

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

58TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 28, 2001

10:30 O'CLOCK A.M.

No. 58
[Nov. 28, 2001]

The Senate met pursuant to adjournment.
 Senator Frank C. Watson, Greenville, Illinois, presiding.
 Prayer by Reverend Gordon McLean, First Presbyterian Church,
 Springfield, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of
 Tuesday, November 27, 2001 be postponed pending arrival of the
 printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bill listed below
 have been filed with the Secretary, and referred to the Committee on
 Rules:

Senate Amendment No. 2 to Senate Bill 1261
 Senate Amendment No. 3 to Senate Bill 1261

REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education to
 which was referred the following Senate floor amendment, reported
 that the Committee recommends that it be approved for consideration:

Amendment No. 2 to Senate Joint Resolution 42

Under the rules, the foregoing floor amendment is eligible for
 consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to
 which was referred the following Senate floor amendments, reported
 that the Committee recommends that they be approved for
 consideration:

Amendment No. 1 to Senate Bill 1233
 Amendment No. 1 to House Bill 2296
 Amendment No. 3 to House Bill 2299

Under the rules, the foregoing floor amendments are eligible for
 consideration on second reading.

INTRODUCTION OF A BILL

SENATE BILL NO. 1538. Introduced by Senator Molaro, a bill for
 AN ACT in relation to public employee benefits.

The bill was taken up, read by title a first time, ordered
 printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 266

Offered by Senator Sullivan and all Senators:

Mourns the death of Nicola L. "Nick" Teramani of Prospect

[Nov. 28, 2001]

Heights.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Trotter offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 267

WHEREAS, The long-term aviation infrastructure needs of Northeastern Illinois and the current airport capacity shortage in that region have been and continue to be the subject of much public attention; and

WHEREAS, Merrill C. Meigs Field annually handles approximately 40,000 flights, generates substantial business, convention, and tourism activity for the region, serves a valuable public safety role related to air-sea and high-rise rescues, emergency medical transport, and disaster relief, helps control the airspace over downtown Chicago, and acts to relieve congestion at Midway and O'Hare International airports; and

WHEREAS, numerous aviation and business organizations have expressed their support for keeping Meigs Field permanently open, including the Air Line Pilots Association, the Aircraft Electronics Association, the Aircraft Owners and Pilots Association, AirLifeLine Midwest, the Chicago Area Business Aviation Association, Local 2 of the Chicago Firefighters Union, the Civic Committee of the Commercial Club of Chicago, the Experimental Aircraft Association, the Friends of Meigs Field, the General Aviation Manufacturers Association, Helicopter Association International, the Illinois Association of Air and Critical Care Transport, the Illinois Aviation Trades Association, the Illinois Manufacturers Association, the Illinois Pilots Association, the Illinois State Chamber of Commerce, the International Council of Air Shows, the Michigan State Bureau of Aeronautics, the National Aeronautic Association, the National Agricultural Aviation Association, the National Air Traffic Controllers Association, the National Air Transport Association, the National Association of State Aviation Officials, the National Business Aviation Association, the Professional Aviation Maintenance Association, the Small Aircraft Manufacturers Association, Tuskegee Airmen Inc., the Chicago "DODO" Chapter, the United States Pilots Association, and Wisconsin Manufacturers and Commerce; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we respectfully encourage the Governor and the Mayor of Chicago to keep Meigs Field permanently open as part of their final negotiated aviation infrastructure plan for the Chicagoland region; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor and the Mayor of Chicago.

CHANGE IN SPONSORSHIP

Senator Sieben asked and obtained unanimous consent to have his name added as chief co-sponsor of House Bill No. 2528.

MOTION IN WRITING

Senator Sieben submitted the following Motion in Writing:

[Nov. 28, 2001]

I move to accept the specific recommendations of the Governor as to House Bill 2528 in manner and form as follows:

AMENDMENT TO HOUSE BILL 2528
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 2528 as follows:
on page 2, line 15, by inserting after the period the following:
"Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply."; and
on page 3, line 6, by inserting after the period the following:
"Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply.".

Date: November 28, 2001

Todd Sieben
Senator

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to Motion in Writing filed on November 15, 2001 and journalized November 27, 2001, Senator Woolard moved that House Bill No. 198 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 17.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Halvorson
Hawkinson
Hendon
Jacobs
Lightford
Link
Madigan
Molaro
Munoz
Obama
O'Daniel
O'Malley
Parker
Ronen
Shadid
Shaw
Silverstein
Smith

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Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Welch
Woolard

The following voted in the negative:

Burzynski
Cronin
Dudycz
Geo-Karis
Jones, W.
Karpel
Klemm
Lauzen
Myers
Peterson
Petka
Rauschenberger
Roskam
Sieben
Stone
Sullivan
Mr. President

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Pursuant to Motion in Writing filed on November 15, 2001 and journalized November 27, 2001, Senator Trotter moved to accept the Governor's specific recommendations for change to House Bill No. 279.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.

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Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 279.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 27, 2001, Senator Mahar moved to accept the Governor's specific recommendations for change to House Bill No. 445.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin

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Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 445.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 15, 2001 and journalized November 27, 2001, Senator Cullerton moved to accept the

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Governor's specific recommendations for change to House Bill No. 549.

And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays 3.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Karpel
Klemm
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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The following voted in the negative:

Jones, W.
Parker
Sullivan

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 549.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 15, 2001 and journalized November 27, 2001, Senator Shadid moved to accept the Governor's specific recommendations for change to House Bill No. 1011.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger

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Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1011.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 26, 2001 and journalized November 27, 2001, Senator Myers moved to accept the Governor's specific recommendations for change to House Bill No. 1356.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link

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Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1356.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 27, 2001, Senator Donahue moved to accept the Governor's specific recommendations for change to House Bill No. 1696.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard

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Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1696.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 27, 2001, Senator Weaver moved to accept the Governor's specific recommendations for change to House Bill No. 2412.

And on that motion, a call of the roll was had resulting as follows:

[Nov. 28, 2001]

Yeas 54; Nays 1.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

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Donahue

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 2412.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 27, 2001, Senator Karpziel moved to accept the Governor's specific recommendations for change to House Bill No. 3172.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpziel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben

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Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 3172.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL
ON SECRETARY'S DESK

On motion of Senator Parker, Senate Bill No. 113, with House Amendments numbered 1 and 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Parker moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan

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Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 5 to Senate Bill No. 113.

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Hawkinson, Senate Bill No. 1233 was recalled from the order of third reading to the order of second reading.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1233 by replacing everything after the enacting clause with the following:

"Section 1. Findings; validation; application.

(a) Public Act 90-456, effective January 1, 1998, was entitled "An Act in relation to criminal law.". It contained provisions amending the Criminal Code of 1961, the Code of Criminal Procedure of 1963, and the Emergency Telephone System Act, all pertaining to the subject of criminal law. It also contained a provision amending subsection (b) of Section 2-14 of the Juvenile Court Act of 1987, relating to the commencement of civil adjudicatory hearings in abuse, neglect, and dependency cases.

(b) The Illinois Supreme Court, in People v. Sypien, Docket No. 89265, has ruled that the inclusion of the amendment to the Juvenile

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Court Act of 1987 violated the single subject clause of the Illinois Constitution (Article IV, Section 8(d)), and that Public Act 90-456 is therefore unconstitutional in its entirety.

(c) This Act re-enacts Section 2-14 of the Juvenile Court Act of 1987. The text of that Section includes both the changes made by Public Act 90-456 and changes made by subsequent amendments. In order to avoid confusion with the changes made by subsequent amendments, the Section that is re-enacted in this Act is shown as existing text (i.e., without striking and underscoring). This Act is not intended to supersede any other Public Act that amends the text of the re-enacted Section as set forth in this Act.

(d) All otherwise lawful actions taken before the effective date of this Act in reliance on or pursuant to Section 2-14 of the Juvenile Court Act of 1987, as set forth in Public Act 90-456 or as subsequently amended, by any officer, employee, or agency of State government or by any other person or entity, are hereby validated.

(e) This Act applies to actions or proceedings pending on or after the effective date of Public Act 90-456 (January 1, 1998), as well as to actions or proceedings pending on or after the effective date of this Act.

Section 5. The Juvenile Court Act of 1987 is amended by re-enacting Section 2-14 as follows:

(705 ILCS 405/2-14) (from Ch. 37, par. 802-14)

Sec. 2-14. Date for Adjudicatory Hearing.

(a) Purpose and policy. The legislature recognizes that serious delay in the adjudication of abuse, neglect, or dependency cases can cause grave harm to the minor and the family and that it frustrates the health, safety and best interests of the minor and the effort to establish permanent homes for children in need. The purpose of this Section is to insure that, consistent with the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, as amended, and the intent of this Act, the State of Illinois will act in a just and speedy manner to determine the best interests of the minor, including providing for the safety of the minor, identifying families in need, reunifying families where the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and, if reunification is not consistent with the health, safety and best interests of the minor, finding another permanent home for the minor.

(b) When a petition is filed alleging that the minor is abused, neglected or dependent, an adjudicatory hearing shall be commenced within 90 days of the date of service of process upon the minor, parents, any guardian and any legal custodian, unless an earlier date is required pursuant to Section 2-13.1. Once commenced, subsequent delay in the proceedings may be allowed by the court when necessary to ensure a fair hearing.

(c) Upon written motion of a party filed no later than 10 days prior to hearing, or upon the court's own motion and only for good cause shown, the Court may continue the hearing for a period not to exceed 30 days, and only if the continuance is consistent with the health, safety and best interests of the minor. When the court grants a continuance, it shall enter specific factual findings to support its order, including factual findings supporting the court's determination that the continuance is in the best interests of the minor. Only one such continuance shall be granted. A period of continuance for good cause as described in this Section shall temporarily suspend as to all parties, for the time of the delay, the period within which a hearing must be held. On the day of the expiration of the delay, the period shall continue at the point at which it was suspended.

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The term "good cause" as applied in this Section shall be strictly construed and be in accordance with Supreme Court Rule 231 (a) through (f). Neither stipulation by counsel nor the convenience of any party constitutes good cause. If the adjudicatory hearing is not heard within the time limits required by subsection (b) or (c) of this Section, upon motion by any party the petition shall be dismissed without prejudice.

(d) The time limits of this Section may be waived only by consent of all parties and approval by the court.

(e) For all cases filed before July 1, 1991, an adjudicatory hearing must be held within 180 days of July 1, 1991. (Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, House Bill No. 61 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays 2.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro

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Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Rauschenberger
Stone

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Dillard, House Bill No. 2296 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2296 by replacing everything after the enacting clause with the following:

"Section 1. Findings; validation.

(a) Public Act 90-456, effective January 1, 1998, was entitled "An Act in relation to criminal law.". It contained provisions amending the Criminal Code of 1961, the Code of Criminal Procedure of 1963, and the Emergency Telephone System Act, all pertaining to the subject of criminal law. It also contained a provision amending subsection (b) of Section 2-14 of the Juvenile Court Act of 1987, relating to the commencement of civil adjudicatory hearings in abuse, neglect, and dependency cases.

(b) The Illinois Supreme Court, in *People v. Sypien*, Docket No.

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89265, has ruled that the inclusion of the amendment to the Juvenile Court Act of 1987 violated the single subject clause of the Illinois Constitution (Article IV, Section 8(d)), and that Public Act 90-456 is therefore unconstitutional in its entirety.

(c) This Act re-enacts Section 15.2 of the Emergency Telephone System Act, Section 26-1 of the Criminal Code of 1961, and Section 108-8 of the Code of Criminal Procedure of 1963. The text of those Sections includes both the changes made by Public Act 90-456 and, where applicable, changes made by subsequent amendments. In order to avoid confusion with the changes made by subsequent amendments, the Sections that are re-enacted in this Act are shown as existing text (i.e., without striking and underscoring). This Act is not intended to supersede any other Public Act that amends the text of any of the re-enacted Sections as set forth in this Act. This Act also amends Section 12-14 of the Criminal Code of 1961.

(d) All otherwise lawful actions taken before the effective date of this Act in reliance on or pursuant to Section 108-8 of the Code of Criminal Procedure of 1963, as set forth in Public Act 90-456, by any officer, employee, or agency of State or local government or by any other person or entity, are hereby validated.

(e) The re-enactment by this Act of Section 108-8 of the Code of Criminal Procedure of 1963 applies to warrants issued or executed on or after the effective date of Public Act 90-456 (January 1, 1998), as well as warrants issued or executed on or after the effective date of this Act.

Section 5. The Emergency Telephone System Act is amended by re-enacting Section 15.2 as follows:

(50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

Sec. 15.2. Any person calling the number "911" for the purpose of making a false alarm or complaint and reporting false information is subject to the provisions of Section 26-1 of the Criminal Code of 1961.

(Source: P.A. 90-456, eff. 1-1-98.)

Section 10. The Criminal Code of 1961 is amended by re-enacting Section 26-1 and amending Section 12-14 as follows:

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

Sec. 12-14. Aggravated Criminal Sexual Assault.

(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or

(2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or

(3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or

(4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or

(5) the victim was 60 years of age or over when the offense was committed; or

(6) the victim was a physically handicapped person; or

(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and

for other than medical purposes, any controlled substance; or

(8) the accused was armed with a firearm; or

(9) the accused personally discharged a firearm during the commission of the offense; or

(10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was a severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (a) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

Sec. 26-1. Elements of the Offense.

(a) A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a

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deadly biological or chemical contaminant, or radioactive substance is concealed in such place that its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place; or

(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed; or

(5) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(6) While acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(7) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act"; or

(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act; or

(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or

(10) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended; or

(11) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(12) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5), (a)(7), (a)(11), or (a)(12) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(4), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than \$3,000 and no more than \$10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(6) of this Section is a Business Offense and shall be punished by a fine not to exceed \$3,000. A

second or subsequent violation of subsection (a)(7), (a)(11), or (a)(12) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(5) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00; 91-121, eff. 7-15-99; 92-16, eff. 6-28-01.)

Section 15. The Code of Criminal Procedure of 1963 is amended by re-enacting Section 108-8 as follows:

(725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

Sec. 108-8. Use of force in execution of search warrant.

(a) All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a search warrant.

(b) The court issuing a warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:

(1) That the officer reasonably believes that if notice were given a weapon would be used:

(i) against the officer executing the search warrant;

or

(ii) against another person.

(2) That if notice were given there is an imminent "danger" that evidence will be destroyed.

(Source: P.A. 90-456, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was returned to third reading.

At the hour of 11:20 o'clock a.m., Senator Dudycz presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Karpiel, House Bill No. 2535 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski

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Clayborne
 Cullerton
 DeLeo
 del Valle
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Jacobs
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Watson, House Bill No. 3017 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in

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the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

[Nov. 28, 2001]

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 11:30 o'clock a.m., Senator Watson presiding.

On motion of Senator Dillard, House Bill No. 3098 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 45; Nays 3; Present 5.

The following voted in the affirmative:

Bomke
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Silverstein
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

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Welch
Woolard
Mr. President

The following voted in the negative:

Clayborne
Shaw
Trotter

The following voted present:

Bowles
Halvorson
Hendon
Lightford
Link

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Smith asked and obtained unanimous consent for the Journal to reflect her affirmative vote on House Bill No. 3098.

At the hour of 12:09 o'clock p.m., Senator Donahue presiding.

On motion of Senator O'Malley, House Bill No. 3162 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen

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Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:14 o'clock p.m., Senator Watson presiding.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Sullivan, House Bill No. 2565 was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:15 o'clock p.m., Senator Donahue presiding.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Cronin moved that Senate Joint Resolution No. 42, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Floor Amendment No. 1 was held in the Committee on Education.

Senator Cronin offered the following amendment and moved its

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adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Joint Resolution 42 on page 1, by replacing lines 6 through 13 with the following:
"of the School Code; and

WHEREAS, We are disapproving school district requests for waivers relating to substitute certificates because Public Act 92-184 just became law on July 27, 2001, allowing certain substitute teachers to teach for more than 90 days, and this change in current law is for only 3 years while the waiver request is for 5 years; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

(1) Mount Prospect SD 57 - Cook, WM 100-2072, statement of affairs;

(2) Lake Bluff ESD 65 - Lake, WM 100-1885-3, substitute certificates;

(3) Ridgewood CHSD 234 - Cook, WM 100-1890, substitute certificates;

(4) Savanna CUD 300 - Carroll, WM 100-1891, substitute certificates;

(5) Norridge SD 80 - Cook, WM100-1914-3, substitute certificates; and

(6) East Prairie SD 73 - Cook, WM 100-1986, substitute certificates.".

The motion prevailed.

And the amendment was adopted.

Senator Cronin moved that Senate Joint Resolution No. 42, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm

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Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Philip, House Bill No. 2077 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 Cullerton

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DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

LEGISLATIVE MEASURES FILED

[Nov. 28, 2001]

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

Second Conference Committee Report to House Bill 1840
First Conference Committee Report to House Bill 3247

The following floor amendments to the Senate Bills listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 4 to Senate Bill 1261
Senate Amendment No. 1 to Senate Bill 1265

The following floor amendments to the House Bill listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 5 to House Bill 2299
Senate Amendment No. 6 to House Bill 2299

Senator Karpziel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.
Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 12:51 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:18 o'clock p.m., the Senate resumed consideration of business.
Senator Donahue, presiding.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendments numbered 1 and 2 to a bill of the following title, to-wit:

SENATE BILL NO. 397
A bill for AN ACT concerning firearms.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendments to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Reitz, Dart, Currie; Tenhouse and Bost.

Action taken by the House, November 27, 2001.
ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Donahue, the foregoing message from the House of Representatives, reporting refusal to recede from its

[Nov. 28, 2001]

Amendments numbered 1 and 2 to Senate Bill No. 397, was taken up for immediate consideration.

Senator Donahue moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendments numbered 1 and 2 to Senate Bill No. 397.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Hawkinson, Petka, Watson, Cullerton and Shadid.

Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 268

Offered by Senators Geo-Karis - Peterson - Philip - Link and all Senators:

Mourns the death of Donald M. Foreman of Wildwood

The foregoing resolution was referred to the Resolutions Consent Calendar.

INTRODUCTION OF A BILL

SENATE BILL NO. 1539. Introduced by Senator Molaro, a bill for AN ACT in relation to gambling.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL ON SECRETARY'S DESK

On motion of Senator Klemm, House Bill No. 3188, with Senate Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Klemm moved that the Senate refuse to recede from its Amendments numbered 1 and 2 to House Bill No. 3188 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendments.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Dillard, Klemm, Weaver, Demuzio and Molaro.

Ordered that the Secretary inform the House of Representatives thereof.

REPORTS FROM RULES COMMITTEE

Senator Weaver Chairperson of the Committee on Rules, to which was referred Senate Bill No. 1265, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former

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position.

The report of the Committee was concurred in.

And Senate Bill No. 1265, was returned to the order of third reading.

Senator Weaver Chairperson of the Committee on Rules, to which was referred House Bill No. 3495, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And House Bill No. 3495, was returned to the order of third reading.

Senator Weaver, Chairperson of the Committee on Rules, during its November 28, 2001 meeting, reported the following Legislative Measures has been assigned to the indicated Standing Committee of the Senate:

Executive: Senate Amendment No. 1 to Senate Bill 1265; First Conference Committee Report to House Bill 3247.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment 3 to Senate Bill 1261
Senate Amendment 5 to House Bill 2299
Senate Amendment 6 to House Bill 2299

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motion has been approved for consideration:

Motion to concur with House Amendment 1 to Senate Bill 989

The foregoing concurrence was placed on the Secretary's Desk.

SENATE BILL RECALLED

On motion of Senator Dillard, Senate Bill No. 1261 was recalled from the order of third reading to the order of second reading.

Senator Dillard moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion prevailed.

Senator Dillard moved that Amendment No. 1 to Senate Bill No. 1261 be ordered to lie on the table.

The motion to table prevailed.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Dillard offered the following amendment and moved its adoption.

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1261 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by adding Section 9.5 as follows:

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(20 ILCS 1605/9.5 new)
Sec. 9.5. Special lottery games for payment of anti-terrorism measures.

(a) On each of 7 days before June 1, 2002, the Department of the Lottery shall conduct a special lottery game. The special lottery game shall be conducted and promoted in the same manner as other lottery games under this Act, except as otherwise specifically provided in this Section. Special lottery games shall be in addition to, and not instead of, regular lottery games.

(b) The proceeds of the special lottery games conducted under this Section, after deducting appropriate amounts for prizes and vendor fees, shall be deposited into the Anti-Terrorism Fund, which is hereby created as a special fund in the State Treasury.

Subject to appropriation, moneys in the Anti-Terrorism Fund may be used only for paying or reimbursing costs incurred by the State for overtime salaries of emergency and security personnel related to anti-terrorism and for associated anti-terrorism expenses.

Section 10. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Anti-Terrorism Fund.

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 4 was held in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 3, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 4:30 o'clock p.m.

HOUSE BILL RECALLED

On motion of Senator Hawkinson, House Bill No. 2299 was recalled from the order of third reading to the order of second reading.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2299, AS AMENDED, in subsection (a) of Sec. 16.5 of Section 5, by replacing "who acts" with "who knowingly acts"; and in subsection (a) of Sec. 16.5 of Section 5, by replacing "or uses charitable" with "or knowingly uses charitable"; and by replacing all of subsections (b) and (c) of Sec 16.5 of Section 5 with the following:

"(b) An ex parte action may be commenced by the Attorney General, and, upon a showing of probable cause of a violation of this Section or Article 29D of the Criminal Code of 1961, an immediate seizure of books and records and assets by the Attorney General by and through his or her assistants or investigators or the Department of State Police shall be made by order of a court to protect the

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public, protect the assets, and allow a full review of the records.

(c) Upon a finding by a court after a hearing that a person or organization has acted or is in violation of this Section, the person or organization shall be permanently enjoined from soliciting funds from the public, holding charitable funds, or acting as a trustee or fiduciary within Illinois. Upon a finding of violation all assets and funds held by the person or organization shall be forfeited to the People of the State of Illinois or otherwise ordered by the court to be accounted for and marshaled and then delivered to charitable causes and uses within the State of Illinois by court order."; and in subsection (e) of Sec. 16.5 of Section 5, by inserting "knowing" after "Any"; and

in the first sentence of subsection (g-5) of Sec. 14-3 of Section 15, by replacing "notification of" with "notification to"; and

in the first sentence of subsection (g-5) of Sec. 14-3 of Section 15, by replacing "party of" with "party to"; and

in the second paragraph of subsection (g-5) of Sec. 14-3 of Section 15, by inserting "with notice to all parties present" after "camera"; and

in the second paragraph of subsection (g-5) of Sec. 14-3 of Section 15, by deleting "under Illinois evidence law"; and

by inserting after the end of subsection (g-5) of Sec. 14-3 of Section 15 the following:

"No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005."; and

in clause (B) of paragraph (2) of subsection (a) of Sec. 29B-1 of Section 15, by inserting "as defined by subdivision (b)(6)" after "activity"; and

in subsection (a) of Sec. 29B-1 of Section 15, by replacing "represented to be the proceeds of specified criminal activity or property used to conduct or facilitate specified criminal activity" with "he or she believes to be the proceeds of specified criminal activity as defined by subdivision (b)(6) or property used to conduct or facilitate specified criminal activity as defined by subdivision (b)(6)"; and

by deleting subdivision (5) of subsection (b) of Sec. 29B-1 of Section 15; and

by redesignating subdivisions (6) and (7) of subsection (b) of Sec. 29B-1 of Section 15 as subdivisions (5) and (6), respectively; and

in the redesignated subdivision (6) of subsection (b) of Sec. 29B-1 of Section 15, by inserting "(720 ILCS 5/20.5-5)" after "20.5-5"; and by inserting after the end of Sec. 29D-5 of Section 15 the following:

"An investigation may not be initiated or continued for activities protected by the First Amendment to the United States Constitution, including expressions of support or the provision of financial support for the nonviolent political, religious, philosophical, or ideological goals or beliefs of any person or group."; and

in Sec. 29D-10 of Section 15, by inserting "(a)" before "Computer network means"; and

in Sec. 29D-10 of Section 15, by inserting "(b)" before "Computer means"; and

in Sec. 29D-10 of Section 15, by inserting "(c)" before "Computer program means"; and

in Sec. 29D-10 of Section 15, by inserting "(d)" before "Data means"; and

in Sec. 29D-10 of Section 15, by inserting "(e)" before "Biological products used in agriculture includes"; and

in Sec. 29D-10 of Section 15, by inserting "(f)" before

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"Agricultural products" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(g)" before "Agricultural production" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(h)" before "Livestock" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(i)" before "Crops" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(j)" before "Communications systems" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(k)" before "Substantial damage" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(l)" before "Terrorist act" or"; and
 in Sec. 29D-10 of Section 15, by inserting "(m)" before "Terrorist" and "terrorist organization" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(n)" before "Material support or resources" means"; and
 in Sec. 29D-10 of Section 15, by inserting "(o)" before "Person" has the meaning"; and
 in Sec. 29D-10 of Section 15, by inserting "(p)" before "Render criminal assistance" means"; and
 in the first sentence of subsection (a) of Sec. 29D-15 of Section 15, by inserting "(720 ILCS 5/20.5-5)" after "20.5-5"; and
 in the first sentence of subsection (a) of Sec. 29D-15 of Section 15, by inserting "(1)" after "29D-10"; and
 in subsection (b) of Sec. 29D-15 of Section 15, by inserting "(720 ILCS 5/20.5-5)" after "20.5-5"; and
 in subsection (a) of Sec. 29D-20 of Section 15, by inserting "(1)" after "29D-10"; and
 in subsection (a) of 29D-20 of Section 15, by replacing "imminent commission of a terrorist act or of another terrorist act" with "imminent commission of a terrorist act as defined in Section 29D-10(1) or of another terrorist act as defined in Section 29D-10(1)"; and
 in subsection (a) of Sec. 29D-25 of Section 15, by inserting "(1)" after "29D-10"; and
 in subsection (a) of Sec. 29D-25 of Section 15, by inserting "knowingly" after "otherwise"; and
 in subsection (a) of Sec. 29D-25 of Section 15, by inserting "(720 ILCS 5/20.5-5)" after "20.5-5" and
 in clause (1) of subsection (a) of Sec. 29D-30 of Section 15, by inserting "(1)" after "29D-10"; and
 in clause (2) of subsection (a) of Sec. 29D-30 of Section 15, by inserting "(1)" after "29D-10"; and
 in the second sentence of clause (1) of subsection (a) of Sec. 29D-65 of Section 15, by inserting "Within 10 days that person is entitled to a hearing." after "assets."; and
 by inserting after the end of Sec. 29D-70 of Section 15 the following:

"Section 17. The Boarding Aircraft With Weapon Act is amended by changing Section 7 as follows:

(720 ILCS 545/7) (from Ch. 38, par. 84-7)

Sec. 7. Sentence. Violation of this Act is a Class 4 felony A misdemeanor.

(Source: P.A. 82-662.)"; and

in subsection (b) of Sec. 108-4 of Section 20, by replacing clause (7) with the following:

"(7) Motion to suppress based on failure to obtain a written affidavit. Evidence obtained pursuant to a warrant issued under this subsection (b) is not subject to a motion to

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suppress on the ground that the circumstances were not such as to make it reasonable to dispense with a written affidavit, absent a finding of bad faith. All other grounds to move to suppress are preserved."; and

in subsection (b) of Sec. 108-4 of Section 20, by inserting after the end of subdivision (8) the following:

"(9) No evidence obtained pursuant to this subsection (b) shall be inadmissible in a court of law by virtue of subdivision (8)."; and

in subsection (c) of Sec. 108B-1 of Section 20, by replacing "for hire" with "~~for~~-hire"; and

in the second sentence of subsection (b) of Sec. 108B-7.5 of Section 20, by replacing "subdivision (a)(2) may" with "subdivision (a)(2) may upon notice to the People"; and

in the last sentence of subsection (b) of Sec. 108B-7.5 of Section 20, by deleting ", upon notice to the government,"; and

in the last sentence of subsection (a) of Sec. 2 of Section 21, by replacing "and violations of the Cannabis and Controlled Substances Tax Act" with "and violations of the Cannabis and Controlled Substances Tax Act, and violations of Article 29D of the Criminal Code of 1961"; and

in subsection (a) of Sec. 16.5 of Section 30, by replacing "who acts" with "who knowingly acts"; and

in subsection (a) of Sec. 16.5 of Section 30, by replacing "or uses charitable" with "or knowingly uses charitable"; and

by replacing all of subsections (b) and (c) of Sec. 16.5 of Section 30 with the following:

"(b) An ex parte action may be commenced by the Attorney General, and, upon a showing of probable cause of a violation of this Section or Article 29D of the Criminal Code of 1961, an immediate seizure of books and records and assets by the Attorney General by and through his or her assistants or investigators or the Department of State Police shall be made by order of a court to protect the public, protect the assets, and allow a full review of the records.

(c) Upon a finding by a court after a hearing that a person or organization has acted or is in violation of this Section, the person or organization shall be permanently enjoined from soliciting funds from the public, holding charitable funds, or acting as a trustee or fiduciary within Illinois. Upon a finding of violation all assets and funds held by the person or organization shall be forfeited to the People of the State of Illinois or otherwise ordered by the court to be accounted for and marshaled and then delivered to charitable causes and uses within the State of Illinois by court order."; and

in subsection (e) of Sec. 16.5 of Section 30, by inserting "knowing" after "Any".

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 4 was held in the Committee on Rules.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend House Bill 2299, AS AMENDED, in the second to last sentence of paragraph (1) of subsection (a) of Sec. 29D-65 of Section 15, by replacing "the court shall order the property frozen" with "the court shall order such property frozen"; and

by inserting after the last sentence of paragraph (1) of subsection (a) of Sec. 29D-65 of Section 15 the following:

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"Upon the request of the defendant, the court may release frozen or seized assets sufficient to pay attorney's fees for representation of the defendant at a hearing conducted under this Section."

The motion prevailed and the amendment was adopted and ordered printed.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 6

AMENDMENT NO. 6. Amend House Bill 2299, AS AMENDED, by replacing the first paragraph of subsection (g-5) of Sec. 14-3 of Section 15 with the following:

"(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was returned to third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hawkinson, House Bill No. 2299 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None; Present 1.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson

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Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted present:

Shaw

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

CONSIDERATION OF HOUSE BILL ON CONSIDERATION POSTPONED

On motion of Senator Dillard, House Bill No. 1829 having been read by title a third time on November 15, 2001, and pending roll call further consideration postponed, was again taken up on third reading.

And the question being, "Shall this bill pass?" it was decided in

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the affirmative by the following vote: Yeas 33; Nays 21.

The following voted in the affirmative:

Bomke
Burzynski
Cronin
DeLeo
Demuzio
Dillard
Dudycz
Halvorson
Hendon
Karpel
Klemm
Lightford
Mahar
Molaro
Munoz
Myers
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Syverson
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Bowles
Clayborne
del Valle
Donahue
Geo-Karis
Hawkinson
Jacobs
Jones, W.
Lauzen
Link
Madigan
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Silverstein
Sullivan

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Welch

This roll call verified.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

MOTIONS IN WRITING

Senator Woolard submitted the following Motion in Writing:

I move that House Bill 198 do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 28, 2001

Larry Woolard
Senator

Senator Petka submitted the following Motion in Writing:

Pursuant to Senate Rule 7-15 and having voted on the prevailing side, I respectfully move that the Senate reconsider the vote by which CCR No. 1 to House Bill 1840 failed.

Respectfully submitted on November 28, 2001
s/Ed Petka

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

EXCUSED FROM ATTENDANCE

On motion of Senator Klemm, Senator Luechtefeld was excused from attendance due to illness in the family.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 269

Offered by Senator Clayborne and all Senators:
Mourns the death of Robert H. Eckert of Belleville.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Ronen offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 270

WHEREAS, Falun Gong is a peaceful and nonviolent form of personal belief and practice with millions of adherents in China and elsewhere; and

WHEREAS, The Government of the People's Republic of China has forbidden Falun Gong practitioners from practicing their beliefs; and

WHEREAS, This prohibition violates China's own constitution as

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well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; and

WHEREAS, Thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights; and

WHEREAS, There are many credible reports of torture and other cruel, degrading, and inhuman treatment of detained Falun Gong practitioners; and

WHEREAS, The People's Republic of China has enacted new criminal legislation that the government's official newspaper hailed as a "powerful new weapon to smash evil cultist organizations, especially Falun Gong"; and

WHEREAS, Some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague "official state secrets" law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security; and

WHEREAS, Other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial; and

WHEREAS, Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes; and

WHEREAS, Thousands of Falun Gong practitioners in China have lost their jobs, and students have been expelled from schools for refusing to give up their beliefs; and

WHEREAS, The brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of personal belief and practice, expression, and assembly; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we believe that the Government of the People's Republic of China should stop persecuting Falun Gong practitioners; and be it further

RESOLVED, That the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman, and degrading treatment against them and other prisoners of conscience, to allow Falun Gong practitioners to pursue their personal beliefs in accordance with article 36 of the Constitution of the People's Republic of China, and to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the President of the United States, the United States Secretary of State, and the members of the Illinois congressional delegation.

Senator Molaro offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 271

WHEREAS, This General Assembly has heretofore appropriated \$40 million in the State's Fiscal Year 2002 Budget to the Regional Transportation Authority (RTA) for the purpose of making grants to its Service Boards to subsidize the provision of reduced fare transit for the elderly, students, and the disabled (P.A. 92-8, Art. 52, Section 19b1); and

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WHEREAS, It is the understanding of this House of Representatives that a commitment to fund the RTA at \$40 million per year for these purposes was an integral component of the 2001 Illinois First program; and

WHEREAS, Proposed budgets of the RTA and its Service Boards the Chicago Transit Authority (CTA) and PACE for their fiscal years commencing January 1, 2002 have been prepared in full reliance on the existing Fiscal Year 2002 appropriation; and

WHEREAS, These appropriated funds are necessary for the maintenance of service by PACE and CTA; and

WHEREAS, On November 27, 2001, Governor George Ryan announced that it was his intent not to expend \$4 million of the Fiscal Year 2002 appropriation for these purposes; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Governor George Ryan to fully honor the aforesaid duly enacted statutory appropriation and provide \$40 million to the RTA for these purposes in Fiscal Year 2002; and be it further

RESOLVED, That the Senate urges that the Governor's Fiscal Year 2003 Budget be prepared requesting an appropriation of no less than \$40 million for the RTA for these purposes; and be it further

RESOLVED, That a copy of this resolution be presented to the Governor of the State of Illinois.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator E. Jones was excused from attendance due to illness in the family.

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 5 to House Bill 1903

At the hour of 4:55 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, November 29, 2001 at 9:00 o'clock a.m.

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