", that's the -- that's the clause that erases everything else after it. That's way, way too broad. This is -- I appreciate there is an admirable goal here, but the language in this bill is an overreach. I -- no. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will.

SENATOR ALTHOFF:

Senator Hastings, you and -- this was our competing bill. I had a bill that also dealt with information sharing. I feel very strongly, as you do, that this is the correct method in which to ensure that the taxes people are paying to those communities go to the appropriate community, but how our legislation differed is in exactly what Senator Righter was referencing, is -- is the process in ensuring the confidentiality and the overreach of contingency fees. But you and I had had a very serious conversation after

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that committee meeting about trying to come to agreement and trying to come to a compromise and craft a piece of legislation that actually would do what we want to do for our municipalities - former mayor standing here - and yet to ensure that we are providing the confidentiality and we are providing fiscal responsibility to all of the people that pay taxes and assume those taxes were going to the appropriate communities. One -- one question: Tell me who pays -- after all of that information is found, who actually pays that money back to the municipality?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

I -- I just want to note that I -- I will tell you that Senator Althoff has a -- a concern that I share and, however, our bills differ and it differs in the respect of contingency fees and I will tell you that that's where I have a philosophical difference in -- in terms of whether -- how we should administer this. Mayors, just as much as Senator Althoff, are competent people. They have the ability to do what's in the best interest of their town. And I can tell you that the mayors that enter into the contractual agreements with these third-party vendors, I will tell you that they're -- they're very competent and they've -- they've gotten a lot of great results. Senator Althoff, you know, we talked about reaching an agreement, and it has been brought to my attention after I had met with the Department of Revenue and -- and all the parties involved that there are some sticking points, because they feel as if the second and third order effects of this bills may have a slippery slope effect, but I think that their arguments are moot. I think that this bill addresses solely having access to

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that information and I -- I can tell you that I understand your concerns and I -- and I appreciate, you know, your advocacy for this, but I would just like for local control to be local control and for mayors to make the decisions.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff.

SENATOR ALTHOFF:

I -- I appreciate that statement again. My -- my question still kind of lingers out there and wasn't answered. Who actually -- once the -- the amount of money is determined that that municipality did not receive, because of - and non-malicious - just mistakes that are made, who pays that money back to the municipality?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

Generally the -- the municipality and the other municipality in which the revenues were received in, they come to some sort of an agreement to return those revenues back to the town in which it was rightfully owed to. Now there is some concerns about - and it's been brought up - of municipalities potentially suing other municipalities and causing conflict, but I will assure you in the State, there has not been that case of municipalities suing municipalities. Generally, they work it out. This is also a situation which is parallel in which the Department of Revenue has released a hundred and sixty-eight million dollars to other municipalities and governments in personal property replacement tax and they are working it out. You don't see municipalities suing other municipalities because they got their share. I think

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municipalities understand the fact that you had received moneys that were not yours. So that money should go back to the town in which it was owed.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff.

SENATOR ALTHOFF:

To -- to the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR ALTHOFF:

It's not as if I am not familiar with this concept. Eight years ago, I spent a huge amount of time crafting legislation that allowed third-party entities to conduct audits with regard to locally imposed utility taxes. Same -- similar circumstances, difficult with a large amount of growth and development in communities to determine where those homes and those new businesses were located. We worked very hard on this legislation, but these are, again, locally imposed taxes. Overall, the way this current piece of legislation is drafted is very poor tax policy. We don't need to enter into decisions that ultimately muddy the waters even further than they already are. I again would ask the Body -- there are ways that we can work this legislation out. I have offered my time and my energy to Senator Hastings. I'm familiar with these issues. I think there can be a solution. I will offer to you that even this very afternoon the Department of Revenue is meeting with people on information sharing and seeing what we can do. I think the calling of this legislation is early in the process, so I would ask you all to think very seriously before you cast your vote on it. There can be more work done and I would rather leave

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this bill in Senator Hastings' and my hands than send it over to the House and lose control of the ultimate decision that happens. So I would ask for either a No or a Present vote. Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator Laura Murphy, for what purpose do you rise? Senator Mulroe, for what purpose do you rise?

SENATOR MULROE:

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

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings -- or, Senator Mulroe, he's -- indicates he will yield. I'm sorry.

SENATOR MULROE:

Thank you, Mr. President. Senator Hastings, I just want to make sure I understand this perfectly clear -- clearly. So no one's arguing that the businesses aren't paying their fair shares to the -- the Department of Revenue. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

That's correct. No one's arguing that they're not paying their fair shares. We're arguing the fact that the Department of Revenue will send sales tax that should have been received by the town in which the property was located to another municipality.

PRESIDING OFFICER: (SENATOR LINK)

Senator Mulroe.

SENATOR MULROE:

So if the Department of Revenue was allocating or directing

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the sales tax revenue that they received to the proper villages, then no private entity would be making any money, because they would be doing that properly or correctly. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

That's a fair statement.

PRESIDING OFFICER: (SENATOR LINK)

Senator Mulroe.

SENATOR MULROE:

There was some reference to contingency fee agreements or contracts that the municipality would enter into a -- with a private entity, but that's not mandatory in this bill. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

That is correct.

PRESIDING OFFICER: (SENATOR LINK)

Senator Mulroe.

SENATOR MULROE:

And finally, so the municipality can actually make -- enter into a contract with a private entity at an hourly rate or -- or something else just to try to get its fair share of the sales tax revenues. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Hastings.

SENATOR HASTINGS:

That is correct.

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PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR HASTINGS:

This bill is about checks and balances. It's about making sure that people are doing their jobs. And when the Department of Revenue goes ahead and takes sales tax from one municipality and sends it to another municipality and says to themselves, "Look, we can handle this. We could audit ourselves." Well, that wouldn't be a problem -- I wouldn't have a problem with them auditing it if they did the same thing correctly - in which they're not. And I think there's multiple issues within the Department of Revenue in which they should be looked at very closely, whether that be in terms of personal property replacement tax or that being in terms of sales tax. Third-party vendors have technology that is remarkable. They can analyze information faster and cheaper than a municipality having to hire an employee to go ahead and analyze this. I think it's extremely important that we all realize that this issue is extremely important because, number one, if you're an administration that believes in local control, then you should allow the local municipality to have control over where the sales tax goes. Number two is if you care about where your money's going, your towns are poor, this is a way to get that money back. And I would just ask that we all consider whether or not you want your municipalities to have this money. It's not about contingency fees. It's not about whether or not the Department of Revenue, you know, is doing -- it's about doing what's right for your municipality. I think you got to get the money back for towns that are being, you know, disenfranchised. But, Mr. President,

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with all of that being said, I respect Senator Althoff's request and I will tell you that I know that the Department of Revenue and other parties will not come to terms, but I will -- with the request of Senator Althoff, I will pull the record from the bill {sic} and on Tuesday we'll talk about it again. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Out of the record. Senator Mulroe, for what purpose do you rise?

SENATOR MULROE:

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

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR MULROE:

Thank you, Mr. President, Members of the Senate. Next week, I'd like to bring attention to the entire Senate. Cancer is something that touches us all, that is why I would encourage everyone in this Chamber to join me in wearing your sneakers as part of the American Cancer Society Action Network Suits and Sneakers Day at the Capitol, next week, May 12th, to promote awareness of the fight against cancer. The American Cancer Society Action Network volunteers will be in town wearing their sneakers and talking to us about making the fight against cancer a top priority. Last year, approximately sixty-seven thousand Illinois residents heard the words, "You have cancer." And over twenty-five thousand lost their lives to the disease. Cancer is a disease that touches families across the State of Illinois and it's our responsibility to show them they're not alone in this fight. So please join me in wearing your sneakers next Thursday, May 12th.



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There will also be a rally in the Rotunda at 2:30 p.m. if you'd care to join. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Thank you. Senate Bill 467. Leader Muñoz. Leader Muñoz seeks leave of the Body to return Senate Bill 467 to the Order of 2nd Reading. Seeing no objection, order is -- leave is granted. Now on the Order of 2nd Reading is Senate Bill 467. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Muñoz.

PRESIDING OFFICER: (SENATOR LINK)

Leader Muñoz, on your amendment.

SENATOR MUÑOZ:

Thank you, Mr. President. I ask for its adoption. I will explain it -- the bill -- the amendment becomes the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Muñoz -- is there any discussion? Seeing none, 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 ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 467. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 467.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LINK)

Leader Muñoz, on your bill.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The bill creates a Section relating to the electronic verification of vehicle insurance policies. It provides that the Secretary of State may create rules that allow the Secretary of State to search on an electronic database twice per year to verify insurance coverage for every registered motor vehicle. Additionally, the Secretary of State may search on a monthly basis to verify insurance coverage for a vehicle owned by a person whose registration has been suspended, convicted of violating provisions relating to driving while uninsured, a person whose driving privileges has been suspended during the preceding four years, and other violations of the Vehicle Code. I know of no opposition to the bill.

PRESIDING OFFICER: (SENATOR LINK)

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

SENATOR ROSE:

I rise in support of the bill. This is a smart bill, Senator. It's about time we came into the -- the 20th century, let alone like the 21st and everything else. I mean, like all these notices we've been mailing out all these years. This is a smart bill. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

I think that was to the bill. Is there any further discussion? Is there any further discussion? Seeing none, the question is, shall Senate Bill 467 pass. All those in favor, vote

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Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 467, having received the required constitutional majority, is declared passed. With leave of the Body, we'll return to page 14 of the printed Calendar, Senate Bill 3058. Senator Rezin. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 3058.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Rezin, on your bill.

SENATOR REZIN:

Thank you, Mr. President. Senate Bill 3058 simply changes the following funds, the Illinois Community College's Board Adult Education Fund and Career and Technician {sic} (Technical) Education Fund, simply changes it from "special" to "federal". It's just a cleanup bill. There's no opposition.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 3058 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 3058, having received the required constitutional majority, is declared passed. Will the Committee on Assignments please meet in the President's Anteroom immediately? Will the Committee on Assignments please meet in the

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President's Anteroom immediately? Senator Morrison, for what purpose do you rise?

SENATOR MORRISON:

Thank you, Mr. President. For the purpose of an introduction.

PRESIDING OFFICER: (SENATOR LINK)

State your introduction.

SENATOR MORRISON:

I'm pleased to introduce some constituents from Highland Park who are with me today. If they would please rise and be recognized - Caleb and his father, Steve Kipnis, from Highland Park. Thanks for joining us today.

PRESIDING OFFICER: (SENATOR LINK)

Welcome to Springfield. (at ease) Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Criminal Law Committee - Floor Amendment 1 to Senate Bill 3402 and House Bill 4446; refer to Executive Committee - House Bill 4715; refer to Insurance Committee - Floor Amendment 2 to Senate Bill 345; refer to State Government and Veterans Affairs Committee - House Bill 3217 and 5540; Be Approved for Consideration - Senate Bill 346, 1485, 1585, Floor Amendment 3 to Senate Bill 2370, and Floor Amendment 4 to Senate Bill 2370.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR LINK)

Let me give it -- attention to all Senate Members, an announcement here. The deadline for filing committee amendments to House bills is Friday, May 6, at 12 noon. Deadline for filing

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committee amendments to House bills is Friday, May 6, at 12 noon. For anybody that doesn't have a calendar, that's tomorrow. With leave of the Body, we'll go to page 11 of the printed Calendar, Senate Bill 2370. Senator Van Pelt. Senator Van Pelt seeks leave of the Body to return Senate Bill 2370 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2370. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Van Pelt.

PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt, on Floor Amendment No. 3.

SENATOR VAN PELT:

I would like it adopted and I'll discuss it on the 3rd Reading.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, 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 ANDERSON:

Floor Amendment No. 4, offered by Senator Van Pelt.

PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt, on Floor Amendment No. 4.

SENATOR VAN PELT:

I would like it adopted and I'll discuss it on 3rd Reading.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment

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is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2370. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt, on your bill.

SENATOR VAN PELT:

Thank you, Mr. President. Let me just preface this by saying there's a scripture in the Bible that says, "Hope deferred makes the heart sick". So in other words, when you have hope for something and it doesn't come to pass, it makes the heart sick. And this bill to me, Senate Bill 2370, represents that. This is an agreed bill. This is not the bill I'd -- I wanted. It's an agreed bill that we believe can pass the House, pass the Senate and pass the House. But I think it's -- it's far removed from where it should be. I want everyone in this Chamber to remember the name Trevon Yates. He was seventeen years old, arrested, charged, held in custody and coerced, all kinds of psychological interrogations. He began to cry. He started praying, asking God to please help him. He asked for his mother over and over and over again, to no avail. He even got under the table and tried to hide from the -- his interrogators. He went to jail and spent

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nine months in jail until the St. Clair County State's Attorney reviewed the videotape. And when he saw how they handled that young boy, he demanded that the boy be released. And St. Clair County has now paid his family nine hundred thousand dollars. There's a whole lot of people that are being coerced into false confessions. And I believe that we, as a Body, as a General Assembly, have a responsibility to protect people who are most vulnerable. So under my bill, originally, any child seventeen years old or under, from -- from thirteen to seventeen, if they were to be interrogated for murder, they would have to have an attorney present. And to me that was a simple -- simple request, because a child thirteen to seventeen can't even go to the Museum of Science and Industry without his parent's consent, so why would we want them to be able to be interrogated and maybe charged for something that's going to impact them for the rest of their lives without their parent being there, without any attorney there, all by themselves? But as I said, this bill represents hope deferred, because it does move us down the road, and I appreciate the Senate Republicans that have worked with me to develop this into something that can pass the Senate and the House and also all the Democratic Members that have worked hard on this bill. And, you know, I should be celebrating, but my heart is still hurt and I -- that's why. It's because it's not what we originally -- know what needs to happen. This bill provides -- Senate Bill 2370 provides that -- and it's an agreement between the State's Attorneys and the proponents. The bill requires that any minor fourteen years old and under, charged with murder or sex offenses, must be represented by counsel throughout the entire custodial interrogation. The bill allows public defenders or attorneys under contract with the

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county to have access to those minors that are fourteen and under during -- in -- in custodial interrogations. It also requires that there's a simplified version of the Miranda warning be given to minors under the age of eighteen. And finally, it requires that any time a -- a youth is in custodial interrogation and they're charged with a misdemeanor sex offense or any felony offense, it must be videotaped and that's the reason why I chose to keep moving this bill. Because just like that video is on the Internet right now about Trevon Yates - you could watch him crying, you could watch him praying, you could see how he was begging for his mother, and none of that happened, he still ended up in jail, would have end up in prison had the -- we'd not had the blessing of that St. Clair State's Attorney - I'm hoping that the videotaping of all offenses now, all felony offenses -- interrogations of all felony -- whenever there's a felony offense and there's an interrogation that that would be videotaped. I'm hoping in my heart that maybe there'll be another State's Attorney that happen to look at it and see what's happening to our children. When they came to us and said the police are shooting us down in the street, I didn't even believe them. I said, "Why would the police shoot you down in the street? You're doing something", until we saw the videotapes. Then it became clear that they were being shot down in the streets, and just like this bill, there are seventeen-year-old kids that's sitting in prison right now - eighteen, nineteen and twenty - serving time because they were interrogated without an attorney and they were coerced into giving a -- giving a -- a statement. So I urge your Aye vote on this bill, because it does move us down the road, but I just want to say, God, help me and do more to me than what I've seen done if I



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don't keep fighting for the justice and freedom and fairness for our most vulnerable.

PRESIDING OFFICER: (SENATOR LINK)

Leader Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR RADOGNO:

Well, I guess to the sponsor, first of all. I feel a little bad that you feel bad about the way the bill has turned out, because it really is significant. In addition to raising the age at which children need to be represented, I believe it's the first time in the country that these new juvenile Miranda language will be used, and -- and that's significant and you should be congratulated for that. I know it's not the age you wanted, but sometimes we have to be a little more incremental on this business, but we'll now have more data to evaluate in terms of how many children we still need to take a look at and perhaps there'll be a chance to come back. I know there is another side to it. I think you understand that as well, which is why you were willing to compromise, and I just want to compliment you for a job well done and would urge everyone to support this bill. Thank you.

PRESIDING OFFICER: (SENATOR LINK)

Senator Connelly, for what purpose do you rise?

SENATOR CONNELLY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

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SENATOR CONNELLY:

Thank you, Mr. President. Senator Van Pelt, I -- I rise in strong support of the bill. I also think today you should -- you should celebrate. This is an imperfect bill. It's not where it started, but for those of us who come from a law enforcement background or prosecutorial background, I think it is a -- a big step. And I -- I -- I -- I'd be remiss if I didn't also thank our staff. Ashley Jenkins, Bill Schneider, Matt Jones from the State's Attorneys Association put in long hours on this bill. Again, it's imperfect, but don't let perfect get in the way of good. I ask all of you to join me in voting Yes on this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay, for what purpose do you rise?

SENATOR McCONNAUGHAY:

To the bill.

PRESIDING OFFICER: (SENATOR LINK)

To the bill.

SENATOR McCONNAUGHAY:

Senator Van Pelt, I just want to also say thank you to echo the comments that have been made so far. I know how difficult and frustrating this has been with you. Many of the questions that I had, the -- what you were trying to accomplish with this bill I thought was worth fighting for. So I thank you for listening to the concerns that we have had and meeting us and compromising with everyone who had concerns, including our State's Attorneys. Thank you very much.

PRESIDING OFFICER: (SENATOR LINK)

Senator Van Pelt, to close.

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SENATOR VAN PELT:

Thank you very much. I just want to say that I want to thank -- thank the Juvenile Justice Initiative, Betsy Clarke, who have worked so long on this bill. She worked on it for thirteen years to try to get it to seventeen. We didn't make it this time, but, you know, I just want to thank you for your -- her -- for her perseverance; the United Congress of Community and Religious Organizations that worked so hard on the bill and talking to a lot of the members: Communities United. And I really want to thank Matt Jones for being honest and fair, working with me, trying to figure out what would pass. I just want to say that all of these -- everybody and the Senate President and everyone else that helped to make this bill what it is today, I really appreciate it. But I want one thing added, just so we get -- make sure that people understand about the simplified Miranda. When you have someone who is dead on getting you in prison being the one giving you the simplified Miranda, ain't nothing simple about that. I don't care how they put it, it's not going to be about making you understand that you need an attorney. So, even though it's there, that's something that I think that really has little power because of the fact that the same people who are prosecuting or trying to get them -- get them to confess are the same ones giving the information. So, I urge your Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill 2370 pass. 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, no Nays, none voting Present. Senate Bill 2370, having received the

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required constitutional majority, is declared passed. On page 22 of the Calendar is Constitutional Amendments 3rd Reading. House Joint Resolution Constitutional Amendment 36. Senator Haine, do you wish to proceed? Mr. Secretary, please read the resolution in full for the third time.

SECRETARY ANDERSON:

House Joint Resolution Constitutional Amendment 36.

(Secretary reads HJRCA No. 36)

Constitutional amendment read in full for a third time.

PRESIDING OFFICER: (SENATOR LINK)

Senator -- Haine.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. With House Amendment No. 1, HJRCA 36 amends the Illinois Constitution to prohibit from being spent for non-transportation purposes monies that are raised through motor fuel taxes, motor vehicle registration fees, and other taxes and user fees for the use of public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, or airports, including bond proceeds. One example is that motor fuel taxes and motor vehicle registration fees are today deposited into the Road Fund and the State Construction Fund to pay for construction projects and debt service on bonds issued for previous construction projects. Under this constitutional amendment, these revenue sources would be protected and can only be spent for transportation purposes. As a result, this amendment is intended to overrule the Illinois Supreme Court 2011 case A.B.A.T.E. of Illinois versus Quinn, which upheld the State's authority to repurpose and spend monies raised through motor vehicle tax -- registration fees on non-

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transportation purposes. Subsection (b) of the amendment provides a list of different types of transportation purposes that these monies can be authorized to be spent. These -- this subsection also authorizes the General Assembly to determine, with respect to local governments, other types of transportation purposes by law. Subsection (c) of the amendment provides a list of types of permissible costs of administering laws related to motor vehicles and transportation so that these monies can be spent on those costs. The list is lengthy and includes costs related to enforcement of traffic, railroad, and motor carrier laws, as well as the direct program expenses related to workers' compensation claims for death or injury of employees of the State's transportation agency. This proposed constitutional amendment is intended to be on a par with Article VII, Section 6 of the Constitution and current home-rule power. This proposed constitutional amendment is not intended to eliminate, restrict, or apply to current constitutional and statutory authority that home-rule units have relative to taxes, spending, and other public safety functions. With respect to motor fuel taxes, the constitutional amendment applies to current and future per gallon taxes on motor fuel, including the per gallon tax and environmental impact fee collected to fund the cleanup of underground storage tanks. However, in no way is this amendment intended to impact collection or expenditure of existing motor fuel taxes as under current practice. The constitutional amendment, however, does not apply to State and local sales taxes on the sale of motor fuel. The reason being that the State and local taxes are not taxes specific to motor fuel, but rather apply to other items that the consumers purchase. In addition, the constitutional amendment

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does not apply or limit how federal transportation funds can be spent because federal law controls what those funds can be spent on. With respect to motor vehicle registration fees, the constitutional amendment applies by way of example to fees for motor vehicle licenses, operator licenses, certificates of title, and vehicle inspection fees. With respect to other taxes and user fees, the constitutional amendment, for example, applies to tolls paid by motorists using the Illinois toll road system. Nothing in this constitutional amendment prohibits the expenditure of monies from these revenues from -- sources from being spent on direct program expenses -- expenses for the Illinois Secretary of State, the Department of Transportation of Illinois, and operations by the State Police directly dedicated to the safety of State roads. Any future modes of transportation proposed for State funding will need to have dedicated -- a dedicated source of funding. So I am -- with that summary, I am happy to answer any questions.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay, for what purpose do you rise?

SENATOR McCONNAUGHAY:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

Indicates he will yield.

SENATOR McCONNAUGHAY:

Thank you, Mr. President. Senator Haine, thank you for sponsoring this today. It's -- I think it's really important. When people go to the gas pump, they want to make sure that the taxes -- motor fuel taxes that they're paying goes to repairing the roads that they drive on. I think that this is really important, but there's been a lot of questions about this and, if

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I can, if I may, can you bear with me, I have a number of questions to ask you. Is the intention of the constitutional amendment to prohibit the use of transportation funds to pay for debt service?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

No, Senator. The amendment is not intended to prohibit the use of transportation funds to pay for debt service, including general obligation bond debt service for Transportation A and Transportation D purposes. Specifically, subsection (b) of the constitutional amendment spells out allowable expenditures. It is the intention of the amendment that debt service is included as an allowable expenditure.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Thank you. Senator, in your introductory remarks, you stated that the constitutional amendment does not apply to monies raised by State and local sales tax on the sale of motor fuel. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, Senator, that is correct. It is not intended to apply to those -- those monies. Those monies are deposited into the General Revenue Fund or in the general revenue funds of local governments, not dedicated for transportation purposes. We discussed this with the amendment's -- the sponsors in the House. And they are all in agreement, it's not intended to apply to those

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tax monies.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Senator Haine, thank you for the clarification. I read in -  
- the language in the constitutional amendment and I agree that  
the language used is ambiguous. Do you view the language as  
ambiguous?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, somewhat, and that's why we're doing these questions to  
-- to clarify this.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Senator, you mentioned the -- the motor fuels taxes in your  
introductory remarks and -- and last answer. Am I correct that  
the constitutional amendment also protects the current  
distribution of monies raised from the State motor fuel tax that  
are shared with local governments as well as transferred to the  
State Boating Act Fund, Grade Crossing Protection Fund, and Vehicle  
Inspection Fund?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, that is correct. The current distribution of monies  
from the State motor fuel taxes are dedicated to transportation  
purposes. It is not the intention of this amendment to alter the



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current distribution of motor fuel tax revenues, including those distributions that are -- that currently cover administrative costs.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Senator Haine, that leads me to my next question. What about the Regional Transportation Authority's sales tax that is imposed in Cook and the collar counties and the Real Estate Transfer Tax in the City of Chicago that are dedicated to Public Transportation Fund? Are those monies protected by this constitutional amendment?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, Senator McConnaughay. Those monies from the RTA sales tax and that portion of the City of Chicago's Real Estate Transfer Tax that the Chicago Transit Authority receives are protected by the constitutional amendment.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Senator, what about federal transportation funds State and local governments receive? Are those federal funds also subject to the constitutional amendment?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

No, federal funds are not covered by this constitutional amendment because federal law controls what purposes these monies

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may be spent on.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Senator, what about the monies today that are raised from specialty license plates for firefighters or veterans that are shared with charitable organizations? Would those monies also be able to be shared with a charitable organization under this constitutional amendment?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, those monies could continue to be shared with the charitable organizations so long as the full regular license plate fee is paid and used for transportation purposes.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Thank you. Bear with me, Senator. I have just a few more clarifications. Would you agree that monies covered by this constitutional amendment could be spent on IDOT's operating expenses to administer public transportation programs?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, transportation monies could be spent on those activities based on subsection (b) {sic} (c) of the amendment, which states, again, that they may be spent on "maintenance, operation, and administration of highways", as well as the costs associated with

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"enforcement of traffic, railroad, and motor carrier laws". That includes salaries and benefits, Social Security, pension costs, unemployment insurance costs associated with IDOT employees.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Would you also agree that monies covered by this constitutional amendment could be spent on IDOT operational expenses relating to the administration of public transportation programs?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Yes, I agree. Subsection (b) of the constitutional amendment states that transportation monies can be spent on costs for the betterment of mass transit, intercity passenger rail, or other forms of transportation.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Current -- thank you, Senator. Currently, the Motor Fuel Tax Law allows the Department of Revenue to use monies in the Motor Fuel Tax Fund to pay for the costs of administering the Motor Fuel Tax Law, including refunds of taxes and fees. Can you clarify whether it is the intent of the constitutional amendment to allow motor fuel taxes to continue to be used for their current purposes?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

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The intent of the constitutional amendment is to permit motor fuel taxes to continue to be used for their current purposes on both a State and local level. These purposes are considered part of the costs of administering laws related to vehicles and transportation under the constitutional amendment.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Senator, the Motor Fuel Tax also provides that monies in the Motor Fuel Tax Fund shall be used to pay taxes due to member jurisdictions under International Fuel Tax Agreement, as well as refunds for overpayment of IFTA decal fees, refunds due under the IFTA program, and general administration costs associated with IFTA, including IFTA membership dues, are also paid for from this fund. Can you clarify whether it is the intent of the constitutional amendment to allow motor fuel use taxes to continue to be used for their current purposes?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

The intent of the constitutional amendment is to permit motor fuel taxes to be -- to continue to be used for their current purposes within the context of the amendment. These purposes are considered part of the costs of administering laws related to vehicles and transportation under the amendment language.

PRESIDING OFFICER: (SENATOR LINK)

Senator McConnaughay.

SENATOR McCONNAUGHAY:

Thank you, Senator Haine, and thank you for your patience as

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I ask the last question. Currently -- currently, the Underground Storage Tank Tax and the Environmental Impact Fee Law are required to be used for specific purposes related to prevention and remediation of underground storage tank leaks. The Underground Storage Tank Fund also authorizes those funds to be used to cover the Department's cost of administering the UST/EIF taxes and fees, including refunds. Is it the intent of the constitutional amendment to allow UST/EIF revenues to continue to be used for their current purposes?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

The intent of the constitutional amendment is to permit UST/EIF revenues to continue to be used for their current purposes. These purposes are considered part of the costs of administering laws related to vehicles and transportation under the constitutional amendment.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul, for what purpose do you rise?

SENATOR RAOUL:

Just a few more questions of the sponsor.

PRESIDING OFFICER: (SENATOR LINK)

He indicates he might yield.

SENATOR RAOUL:

As mentioned, this -- this language is very ambiguous to me, so I just want to ask these questions. Senator Haine, Cook County imposes several taxes that provide revenue for public safety operations, including, but not limited to, the criminal court system, the Cook County Jail, Cook County Sheriff, the Cook County

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State's Attorney, the Office of the Chief Judge of Cook County. These taxes are imposed by virtue of Cook County's home-rule taxing authority under the Illinois Constitution. Specifically, Cook County imposes the Wheel Tax, New Motor Vehicle Tax, Motor Fuel Taxes, the Use Tax, the Non-Retailer Vehicle Transaction Tax, and the Non-Retailer Use Tax. Again, revenues from these taxes are used to pay for Cook County's public safety operations, including workers' compensation claims for affected public safety employees. Am I correct that under this constitutional amendment, Cook County could continue to spend the monies from -- from these taxes on its public safety operations?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

The answer is yes for four reasons. First, as I explained earlier, this proposed constitutional amendment is intended to be on a par with Article VI {sic} (VII), Section 6 of the Constitution and current home-rule power. The proposed constitutional amendment is not intended to eliminate, restrict, or apply to current constitutional and statutory authority that home-rule units have -- have relative to taxes, spending, and public safety functions. Secondly, since the Cook County's Use Tax and Non-Retailer Use Tax are general taxes on all tangible personal property just like the State sales tax, those taxes are not covered by this constitutional amendment, as I've explained earlier. Thirdly, as I stated earlier, it is a valid transportation purpose to spend monies under this amendment on the enforcement of traffic, railroad, and motor carrier laws. As a result, Cook County can continue to spend monies from these taxes on these public safety

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operations at -- as it is today.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine. I'm sorry.

SENATOR HAINE:

Finally, I draw your attention to page 2, lines 13-14 of the constitutional amendment. Here the amendment provides that transportation funds may be expended "with respect to local governments, other transportation purposes as authorized by law". The key phrase is "authorized by law".

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

I think he's got more to say.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine, again.

SENATOR HAINE:

This phrase, "as authorized by law", includes local governments' current use as authorized by current law - for instance, critical public safety functions as police departments, jail operations, and courts. This provision is intended to be construed broadly so as not to interfere in any way with local governments' current authority and practices. The language permits the General Assembly to determine, with respect to local governments, what are other proper transportation purposes by statute. It is also permitting home-rule units to determine what are other proper transportation purposes as well by virtue of their home-rule taxing power under Article VII, Section 6 of the Constitution. Given that Cook County and the City of Chicago as well as other home-rule units have the home-rule power to impose

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taxes that you listed, this language provides a further basis allowing the home-rule units to spend these monies on public safety. It is possible that additional clarity on this issue would be helpful, and I am prepared to sponsor and urge passage of legislation to ensure that our intentions are codified in the Code of Civil Procedure and other statutes with the greatest degree of clarity possible.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

As a follow-up, am I -- am I to understand that this amendment is in no way a mandate for local governments to track individual classes of public safety expenditures?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

In no way is this amendment intended to require such tracking or inhibit a local government's ability to fund its public safety operations. I am prepared to sponsor, as I say, and -- and urge passage of legislation to ensure that our intentions are codified in statute.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

Now, the -- the City of Chicago imposes several taxes that provide revenue which fund public safety operations. These include: Boat Mooring Tax, Gas Use Tax, Ground Transportation Tax, Motor Vehicle Lessor Tax, Non-retail Transfer or {sic} (of) Motor Vehicles Tax, Parking Tax, Tire Fee, Use Tax for Titled



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Personal Property, and the Vehicle Fuel Tax. Am I correct that under this constitutional amendment that the City of Chicago could continue to spend the monies from these taxes as provided by law?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

The -- it is the intent of this constitutional amendment that revenues from existing local taxes may be distributed as provided by current law.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

Now, the City of Chicago and potentially other local governments have also issued bonds against their local share of the Motor Fuel Tax revenues. Would this amendment allow them to continue to pay debt service from the Motor Fuel Tax revenues?

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

Debt service obligation bonds issued against Motor Fuel Tax revenues could continue to be paid from Motor Fuel Tax revenues.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

The General Assembly, by law, has established transportation-related taxes, which are distributed according to the Metropolitan Pier and Exposition Authority Act. Is the intent of this constitutional amendment to prohibit any distributions made under the Metropolitan Pier and Exposition Authority Act?

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PRESIDING OFFICER: (SENATOR LINK)

Senator Haine.

SENATOR HAINE:

The intent is to allow distributions, including, but not limited to, any debt service payments, to be made under the Metropolitan Pier and Exposition Authority Act as -- as -- to be made as provided by law.

PRESIDING OFFICER: (SENATOR LINK)

Senator Raoul.

SENATOR RAOUL:

You've cleared up all my -- all -- all the -- the ambiguity for me. Things are made clear to me. Thank you, Senator Haine.

PRESIDING OFFICER: (SENATOR LINK)

Senator Haine, to close.

SENATOR HAINE:

Mr. President, could I read the Preamble to the Constitution of the United States?

PRESIDING OFFICER: (SENATOR LINK)

No.

SENATOR HAINE:

I would ask for an Aye vote, Ladies and Gentlemen, on this historic amendment.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall House Joint Resolution Constitutional Amendment 36 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required three-fifths constitutional majority, is

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adopted and declared ratified. Page 2 of the Calendar, 2nd Readings, Senate Bill 2571. Senator Sandoval. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2571.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR LINK)

Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

Reading -- 3rd Reading. Page 23 of the printed Calendar, Senate Resolution 1511. Senator Mulroe. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Resolution 1511, offered by Senator Mulroe.

PRESIDING OFFICER: (SENATOR LINK)

Senator Mulroe, on your resolution.

SENATOR MULROE:

Thank you, Mr. President. This resolution just makes -- brings awareness to brain tumor and -- and designates the day. I'd ask for its passage.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? The question is, shall Senate Resolution 1511 pass. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. For -- I

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have one announcement that I know everybody will be very happy about - Revenue Committee will be meeting immediately upon adjournment in Room 212. Insurance Committee will be meeting immediately upon adjournment in Room 400. I'll say that again. Revenue Committee will be meet -- meeting immediately upon adjournment in Room 212. Insurance Committee will meet immediately upon adjournment in Room 400. We will proceed to the Order of Resolution Consent Calendar. With leave of the Body, all resolutions read today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

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. Opposed, Nay. The Ayes have it. The motion carries and the resolutions are adopted. Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

A Message from the House by Mr. Mapes, 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 149.

Offered by Senator Clayborne.

(Secretary reads HJR No. 149)

Adopted by the House, May 5th, 2016. Timothy D. Mapes, Clerk of

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the House.

PRESIDING OFFICER: (SENATOR LINK)

On the Order of Resolutions is House Joint Resolution 149.  
Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

House Joint Resolution 149, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne moves to suspend some rules for all the purposes of immediately {sic} consideration and adoption of House Joint Resolution 149. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Clayborne moves for the adoption of House Joint Resolution 149. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. There being no further business to come before the Senate, pursuant to the House Joint Resolution 149, the House {sic} stands adjourned until 12 noon on the 10th day of May 2016, or to the call of the Senate President. The Senate stands adjourned.