

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

23rd Legislative Day

April 4, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by the Reverend Ted A. Hartley, Virden First United Methodist Church, Virden, Illinois. Reverend Hartley.

THE REVEREND TED A. HARTLEY:

(Prayer by the Reverend Ted A. Hartley)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Artist Bill Crook seeks permission to shoot still photos. Is leave granted? Leave is granted. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

Up in the President's Gallery, on the Democrat side, are some -- is a group of young people - young people, right - and they're here from East Peoria Chamber of Commerce, and they're here under the leadership of Charlie Moore. Would you welcome them...

PRESIDENT PHILIP:

Will they -- will they please stand and be recognized by the Senate? Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Monday, April 2nd, and Tuesday, April 3rd, in the year

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2001, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Myers moves to approve -- to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

For a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR PARKER:

Thank you, Mr. President. I have with me today Mason Hoffman-Dana, and his parents are in the President's Gallery, Deborah and Neil, and they're from Evanston. They are constituents. Please give them a warm welcome.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Bills 58, 776, 1889, 1905, 2054, 2235, 2563, 2564, 3392, 163, 572, 934, 980, 1982, 2425, 3050, 3148, 3149 and 3162.

All passed the House, April 3rd, 2001.

PRESIDENT PHILIP:

Senator Myers, for what purpose do you rise?

SENATOR MYERS:

Mr. President, a point of personal privilege.

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PRESIDENT PHILIP:

State your point.

SENATOR MYERS:

I have with me Chris Hartley who is the son of Reverend Hartley, who just prayed for us, and I'd like to introduce him to the Senate.

PRESIDENT PHILIP:

Will he please rise and be recognized by the Senate?
Resolutions.

SECRETARY HARRY:

Senate Resolution 105, offered by Senator Shadid.
It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

PRESIDING OFFICER: (SENATOR WATSON)

The intention of the Chair - we're going to start on page 2 of the Calendar with Senate Bills 2nd Reading. Remind the Members that this is Wednesday. We have today, tomorrow and Friday, and that's it. So it's a suggestion of the Chair that you start moving your bills. We are on today's Calendar on the second page, Senate Bills 2nd Reading. We'll just start right at the top. Senator Mahar, with Senate Bill 11. Senator Mahar on the Floor? Out of the record. Senate Bill 16. Senator O'Malley. Senator O'Malley on the Floor? Out of the record. Senate Bill 21. Senator Cronin. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 21.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved...

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SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 57. Senator Roskam? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 57.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 58. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 58.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 70. Senator Radogno? Out of the record. Senate Bill 72. Senator Sullivan? Out of the record. Senate Bill 88. Senator Rauschenberger? Senator Rauschenberger on the Floor? Out of the record. Senate Bill 89. Senator Rauschenberger. Out of the record. Senate Bill 150. Senator O'Malley. Senator O'Malley on the Floor? Out of the record. Senate Bill 188. Senator Philip? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 188.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Are there any Floor amendments approved for consideration?

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SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 amends the Election Code. When the Election Commission selects a school for a polling place, it allows the school to take a teachers' day when the election's on. And the -- the rationale for this is that in some schools, they don't want -- while the school's on, they don't want to have it a polling place because they're not sure on who's coming into the polling place. So it got out of committee unanimously. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, question is -- those in favor, vote Aye. Opposed, vote No. The voting is open. You don't need a vote -- just -- we'll just take a voice vote. How many of you want to vote Yes? Thank you. The Ayes have it. The amendment is adopted. Are there any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Dudycz, on Senate Bill 193. Out of the record. Senate Bill 206. Senator Roskam? Out of the record. Wendell Jones, on 286? Out of the record. ...Bill 372. Senator Radogno? Out of the record. Senate Bill 392. Senator Mahar? Out of the record. Senate Bill 428. Senator Philip? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 428.

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(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 429. Senator Philip. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 429.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 441. Senator Parker. Out of the record. Senate Bill 447. Senator Sullivan? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 447.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill -- I'm sorry. Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Yes, Mr. President. Floor Amendment No. 1, offered by Senator Sullivan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. The -- the amendment simply deletes the term "parenteral".

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment's been adopted. Is there any further Floor amendments

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approved...

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 453. Senator Jacobs? Out of the record. Senate Bill 473. Out of the record. Senate -- 489. Senator Molaro? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 489.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 548. Senator Sieben? Todd Sieben? Out of the record. Senate Bill 627. Senator Philip? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 627.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 creates a pilot study program in DuPage, Kendall and Sangamon counties, that if a person under eighteen years of age would get a traffic violation, that the parents would be notified. Be happy to answer any questions.

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PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 632. Senator Sullivan? Senate Bill 634. Senator Munoz? Senator Munoz on the Floor? Out of the record. Senate Bill 636. Senator O'Malley? We'd like to ask leave of the Body to return to Senate Bill -- 636. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 636.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment 2 to Senate Bill 636 clarifies language in the bill to make sure that it's clear that any grant is subject to appropriation and, further, that from a separate appropriation, the State Board shall make such grants to charter schools not to exceed one thousand dollars per student enrolled.

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Is there any discussion? Any discussion? If not, Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President. I -- I had asked for a fiscal note on this, and I have not received that as yet. Is it...

PRESIDING OFFICER: (SENATOR WATSON)

They both have been filed with the Secretary. Just come on up and probably get a copy of that. Senator Woolard.

SENATOR WOOLARD:

Under the procedures that I had been familiar with, it had usually been given to that person who had requested it prior to movement.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 636. Mr. Secretary, are there any other Floor amendments approved for consideration? There is no further discussion. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 640. Senator Cullerton. Senator Cullerton on the Floor? Out of the record. Senate Bill 657. Senator Halvorson? Senator Halvorson? 657. Out of the record. Senate Bill 664. Senator Noland? Out of the record. Senate Bill 687. Senator Dillard? Out of the record. Senate Bill 696. Senator Radogno? Senator Radogno on the Floor? Out of the record. Senate Bill 717. Senator Cronin? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 717.

(Secretary reads title of bill)

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2nd Reading of the bill. The Committee on Commerce and Industry adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 724. Senator Shaw? Senator Shaw on the Floor? Senate Bill 754. Senator Sieben? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 754.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WATSON)

Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 756. Senator Lauzen? Senator Lauzen on the Floor? Out of the record. Going on to page 4. Senate Bill 788. Senator Noland? Out of the record. Senate Bill 794. Senator Lauzen? Out of the record. Senate Bill 799. Senator Rauschenberger? Senator Rauschenberger on the Floor? Out of the record. Senate Bill 889. Senator Donahue? Senator Donahue? Out of the record. Senate Bill 923. Senator Lauzen. Out of the record. Senate Bill 942. Senator Robert Madigan. Out of the record. Senate Bill 947. Senator Noland. Out of the record. 959. Tom Walsh. Tom Walsh on the Floor? Out of the record. Senate Bill 993. Senator Philip? Please read the bill.

SECRETARY HARRY:

Senate Bill 993.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Are there any Floor amendments approved for...

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1032. Senator Philip? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1032.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1069. Senator Noland? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1069.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1075. Senator Donahue? Senator Donahue on the Floor? Out of the record. Senate Bill 1111. Senator Obama. Out of the record. Senate Bill 1137. Senator Rauschenberger? Senator Rauschenberger on the Floor? Out of the record. Senate Bill 1148. Senator Molaro? Out of the record. Senate Bill 1173. Senator Tom Walsh. Tom Walsh. Out of the record. Senate Bill 1209. Senator Tom Walsh. Out of the record. Senate Bill 1210. Tom Walsh. Out of the record. Senate Bill 1213. Tom Walsh. Out of the record. Senate Bill 1214. Tom Walsh. Out of the record. Senate Bill 1514. Senator Dudycz. Out of the

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record. Senate Bill 1518. Senator Dudycz. Out of the record. We are on page 5. Top of page 5. We have Senate Bills 3rd Reading. Once again remind the Members that we've gone through the Calendar several times. We will have today, tomorrow and Friday and that'll be it. So I would suggest for you to call your legislation at this time. Senator Hawkinson. Out of the record. Senate Bill 1. Senate Bill 3. Senator O'Malley. Out of the record. Senate Bill 10. Senator Mahar? Out of the record. Senate Bill 19. Senator Lauzen? Out of the record. Senate Bill 22. Senator Rauschenberger. Out of the record. Senate Bill 24. Senator Cullerton? Out of the record. Senate Bill 28. Senator Cullerton. 28. Yes, no, yes. Mr. Secretary, please read the bill. Senate Bill 28.

SECRETARY HARRY:

Senate Bill 28.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill came to me as a result of kind of a tragic -- a very tragic incident that occurred in -- actually in Missouri. A lady lost her child as a result of a -- some children being left in a car unattended by their parents. So, we worked with the staff of both sides of the aisle in finding the proper way to draft this bill, I believe, and we've -- we've done that by -- by amending the Endangering the Life or Health of a Child Act, which is a current -- which is a current law dealing with endangering the life of a child. And what we've said here is that if you leave a child in a -- unattended in a motor vehicle, there's a rebuttable presumption that that person has committed the offense if they leave the child

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unattended for more than ten minutes. And unattended means not accompanied by a person fourteen years of age or older or -- or out of -- or out of site of that person who is fourteen age or older. So, as a result of this amendment that was worked on, I think -- and agreed to by everybody in the Judiciary Committee, I think we have a very good bill and would ask for an Aye vote and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 28 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 55 voting Yes, no voting No, no voting Present. Senate Bill 28, having received the required constitutional majority, is declared passed. Senate Bill 30. Senator Geo-Karis? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 30.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this amends the auto emissions section within the Vehicle Code. Provides that the owner of a vehicle damaged by or because of an emission inspection has a cause of action against the contractor who performed the inspection. Doesn't mean the State; it means the contractor. Provides for recovery of triple damages, costs and attorney's fees. I've had many complaints of misuse of these inspections where cars have been damaged, and I've got 'em from all over. And I ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 30 pass. All -- Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. As much as I love the sponsor - she reminds me of my grandmother, who I love dearly - there are -- there are some things that I'm really not comfortable with in the bill, but I'm not going to vote against it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you. Senator Shadid, Senator Geo-Karis reminds me of your younger sister. Is there any further discussion? If not, the question is, shall Senate Bill 30 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished. Take the record. On that question, there are 51 Ayes, 1 Nay and 2 voting Present. And Senate Bill 30, having received the required constitutional majority, is hereby declared passed. Senate Bill 32. Senator Dillard. Senate Bill 38. Senator Silverstein. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 38.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This bill is similar to the bill we passed out of here last -- in the 91st General Assembly, Bill 747. It was on the agreed list this year. It provides that for the purpose of a Senior Citizen Homestead Exemption, the maximum reduction from the value of a life care facility shall be multiplied by the number of apartments or units occupied by a

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person sixty-five years of age or older who are liable for paying property taxes on the property. I know no opposition and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Bomke. Is there any discussion? If not, the question is, shall Senate Bill 38 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 38, having received the required constitutional majority, is hereby declared passed. Cameron Jenkins, from AT&T, has requested permission to take still photos. Hearing no objection, leave is granted. And Association of Illinois Electric Cooperatives also has requested to videotape the Senate proceedings. Hearing no objection, leave is granted. Senator Bomke, what purpose do you rise?

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BOMKE:

We have with us today Pleasant Plains and Rochester IDEA students. With them Jan Bass. They're behind the Democrats, in the Senate. I'd ask that you help me recognize them here today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. On the bottom of page 5, in the Order of Senate Bills 3rd Reading, is Senate Bill 42. Senator Hawkinson. Top of page 6, in the Order of Senate Bills 3rd Reading, is Senate Bill 48. Senator Parker. Senate Bill 62. Senator Obama. Senator Obama. Senate Bill 71. Senator Sullivan. Senate Bill

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74. Senator Watson. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 74.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This was a bill we discussed the other day and Senator Peterson brought up a question and Senator Hawkinson. We took it out of the record. But this would allow not-for-profit organizations from paying the vehicle title fee, transfer fee, for those vehicles that are donated to those organizations. There was -- question was asked about the possibility of what happens when the -- during the interim period that there is no title. There is -- that would be a very short period of time - and that was a question that Senator Peterson asked - because once the vehicle is resold, then it would be titled again and that problem that Senator Peterson addressed would not be -- would no longer be prevalent. I -- there was no objection. It's a good bill for local charities, and I'd ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 74 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, none Nays, none voting Present. And Senate Bill 74, having received the required constitutional majority, is hereby declared passed. Senate Bill 75. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

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Senate Bill 75.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Ladies and Gentlemen, please keep your -- your conferences down to a minimum. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This bill is a -- is one that we introduced and was passed during the Edgar administration dealing with tax credits for remediation on environmentally challenged property. And, really, the -- the program hasn't worked all that well, and we've come back this year to try to expand it to make it more accessible and usable by developers and those people who want to come in and -- and take property that is environmentally challenged and -- and turn it around into something that would be greenfield type of thing for economic development. We've been meeting with the Governor's Office, Department of Commerce and Community Affairs, Department of Revenue, EPA, and this is sort of a work-in-progress effort that we're doing and it is a tax credit for -- for those types of projects that we're referring to. And obviously we want the support of the administration, and we would not move this bill further in the House if we don't have that support. But we want to keep it moving so that the dialogue can continue. So I would like to ask the Body's support of -- of Senate Bill 75.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 75 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 75, having received the required

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constitutional majority, is hereby declared passed. Senator Karpziel, what purpose do you rise?

SENATOR KARPIEL:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR KARPIEL:

I would like to introduce the Senate to a group from Lake Park High School, my high school in my hometown of Roselle. They're up here, and they are Students Against Destructive Decisions, SADD. And they're in Springfield today, sponsored by the Illinois Drug Education Alliance, chaperoned by Mrs. Lark. Would you please welcome them to Springfield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senator Larry Walsh, what purpose do you rise?

SENATOR L. WALSH:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir. State your point.

SENATOR L. WALSH:

Mr. President and Members of the Senate, today, from my district, I have two homeschoolers -- families -- homeschooler families here. The Moster Family, from Monee, and the Boss Family, from Beecher, are in the President's Gallery. I'd like to have them welcomed to Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? And welcome to Springfield. Senate Bill 94. Senator Watson. Senate Bill 107. Senator del Valle. Mr. Secretary, read the bill.

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SECRETARY HARRY:

Senate Bill 107.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 107 was amended with Senate Amendment No. 2. This was an amendment that was developed by the Illinois Community College Board and AFSCME, who represents teachers providing adult education services. As the amendment reads, it reads that there will be professional development activities for teachers and administrators. ICCB will work with the adult education advisory council to establish standards for training, and ICCB will develop minimum academic or experiential qualifications and the minimum requirements will apply to new teachers hired after the effective date of the Act. Current teachers will not be affected. They, in effect, are grandfathered in. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I rise in support but to express some very serious concerns about this bill and the policy that we may be embarking upon. And I have received assurances from the sponsor, as have Members of the Senate Education Committee, have received assurances from all those participating in this proposal. It's very difficult to argue with Senator del Valle's intent here. In fact, you can't. You have to support the notion that there must be some minimal level of -- of ability, professionalism and training for those who are adult ed teachers. No question about that. But having said that and -- and with the lessons of some of

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our experience in -- in elementary and secondary education, we do not want, nor will we support, nor is it the policy of the majority of the Members of this General Assembly or this Senate that qualifications, professional development, become a barrier for entry into the field of -- of adult ed for teachers. We don't want a whole bureaucratic scheme to develop whereby those who are capable and qualified can't teach because they don't have some administrative certificate, some sort of a -- a qualification that may have very little to do with their abilities to teach or their -- their knowledge base. We're well aware of the situation in elementary and secondary ed where a Nobel prize laureate in physics can't teach high school math because they don't have the requisite certification. We have recognized that as -- as -- as a policy that we cannot accept. We do not want that type of a situation to develop in adult ed, and we believe that this gives us what's proper, a minimal requirement, with the understanding that the direction that we go in is one that we go to together. So I support this measure.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Just a few questions, if he will.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Ronen.

SENATOR RONEN:

Now, I'm not -- I know there -- this bill has been amendment -- amended, and I do -- do appreciate it, Senator Cronin, your intent here. But I'm just wondering, is -- is this bill now supported by AFSCME?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator del Valle.

SENATOR DEL VALLE:

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The amendment that was drafted, Amendment No. 2, was drafted by AFSCME.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

So I'm correct in -- in assuming that there's no opposition to this bill now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

They drafted the amendment. I don't think they're opposing their own amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Ronen.

SENATOR RONEN:

I'm not trying to be coy here. Just the -- the issues that they had were addressed in the amendment. Is -- is that true?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

They drafted the amendment, Senator Ronen, and so I'm assuming that all the issues were in the amendment, were addressed in the amendment. I accepted their draft of the amendment. That's why it's Amendment No. 2. We tabled Amendment No. 1 and we went with their language.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

Current adult ed teachers will be credentialed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

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The amendment clearly states that current teachers will not be affected by the requirements that will be established by the Illinois Community College Board, working along with the adult ed advisory committee, as well as providers of services. And so, I think that the issue of whether or not current adult ed teachers will be affected is addressed in the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

To the bill. Thank you very much, Senator. I appreciate your work and your flexibility on this issue, because I received many phone calls from constituents of mine who are hardworking staff persons there. So thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

A question or two of the sponsor, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

First I want to tell Senator del Valle I appreciate his work in trying to raise the standards of adult education, but I guess the first question I would have is, isn't it possible now for the -- the ICCB, the Community College Board, together with their advisory committee, to put out a series of recommendations without statute?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

They do have the advisory committee in place, and what this does, this language, is that it authorizes ICCB to proceed and to develop a statewide process for, not certification because I'm

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opposed to certification, but a process for ensuring that minimum standards are set. That's what this does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

And I -- I do want the sponsor to know that I appreciate his goals. I guess my concerns are, when you talk about children in elementary schools or children in the K through 12 system, there's always been somewhat of a logic that because your students aren't necessarily capable or in a position to, frankly, feed back about the educational experience they have - it's pretty hard to poll kindergarteners and ask them if their teacher's qualified - that careful certification and standards were important, but I've always thought that the understanding in -- in higher education, where the adults were the students, was that you have a reasonable feedback loop from the -- the pupils or the people in the classroom. I just always am nervous when we are approaching the teacher shortage that we are, and we have an adult education system that's rapidly expanding and, in many ways, doing very good work, it seems to me that we -- we can rely to some extent on the student body to give you a feedback loop. And -- and I guess I'm more comfortable with letting people that run programs be responsible for 'em. I -- I love the ICCB, and I know you've worked hard to -- to develop a good bill, but I -- I'm very concerned that their idea of minimum qualifications amount to a guild system and kind of preventing entry of people to the process. So, although I respect your efforts, I just am very concerned and would urge people to -- maybe this is a process that we don't need to enter into yet.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

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Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Syverson.

SENATOR SYVERSON:

Does this affect -- is this strictly adult education or will this affect community colleges as well?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

It affects community-based organizations that provide adult education services and the adult education programs within the community colleges as well. Not the college credit programs; the adult education programs. GED and ESL programs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Currently, does every -- does every local have the ability to set their own standards? Is that -- I'm not familiar with that on -- on GED programs. Does each -- does each local school district or each local community board or college now have the ability to set what minimum criteria they want when they hire someone to teach?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

They hire the individuals, but let me give you an example. And I'm glad Senator Rauschenberger raised the issue of -- of how feedback is provided. If you look at Illinois and you look at how Illinois compares to other states in terms of the passage rate for GED, in Illinois we are at about sixty-six-percent passage rate, which does not compare favorably with many other states. In Chicago -- in the Chicago area, and I'm not just talking about the

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City itself but the entire Chicago area, the passage rate is even lower. We have individuals who are hired to teach GED, they have degrees from other countries, in some instances, and they indicate in their application to teach GED that they have taught in other systems in other countries. Generally speaking, these individuals, if they have that degree, they're hired. Now, they're hired to teach a GED class that requires them to have knowledge in science, math, English and just about every other area, because the GED exam is the equivalent to a high school diploma that is awarded after an individual has taken all the required courses. And so we have individuals who are teaching GED at night for adult ed classes and working, doing other things during the day, and that's fine. They could be engineers; they can do whatever they want. But we want to make sure that they are reviewed in some way because we do have individuals who are hired who are not prepared, and that is reflected in the feedback, is reflected in the passage rate of the students taking that exam. Now, as we embark in the process to elevate and to improve adult education, which is my goal, to improve adult education throughout the State of Illinois, one of the things we want to do is make sure that there's direction, that there's guidance based on minimum standards, not certification but based on minimum standards, for the adult education programs throughout the State, which will include more and more community-based organizations throughout the entire State. And so that's what we're attempting to do here, not to dictate but, rather, to provide direction and provide some -- some standards that can be followed in order to make sure that our quality of instruction is there so that our passage rate improves, because yesterday in Senate Approp, we heard from university presidents, and one of the questions that I asked of our university president is why is enrollment down compared to where we were in 1991. And one of the responses was,

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well, the pool of students has -- has shrunk, it's smaller. Well, there's a huge population out there that want to participate and are participating in GED classes. Once they take that GED exam, they can register, they can enroll in our public universities, they can go on to the college credit programs within our community college system and therefore, then, be better prepared for today's job market and tomorrow's job market. That's all this does. That's why it's worded in such a way that it is very, very flexible. It is in no means -- in no way meant to try and limit and restrict. We want to encourage people to participate in higher ed. We also want to be proud of our higher ed system. And ICCB, I think, is doing a wonderful job in transforming and improving higher ed, which was neglected for years and years by our community college system and our -- and our other systems.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

And I -- I certainly agree with that. I guess -- does the -- do the local districts have the ability -- if a teacher is not doing their job or if a teacher isn't qualified to teach English now and these students are failing the GED program, do they have the ability now to remove that part-time teacher from that position and to hire someone who they feel is qualified to do that? Can they do that now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

As a matter of fact, this bill addresses that issue. It provides additional assistance, because one of the things this bill calls for is for training of teachers, providing additional training for teachers in adult education, and for administrators, training particularly in the area of evaluation so that they're

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able to provide more feedback to those teachers as a result of this training that they will be receiving.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

I guess that's kind of my concern. When we're talking about having to train these teachers, now we're starting to get down the path of having qualified teachers, and that's the first step toward certification of these teachers, and we have, obviously, people who are publishers in newspapers that are coming in and teaching English classes. We have accountants who are teaching math classes. They may not be certified. They may not be trained in the -- in the correct programs of how to teach a student, but they do a very good job. And I don't want to do anything that's going to hinder the ability of private citizens who want to step up to the plate, who want to help these individuals, but now we're talking about a list of criteria. We're talking about classes that they're going to have to take to be trained to be able to teach something that they've already been doing for twenty or thirty years. And currently, the districts have the ability if a -- if a teacher's not doing their job, don't they have the ability now to not hire that person or to let that person go? Does -- I -- I guess I still didn't have that answer. Is -- are we required, when they hire a -- a teacher, if they're not doing their job, don't we have the ability to remove them now? Two questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will the Members please take the conferences off the Floor? It's getting a little noisy down here in the well. Senator del Valle.

SENATOR DEL VALLE:

Every district and every community-based organization does its own hiring. Of course they can remove an individual. But let me

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say to you that the training that's in here is something that the adult education teachers, current teachers in the system, have been calling for throughout the entire State. Adult education teachers feel neglected. They feel that they are not given enough opportunities to participate in staff development activities. They're crying out. They're crying out for additional training opportunities. Same thing with administrators, individuals who are involved with adult ed. So I think, first of all, this is not a certification bill, and I agree with you. This will continue to allow individuals with expertise to come in, and that's why it says minimum academic or experiential qualifications. Two. Academic or experiential. So the individual that you described and the individual that Senator Ronen described earlier would be able to teach adult ed classes. This bill will not stop that. As a matter of fact, I think it's going to encourage more entry because we're elevating the professional status of adult education teachers, which, right now, feel that they're really not respected within the community college and even within the community-based system.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

...question. Last question, and, again, I -- I agree with what you're trying to achieve here, but that would only happen -- those individuals, those businesspeople, those current publishers, those people, could only do that if they went through a new training program now that'll be set up by this program, because you stated in here that there has to be -- there has to be training done for these teachers before they could teach. So these individuals would have to go through training.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

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SENATOR DEL VALLE:

No, Senator, you're -- what you're -- just described is not in the legislation. Training would not be required before an individual could begin to teach adult ed if that individual has this experience. What you're describing is not in the legislation. It's definitely not the intent of my -- of me -- my sponsorship of this bill or adult ed providers or the Illinois community college system. It is not in here. Individuals would, while they're teaching, have opportunities - opportunities - for staff development that they don't have now and that they're crying out for.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Just -- just for clarification. So -- it doesn't mandate teacher development. It just -- you're saying that they would make available to them opportunities for them to learn, but we would not have to -- you wouldn't be required to go through these training before they would be allowed to work with these students.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

...it. Absolutely correct. It would be opportunities for development, and the development activities would be shaped by the advisory council, working along with the Illinois Community College Board and other providers. Opportunities for development that they are desperately in need of.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. I'm sorry I couldn't hear all the debate that just took place and I may ask -- a

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question that might be a repeat. So I apologize, Senator, if that's the case. First of all, you mentioned respect, and if you -- if any of you have gone into these classes, these adult day care -- and I've done that in my community colleges, the people that teach in those classes, they get respect because they do a good job and the people in my area do a wonderful job. This program has done wonders for an awful lot of people. So I don't know -- I respect what you're trying to do in one area of the State, but it may have limitations and impact and negative side on other areas of the State. My question is, and there's some confusion over here on this side, as to how this could impact the ability of a lawyer to go in and teach law, an accountant to go and teach accounting and not be part of this new certification that we're doing here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

First of all, Senator, this is not certification. It is not certification. It will never be certification, number one. Number two, the system will continue to encourage individuals with different expertise, such as a lawyer, to come in and teach classes. That will be encouraged. We would want to see even more individuals. On the issue of respect, adult education is getting more attention today than what it was a couple of years ago. And there's several reasons for that. Number one, the demand for adult education is increasing. The demand for English as a second language classes is increasing throughout the entire State of Illinois. We want to make sure that those individuals who are teaching English as a second language, number one, really know -- if they're working with Hispanic students, number one, really do speak English - there has to be some screening; number two, are able to communicate effectively in the second language in -- in

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the primary language as well. And so these adult ed classes throughout the State are growing, and in the process, we want to encourage a system -- the development of a system that provides support. The key word is "support", support for these teachers that, number one, deserve all the respect for what they're doing; number two, should be given an opportunity to participate in professional development activities; and -- and, number three, should be part of a system that really values their work. So, I guess what I'm saying, Senator Watson, is that I'm a hundred and ten percent with you, and what you're suggesting is exactly what we're trying to do here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. I -- I just -- if you'd bear with me, I'd like to just read a statement that's in our analysis, and I'd get -- like to get your response. It says: In collaboration with the advisory council established in State statute, the State Board of Education must develop qualifications and professional development standards. These standards must be based on the establishment of general minimal academic and experience qualifications. To me, that sounds like we're limiting the people who will be eligible and available to provide teaching for this class.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

The bill allows the State Board, working with the -- and the advisory committee is very important because it's made up of providers, it's made up of people from all across the State. So that -- that participation is extremely important. The advisory committee will be providing direction and guidance, but it's a process that will lead to the development of general minimum -

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minimum - the key word is "minimum" - academic or - and I'm reading right off of the legislation, the bill - "or experiential qualifications". So, therefore, an engineer and some of the examples cited earlier, they don't have an education or teaching degree, but they have the experience in particular areas of knowledge and they will be able to come in and they will be able to participate as teachers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you very much. And I appreciate your response, Senator, but I -- I -- I do feel that -- the word "minimal" does create a flag because it does establish a level that someone would have to reach in order to be able to -- to participate. And I -- I just think with the situation that we have now in elementary and secondary, with -- with the shortage of teachers and -- and more to come, this really isn't a good direction to take. And I wish we would have taken a closer look at this in the Education Committee, and I think we would have maybe responded differently, as far as the vote that you see in -- in your analysis. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

For purposes of a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, you may have said this, and I apologize for -- for not hearing all the discussion. Do we have a shortage of adult education teachers at the present time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

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SENATOR DEL VALLE:

We have adult education programs that are growing by leaps and bounds and -- because of the growing demand, and all those programs have teachers in them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

I -- I guess I have a problem with the -- if -- if it is growing and -- and we are facing this shortage, that we would make it more restrictive to be an adult education teacher with these rules at this time. You know, some day we may need things -- and I agree that you do need standards and -- and whatever. I have no problem with that. I guess I -- I just am -- am concerned about right now do we need this, especially, as you say, adult education is really growing, there will be a demand for new teachers. Do -- do we want to start down this road at this time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Yes, I think it's important that we take steps to ensure quality and to ensure that, for example, with the GED program that has a very low passage rate in comparison - statewide - in comparison to other states, I think it's incumbent upon us, as legislators in the State of Illinois, to take small steps - and this is a very, very small step. Because this is not the kind of -- it's not credentialing. It's not -- it's not certification, I should say. It's not the kind of restrictive measure that some people think it may be. This is a tiny step forward in ensuring quality instruction, particularly in GED programs and ESL programs that are very essential in the State of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

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SENATOR LUECHTEFELD:

You know, just a comment with regard to as those programs grow: You know, I -- I guess I have enough faith in the community colleges that they will -- they will find the best possible people to teach those classes that are available, and if we restrict them too much at this time, we may really limit their ability to do exactly that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Senator, again, the -- the way I read the language, I don't think we're restricting. As a matter of fact, what I think we're doing is we're assisting. We're really assisting, particularly with the professional development activities and the -- for both the teachers and administrators. And so I think the community college districts welcome this type of support, particularly given that in the past, with our reimbursement rate for adult ed and with our overall support for adult ed, one of the primary complaints of the community college districts is that we're not doing enough for adult ed. And so I think this is a step, a small step, in the direction that the community college districts want us to go in.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cronin.

SENATOR CRONIN:

I apologize to rise a second time. You know, the more you hear the debate here, the more concerns are raised. There's some language in the bill there seems to be some confusion. The language in the bill states that the State Board of Education would be charged with the responsibility of promulgating these rules. Now, my understanding that it would be the Community College Board, consistent with our effort last year to switch all

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responsibilities over to -- that's -- that's problem number one, with the drafting. Issue number two, and there's been some questions over here, correct me if I'm -- I'm wrong, Senator del Valle: This is not an initiative of the Community College Board. This was not something that they initiated. This is something that you initiated, which is all well and good, but this is not an initiative of the Community College Board. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

In response to your first question, I think the amendment refers to the State Board, the Illinois Community College Board, number one. Number two, this was an initiative in conjunction with the Illinois Community College Board, because they were worked with from the very beginning.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator -- Senator Cronin.

SENATOR CRONIN:

Yeah. I just -- I want to work with you on this, and I raised and -- I rised earlier in -- in reluctant support, and the more you hear about these concerns, I would urge -- maybe you'd consider taking it out of the record for the moment and clarify some of these things. I know we've got -- Friday's our deadline, but that would be my suggestion, if -- with all due respect.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Well, Senator, and that's my concern, is that Friday is the deadline, and I will commit to you that if there's a need for a technical amendment on the State Board question, we will definitely do that in the House. I make that firm commitment to

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you and -- as well as address the -- any other questions that you have. My concern is that we're up against -- against the deadline. But I make that commitment to you. I -- and -- we made a commitment when we held the bill for the amendment, and we followed through with that, and so I make another commitment to you that if there's a need for a technical amendment, then we will do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator del Valle, to close.

SENATOR DEL VALLE:

Well, I -- I think the -- the discussion, I hope, has -- has -- I hope that the discussion has shed light on what I feel is an area that needs a lot of attention from the Legislature, and that is adult education. And we had some dialogue yesterday in -- in the Senate Approp Committee about adult education, and it's good to see that -- that more people are paying attention. But we have a wonderful opportunity here with the transfer of adult ed from the Illinois State Board to the Illinois Community College Board to really, really get things going and to make sure that, within a year or two years, we have a system that we could be proud of in the State of Illinois. And our numbers, then, will begin to show results. We'll be -- begin to compare favorably with other states in terms of the GED passage rate, and our university system will begin to see an increase in enrollment as a result of more individuals taking that GED exam and passing that exam throughout the State of Illinois. And so, I appreciate the debate. I think I've made commitments here. I follow through with my commitments. I think Joe Cipfl of the Illinois Community College Board is an honorable man, and he committed to working with all the Members to make sure that in no way this becomes a restrictive measure in the future, because that is not the intent. It's not a certification process, and we will make sure that it never goes in that

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direction. So I ask the Members of this Body to help us keep this going, because I think it is -- it is important and a lot of people in adult ed, not just students but the teachers, are counting on us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 107 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 23 Nays, and 7 voting Present. And Senate Bill 107, having failed to received the required constitutional majority, is hereby declared failed. Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First -- point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon, what -- what purpose do you rise?

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR HENDON:

I wanted to commend you on your patience that you just showed on that debate just now, and I just wanted to remind the Chair that we would appreciate the same patience if there is a Republican bill in which we have a -- a disagreement or a difference of opinion or have questions on. You allowed Members on that side of the aisle really to talk this bill to death. That's exactly what just happened here. And I stood up last week and mentioned this partisan nature of this Chamber. I hope we don't slide to that, and I hope you'll give us the same patience and the same courtesy when a Republican bill is up that we might

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have a problem with.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BURZYNSKI:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BURZYNSKI:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, if I could have your attention for just one moment, please. In the President's Gallery, on the Democratic side, we have a group of individuals from one of my school districts, Harlem Schools, in Machesney Park, Illinois, who have the dubious distinction of having State champions, both male and female, boys and girls bowling teams in the State of Illinois. And I'd like for you to -- to recognize them here. They're here with their coaches, Jim Heathscott and Gail Flock, and I'd like for them to be recognized. So if they'd stand, we'd appreciate...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Greg Lipe, from the Illinois Information Service, has requested permission to videotape the proceedings. Hearing no objection, leave is granted. Senator Jacobs, what purpose do you rise?

SENATOR JACOBS:

Point of inquiry of the Chair. I'm just curious as to whether there's anything in our rules that allows the Chair to use a sledgehammer as a gavel.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson, what purpose do you rise?

SENATOR WATSON:

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Oh, I'd like to -- point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WATSON:

Yes. I'd like to welcome a class from my district, St. Elmo High School. Connie Lowe and the group from there are visiting us, and they're in the gallery right here behind the Republicans. And I'd like to welcome them here to Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Middle of page 6, in the Order of Senate Bills 3rd Reading, is Senate Bill 114. Senator Radogno. Senate Bill 118. Senator Klemm. Senate Bill 130. Senator Robert Madigan. Senate Bill 131. Senator Robert Madigan. Senator Madigan, on 132. Senate Bill 136. Senator O'Malley. Senate Bill 138. Senator Cullerton. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 138.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill would set up a drug court, something which is patterned after what has already been started in Cook County. This will provide for implementation of it throughout the State. It's designed to reduce the incidence of drug use and drug addiction and crimes that are committed as a result of drug use. It provides that the chief judge of each judicial circuit may establish this drug court program and that a defendant may be admitted into the program only upon the agreement of the prosecutor, the defendant and the court.

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It provides for program eligibility, assessments of defendants and the operation of the program. And it -- it provides that the program shall include a regimen of graduated requirements and rewards. And there's, of course, sanctions for failure, including fines and incarceration. We did amend the bill at the request of some of the State's attorneys organizations. We've defined "drug court professional" to mean a judge, a prosecutor, defense attorney, probation or a treatment provider, and indicate that the defendant if he's already previously completed a program, that they would, obviously, not be eligible for this. I don't believe there's any opposition and would be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 138 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 Ayes, 1 Nay and none voting Present. And Senate Bill 138, having received the required constitutional majority, is hereby declared passed. Senate Bill 146. Senator Rauschenberger. Senate Bill 151. Senator Watson. The bottom of page 6, in the Order of Senate Bills 3rd Reading, is Senate Bill 161. Senator Syverson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 161 makes some minor

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technical changes. This legislation is really going to -- meant more for the leaders who are working on some potential Session-ending legislation. Any changes will -- of course, would have to come back to committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 161 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, none Nays, none voting Present. And Senate Bill 161, having received the required constitutional majority, is hereby declared passed. Senate Bill 162. Senator Syverson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 162.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This would be likewise, like the similar bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 162 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. And Senate Bill 162, having received the required constitutional majority, is hereby declared passed. Senate Bill 163. Senator Syverson. Senate Bill 172. Senator Dillard. Senate Bill 173. Senator Philip. Madam Secretary, read the bill, please.

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ACTING SECRETARY HAWKER:

Senate Bill 173.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 173, as amended, amends the Property Tax Code to freeze assessed value of parcels owned and used by eligible organizations beginning with the assessment of the year 2002. This is intended for the Moose and the Elks. As you know, we have passed out of here before. All this does is add the Knights of Columbus, and, unfortunately, we overlooked them in the first place. As far as I'm concerned, they're exactly in the same category as the Moose and the Elks. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 173 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, none -- no Nays, none voting -- 1 voting Present. And Senate Bill 173, having received the required constitutional majority, is hereby declared passed. Senate Bill 209. Senator Watson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 209.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is the legislation that's been debated in this Chamber on many occasions and it has passed this Chamber on many occasions. And this is the one that eliminates the sales tax on motor fuel. The difference between this one and the ones we've had before is this has got an effective date of July 1st, 2002. We amended the bill last week so that we can plan for the lost revenue that may take effect and probably will take effect if we actually take the sales tax off. So that's basically what this is. It takes the five-percent sales tax that's on motor fuel off permanently as of July 1st, 2002, Mr. President. And I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 209 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 45 Ayes, 4 Nays and 2 voting Present. And Senate Bill 209, having received the required constitutional majority, is hereby declared passed. Senate Bill 213. Senator Roskam. Senate Bill 216. Senator Karpriel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 213 {sic} (216).

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpriel, on Senate Bill 216.

SENATOR KARPIEL:

Thank you, Mr. President. A recent Tribune editorial, entitled "Saving Babies from the Dumpster", says that hardly a

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season goes by without hearing about a -- another baby being left on a doorstep or tossed out like a pair of old worn shoes. Senate Bill 216 is intended to provide a mechanism for a newborn infant to be relinquished to a safe haven instead of being put in a Dumpster. It establishes procedures whereby a parent or the parents of a newborn infant seventy-two hours old or less and not otherwise abused or neglected may relinquish that infant to a -- to a safe haven -- haven. Procedures are established for the prompt -- prompt termination of parental rights and subsequent adoption of the infant. It also requires a search of the Putative Father Registry in order to help or to try to give notice to a father and a search of -- and also a search of law enforcement information to verify that the infant is not a missing child. It establishes procedures for the placement of the relinquished infant, and it allows a parent or the parents to petition for the return of custody of the infant before the termination of parental rights have taken place. We have worked with all affected parties on this legislation and have tried to meet the concerns of everyone. As far as I know at this point, there is no opposition to the bill, and I certainly ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I rise in strong support of this legislation, which is presented here today. This is a culmination of a lot of work over the past year and a half, and it's a comprehensive piece of legislation. Is it perfect? No. But it certainly tried to address every concern. And -- and, truly, what it does more importantly, it gives a child, truly our most vulnerable, a chance at life. This legislation -- and, believe me, you, like myself, probably can't fathom what would make a mother abandon her child, but, unfortunately, in this State

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alone, thirty-four babies were abandoned last year. In this country, the FBI report says five babies are abandoned every week in this country. What this bill does is provide, one, a safe haven to send our children: One that's a hospital; two, emergency care facility; and fire stations. Why? Because our children, when they're dumped, are, needless to say, are not dumped in ideal locations and not born in ideal situations. So what we're asking you to do here is what they've done in seventeen other states, and pass this responsible, reasonable legislation. It's common sense. All green lights here will send a message that we truly care for our most vulnerable, and it certainly gives that mother another chance to do the right thing. And I ask everyone in this Chamber to vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, it's been mentioned that seventeen other states do this. Do you have any -- do you have any statistics or any articles dealing with how it's working? I mean, has there been any abuses to this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, I have no information on any abuses to the -- to the -- under the legislation. This, frankly, does not affect a great many children because in the other states -- first of all, it -- it hasn't been in place that long, but the information we have is that in some states it has only affected maybe one, maybe two. I

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think the highest number in one of the states was eight babies in a year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

The reason I bring up the question, I -- I had a constituent call who basically was against this bill, saying that it -- it has -- it has not worked at all in the other states. And I -- and I just wonder whether you had any information with that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

That is not the information that I have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, with people clamoring to get children to adopt nowadays, isn't it a better thing when a youngster who has a child and -- brings that child to the fire station or to a clinic, as provided in this bill, safely? That's much better than having it in a Dumpster and lost. I certainly support this bill, and I urge everyone to support it. It's a step in the right direction because it does not carry criminal penalties for that young mother who doesn't know what else to do with the child.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Senator Karpiel, as you know, I introduced a similar bill, and one of the questions they had on mine, which I'm going to ask of yours, is about the fire station. In my area, which was called to my attention, we have a number of rural fire stations that are

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unmanned and -- or no -- nobody's there, and when the fire is called in, the alarm goes out and everybody runs to the fire station. How would that then affect if a -- a woman wishes to place a child that -- at a unmanned or unpersoned fire station in the rural area? How -- how would that handle it, because it was a concern on my bill. And I'm just -- want to share that, that you may want to consider that issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, that is something that we haven't envisioned, that there would be no one at the fire station. And maybe some kind of an amendment could be looked at in the House. And I believe there's also a House version coming over that we can look at that way.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Please do so, because I know in the rural areas, and I'm -- and McHenry County's not so rural, but we have so many unpersoned, unmanned, if you will, fire stations that it would be the immunity of the woman leaving it to a place that there's nobody there for maybe several days. And I think you should address that. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Karpiel, to close.

SENATOR KARPIEL:

Well, I want to thank you. That is -- that is a good point. First of all, I would like to thank all the people that have worked on this legislation. Dawn Geras is the one who really brought it to my attention, who created the -- A Secret Safe Place for Newborns organization. Worked -- we worked with DCFS, the

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Hospital Association, the Attorney General's Office. The Cook County State's Attorney had concerns that -- and we worked with them and I thank them for those -- those suggestions. The Catholic Conference, and the Judiciary Committee and our -- wonderful Judiciary staff. This -- this bill, for anyone like me who is a mother and a grandmother, is very important because we think -- we think about our own children being left in a Dumpster, a newborn baby, or in a garbage can like so much garbage. If this saves one baby a year, I think we can all be grateful. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 216 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 216, having received the required constitutional majority, is hereby declared passed. Senate Bill 222. Senator Dillard. Senate Bill 233. Senator Silverstein. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 233.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Silverstein.

SENATOR SILVERSTEIN:

I start with an "S". Thank you, Mr. President. This creates the offense of cyberstalking when a person, without legal justification, on at least two separate occasions, harasses another individual with the use of electronic communication. There was an amendment that Senator Hawkinson wanted, to delete the word "annoying". I know no opposition. Ask for a favorable Aye vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 233 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 233, having received the required constitutional majority, is hereby declared passed. Senate Bill 250. Senator Dillard. Senate Bill 257. Senator Dillard. Senate Bill 261. Senator Burzynski. Senator Burzynski. Senate Bill 269. Senator Halvorson, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Halvorson seeks leave of the Body to return Senate Bill 269 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill -- Senate Bill 269. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Halvorson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the General Assembly. Senate Amendment No. 1 to 269 was a clarification, a negotiated amount of bringing the cap for small contracting businesses from fifteen million down to ten million.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 273. Senator Watson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 273.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much. This is a very simple bill and -- just read it to you. For the purpose of this Code - and that is the transportation Code - a bumper also includes a device or system of -- of devices similar to -- in design to those which new motor vehicles are equipped. What's happened and this is -- a constituent writes me about her son who got ticketed because of the bumper that he had on his car, and she went out and took pictures of all the cars -- new cars that have very similar bumpers to what he's got. And she says that isn't right, and I agree with her. So we've introduced a bill to try to alleviate the problem. Secretary -- or, the Secretary of State and the State Police have no problem with this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, what this bill also does is to make these legal for the new cars as well, does it not?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Watson.

SENATOR WATSON:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Is there some federal regulation that -- that overrides State law that no longer requires bumpers to protrude, and is that -- or, should there be?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

The first part of the question, I understand the -- the answer is no. The second part is, I don't know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 273 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 273, having received the required constitutional majority, is hereby declared passed. Senate Bill 318. Senator Tom Walsh. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 318.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. Senate Bill 318 comes from the Department of Professional Regulation.

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This is in response to an audit finding that they had with regards to a fine that they were charging people who had bounced checks. I -- I know of no opposition. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 318 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 318, having received the required constitutional majority, is hereby declared passed. Senate Bill 330. Senator Sieben. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President, Members of the Senate. This is an initiative of the area -- of the twenty-four area vocational centers in the State of Illinois. Represents an agreement with the State Board of Education to allow the area vocational centers to apply for and receive three types of grants: maintenance grants, federal or State technology grants, and other competitive grants administered by the State Board of Education. I know of no opposition, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 330 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

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On that question, there are 54 Ayes, 1 Nay, none voting Present. And Senate Bill 330, having received the required constitutional majority, is hereby declared passed. Senate Bill 333. Senator Thomas Walsh. The bottom of page 7, in the Order of Senate Bills 3rd Reading, is Senate Bill 356. Senator Karpziel. Senator Karpziel. Top of page 8, in the Order of Senate Bills 3rd Reading, is Senate Bill 370. Senator Rauschenberger. Senator Rauschenberger. Senate Bill 373. Senator Munoz. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 373.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Members of the Senate. Senate Bill 373 amends the DCFS Act regarding child care. Basically the bill just describes seven steps that DHS must take to improve the delivery of child care services. There's no opposition known at this point. The opponents {sic} are DHS. I'd be -- will answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 373 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 373, having received the required constitutional majority, is hereby declared passed. Senate Bill 385. Senator Dillard. Senate Bill 397. Senator Radogno. Madam Secretary, read the bill, please.

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ACTING SECRETARY HAWKER:

Senate Bill 397.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The genesis of this bill was the Navistar shooting incident that occurred earlier this year in which it was found out that the -- the shooter actually had a FOID card but, nonetheless, had a gun. That raised the question as to whether or not we need to be checking FOID card owners to be sure that they have not committed any offenses that would disqualify them for having a FOID card. So this bill proposes that a criminal history check be done on all FOID cardholders on an ongoing basis but at least once every six months. The Illinois State Police will use the LEAD System to do that check. It also mandates them to look into using the National Instant Criminal Background Check as a supplement to the system. This bill is supported, interestingly, by both the Illinois Citizens for Handgun Control and the NRA. It really is just an enforcement mechanism for one of the laws that we already have on the books.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Shadid.

SENATOR SHADID:

Yes. Will Senator...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Shadid.

SENATOR SHADID:

Senator, is there any provision in here to give the State Police enough money to do this work?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Senator, there's not any money in this bill. We could consider that as a separate proposal, but in my opinion, the dollar or so it costs to do the check is certainly well worth what we would gain in safety and security.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Just a point of interest. The State Police have gone on record as saying they cannot process the FOID cards presently with one dollar that they get out of the five. It costs them six dollars for each card they process. So I think we're passing laws on FOID cards that cannot be properly addressed. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of Senate Bill 397 and commend the sponsor for her work. The money issue, I believe, is a separate issue and we ought to deal with that in the appropriation process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Radogno, to close.

SENATOR RADOGNO:

I'd just ask your support on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 397 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. And Senate Bill 397, having received

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the required constitutional majority, is hereby declared passed.
Senate Bill 430. Senator O'Malley. Madam Secretary, read the
bill.

ACTING SECRETARY HAWKER:

Senate Bill 430.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Senate Bill 430, as amended, amends the Code of Criminal Procedure
to make domestic violence assessment and alcohol evaluation --
mandatory conditions of bond after a domestic violence-related
arrest. Be happy to answer any questions there may be. The
amendments that were offered concerning Senate Bill 430 were
worked out in -- in -- in discussions and negotiations with the
Illinois Coalition Against Domestic Violence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall
Senate Bill 430 pass. All those in favor will vote Aye. Opposed
will vote Nay. The voting is open. Have all voted who wish? Have
all voted who wish? Have all voted who wish? Take the record.
On that question, there are 56 Ayes, no Nays, none voting Present.

And Senate Bill 430, having received the required constitutional
majority, is hereby declared passed. Senate Bill 434. Senator
Parker. Senate Bill 435. Senator Parker. Senator -- Senate Bill
437. Senate Bill 445. Senator Sullivan. Madam Secretary, read
the bill.

ACTING SECRETARY HAWKER:

Senate Bill 445.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 445 amends the Excellence in Academic Medicine Act. It simply adds Carle Hospital, the primary teaching hospital of the University of Illinois in Champaign, into the program. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Senator Sullivan, how is this to be funded?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

As part of the money that is currently in that program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

So, in other words, hospitals or other institutes that are already involved in this program will share those proceeds with Carle now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Burzynski.

SENATOR BURZYNSKI:

And how much money will that lose other various institutions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

The figures in front of me show that those institutions are currently getting 1.4 million. They would get 1.28 million.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

So -- so, that's a hundred and forty thousand that will be taken to Carle then?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

All institutions would then -- they would each get 1.28, equally.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Okay. So -- so each -- each institution then would be diverting a hundred and forty thousand of their funds to the new facility?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Assuming no -- no new funding into the program, yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I've been working on this project

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for probably three or four years. At the outset, Carle was the only teaching hospital that I know of that qualified that was left out of this distribution. What this would mean if -- it's dependent on appropriations out of the GRF fund. If that is not increased, then the same amount appropriated this year, it would mean a hundred and forty thousand lost to those in that one category. But there's really two different sections. Some of the private hospitals are getting three and a half million dollars a year. Some of the others are only getting a million two. So there's two different pots of money based on whether they're research and teaching or just strictly teaching hospitals. But this has been an inequity for as long as the program exists, and I feel it's just a -- fairness in all the participating hospitals. For example, Carle teaches three hundred second- and third-year students every year. So, in fairness, I think this -- this bill should be passed, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shadid.

SENATOR SHADID:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shadid.

SENATOR SHADID:

Senator, can you tell me how much money Peoria School of Medicine will be losing on this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Approximately a hundred and forty thousand, but again, that does assume no increased funding for next year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid. Any further discussion? Senator Parker.

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SENATOR PARKER:

Senator, when -- when we had this in committee, I thought it was our understanding that we would hopefully have this agreed to and that there would be negotiations going on. Can you tell me what negotiations are going on so that the hospitals are held -- harmless in this situation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

The discussions are continuing. Senator Weaver is trying to reach further agreement with these parties, but we are approaching deadline and we need to move these negotiations on.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

For the record, I'd just like to say that sometimes we have done - like, I know for Northwestern, there's been more monies for Alzheimer's and they've shared that with Rush and with SIU. The thing here I hope that does occur eventually in this process is that these hospitals are held harmless. They do good research. They have matching four to one from federal monies. We would be concerned if we changed the formula for HCFA. They may come in and we could lose more money from the federal government. So I would hope that we can keep that program whole and then maybe Carle could, if they can, apply for it and qualify, then maybe, on forward, get those monies. But as long as we keep that program, I think we're all concerned about that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I just wanted to echo what Senator Parker has said. I know in committee there was discussion that

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you would be holding this -- that you'd be holding this bill on 2nd Reading until some agreement could be reached. And it appears that that hasn't happened. And let me just say to the Body, there are many hospitals who are in opposition to this all throughout the State: Children's Memorial Hospital in Chicago, Memorial Hospital in Springfield, St. John's Hospital in Springfield, Northwestern in Evanston, Rockford Swedish Hospital, St. Francis Hospital in Peoria and the University of Chicago and Loyola in Chicago. So there's many, many hospitals that are in opposition throughout the State, and I -- I think -- in all due respect to the sponsor, I think we should not approve this bill while there are so many questions and where there is this problem that resources, very needed resources, could be taken away from all those hospitals I just mentioned. So I urge my colleagues to vote No or Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

A comment to the sponsor. I -- SIU has two teaching medical schools - one at Carbondale and one here in Springfield. The one here in Springfield does -- does share in this. Certainly the one in Carbondale does not. Hopefully the pot could be bigger so that the -- it wouldn't cost them anything. I don't know whether that's possible or not, but I hope the sponsor will look at that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Thomas Walsh. ...discussion?
Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I was lucky enough to be around at the formation of the academic excellence program, and I think I'll share just a couple things with you. When the program was originally formed, we had pretty

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strict criterion. There was no question, on the formation of the group, of whether Carle Clinic was qualified for the original intent of the program. Representations were made that they would work out an arrangement with the University of Illinois which, over the last three subsequent fiscal years, has never been worked out. So when Senator Weaver raises a question of equity, I think it's a legitimate question and I would just share it. I realize everybody has the sensitivity of -- of representing, in some cases, hospitals that already participate in the program. I've sat through about seven and a half hours of meetings, trying to get the hospitals that are participating to come to an arrangement which would allow Carle to phase into the program. Those negotiations have not proved fruitful. I would share with you that there's not a single hospital currently impacted by academic excellence that doesn't do exceptionally well under other Medicaid programs that we've designed to help them. I think this is a case of sending a message that -- that the policy decisions really are made here, and I would urge you to support the bill. This is not an unreasonable thing, and it doesn't rise to the level of whether this should be a -- a program for eighty hospitals or -- or the hospitals involved.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President. I'm not going to go through this all over again. I think Senator Ronen did a good job, but I just wanted to clarify, for Members, why it is that I voted Aye, and many of the Members on our side of the aisle voted Aye, to get this out of committee but are going to be opposing or at least voting Present on the bill at this time. The understanding was that we were going to try to work out a consensus agreement. I understand this is not the sponsor's fault

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that we're actually calling this, but I do think that there are sufficient concerns among a -- all the hospitals who are currently involved in this program. It strikes me that there should be some mechanism for us to come up with an equitable agreement on this. Unfortunately, we have not yet. And given the fact that we had a commitment coming out of committee that we would not move this forward, I would urge a No vote or a Present vote on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator del Valle.

SENATOR DEL VALLE:

Senator, is there or is there not a firm commitment to include the additional dollars in the budget that we will be approving so that the current hospitals are held harmless?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

That -- that is still under negotiation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Well, you know, we had quite a few bills in committees that had a fiscal impact, they had a cost, and your Members held all our bills in committee, from this side of the aisle, because of the cost. Senator Rauschenberger and -- and all the others, the committee, Senator Sieben -- Syverson, held many bills in committee because of cost. And here we are being asked to not only support a bill that's going to cost us additional money, but there is no commitment to put those additional dollars in the

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budget, number one. Number two, it will be taking dollars away from several hospitals in the Chicago area and hospitals outside the Chicago area. And so I don't think that makes any sense at this time. I would support the call for holding this bill until there is a firm commitment that those dollars will be made available and that no hospital, existing hospital, is going to lose dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the Carle Cancer Center is a nationally recognized community cancer center. And through the Carle Cancer Center's affiliation with the National Cancer Institution -- Institute, rather, physicians take part in the latest research on new cancer treatments, controlled methods and drugs. It would be a shame to exclude this -- this hospital, a terrible shame. And I don't even live in the Champaign-Urbana area, but I have heard of the great work that it's been doing. And I think that what the sponsor can do -- let's pass the bill here, and the sponsor can ask the -- the sponsor in the House to hold it until we can get some negotiations completed. It's a good bill. Time is of the essence, and I move for the passage of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Just to clarify something for Senator del Valle. The problem with this bill is there is no funding on the -- in this legislation. So this is not something that is a -- a cost. The concern is whether or not -- if there is not increased funding put into the budget, then the existing hospitals will all take a proportionate reduction in their current

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amount so Carle could be included in that. So there is not a new cost to this, unless the budget agreement is to increase funding, which is outside of our hands. This legislation is just putting Carle into the mix. The -- the agreement was that the bill would be held while there was -- while they -- given a chance to do some negotiating, and there was negotiating that took place between ourselves and Senator Weaver. And the decision was that the bill would be called. So I -- he kept his word. The sponsor kept his word that we would discuss this, we would try to work out any agreements. So I don't want us to think that -- that there's an agreement being broken. The agreement was that they would hold it while there was ongoing negotiations. Those happened and I think will continue to go on, sponsor, as they go over to the House, as well.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, how many amendments were adopted to the bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Only one.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Was there a second amendment that was being considered or drafted that was offered and failed, or debated at all in the committee? Second amendment?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

There was a second amendment that was drafted. It was never discussed in committee, never presented to committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver, for a second time.

SENATOR WEAVER:

I apologize, Mr. President. There was a second amendment filed, a Floor amendment, which would abolish the whole program and save the State about eighteen million dollars a year until we could work out a fair and equitable program statewide. Every time we've gotten together to negotiate this, there's a basic agreement made, and then the next morning they change their mind. This has been going on for four years. So I -- I asked the chairman not to consider the Floor amendment, let it ride the way it is and make determinations. But I -- I'm just sorry to say that negotiations between these groups has been rocky for many years, and I think there's just a little bit of greed involved. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there is no further discussion, Senator Sullivan, to close.

SENATOR SULLIVAN:

Thank you, Mr. President. I appreciate the thoughtful comments of my colleagues, and I remind you that this is an issue of fairness, it's an issue of equity. Carle Hospital is an outstanding organization in our State, affiliated with our flagship university. It's a terrific teaching hospital that should be in this program, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 445 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record. On that question, there are 27 Ayes, 6 Nays, 22 voting Present. And Senate Bill 445, having failed to receive the required constitutional majority, is hereby declared failed. Senate Bill 458. Senator Rauschenberger. Senate Bill 461. Senator Rauschenberger. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 461.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 461 is one thoughtful attempt to move forward on substantive changes to the early intervention program to kind of build some infrastructure up underneath the problems in the program. We really think this is a working document. It's a template. I've had it on 3rd Reading for a couple of weeks. The Department is actively cooperating, and we'd like to send this over to the House as an effort to continue the negotiations so that we're ready for the end-of-the-year budget. I'd -- happy to answer questions, and would appreciate favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 461 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And Senate Bill 461, having received the required constitutional majority, is hereby declared passed. Senate Bill 471. Senator Parker. Senate Bill 494. Senator Cronin. Madam

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Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 494.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 494 amends the Good Samaritan Act, and it adds immunity for -- from civil liability for a dental clinic that is a public health based program providing dental care without charge directly to the patient. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 494 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 494, having received the required constitutional majority, is hereby declared passed. Senator Clayborne, what purpose do you rise?

SENATOR CLAYBORNE:

Mr. President, I have a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR CLAYBORNE:

Just to my right, behind me, is one of my constituents, who has moved up here and is working up here now, and her name is Amekia Jackson. I was hoping that the Senate would welcome her.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. Senator O'Malley, what purpose do you

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rise?

SENATOR O'MALLEY:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR O'MALLEY:

I would like the Senate to meet a very fine young lady, Michelle Wrenn, from Melrose Park. She and -- is here from Senator Cronin's district. So Senator Cronin and I are welcoming her here, and her parents, who are up in the President's Gallery, Steven and Stephanie Wrenn. Could we recognize...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. The bottom of page 8, in the Order of Senate Bills 3rd Reading, is Senate Bill 500. Senator DeLeo. Senator DeLeo. The top of page 9, in the Order of Senate Bills 3rd Reading, is Senate Bill 517. Senator Dillard. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 517.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that's in a different form this year. We saw it last year sponsored by our friend and colleague, Senator John Maitland, and it deals with the Illinois Attorneys Lien Act and how we handle the lawyers' fees for those lawyers who represented the State of Illinois in the Master Tobacco Settlement Agreement on a national basis. We've amended this bill with language that

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we have worked out with the Attorney General's Office. And I've spent a considerable amount of time reading the case law and looking at the history of the Attorneys Lien Act in Illinois. There's a couple of things, before we vote on this, that I think people need to understand. The lawyers who represented the State of Illinois have already been awarded one hundred and twenty-one million dollars in fees to be paid directly by the tobacco companies and not the State of Illinois. That award of a hundred and twenty-one million dollars was made by an independent arbitration panel pursuant to procedures agreed to by those outside lawyers. The procedures required the panel to determine an amount of fees that constituted, quote, "full, reasonable and total compensation for their services". Nevertheless, the outside attorneys have asserted a lien in which they are seeking to be paid nearly another eight hundred million dollars on top of the hundred and twenty-one million dollars they will be paid, without ever taking one deposition. I think that a hundred and twenty-one million dollars is more than adequate compensation for these lawyers, considering they never took a deposition, and the extra eight hundred million that they want on top of the hundred and twenty-one million should be used for tobacco prevention for schoolchildren, for our young people, and for those who have really suffered health consequences from the tobacco industry over time. A couple of things that is very important to note: Having gone over the case law very clearly for this, it's really clear that the Illinois Attorneys Lien Act does not apply to the type of legal representation that these lawyers gave to the State of Illinois. The case law is very clear that for attorneys to pursue such a claim in the circuit court, the General Assembly would need to expressly waive the State's sovereign immunity by statute. Because the State Attorneys Lien Act, as it currently reads, does not contain such an express waiver, it cannot be construed as

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applying to recoveries by the State of Illinois. Just in closing, we make a resuscitation in this bill that the only purpose of it is to clarify the law, not to change it, and that the proposed amendment to the law offered today makes it clear that no change is intended in the meaning of the Attorneys Lien Act and that the Act is being amended solely because certain attorneys representing the State in connection with the tobacco litigation have attempted to misapply it. The Act, as amended by the new version of Senate Bill 1517 {sic}, will help to assure that future lawyers representing the State will not make the same mistake as those lawyers have made. I'd be happy to answer any questions, and I certainly think that this deserves a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Patrick Welch.

SENATOR WELCH:

Senator Dillard, you spoke about lawyers for the State making mistakes. Who -- who entered into the contract or the agreement with these lawyers to give them these large fees?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I would assume that that contract was entered into by the Office of the Attorney General of the State of Illinois, who we have worked many hours with on this particular legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Was -- was that Neil Hartigan, the Attorney General at the

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time, or who was the Attorney General at the time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I assume it would be the recent Attorney General of Illinois, Jim Ryan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Senator, my understanding is we're about the eighteenth or nineteenth state to join that lawsuit. The attorneys never appeared in court. Do you have a breakdown as how much per hour their fee is? 'Cause I understand it was several thousand dollars an hour.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Welch, I don't, but I'll guarantee you, it's more than you and I charge per hour.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

Without this bill, could you tell us where -- there are currently negotiations, I assume, going on. Can you tell us the status of the current negotiations and what they may agree to or not agree to, if you're aware?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

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SENATOR DILLARD:

Thank you. Senator Molaro, there has been a hundred and twenty-one million dollars in fees to be paid directly by the tobacco industry, not the State, pursuant to an independent arbitration panel, to these lawyers already. So the bottom line is, they've got one twenty-one. They are in front of the Supreme Court for nearly another seven hundred and eighty million dollars in fees.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Okay. Well, let me say this: What -- what Senator Dillard has said is actually true. No one can stand here and say that -- well, I don't think they can -- and say that these law firms truly earned, on an hourly rate, the seven hundred and eighty million dollars. And maybe our constituents don't understand it. However, let's make it clear, as Senator Welch said, it was a contract that was entered into in -- with full faith and credit, and at arm's length. So the reason that the Illinois Bar Association -- this isn't the Trial Lawyers -- the Illinois Bar Association is against this is because one of the fabric of dealing with lawyers is that you enter into contracts. So, on any contingency fee, whether it's an accident case or not, and you're going to get a third, you will get a third of the fee or an agreed-upon percentage, whether you go to court and it takes four years or you could settle it after a year and a half. Basically, what we're doing here is saying, we find -- basically, what we're saying here is that we find it to be such an obscene amount and it be from such a public policy that just this one time, and only one time, we're going to change the Act. We're not changing it for anything else. Just this one time, because our feelings are such, that this is obscene. What it really means is every -- any time

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that we feel that a contract is unfair, why don't we come to the General Assembly and they could make an exception to the contract. If you could get enough Senators or Representatives to agree, come on in and we'll void any contract. And that's a dangerous precedent, even though the underlying reason for it makes a heck of a lot of common sense. These people shouldn't get this seven hundred and ninety million dollars. I say we should be, as a General Assembly, a true court of last resort and we should never want to tell businessmen - lawyers are businessmen - or the State exactly how to run their business, unless we have to. Since they don't have this money, since there is negotiation going on, since they're in front of the Supreme Court, we should let this play out before we go out and make a dangerous precedent and start vitiating contracts where we have no reason to do so.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I just wanted to announce to Senator Dillard, I have an honorary doctorate of jurisprudence. I may have a conflict on this, but I'll be voting my conscience. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Petka.

SENATOR PETKA:

Senator Dillard, does this piece of legislation, in any way, alter an existing contract between the parties?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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No, sir, it does not.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

So that we're not dealing with a possible violation of Article XI {sic} of the Bill of Rights; that the State cannot pass legislation that would materially alter the obligations of a contract?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

You're correct, Senator Petka, as usual. This contract, the mechanism that was in there for the dispute, I believe, said they'll go to an independent arbitration panel. They did that. The independent arbitration panel awarded these lawyers a hundred and twenty-one million dollars. And in their greed, they want another seven hundred and eighty million dollars to take away from people who have health infirmities and for tobacco prevention, especially among young people in Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to reiterate that we are not changing the Attorneys Lien Law at all in Illinois. All we're doing in here is restating what I think should be the obvious, and I'm sure that the Supreme Court will read it that way, as well, that the Attorneys Lien Act never applied to the lawyers in the master global tobacco settlement. And we are clarifying it, because we want to make sure that future lawyers do not represent -- misrepresent before the courts of Illinois how the Attorneys Lien statute should

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apply, when the State of Illinois, a sovereign body, is involved.
And I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 517 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 4 Nays, and 10 voting Present. And Senate Bill 517, having received the required constitutional majority, is hereby declared passed. Senator Jacobs, what purpose do you rise?

SENATOR JACOBS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR JACOBS:

On the Democratic side, in the gallery, we have a group of Moline High School and Wilson Middle School visiting us. They are part of the seven hundred other drug-free youth that are here today as part of the IDEA Youth Drug Prevention Rally. Let's give them a big Senate welcome.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senate Bill 521. Senator Clayborne. Senator Clayborne. Senate Bill 531. Senator O'Malley. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 531.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 531 strengthens the Illinois Commerce Commission's authority to require certain minor changes or improvements to grade crossings to reduce grade crossing blockages by trains. It creates the new offense of chronic obstruction of a grade crossing in the Chicago switching district. This -- this is not a new issue before this Chamber, and I'd be pleased to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There any discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. I stand in strong support of this. This has been a major problem in the south suburbs for years, and it's something that we need. And I commend the sponsor for his hard work on this issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Little reluctance that I'm actually rising today. It's kind of a strange thing, in that I didn't know which way I was going to vote and some -- maybe someone's going to be mad at me. So I decided I'll have both sides get angry with me and -- probably vote Yes, but speak against the bill and vote Yes. So that makes a lot of sense, but here goes. I mean, obviously we all know, in Chicago, that in that hub, we want the business. Freight's becoming big. What's good about freight nowadays is that you get the trucks off the road and Chicago's becoming the hub for all those piggybacks. Unfortunately, in the -- inner city of Chicago, they were smart years ago and they built all these viaducts. Out there, where Senator O'Malley, in the west end of my district and Senator Halvorson, it's kind of like farmland forty, fifty years ago. They didn't build 'em. Now it's

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almost impossible to build these overpasses. Very, very difficult. So they come, and if we understand, the problem is that it's not just that these are slow-moving trains like in my area. We have trouble with slow-moving trains. Senator O'Malley has trouble where they actually come and park 'em. The reason they park 'em is that the business is so big and it's booming, and we as -- we, as State Senators, want it to continue to boom. I think the railroad employs about thirty-five thousand people here in the Chicago area. We want 'em to employ forty-five thousand. I mean, twenty-two percent of the freight, twenty-eight percent of the business all goes through Chicago. Well, the problem is, they move these trains real slow...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator, I beg your pardon. Senator Molaro.

SENATOR MOLARO:

Well, they move these trains real slow, because what they built out there, in Blue Island and a few other places, just isn't big enough to support parking all these trains. So they have to go slow or park until the one that's going to Kansas City moves out. And since there's only fines, they park 'em there for two or three days. No one could get by. Kids have to go underneath, and it is a terrible problem. And it may be a problem that the solution is going to take a couple years. So, the reason I'm voting Yes to this bill is that I believe that a message has to be sent to the railroads that we're not going to stand for this. We know it's a very, very difficult problem for the railroads. We understand it. We don't want to stop their business from coming here. We understand it's a problem. The problem I have to the bill though, Senator O'Malley - but I am going to vote Yes to send a message - is that there's a section in the bill that talks about arresting and charging someone with a criminal violation. So now the ICC comes and says that there's chronic -- I forget the --

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chronic obstruction. Then what it does is, the State's Attorney can charge a manager. So if there's chronic obstruction - say, on a Saturday and Sunday the train's been cited five times, haven't moved - now, what it does, it allows the State's Attorney to charge any manager, even if the manager had nothing to do with it. It doesn't say what manager, if the manager had to be on duty. So there are some major problems, enough for me to know that this will probably not become law. And it will probably not be passed anyway. However, that being said, I want to make it clear that I think the railroad has made improvements, but certainly not enough that we should stop this type of message from being sent. So I am agreeing that the message has to be sent, but I don't think this bill will ever become law.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm agreeing not only to the message being sent, but that this bill be passed, because in my county - in Mundelein, for example - the trains, when they want to stop, they stop over ten minutes long and what have you, blocks the passage going back and forth. So if anyone has a heart attack, they can't even get to a hospital. This is ridiculous. They should be very mindful of their responsibility. But, for years, the Illinois Commerce Commission has had people staffing -- in it that used to be former railroad people. So, they've been -- they've had a lot of sympathy with them. It's about time we did the right thing. I think this is a good bill, and I commend Senator O'Malley for sponsoring it, because in one instance here where they block in a railroad crossing and the kids are waiting to go to school, when they crawl underneath the trains to get to school, is this what we want? For heaven sakes. Let's have some common sense. Let's vote for the

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bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. I would rise in support of this. In Transportation Committee, we have had this issue here and it has been several years. And I know sometimes it can get to be difficult for people, but it's also difficult for Senator O'Malley's area, and Senator Shaw has a similar situation. And it just seems that even though we've had talks - people are trying to do studies, IDOT is doing a study, they're trying to do a crossover for the children going to high school - but we need to keep that pressure up, because there can be serious time delays, as long as a half hour, an hour. There can be serious problems that can occur. So I would encourage everybody to support the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Just -- just briefly, or as briefly as I can be. I -- I think that this is -- as I introduced the bill, I said this is not a new issue to any of us. And I -- I sincerely appreciate the support of everybody who's supported it in the past, and especially those who have spoken today, even Senator Molaro's very constructive support message. I don't know whether this will become law either. This message is a message I would prefer that I did not have to be the sponsor of. I would prefer to be, as Senator Molaro has talked about, doing everything I can to encourage and support the development of commerce throughout northeastern Illinois, and throughout the entire State. We need to send a message. There's no question about it. The railroad

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folks are good people. I don't think they're intending to do terrible things. I can't believe that anybody sits in a boardroom and intentionally wants a child to get caught between a train, and I hope that that will never, ever, ever happen. I'm sure they don't want someone who has had a heart attack and is waiting for an ambulance to arrive and has to wait ten, twenty, thirty minutes because a railroad crossing is blocked, I'm sure they don't want that to happen, that that person cannot get a prompt response and get to the hospital when they need to. But the reality is, it is happening, and it's happening very frequently. And the message that we need to keep sending from this Chamber needs to be -- loud and clear. Illinois is a great State. Illinois is where ninety percent of the freight in the State of -- in the nation must come through, one way or another. And we want to see that commerce grow, but not at the expense of the quality of life and the public safety of the citizens of northeastern Illinois. This is a message that must be sent until they actually do something more than words. You've supported me in the past on this, and I would greatly appreciate your support again. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 531 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 12 Nays, 3 voting Present. And Senate Bill 531, having received the required constitutional majority, is hereby declared passed. Is there leave -- leave has been requested to have Senator Halvorson carry Senate Bill 542 for Senator Smith. Hearing no objection, leave is granted. On Senate Bill 542, Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 542.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is a very important bill, and before I explain it, I would like to acknowledge Janet Tolley and Susan O'Connor, who are here in the President's Gallery today, from St. John's Hospital here in Springfield, who have been a big help for this bill. So, I want to thank you for being patient and watching the proceedings. Senate Bill 542, as amended, would create the Nursing Mothers in the Workplace Act. It would require employees {sic} to provide -- unpaid break time each day for an employee who needs to have that ability to express her breast milk for her infant child at home. This would not be permitted if break time would unduly disrupt the employer's operations. I want to thank Senator Lauzen for all his help in committee also. Now, I think you've all received a sheet on the benefits, but I really just want to talk, that there are many economic benefits to this bill, as well. It does reduce the cost of health care. It reduces the tax burden on communities. It allows our women to go back to work earlier, if need be. And you know, it -- most of all, I think it -- it's got -- it makes increased employee loyalty, improved productivity and much better commitment. So I would answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in support of this bill. It was thoroughly debated in committee, and amended to appease the opponents, so there should be no opposition. And if we give a break for someone to go smoke a cigarette, which is unhealthy, we

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can certainly give a break to a mother to provide the milk to her child, which is healthy. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Halvorson, to close.

SENATOR HALVORSON:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 542 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 542, having received the required constitutional majority, is hereby declared passed. Senate Bill 550. Senator Parker. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Back in 1947, quick-take was originally conceived as part of eminent domain chapter which allowed the State to take immediate title to real property for highways, for public uses. Unfortunately, quick-take has taken on a new meaning to many. And particularly in my district, and I know in other areas, quick-take is being used as a negotiation tool to get a better price to take over smaller businesses for redevelopment. These businesses are typically the small mom-and-pop shops that don't generate as much tax revenue but are prone to be taken up by big developers. Many

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times these quick-takes are proposed to the General Assembly without notice that the -- to the property owners, so that they are not aware of what could happen to their property. What Senate Bill 550 does is try to start to help in these situations. And what it does is amend the Code of Civil Procedure's eminent domain Article regarding quick-take powers to state that property acquired by quick-take authority may not be transferred, by sale, lease, or otherwise, to a private individual or entity. It provides that a unit of local government may exercise quick-take powers to acquire property only within the limits of its territorial jurisdiction. It also requires, before the General Assembly may consider any amendment of the quick-take Section, all of the following must occur: One, a public hearing must be held. Notice shall be published in the local paper and members of the public shall be given the opportunity to ask questions and offer comments orally, in writing or both. Second, the governing body must adopt by a record vote a resolution requesting authorization to acquire the property for quick-take. Third, the following shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives: the adopted resolution, the legal description of the property, an appraisal of the fair market value, an explanation of the public purposes intended by the unit of local government. I would be glad to -- answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Will the sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Obama.

SENATOR OBAMA:

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Senator Parker, I -- this looks like a -- a well-thought-out and appropriate bill, but I do know that the City of Chicago and -- and other jurisdictions that exercise eminent domain powers still have some concerns on it. And so I -- I was wondering if -- if you could just indicate to me the -- the degree to which these procedural safeguards that you're putting in place will make quick-take not so quick. I -- will it essentially render quick-take obsolete? Is it essentially setting -- creating the -- a lengthy eminent -- much more lengthy eminent domain procedure, or are there some estimates in terms of the amount of time that will be extended as a consequence of the bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

We all understand that there is very often a need for quick-take. This does not make that procedure any longer. It actually -- it simulates some of the procedures that are in the resolution, which is going to be the proper way that the Senate Executive Committee is going to function as far as hearing these. Many of these things are already done. We just wanted to make certain that they are done. This is only a matter of notice. And it says not taking private to private. So they are -- it will not take any longer. It just gives proper notice.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Thank you very much. Just a couple more questions. On the -- not utilizing it for private purposes, is -- is -- I would assume that that currently is the law, is it not? I'm -- you know, on any eminent domain, whether it's quick-take or otherwise, you know, the government can't go in and take your property and then just give it to, you know, Senator Dillard just because they like

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him better. Presumably there's got to be some public purpose behind it. Is there an absence of that criteria in the quick-take statute?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Senator, quick-take is supposed to be for public purposes. Unfortunately, the law is silent on it. And that is why from private to private has become a -- a practice that's been taken.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Just last question then. On the -- you indicated to me that the -- one of the main issues is making certain that there's some sort of notice provisions and that there's a fair hearing on the part of the property owner. I'm just curious. Again, I'm not -- I don't practice in this area, so I'm not that familiar with the quick-take laws. Is there currently an absence of procedural safeguards in place? I'm not -- all these seem eminently reasonable. I'm just surprised that they're not currently in the Code.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Senator, in the current quick-take law, there are not the procedures that we have here available, and there is not proper notice. I can tell you that there was an instance a couple of years ago where a municipality came in, and the bill that they introduced into the House, they claimed that they were -- only wanted to take two parcels. They actually included sixty-seven parcels in that piece of legislation. And we don't want that to happen again.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Senator Parker, I -- I commend you on -- on the work that you're doing, and I think that this is an appropriate area for reform because I had gotten some signals from local jurisdictions that they had concerns about this. I intend to vote Aye on -- on -- on the legislation, but I would suggest that to the extent that you can arrive at some sort of consensus with the local jurisdictions that exercise these powers, to assure that legitimate public purposes are not being impeded by the legislation, I think that would be appropriate. So I would -- I will be supporting this bill, but I would suggest that there still seems to be some issues out there that -- that might need some tuning up.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I want to commend the sponsor, Senator Parker, on this outstanding piece of legislation, as well as President Philip. Property rights is a basic American right, and we should not just allow local governments to take people's property without due -- due course and having a hearing. I see nothing wrong with what is in this legislation, regardless of what local government may think, because property rights -- to have people take your property is nothing -- something that we should not take lightly. So I commend you on the bill, and I will be voting for it and urge everyone on this side to do so also.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Will the sponsor yield?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Jones.

SENATOR W. JONES:

I'd like to congratulate Senator Parker and Senator Klemm for their work on this fine piece of legislation. I think it's long overdue. My only question is, does it include all ten of the items in Senator Klemm's outline for us?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

No, it doesn't. It includes most of them, but he is a little bit more detailed in the resolution that he has for his procedures before Executive Committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

...sharing that with -- with my people back home. And I do think this bill is long overdue, because there have been some quick-take abuses and we need to stop it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

...you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Jacobs.

SENATOR JACOBS:

I think that a lot of the provisions you've got in here, Senator, are good, but can you clarify something for me? Under current law, if quick-take is taken by a local municipality, do they have to get approval of the General Assembly?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Parker.

SENATOR PARKER:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

You're sure of that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

That's something I have not been aware of, and -- because it would seem to me quick-take does not become quick-take if you want to do something that you -- you start the quick-take proceeding in June and we don't meet again till the following January, that means you have six months before you can start the quick-take procedure. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

That -- that would be correct. There is, however -- the municipalities have the right of eminent domain, which they can initiate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs. Further discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Petka.

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SENATOR PETKA:

Senator Parker, when this bill was initially -- when you initially filed it, you had a provision for a referendum. That has been removed, has it not?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

That's correct. That has been removed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

I would like to commend the sponsor for -- for her work on this bill and for her work in this area. It just seems that despite the opposition that may have been building in connection with this piece of legislation, that this is a -- a very, very plain and simple, straightforward solution to a problem. It will give us, in the General Assembly, more of an opportunity to decide whether or not units of government are, in fact, engaging in valid public purposes. In the past, those of us who've seen the way that this is operated, we will have seen a -- simply a freight train loaded up with all types of conveyances asking for quick-take, and the public purpose that was specified was a very dubious nature. To require these bodies to come down to Springfield and state publicly what the public purpose is, in -- in my opinion, is a very necessary first step in reforming this whole area. And I would hope that this would be the first of a -- of a series of bills that will truly restore the Fifth Amendment right of a person to the peaceful enjoyment of their property.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. And I agree with Senator Petka, and

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want to commend Senator Parker on her hard work here. I would also like to suggest that we maybe take this a step further with a situation that we had in -- in our area, where a school district wanted to take some property and it was clear and it's in the School Code that in order to build any type of a building, you need to have a referendum. And I think that if there would be a referendum necessary -- in -- in order to -- in order to -- to construct the building, that the referendum ought to pass before they have the quick-take. What they wanted to do is take the land and then, "We'll see what happens with the referendum", which my feeling is, is that the referendum was never going to pass and then we've already taken the people's land. So I would say that in a situation where there would need to be a referendum, such as the construction of this particular school building, that that also be considered as part of this legislation. I think this is a great start, and I do commend you on your hard work here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Parker, to close.

SENATOR PARKER:

Thank you very much for your kind comments, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 550 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. And Senate Bill 550, having received the required constitutional majority, is hereby declared passed. Senate Bill 556. Senator Burzynski. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 556.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Basically what this bill does is to establish standards for electronic transmission for funds from school districts from the State Board of Education to local school districts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 556 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 556, having received the required constitutional majority, is hereby declared passed. Senate Bill 557. Senator Silverstein. Senate Bill 558. Senator Rauschenberger. Senator Rauschenberger. Senate Bill 562. Senator Dillard. Senator Dillard. Senate Bill 571. Senator Watson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. This legislation creates the Manufactured Home Quality Assurance Act. It requires licensure of manufactured housing manufacturers and installers. And it creates the Manufactured Housing Quality Assurance Board.

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This bill comes to us from the various manufactured housing associations. There were some problems between the two groups. Committee directed us to try to meet and resolve the issue, which we did, and this is agreed to by all parties, as far as I know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 571 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 571, having received the required constitutional majority, is hereby declared passed. Senate Bill 602. Senator Halvorson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 602.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Senate Bill 602, as amended, states that a twenty-four-month driver's license revocation for reckless homicide will not commence until a prisoner is released from jail. What's been happening in the past was, while somebody is in jail, they've been serving their license -- driver's license revocation. And this won't start now till the person's released from jail.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 602 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 602, having received the required constitutional majority, is hereby declared passed. Senator Shadid, what purpose do you rise?

SENATOR SHADID:

Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SHADID:

I have a young man here named Chase Hagaman, who is here today as an Honorary Page. How about welcoming him to the Senate?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. Senate Bill 603. Senator Lauzen. Senate Bill 604. Senator Petka. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 604.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 604 would provide an affirmative defense of the charge of unlawful use of a weapon in a very, very limited circumstance. That circumstance would be in the situation where a person obtains an order of protection and then is found to be in violation of 21(a)(4) {sic} (24-1(a)(4)) or 21-4(a)(10) {sic} (24-1(a)(10)). What this basically does is provide a mechanism for an individual, who has been basically threatened, perhaps with that person's life, to defend that person, by himself. The -- the Second Amendment of the United States Constitution, in the Bill of

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Rights, provides that the right of a person -- or, right of the people to keep and bear arms shall not be infringed. This is a very, very modest proposal, in my opinion, which simply permits a person, who would usually be a woman, to exercise a constitutional right to defend themselves from a person who is an aggressor and this -- and who the victim has gone and sought judicial intervention in a court, before a judge, to protect herself. I would urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Just a couple questions, Senator, just for clarification. If someone has this protective order and they're in -- and Chicago is -- is where they live and they go down to Rend Lake in southern Illinois, can they carry their gun with them to -- to Rend Lake in southern Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

The -- the individual would -- would have a right to carry that firearm. As long as they were in compliance with all other rules of transport, Senator, they would be able to do it. In other words, they'd have to validly purchase that firearm. They would have to have a -- an FOID Card upon their person, but in the event that they obtained an order of protection, the -- the reason that they obtained that order of protection was that they had been -- had their lives threatened and had judicial intervention by way

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of an order of protection.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

If it was -- say, for the sake of argument, that it was a woman who was getting this order of protection. She did not have an FOID Card at the time. Would she have to get an FOID Card before she could get the gun with the order of protection?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

The answer is yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Just one -- one last question. Is it your feeling - I guess statistics supposedly state this - that putting a firearm into a domestic situation in the home may be a key factor in escalating nonfatal partner abuse to homicide. Do you feel that that's correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Senator, I'd answer your question if I heard it and understood it; I did not.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Let me -- let me try it again. Do you think that this will -- will enact more violence between the parties than -- fatal violence, compared to the violence that exists today?

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Petka.

SENATOR PETKA:

Obviously, I feel that it would not. And if I may explain, Senator, the individual in question would -- after they had been -- received the threat of great bodily harm, would have to seek judicial intervention in obtaining an order of protection. At that situation, the individual has threatened and usually it would -- again, the victim would be a woman, that in those circumstances, they -- they would have obtained an order to keep this person away. But in those -- away from the home. But if an individual leaves and goes out and does shopping or -- or perhaps visits a relative or it may be a question of having a -- a divorce situation and goes out on a -- on a social date, or with friends, under those circumstances, this is when this would trigger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Just -- I've been informed that great bodily harm does not appear to be in the bill, number one. And number two, also there appears to be nothing in the bill about the FOID Card. I assume that that is taken care under FOID provisions. But the other provision, as we understand it in the law, to the bill, does not address great bodily harm, that that has to be one of the criteria.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, it would not address that simply because we are amending the unlawful use of a weapon Section. We're not dealing with amending any provisions dealing with aggravated battery or aggravated assault. Only Article 24 of the Criminal Code.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Jacobs.

SENATOR JACOBS:

Again, to the last part of it -- the last part of the question, it appears that there is no requirement that you must show to the judge that there is great bodily harm. If, in fact, you know, you can give a good song and dance and you find the right judge, I guess he could give you one under any circumstances. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Well, Senator, I'm not going to use the Senate Floor to impugn the integrity of the judicial system. There is an ordered process that we have for obtaining orders of protection. We've been passing legislation throughout this term dealing with orders of protection and making it more accommodating for those who are victims of potential violence. And this simply is another way of looking at and protecting individuals who may be victimized by very aggressive behavior.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Just -- you know, because I want to vote for this and I'm just trying to get -- 'cause I think that, number one, you know, that whenever you look at something and you say, you know, should you be able to protect yourself when someone has threatened you, I think that that's absolutely correct. I'm just wanting to make sure that the bill's in proper order. And I'm not an attorney, as you well know, but there appears to be some things there that are not spelled out. And that's the reason for my questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Ronen.

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SENATOR RONEN:

Thank you, Mr. President. To the bill: I'm not a lawyer, so all of the discussion that -- that we just heard I think really masks the fact that what we're talking about right now is passing a bill that would allow conceal carry. And it's the first step towards doing that, maybe, for the whole population, and we're saying right now that one population, persons who have an order of protection. Now, while I'm -- I feel -- in one way, I'm kind of almost wanting to vote for a bill that would arm women and not men, I -- I just -- I don't think that's the appropriate public policy position to take, and I don't think that anybody -- anybody wants to live in a society where we are only safe if we're toting a gun. I think that's wrong, and I think it's bad public policy. I would also mention that this bill preempts home rule. May I ask of -- Mr. President, does this bill preempt home rule and how many votes will be required?

PRESIDING OFFICER: (SENATOR WATSON)

That's a legitimate request and we'll get back to you on that, if that's okay. Senator Ronen.

SENATOR RONEN:

I would just urge my colleagues to not support this bill. The sponsor talks about helping women who are victims of domestic violence. I would suggest there are many, many ways to do that, one of which would be to provide more funding for domestic violence services, which we've been very bad at doing over the past years. Rather than cutting them, maybe we should be supporting them at a greater level, maybe providing better services to women who are -- are -- are victims, who are in jail and now serving prison terms, maybe looking to help some of those. But I think this puts us on a very slippery slope. If you support -- if you support preemption of home rule, if you support conceal carries, vote for this. But this -- if you don't, I would urge

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everybody to look very, very carefully at -- at this bill and vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Will the sponsor yield for questions, please?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Obama.

SENATOR OBAMA:

Let -- let me ask you a couple of preliminary questions. These came up in debate during the committee hearing. And I want to give Senator Petka credit because when I asked most of these questions, the one thing I don't have to worry about with Senator Petka is beating around the bush. You know, he tells me what his bills are about and why he's doing 'em. But I do want to just establish some issues for the record, if you don't mind, Senator Petka. First question I'd like to ask would be whether your bill has any age restrictions in it, in terms of, you know, somebody receiving an order of protection and, hence, being protected from the application of a UUW.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, the -- the protections or the restrictions that you might -- that you have asked about are the same restrictions that any citizen of the State of Illinois has in connection with possession -- the lawful possession of a firearm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

And -- and those would be what? I mean, currently what would

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be -- so -- so what would be the restrictions that we're talking about? Could a -- an eighteen-year-old, for example, possess a firearm?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

The answer is yes, provided that they had received or obtained a federal -- or, a -- a Firearm Owner's Identification Card.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Now, I notice that back in 1995, I believe it was, or 1996, when you introduced your variations on conceal carry that would be applicable to the entire population -- and this is the reason that I raise the issue of the age restriction, just as an example. Although, I probably would not have supported this -- and, in fact, I was here and did not support this bill. Nevertheless, I will give you credit that in this bill you had a -- an age restriction in it. You had to be twenty-one years or older to be eligible for conceal and carry. You had to have been a resident of Illinois for at least the past five years. There were various other requirements. If I'm not mistaken, you had to have completed a firearm education and training course. You had to waive various privacy and confidentiality rights, in terms of applying for it. That would include juvenile court, criminal justice, medical, -- psychological and psychiatric records. So you had put in place a whole host of protections to ensure, presumably, that not just anybody was able to conceal and carry. And I'm just wondering why -- if we were concerned about conceal and carry with these protections, why we wouldn't be concerned in a situation in this bill where, as I understand it, we have not included any of those -- those protections?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

First a brief correction, Senator Obama. I did not -- I was not the chief sponsor of that legislation. It was Senator Dillard. Although I did strongly support it. Senator, you're -- you're a lawyer and I think you understand that the type of situation that I have in -- in connection with this legislation is an emergency situation; that is, a situation where a person has, in fact, sought judicial intervention and gone before -- into the courts of our State seeking protection from a person who has threatened harm to that individual. So that the -- the type of training and the type of -- the firearms training and the -- and the other -- different characteristics that you made reference to would necessarily not apply in this situation, because we are dealing with a situation of a person who has sought judicial intervention.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Let's discuss then, for a second, the issue of obtaining an order of protection. As I understand it, this is a ex parte procedure in which any one of us could potentially go before a judge, say that we are being threatened by such and such, or so and so, and if we were credible to the judge, if the judge deemed us to be a -- credibly presenting that there was some sort of threat, that potentially we could get an order of protection. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, that's certainly the case. That's the way it was

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designed to be, that individuals could seek the court, in seeking an order of protection, to keep individuals who threaten harm to themselves away from them.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Potentially, however, though, there's no real -- this is not a situation where the judge is necessarily doing an extensive evaluation of the sort that was contained in your bill back -- not your bill, but Senator Dillard's bill back in '95 or '96 - in terms of evaluating, for example, whether psychologically the person seeking the order of protection is somebody who should be carrying a concealed weapon down the street.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, this involves, in -- in very plain terms, almost an emergency situation. The individual that we are dealing with here will only enjoy this affirmative defense in two very narrow areas: that is, dealing with (a)(4) and (a)(10) of the unlawful use of a weapon Section. All other criterion of the Illinois Criminal Code as they deal with firearms must necessarily be followed. So it would -- and -- and you are correct. The individual appears before a judge and the -- and has to make certain representations. The judge uses the same standards that he uses in deciding whether or not he's going to give an order of protection to any other person. That -- that individual appears before the judge, the -- makes the representations and then, if it's an ex parte situation, you may have a hearing in ten to fourteen days.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

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Let me -- let me wrap up with just a few more questions. Pardon me, Mr. President. Let -- let me just wrap up with a few more questions here. Precisely because somebody who is seeking an order of protection is -- is in a potentially emergency situation, one of my concerns, I guess, would be whether the judge, now knowing that by issuing an order of protection is, in fact, also issuing a license to carry a concealed weapon, is potentially going to be more reluctant, rather than more willing, to provide an order of protection. And what I'm wondering is whether or not the judge, under this statute, is going to be authorized, for example, to say, "I want to give you an order of protection, but I don't want you to be going around carrying a concealed weapon." Is -- is that something that potentially a judge could do under this statute?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, I'm not aware, right now, as -- as I'm answering that question, whether or not the judge possesses that authority, but I do believe that -- take a step back. I'm not going to impugn the integrity of the judicial system anywhere in the State. Individuals have come before a court -- rather than simply running around on the streets and taking the law into their own hands, they have come before a court and they've asked for an order of protection. They simply cannot -- they cannot hope that every single phone call they ever make is ever going to be filled. Sometimes - just sometimes - they just need -- they absolutely need to know that if the police are not going to be there, that they will have a right to defend themselves. If they are charged in a county with unlawful use of a weapon, after they plead and prove that, in fact, they had obtained an order of protection, then -- then, and only then, would they be exonerated from a

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felony.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Well, I certainly don't want to impugn the integrity of the judges who are hearing these cases either, and so one of the questions I might have would be, did any judge who is involved in issuing orders of protection with respect to domestic violence initiate this legislation? Did they come to you and say, "This is really necessary. I feel like I'm not doing enough by issuing these orders of protection. These folks need to be carrying handguns"?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, no judge came to me and asked me to initiate this piece of legislation. However, I will tell you that I have talked to circuit court judges who think that in appropriate circumstances, it's a very wise piece of legislation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama, to wrap it up.

SENATOR OBAMA:

Does anyone in law enforcement support this legislation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, I don't know what you mean by "in law enforcement". I know I've had State's attorneys who feel -- who've told me privately that this is a good piece of legislation. I have neither sought nor has -- has anyone directly related to me their concerns, other than the three witnesses who filled out witness slips at the committee hearing on this. But I don't think that

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it's necessary for us to get permission from law enforcement in -- in asserting a Second Amendment right in a very limited circumstance.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Well, just to close this questioning, and I -- I appreciate Senator Petka's patience, as well as the indulgence of the rest of the Senate. As I stated in committee, Senator Petka and I disagree on the underlying premise that conceal and carry will create a safer citizenry in Illinois. And I think that's a legitimate debate and that's one, I think, that we should carry in a forthright and aboveboard manner. I am concerned on an issue of such import to the State - one that we have debated extensively in this Chamber, one that has been extensively debated in the other Chamber, one that's been extensively debated in the public - that we would potentially use the disturbing situation facing people who are involved in domestic violence situations as a potential Trojan horse through which we introduce the -- the notion that conceal and carry is appropriate in our State. If we think that conceal and carry is appropriate we should vote on it, we should vote on it up or down. We should make a decision that it applies to everybody, or it applies to nobody. For us to do it in this piecemeal fashion, I think, does a disservice both to victims of domestic violence, but I also think it does a disservice to the -- Illinois public. I would urge, at this stage, a No vote, not only because I don't think this is going to be particularly effective with respect to curbing domestic violence, but more importantly, because I think that this reaches into a much larger issue in terms of how we maintain safety in the State of Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Weaver.

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SENATOR WEAVER:

Move the previous question, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

There are six previous speakers. Five. Thank you. They are Senator Hendon, Molaro, Shadid, Geo-Karis and Parker. Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Shadid.

SENATOR SHADID:

I know there's been many questions already asked, Senator Petka, but I have a couple, I believe, or three or four, whatever. One of my questions is, this law will take effect, if -- if we -- if we pass it and the Governor signs it, it'll take effect everywhere in the State of Illinois?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, the answer is yes, because it amends the Criminal Code. Criminal Code, by definition, must apply to every county in the State. Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

In other words, in Chicago where it's illegal, by their ordinance, for anyone to even own a gun, it would then be legal for these folks who qualify to carry a gun in Chicago?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, that's inaccurate. This will provide an affirmative

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defense only when the individuals are charged under Sections (a)(4) and (a)(10). If there is any other reason for the person to be charged, this does not provide an affirmative defense. For you to make that characterization is simply misleading. It is not the case.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

I hate to disagree with you, Senator Petka, but the question I asked was: If the folks who qualify under your legislation carry a gun in Chicago, is that going to be legal in the State of Illinois and in Chicago?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

The answer is, it will not, unless the circumstances of this bill apply, and that is, that the individual has obtained an order of protection and is charged with a criminal offense, and under those circumstances, the individual must plead and prove, by convincing evidence, that they fall within what we know as an affirmative defense.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio. No, Senator Hendon. Excuse me. Senator Hendon. Oh, you -- did you want to speak again? Senator Shadid.

SENATOR SHADID:

Well, I still don't think you've answered my question, but I have to assume, then, if the person who gets a -- a domestic violence order and is eligible to carry a gun, they'll be able to do it in Chicago, legally.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

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SENATOR PETKA:

Senator, they can still be charged with the offense. They will have to prove, by -- by evidence, that they, in fact, fall within the protection that's afforded by this affirmative defense.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Could you tell me, Senator Petka, what is the -- how long does a domestic violence order stay in effect? One month, two months or...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

It depends on how it was procured. Ex parte is a short period of time. I believe it's up to two weeks, then you have to have a hearing. It can be extended up to six months.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Up to six months?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

And with further order of the court, it could be extended beyond that, up to, I believe, two years.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

I'm not going to ask the rest of my questions, but I just want to make a statement. When the NRA -- when you are an NRA member, you are encouraged to go to a twenty-hour firearm safety course. And now we're going to allow people, because they filed a domestic

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violence order - and I'm not trying to belittle that order or whatever - we are going to allow anyone, without any training, without an FOID Card, take a gun and carry it, and if they happen to get caught, they'll be charged with a misdemeanor by not having an FOID Card. I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. This bill is supposed to be to help domestic violence situations. However, there's been a couple of studies, and according to The Journal of the American Medical Association, putting a firearm into a domestic situation in the home may be a key factor in escalating nonfatal partner abuse to homicide. In a study of family and intimate assaults for the City of Atlanta, Georgia, in -- in 1984, firearm-associated family and intimate assaults were twelve times more likely to result in death than non-firearm associated assaults between family and intimates. And also, by The New England Journal of Medicine, just in October of 1993, a gun in a potentially violent situation makes it three times more likely that an individual in a given household will be murdered by a family member or an intimate partner. For all of the reasons that were stated before for -- that are absent in this bill and -- I would just urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

If I may respond briefly to the comment made by the distinguished Senator. Senator, it is already permissible for a -- for a person, if they have a -- a FOID Card, to have a firearm in the home. We're not dealing with a situation where the person has a firearm in the home. We're dealing in a situation where the person leaves the protection of their home and is out on the

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street and they have been threatened. That's what we're talking about here.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. This is a tough vote for some, especially those who've never had the situation where they needed an order of protection from someone. I've had that experience in my family with my daughter being beaten by this idiot who followed her some of -- everywhere. And the police could not follow her around everywhere where she had to go. He'd follow her to work. He'd follow her to day care. Everywhere. He was a stalker. He had a problem. He was a thug. My daughter had a right to protect herself. I believe Senator Petka's bill is simply looking out for people who've got an order of protection. This is not for everyone. This is for someone who has had a problem, a stalker, a rapist, an abuser, a beater, that they can protect themselves, because the police, who do a great job, simply can't be everywhere. The judges of this State are very intelligent. They will know what the law is. They will know what the circumstances are. I believe this is the way to go. This is -- someone said piecemeal, but this is a particular situation. You can't just go and get an order of protection just like you go in Dominick's and buy some bread. You have to show that there's a reason. I looked my baby in the face. I gave birth to her. I saw those black eyes and those bruises. And until the men in my family had a real serious talk with that fool, he kept beating my daughter. I urge an Aye vote for this bill, and I don't believe that anyone, reasonable people, will go abusing it just so they can carry a gun. My only question to Senator Petka is, once that order of protection is lifted, will that person's right to carry the gun then be rescinded?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator Petka.

SENATOR PETKA:

Under the circumstances that are described under the bill, in other words, in (a)(4) and (a)(10), in a public place or in a vehicle, the answer is, yes, it would be.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

I hope that answer clears up some reservations for some of my friends on this side of the aisle, because it's only while the order of protection is in effect. And again, I say to you, unless it's happened to you, maybe you don't understand, but if it's happened to you or a person in your family, especially your daughter, then you will understand why I'm going to support this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I always -- as a State Senator, I always get goose bumps whenever one of my colleagues start quoting the U.S. Constitution. I -- you know, it's -- it's always nice to hear what the U.S. Constitution has to say. Now, Senator, I'm going to ask this for the good of the Body 'cause I actually do believe that it doesn't preempt home rule, because it actually still remains illegal for someone to carry a gun in the City of Chicago. You put it in as an affirmative defense. So it's still illegal; it's just an affirmative defense. But I would ask a ruling of the Chair if this does preempt home rule?

PRESIDING OFFICER: (SENATOR WATSON)

Yes. The question was asked of the Chair earlier by Senator Ronen, and she made the inquiry originally, and the Chair is now

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prepared to make that ruling. The bill does address the area of criminal law and the State already occupies this area of regulation. It therefore requires thirty votes for passage. Senator Molaro.

SENATOR MOLARO:

Now, is it -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

The conceal carry bill, which we -- did not become the law of the State, does talk about training - just so we're clear - does talk about training and hours. This bill does not talk about any type of training that would be needed to bring this affirmative defense. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, you're correct. I do not believe that a person has to be trained to exercise a constitutional right.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

And it doesn't matter, when these order of protections are given - we're not going to go through that again; we all basically understand what an order of protection is - do you think that possibly it's a good idea that maybe the judge who's hearing this, maybe he can give some order, so we at least have some judicial discretion as to who can carry a gun and not carry a gun? Do you think that has any merit?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

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Senator, we already have restrictions under Illinois about who may and who may not carry a firearm. As I -- I've stated repeatedly, an individual would have -- in all other circumstances, have to be in lawful possession of that firearm. They would have had to have obtained a federal -- or, a Firearms Owner Identification Card, they would have had to have -- have lawfully purchased that firearm. And, you know, I -- I don't know how I can stretch it beyond that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

Well, I -- I just have to ask one more question, then I'll -- I'll wrap up my comments after that. Is -- is this bill gender-specific? I mean, because we talked about the fact that these women need protection. Is it gender-specific? So is it only that a woman can carry this gun, or can a man, if he has an order of protection?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

It is not gender-specific; however, I think that the statistics indicate that the -- well over ninety percent of all orders of protection are, in fact, sought for by victims of domestic violence who are female.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

Then, to the bill. I mean, let -- let's be clear on this. Even though it might only be ninety percent, it is certainly a fact that if I get into a beef with my neighbor or some other person and he pushes me or does something that I don't particularly care for, or batters me, I certainly can go to the

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courthouse and get an order of protection against him. Then I get my gun and go up to him and say, who you think you're going to push now, buddy, because I have my gun and I have my order of protection. Certainly can do that. The problem is -- the problem with this bill, which is even worse than a conceal carry, the good news about the conceal carry, or if there was any good news about it, was the fact that you'd be cool and calm, go get your gun and you walk the streets. Least you're cool. The last person that you want to have carrying a gun is someone who's -- already feel threatened. That's the last thing you want to do. Someone who has an order of protection in their pocket, they're already frightened. They're looking over their shoulder. You want to give them a gun? I mean, that's the worst person you could give it to. Second of all, if he's right and ninety percent of them are women, I mean, police officers have their guns taken from 'em all the time. I don't think it would ever happen to Dudycz or Munoz, but police officers have their guns taken from 'em. Can you imagine a hundred-pound woman who's never been trained, has no psychological training, no physical training? She's going to have this gun? All she'll do is make the situation worse because it's usually domestic violence. They're usually arguing. We're human beings. We -- anger takes over. And have some husband who may have slapped her, which is horrible - he should go to jail - now because she has access to a gun that he never had, he'll get the gun and now he'll kill her, when he didn't want to. This is the worst thing we can do. And I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I think Senator Hendon articulated it just right. As -- first of all, an order of protection is not given loosely by any judge. The victim

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has to testify, has to take -- and testify under oath. And there have been some horrible cases. I -- I used to handle stuff of -- like that. I don't anymore, but I can tell you right now, this is simply an affirmative defense. I think it's a step in the right direction, and -- unless you've been intimidated, you don't know. And like Senator Hendon said, his daughter was intimidated and beaten and there are others who've been beaten time and again, and you'll find that a lot of these fellows, even though they have an order of protection against them, just go ahead and violate 'em constantly. And if you think it's easy to sit in the position of a woman who's been beaten up badly, can't even see, and hurt badly inside, it's no joke. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Petka, to close.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. I'd first like to address the remarks made by the last speaker from the Democratic side of the aisle. The factual circumstance that he represented to this General Assembly could not exist. The order of protection may only be given to a person who is a family member, a member of a household or who has a threshold relationship, such as a dating relationship. The red herring that was tossed into this debate about individuals simply getting upset with their next-door neighbor and getting an order of protection simply does not apply. There have been a lot of excuses that have been thrown around in connection with this debate by those individuals who refuse to recognize what is inherent in our system of ordered liberty. A long time ago, two centuries and twenty-five years ago, our -- our founding fathers came -- gave us an idea of -- of ordered liberty and gave us an instruction that the way that we can protect our rights is if each and every person in this -- this nation have those rights, that all people, if they

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so sought and chose, had the right to bear -- bear arms. In this situation, we are simply asking the most vulnerable members of society, those individuals who have gone out and put out the upraised hand in a court of law, before a judge, and asked, very simply, "Can I be protected?" Now, there will be those who say, "Well, the way that you're going to get protected is from the police", and there will be those out there who will say, "Well, we just need more police officers", but I will tell you this: We do not ever want to live in a society where you literally have a cop at every corner and a cop at every door. We already have instructional models for that. We call them police states. We're distinctly different from those, quote, "police states", in that we have individual liberties, individual rights that need to be protected. What -- what possibly, what possibly could we lose by simply giving and empowering in this State an individual the right to assert their right to bear arms when they have already gone before a neutral magistrate and sought protection? For those who are saying that this is simply conceal carry in disguise, read the legislation. It provides a very limited, carefully crafted exception in situations where there is very, very grave danger, danger being so grave that they had to go before a magistrate or before a judge and seek judicial intervention to protect themselves. If the choice comes between them either defending their own very lives or being charged with a felony, it's really not much of a choice now, is it? I believe that they do have an individual right to defend, and your green vote on this will be a reaffirmation of the founders' dream that individuals, in fact, do have the right to defend themselves when they are being threatened. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 604 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 29 voting Yes, 27 voting No, no voting Present. Senate Bill 604, having not received the required constitutional majority, is declared failed. Bottom of page 9, Senate Bill 606. Senator Rauschenberger. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 606.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 606, as amended, is an effort to jump-start the consumer electric market. It provides for low- and no-interest loans under the strict supervision of Department of Commerce and Community Affairs and the Illinois Development Finance Authority. It permits a loan fund to receive grants and appropriations and provides for annual reporting to the Governor's Office as to the effect and effectiveness of the loan program. I would appreciate favorable support and would be happy to answer questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 606 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 56 voting Yes, no voting No, no voting Present. Senate Bill 606, having received the required constitutional majority, is declared passed. Senator Munoz, for what purpose do you rise, sir?

SENATOR MUNOZ:

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For the point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, sir.

SENATOR MUNOZ:

Thank you, Mr. President, Members of the Senate. Today I have with me two very special people in my life, my mom and dad. The last time they were here was for my inauguration, so I'm very proud to have them here with me today. If we can welcome them, I'd really appreciate it, and please don't hesitate to stop by and say hi to them.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Would you stand and be recognized? We're glad to have you here with us today. Congratulations. I'm sure you're proud of your son, as you should be. Senator Syverson, on Senate Bill 608. Out of the record. Senate Bill 629. Senator Bomke? Out of the record. We're on the top of page 10. Senate Bill 635. Senator O'Malley. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 635.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 635 creates a task force to explore ways to better coordinate the current library system. The appointments to the task force are to be made by the Secretary of State's Office, with the advice and consent of the Senate. Requires the appointments to be made by September 1, 2001. Contains provisions outlining what issues will be studied by the task force. The hearings are to be held statewide, and the recommendations are -- and findings are to

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be submitted to the Secretary of State, the Governor and the General Assembly by January 1, 2003. Be pleased to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just want to commend the sponsor for amending the legislation. It's an excellent bill in its amended form, and I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the -- the question is, shall Senate Bill 635 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 56 voting Yes, no voting No, no voting Present. Senate Bill 635, having received the required constitutional majority, is declared passed. Senate Bill 653. Senator Lauzen? Out of the record. Senate Bill 663. Senator Dillard? Mr. Secretary, please read the bill. Out of the record. Pardon me. Senate Bill 694. Senator Karpiel? Out of the record. Senate Bill 699. Senator Dillard. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 699.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an initiative of the Illinois Road Builders Association, and we discussed it a little bit on 2nd Reading. Senator

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Hawkinson had raised an issue with respect to especially farmers on private property, and I believe we have his concerns taken care of now. This bill provides that upon ninety days after written notice, if certain construction equipment is not cleaned up along highways, that the Department of Transportation is able to initiate a fine starting at five hundred dollars per day. And I'd be happy to answer any questions and appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I voted against this bill in committee because of my concerns for private owners of property. I've spoken with the Farm Bureau and others about those and they believe these procedures are adequate. And so I now stand in support of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

...stand in support of this bill also. I like to call it the "anti road rage" bill, so we don't have to drive by the construction site and see nobody working for a month or two at a time and everybody's getting angry with everybody else. So it's a good idea that you came up with, Senator Dillard, and I ask everyone here to vote Aye.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Dillard? The question is, shall Senate Bill 699 pass. All those in favor, vote Aye. Opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 55 voting Yes, no voting Present, no -- no voting No, no voting Present. Senate Bill 699, having received the required constitutional majority, is declared passed. Senator

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Cullerton, on Senate Bill 721? Senator Cronin, on Senate Bill 722? Senator Clayborne, on Senate Bill 725. Out of the record. Senate Bill 727. Senator Klemm. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 727.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 727 amends the Vehicle Code by requiring that DUI treatment programs must be completed in accordance with the rules adopted by the Department of Human Services. At the request of the Bar Association, Amendment No. 1 allows a court, in its discretion, to order a treatment program that may be a little bit different than the Department of Human Services' rules, at least for a first-time DUI offender. Otherwise, if they were a second- or third-time offender, they would have to at least meet the treatment. I do ask for your passage.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 727 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 56 voting Yes, no voting No, no voting Present. Senate Bill 727, having received the required constitutional majority, is declared passed. Senator Roskam, on Senate Bill 729? Out of the record. Senator Bomke, on -- out of the record. Senator Cronin? 747? Mr. Secretary, please read the bill.

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SECRETARY HARRY:

Senate Bill 747.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 747 amends the Juvenile Court Act, and it adds to a laundry list of factors that are to be taken into consideration when making a determination about the best interest of a child. It adds a factor -- is -- the factor is the child's need to be adopted by a married couple. I know this has created some controversy, but this does not, in no way, shape or form, create any preference. If you look at the law as it currently exists, Section {sic} (paragraph) 4.05, it talks about best interest determination, and there is a list of different factors to be considered. They have the physical safety, welfare of the child. They talk about the development of the child. They talk about the child's background and ties, including familial, cultural, religious. They talk about parent figures, siblings, church, community. My only point in bringing this to the -- to your consideration to include in the law is the institution of married couples: Can they be considered just like all these other factors? No more. No less. A factor. Not a preference; a factor. I ask for your favorable vote, and I ask -- I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I -- I just rise in opposition to the bill. I appreciate your remarks, Senator Cronin, but I -- I

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-- in all due respect, I think by adding that category, a married couple, you do give preference. There's no other combination mentioned. We don't mention single women. We don't mention unmarried couples. So I think by putting it in there, we are giving undue preference to married couples, and I think what has to override the decision to allow people to adopt is what is in the best interest of the children - clearly, only that. And the other factors that you have added to all deal with that issue. This is the only factor that -- that points out the composition of the family. And in a day and age where we want to encourage adoptions and make sure that we find loving homes for as many children as possible, I think this could be something that stifles that process. So I would urge my colleagues to vote No or Present.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, just briefly. I agree with the previous speaker. I'm -- rise in opposition to -- thank you, Mr. President, Members of the Senate. I rise in opposition to the bill. There are people that I have talked to who -- it was indicated, you know, they're -- they're not married but they have children and they would like to adopt more children, and that's a good thing, I think. But the problem is, with this bill, we seem to be giving a preference and putting them -- a married couple ahead, and for that reason, I would indicate that I don't think it's a good idea and we should ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Parker.

SENATOR PARKER:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Cronin.

SENATOR PARKER:

Okay. You're putting in a -- a preference for the married couple and -- well, it's fine with me if you are, but I'm -- I'm asking you. You're putting in that that would be something taken under consideration in the best interest of the child. Okay. And then they would look at that first? And if that isn't the case, how would the process work?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

I would suggest that -- that those who may be inclined to vote No on this may be biased in opposition to married couples. I -- your logic is no more consistent than -- if you look at the laundry list here, it talks about they have to take into consideration a child's community ties, including church. Does that mean if a child does not have a tie to a church that they don't get to be adopted? I mean, it says take into consideration a child's school. Does that mean that if the child doesn't go to school, that they're not going to be eligible to be -- I mean, if you consider the factors and you put it in the context of all the other considerations, why is it that we're excluding married couples? So this is not a preference; it's just a factor to be considered. It had the support of the Department of Children and Family Services.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Senator. You've answered my question. And to the bill: I'd rise in support of this and I would suggest that you look at your analysis and see that DCFS is also in support of this, and if anybody has -- has the experience in working with

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children and seeing where the best interest lies, certainly they are in a lot of difficult situations. The man and woman that are married is an important factor, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to commend Senator Cronin on this initiative, and I think we need to take a step back and look at the big picture here. The big picture is that we have made repeated -- attempts over the years and one of our Senators has Senate Bill 24, which tries to drive towards this, which is to create an environment where marriages flourish in Illinois. And why do we do that? Why is that important? Why is the federal government debating a marriage tax credit? Because marriage is one of those fundamental institutions that is the building block of our society. If you look at the Illinois Department of Corrections and were to survey those people who are currently incarcerated, the data comes back time and time and time again that the people that end up with the greatest trouble over a long period of time are those without a father figure in the home, those who have -- you know that's -- that's not to say that it's true of every case, but, my goodness, time and again the evidence suggests that this is a good thing. What Senator Cronin is attempting to do is to put this among a -- a group of factors that DCFS is to consider on where they place children who are highly at risk. Who is more at risk today for having severe difficulties in the future? I would argue that there's probably no more child that's at risk today than somebody who is a ward of the State of Illinois. And Senator Cronin's approach is measured. It is not an attempt to say that only married couples can adult -- can adopt children, but it says, "Look, common sense should prevail." A -- a married setting is a

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good, wholesome, solid setting, and I would submit on the Senate Floor, probably the best setting possible for children to be raised in today. So I would urge an Aye vote, and I congratulate the Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Radogno.

SENATOR RADOGNO:

Does it -- would this in any way prevent, say, a single individual from adopting a child?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Absolutely not. In fact, for emphasis, I -- I wanted to add, and I was going to wait for my closing remarks, again, in no way, shape or form does this create a preference. In fact, I have personal relationships with at least one family member who is a single woman, and I am helping them adopt. No way, no possible way, does a married couple, simply by virtue of the fact they're married, mean that they are better. There are single persons that can provide a loving home and there are many dysfunctional married couples. No question about it. But I think if you look at the law and you take the big picture and you don't have a bias or you're not concerned about being too insensitive to people who are not married, I think that you -- or, it's a fair recognition of the institution of marriage to have it a factor to be considered. But no way, shape or form should a single person be precluded if they can provide a loving home, not by virtue of simply their status of being not married. No.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, Senator Cronin, to close.

SENATOR CRONIN:

We've stated it pretty clearly and I understand this creates a little bit of discomfort for folks who are sensitive to other types of relationships and other types of individuals who -- who are out there in the world today. All we're saying is that as a factor, let's -- let's not -- let's not be biased against them. We're talking about church. We're talking about community. We talk about parental figures in the law. Why are we excluding married couples? It's kind of silly. So let's -- let's -- let's just look at it as a factor, but in no way is it controlling. It's not a preference. I ask for your Yes vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 747 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 39 voting Yes, 2 voting No, 13 voting Present. Senate Bill 747, having received the required constitutional majority, is declared passed. Senate Bill 750. Senator Radogno? Out of the record. Senate Bill 753. Senator Philip? Senator Philip on the Floor? Out of the record. Senate Bill -- Senator Ronen, for what purpose do you rise, ma'am?

SENATOR RONEN:

A point of clarification. I -- my light went off. I intended to vote No on the last bill.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Senate Bill 759. Senator Burzynski. Out of the record. Senate Bill 795. Senator Lauzen. Mr. Secretary, please read the bill.

SECRETARY HARRY:

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Senate Bill 795.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President and Members of the Senate. Senate Bill 795 is the result of a drafting oversight five years ago. At that time, there was a sixteen-percent reduction across the board in unemployment insurance, but those employers with the lowest experience rate, those who used the unemployment system the least, only got that tax benefit for one year, and so that doesn't make much sense and it's not right. And so this is trying to correct that. For each individual employee, it represents nine dollars across an entire year. So it's nine thousand dollars times one-tenth of one percent. In aggregate, it's six to ten million dollars, according to estimates. Across a two-billion-dollar fund, that's one half of one percent of the -- the trust funds that are held in Washington, D.C. But on the other hand, it is important because forty-two percent of the employers, mostly small employers in Illinois, have that lower experience rate. So when it became law across the entire State five years ago, unfortunately, this group that does the best -- has the best experience rate only got it for one year. This is attempting to correct that oversight. Be happy to answer...

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. We voted in committee to get this to the Floor to continue the conversation of what we needed; however, we feel that the conversation wasn't as good as it could have been. I'd like to just make a few points

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before urging the Body to vote against this. Basically, we feel that fairness is in question here. Businesses have received a three-hundred-million-dollar tax cut in ninety -- in 1996. The workers have not received benefit improvements. In fact, when the trust fund went bankrupt in the early eighties, workers benefits were cut and they have not even been restored to that pre-bankruptcy level. The money in the UI Trust Fund does not belong to employers. They pay it as a benefit for workers in exchange for their labor. The benefit to workers is that they have a safety net in case they lose their jobs. It is no more the employers money than the money in the Social Security Trust Fund. If we really want to put money back into the economy, the fastest way to do this is by helping unemployed workers have money to buy things, which immediately helps Illinois businesses. Solvency is also in question here. With all the recent layoffs in Illinois, now is hardly the time for a tax cut. There are more workers drawing benefits, and if the economy declines, we could see many more workers in need of these benefits. Illinois' UI Trust Fund solvency is very questionable. According to the U.S. Department of Labor, Illinois' trust fund is the fifth least solvent trust fund. The USDOL suggests we increase our trust fund, not decrease it. So I urge the Members to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. We had this bill in -- in Commerce and Industry and I would urge an Aye vote. These are the employers. You know, the employees only come if they have an employer, and if there's a two-billion-dollar amount of money in there, certainly some of that can come back to them because they're the ones paying it in. They can put it back into the economy, they can create more jobs, and that is better for

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everybody. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you, Mr. President. The Illinois Unemployment Insurance Trust Fund stood at 2.1 billion dollars at year end in 2000. So when people talk about insolvency, I -- I -- unfortunately, I think that that is very misleading. When the Illinois General Assembly last passed tax relief measure, the trust fund stood at 1.6 billion, and I remember the person I believe sitting in the same seat as the speaker on the opposing point of view said that we were going to bankrupt the fund. Well, not only didn't it go to zero, it didn't even go to the nine hundred million that we needed in reserve, it didn't even stay the same at 1.6 billion, it went up by five hundred million dollars, and that five hundred million dollars could be spent and invested in this economy a lot better than sitting in a bank account in Washington, D.C. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 795 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 Noes, none voting Present. And Senate Bill 795, having received the required constitutional majority, is hereby declared passed. Senate Bill 796. Senator Lauzen. The bottom of page 10, in the Order of Senate Bills 3rd Reading, is Senate Bill 797. Senator Lauzen. Top of page 11, in the Order of Senate Bills 3rd Reading, is Senate Bill 832. Senator Rauschenberger. Mr. -- out of the record. Senate Bill 844. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 844.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We need to change the legislation on the voting board. This is a DCFS administration bill, and the proposal seeks to change several sections of the Probate Act, including who may act as a guardian, the appointment of a guardian, the venue of a pending proceeding when a minor has relocated to a different county, the determination of paternity for purposes of reasonable visitation, and the appointment of a successor guardian. DCFS supports this legislation because it expands the Department's options when considering the best interest in the placement of a child. And without these numerous changes, sometimes the best interest of the child cannot be met. I want to explain one provision in here that I want everybody to be clear of, and at first blush, it made me and I know Senator Hawkinson, the Chairman of the Judiciary Committee, do a double take. But there were examples from witnesses in the committee as to why, following a court proceeding, it might be in the best interest of a child to allow this to happen. And we have written -- in an amendment, Amendment No. 2 to this bill, which we adopted on the Floor the other day, we've drawn this as tightly as possible. But, after a hearing and it's upon the court to allow this, a relative is able to serve as a guardian if they have an old felony conviction and the court finds it's in the best interest of the child for that person to serve as a guardian. A non-relative will not be able to serve as a guardian if they have a felony conviction. And we have explicitly put in the law that the felony conviction could never

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have been something that was a crime against a child, and obviously we've -- we've -- we would not allow sex offenders to do this. But there are some instances in the real world where somebody may have committed a white-collar crime fifteen or twenty years ago, and in trying to find the child the appropriate placement, perhaps the -- the best interest of the child is to be - and in the case, if I remember, from committee - with a grandfather who had a problem twenty years ago, nothing at all that would probably make somebody nervous. But, nonetheless, I want everybody to understand here, after a court hearing in limited circumstances, more than ten years out from the felony, under the Probate Act, somebody who is a felon could be -- become the guardian of a child. I'll be happy to answer any questions and, again, would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Since my name was mentioned in debate, I just want to make it clear that I'm opposed to this bill, even after the amendment. It was mentioned that this might be a white-collar felony more than ten years old, but the fact is that only, I think, sex offenses are excluded from this. And it could be any crime of violence, any kind of drug sale or drug offense, and I don't think it's a good step to start having felons qualify as guardians for children. So I -- I rise in opposition to the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any -- any further discussion? If not, Senator Dillard, to close. The question is, shall Senate Bill 844 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

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question, there are 9 Ayes, 43 Nays, 2 voting Present. And Senate Bill 844, having failed to received the required constitutional majority, is hereby -- declared failed. Senate Bill 847. Senator Rauschenberger. Senate Bill 885. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 885.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation expands the rebate program that is currently in the KidCare plan to offer the rebate program to all children in the program, as opposed to just a selected class, which was part of the original program. I'll be happy to answer any questions; otherwise, I think this is a great step forward in offering expanded coverage for children.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 885 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 885, having received the required constitutional majority, is hereby declared passed. Senate Bill 902. Senator Watson. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 902.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Watson.

SENATOR WATSON:

Thank you very much, Mr. President. This bill addresses an issue that I think we all have a lot of concern about and that is the savings situation that we have in -- in -- not only in this State but in this country. People just aren't saving money. We're trying to create an incentive for them to do so, and while they're doing it, we're also asking them to participate in their child's education. One of the two good things that we've done in the last several years was establish the Illinois Student Assistance prepaid tuition program called College Illinois!, and then the Treasurer's Bright Start Program. Just -- just to give you an update in regard to both those programs, currently there's seventy-seven million dollars in funds that have been deposited in the Treasurer's Bright Start Program, over fourteen thousand participants. And in the College Illinois! program, in 1999, there was sixty-nine million dollars in contract payments, and in calendar year 2000, there was fifty-one million dollars in contract payments. What this legislation would do is allow an income tax deduction equal to the amount contributed to both these particular programs and that would -- beginning in the taxing years ending or after December 31st of 2001. So I'll be glad to answer any questions; otherwise, I appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Klemm.

SENATOR KLEMM:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Klemm.

SENATOR KLEMM:

I understand seventy-seven million had been put in the Treasurer's account. With the market being what it is, how much

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is the value then of the investments that we have to pay for these educational requirements?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Seventy-seven million does include the amount that's invested and the amount of -- of return. It's in -- it's invested in very conservative funds, from what I understand. Obviously, with the market as it is, there's been -- it's not flourished, but it hasn't had, necessarily, a problem either. There hasn't been a negative reduction, from what I understand.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

So the investments have held their own while others have gone down? What? Have they been in bonds or something? I was curious because I -- I realize the State would have to make up the shortfall, and I didn't know if we had any dollars in the budget to make up a shortfall for those children, perhaps, going to college or going to need those dollars now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, all I can tell you is that they are very conservative investments, and we would certainly hope that the integrity of the fund would be maintained.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. I wonder if the sponsor would yield for a question or two?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Sponsor indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

To the sponsor, don't we already, as taxpayers and as a General Assembly, participate in ISAC's College Illinois! by guaranteeing the investment stream will equal the tuition for the University of Illinois, as a benchmark university?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

The answer's yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Are you aware that with the enlightened tuition policy of the University of Illinois and their decision to substantially raise tuitions, that we already have a shortfall in College Illinois!?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

No, I'm not aware of that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just for your information, in Appropriation discussions yesterday with ISAC, they mentioned that they will have to raise next year's College Illinois! cost by over seventeen percent to adjust both for that and for their market conditions. And just to the bill, we -- we have a simple income tax in Illinois, without a lot of credits and deductions. We try to preserve those credits and deductions for things where we want to influence public policy in a dramatic way. I know the sponsor's well-intended, and I personally am a big supporter of the MAP program. We have the

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second-largest Monetary Award Program in the United States, the largest by population. Only New York is slightly larger than ours. I just think entering into tax deductibility for College Illinois! and for Bright Start is one step too far. The taxpayers are already in line to guarantee both of these things and are participating in their costs. I just think that, you know, maybe we ought to leave the income tax code alone and let Bright Start do it's commercials and -- and College Illinois! do it's brochures, and kind of stay out of our tax code.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Watson, to close.

SENATOR WATSON:

Yes. Just -- we're not raiding the treasury by what we're trying to do here. The approximate cost in the College Illinois! program would be roughly two million, and in the Treasurer's program, the Bright Start Program, it'd be one million. I think what we're trying to do is create an incentive and -- for people to save for children's costs of going to -- to higher education. And as previously was mentioned, we're seeing the -- the costs of higher education literally skyrocket, and as a result, some people are -- being left behind, and I don't think that's -- that is a good public policy, obviously, for us here in Illinois. This kind of program would help drive more money into savings for those young people who would like to encourage their education. So I'd ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 902 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. And Senate Bill 902, having received the required constitutional majority, is hereby declared passed.

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Senate Bill 914. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 914.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. What Senate Bill 914 does is -- when we moved the adult education from the State Board of Education to the Illinois Community College Board, we have federal dollars that come in to support that program, and we need a fund to deposit them in. And this simply sets up that fund under the Illinois Community College Board, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 914 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 914, having received the required constitutional majority, is hereby declared passed. Senate Bill 921. Senator Lauzen. With leave, we will return later to Senate Bill 926. Senate Bill 930. Senator Parker. Senate Bill 933. Senator Petka. Senate Bill 941. Senator Robert Madigan. 943. 944. Senate Bill 945. Senator Karpiel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 945.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 945 amends the Election Code to provide that the political party of a township that first files its caucus nomination papers in the office of the township clerk shall be the first party listed on the ballot for the consolidated election. If there is -- if both parties are there at the same time, the township clerk shall determine by a fair and impartial method for the order on the ballot -- of the ballot placement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Larry Walsh.

SENATOR L. WALSH:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

The sponsor indicates she will yield. Senator Walsh.

SENATOR L. WALSH:

Senator Karpiel, I know we debated this issue in committee. One question: What is -- what initiated this issue to be brought forward to change?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Well, I think there were several townships that had their -- their caucus filings, you know, at the township clerk's office to certify and then -- and the other party wasn't there, and then at a -- a time later, maybe a couple of days later, they had the drawing and the party that was there first might have ended up on the bottom of the ballot. So this is to make it so that the party that's got its act together and has got its papers ready to file and is there at 8 a.m. on the first day of filing, gets first on

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the ballot. Now, if they're -- both have their -- their act together and they're both there at 8 a.m., then they draw out of a hat, something.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR L. WALSH:

Well, thank you -- thank you, Senator Karpel. To the bill: Years ago, this General Assembly changed the rules that just changed what Senator Karpel is trying to bring back, for a more equitable and fairer way of determining the placement of parties on the ballot, instead of the process of the first one being at the clerk's office. In -- in our committee this past spring, with a number of election bills that came forward, the words that we always used was -- the words that we always used was: If it isn't broke, why fix it? Yesterday, there was over fourteen hundred and forty township elections held and most of 'em went without a glitch. This is not a downstate or a suburban or -- or -- or a collar county issue. This is an issue that many of our township clerks are on a part-time basis. They do not hold regular office hours. Many of our township clerks actually operate offices very efficiently out of their homes. And I believe that if we go back to this method again, as we debated last week on another issue, that I think we are going to show the -- the voters of Illinois that we're taking a step backward, that the chances of impropriety stepping forward and somebody saying, "Well, my clock said it was 8 o'clock already", and somebody else says, "Mine only showed five till". The chances of opening that door for these to take place is going to increase. We have a system here that has worked, and the system is the same as what Senator Karpel is going to use once -- if both parties are there right at 8 o'clock. This Body offered a threshold of about a week to ten days to get the certificate of nomination to the clerk, which there was no need to

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hurry. Everybody was treated equally and fair. And you drew a lottery, short straw, whatever it may have been, to determine the placement of the ballot. I think it's been a good one. I think the general public believe that that's the fairest way, and I think that's the way we should leave it. I urge a No vote on 945.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel. Senator Karpiel, to close, if there's no further discussion.

SENATOR KARPIEL:

Thank -- thank you, Mr. President. Well, first of all, let me say that I think -- think the system is broke, and that's why we're trying to fix it. But don't forget, while Senator Walsh is talking about how this will be such a terrible thing to do and -- and the public will be all upset and all these terrible things are going to happen, that's the way we file. We have -- there are seven days to file and we go and the first one who's there to file their papers is the first one on the ballot. That's why we -- we wait in these long lines when we're filing our papers. And it's -- we're just saying that it should be the same thing for a township election, that the first person to file should be first on the ballot. If they're both there at the same time, then you draw. I don't know why it was ever changed. And let me also talk about that poor township clerk who may be operating out of her house. The township clerk is an elected official who ran for the office, who is sworn to uphold the duties of his or her office, including being the custodian of all records, papers of the township and all that type of thing. So it is the township clerk's responsibility and duty to be there on the first day of filing and every day of filing, and that's what he or she runs for the office for. And also, I want to just close by saying this vote came out of committee 8 to 1. I'd ask for an Aye vote. Thank you.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 945 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 13 Nays, none voting Present. And Senate Bill 945, having received the required constitutional majority, is hereby declared passed. Senate Bill 946. Senator Karpiel. Senator Karpiel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 946.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I have another very good election bill. This one, 946, as amended, authorizes any township board of trustees to, by ordinance, approve straight party voting, straight party only for -- for partisan voting for township offices. What it -- what it does is, is that a township, by ordinance, can -- can pass -- well, can pass the ordinance. It has to be within -- seventy-eight days prior to the consolidated election that they will run a straight party voting. And that's, as I say, only partisan parties. We're not talking about the Independent party and all that type of thing. And it requires the township to certify the passage of such an ordinance to the election authority who's responsible for printing the ballots.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Walsh. Larry Walsh.

SENATOR L. WALSH:

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

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Walsh.

SENATOR L. WALSH:

Again -- again, Senator Karpziel, we -- we did a good job of debating this issue in -- in committee. Just a couple of issues toward the bill. Again, in 1997, this -- or, the General Assembly eliminated the section in regards to straight party voting. And I find it somewhat difficult to understand why we are coming back now, after this has been -- seems to have been working, that now we are going to pick and choose the times that we want to allow straight party voting. When the section of straight party voting was taken and eliminated, all the issues that dealt with straight party voting was eliminated from the statutes. This bill does nothing more than allow straight party voting for selected townships that wish to do it. It does not authorize any of the other items, other -- other chapters or other statutes that gave direction about straight party voting back into the statutes. The other difficult thing is allowing townships to -- to pass an ordinance on whether they want to have straight party voting or not is going to be a nightmare for our county clerks. In many downstate districts, we have what is known as a multi-assessment district, because a lot of townships don't have an assessor for each township. If a township -- one township decides they want to have straight party voting, the other township doesn't, is that a unfair advantage to that candidate? So I think that, again, I believe the system has worked well. I think we should leave it alone. I can just foresee a situation arising: When we go into vote, the first page you come to is township government, and on the top of the ballot will be a circle to punch for straight Democrat, straight Republican. Somebody uses that, closes the ballot, walks out thinking they are done voting. All the school districts, park districts, et cetera, that are underneath on the

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next pages will not be voted on. Again, I think we are creating a situation where it's going to be very difficult, going to be hard to understand and I believe that we should be going the other way and simplifying our voting procedures, not making them more difficult and confusing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Peterson.

SENATOR PETERSON:

Senator Karpiel, I need some clarification. You talked about partisan straight party voting, but there are also local parties that file. So if a party -- let me kind of clarify this, hopefully. If somebody -- if the caucus -- nominates a Democratic slate or they nominate a Republican slate and then the local group, say the -- the Citizens party wants to form a slate, they can't have straight party voting, but the Republicans and Democrats can?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, I -- I was under a -- a misapprehension on this bill myself. Yes. Any slate can be -- can be voted on a straight party. It has to be a whole slate, however.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Link.

SENATOR LINK:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Sponsor indicates she will yield. Senator Link.

SENATOR LINK:

First of all, Senator, I want to go back in history a little bit, and I want to thank you for the elimination of the straight party punch, and so do my Representatives thank you. But one of the things that we were talking about in committee on this, and Senator Peterson alluded to it, the fact is, with the exception, I think, of two townships out of the eighteen we have in Lake County, they run on Independent party or the Progressive party or that. Why should they be discriminated against?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, I just answered that. If they have a whole slate, they can have a -- a -- one punch for the straight -- for the whole party.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

In committee the other day, you indicated that it was only the two major political parties that would have this opportunity, none of the others, so I'll ask another question. How -- how can it be in the committee it was one way and today it's a different way?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

I apologize for that. That's why I answered Senator Peterson the way I did. I was under the -- I mean, I thought -- in committee, I thought that it was only the established political parties.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

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SENATOR KARPIEL:

Now -- now I am being told by my staff that it's any party that has a whole slate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Okay. The other -- I think that's clarified now. The other question is, is in the -- in the case of picking and choosing, as Senator Walsh alluded to, is each township. We -- we have had times where there's been confusion in -- in the county, as far as the ballots, because, as we know, our lines are drawn over, where sometimes you may have three or four or five different ballots per precinct in relation to what district they're running in, because you might be running in a -- one city -- part of a -- a precinct would be in one city but, yet, in a different township. And you have a lot of division of that -- they would all be on township lines. Would this not be very confusing, not only to the voter, but to the clerk to design this ballot and have it to where the straight party punch would be for the township and not for the municipal election? Like yesterday, for example, we had in Waukegan, which goes into three different townships, you may have had one of those townships have the straight party punch and the other two not. Would it not be very confusing to the -- to the voter and to the clerk in designing that ballot?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, I don't think it would be any more confusing than it is now. We have the same thing out where I'm from. Our -- our township, for instance, of, say, the Village of Bartlett. The Village of Bartlett is not only in two separate townships, it's in two separate counties, and the -- they're able to print up the

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ballots correctly so that everyone on the township level -- if the township board had passed this ordinance, it would say at the -- at the top of the township portion of the -- of the ballot "straight party voting". And then it would go into the municipal, and every precinct would be different as far as they're municipality, as far as their school district, as far as a lot of things, except they would all be in the same township.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

First of all, I think you answered my question in a way I wanted it answered. You said it's already confusing, so we would be -- be adding more to the confusion. And I don't want to pretend that I'm a total expert on this, but in the lineup of a ballot placement, you have straight party punch on the top of the ballot, then you would have your municipal elections first, then you would go into your township elections. So you would have to line up that ballot by taking -- that person would walk in there, Democrat or Republican, and if they saw the straight party punch, push the straight party punch, Democrat or Republican, and yet they would think they're voting for the municipal election but they wouldn't be voting for the municipal election. They would be voting just for the township election. So that favorite mayor you might have would think they're getting a vote but they're going to be losing a vote. So would this not add to the confusion and would we not have to change a lot more parts of the election laws to cover this, like where the placement of the straight party punch would be?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, could you restate your question? I -- I....

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

I don't know if I can remember it, Senator, but anyway.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel. Senator Karpiel.

SENATOR KARPIEL:

I was just going to say I was with him up until the very end, then someone talked to me and I didn't hear the question part of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

The question part would basically be, would we not have to go back into the statute of the Election Code and change the way we design ballots because, like I alluded to, that the straight party punch would be first, the municipal election would be second, the township election would be third, in the placement of the ballot, so that person would think they're voting for the municipal elections, but yet they would be voting only for the township. So wouldn't we have to go in there to confuse the voter and the clerk even more by putting that township in a different location with the straight party punch?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

No. I would think -- I would think that the straight party voting would be only -- on the ballot only before the township part of the ballot. But be that as it may, whatever I think or you think or we think however the ballot is going to be designed, it will be up to your county clerk in Lake County, a very good clerk, I understand, and we in DuPage County have a board of

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election commission which also does a very good job. And I think it will be up to them to figure out how to design the ballot and I think they'll do an excellent job.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

In closing, I -- I have to say I respect the sponsor a lot, and I -- I like this. We could dispute about the county clerk, but that'll be a different subject matter. But I -- I would strongly say that as -- as we've talked about a lot of election law bills, we've talked about other bills, and the statement keeps coming up: If it isn't broken, don't fix it. I don't think this is broken. I don't think we have -- by the elimination of the straight party punch, we have not discouraged anybody from voting. We have had the numbers up in -- in every area. I don't think Democrats on my side of the aisle can complain at all about the elimination because of the fact the numbers in Democratic areas are still as heavy. The Republican areas, I feel, that are still just as heavy. So if we're looking at a partisan way, we haven't changed it. I think we'll be disfranchising a number of voters. We would be confusing the voter even more by pinpointing and just allowing certain people to do certain things. I think this is a very bad precedence that we would -- setting, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Jacobs.

SENATOR JACOBS:

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Senator, just a clarification, if I could, of Senator Peterson and Senator Link's question. Would you define a whole slate?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

From what I understand, Senator, it's -- the State Board of Election says that any political party that files an entire slate - that means someone is running for every office - could run as -- you could have a punch for the straight party.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

The problem with that is, as a Democrat and/or as a Republican slate, if you chose to do so, could have every -- every office filled except one, and they would still be on there as a slate because you're giving them the authority. But I think in answer -- or, in -- in regards to Senator Peterson's question, if because Senator Karpiel's a -- a good friend of mine and I'm a Democrat running and I'm running the -- the township slate, I may not want to put someone against Doris Karpiel. So -- especially if that's an Independent -- slate, then at that point, they're disenfranchised from the same ability to -- to have a full slate, as the parties would be. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

From my understanding of what the State Board has said, it has to be an entire slate. And I appreciate, Senator, that you wouldn't put up anyone against me.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further -- further discussion? Senator Demuzio.

SENATOR DEMUZIO:

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Let -- let me -- let me give you what our staff says and maybe you can respond to that. It says this bill does not contain any provision for the ballot -- ballot setup for the various types of voting methods when straight voting is to be used in townships. All that language was removed in Public Act 89-700. As a result, this bill is flawed. There's no provision for the ballot form. There's no provision that actually states that a straight ticket vote results in each candidate listed under the party receiving a vote. We know that that's a rule of the -- rule of thumb, but it should say that in the statutes. Does that not stipulate in the statutes that each person would, in fact, receive a vote?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator, I'm -- I'm sorry to say that I really didn't hear everything you said, but I think -- I think you're talking about the design of the ballot again, which, again I would say -- again I would say that that goes to your county clerk.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I would prefer some conformity. But let me -- let me ask you a different one. Before Public Act 89-700, you were required to tally straight ballots separately. That provision is not in this bill. You will have to have language that permits election judges, when requested, to instruct voters on how to vote a straight ticket. That language is not in this bill. It was in -- in the law prior to Public Act 89-700 and, prior, you had to have a separate page for those races that were subject to straight party voting. There is no such requirement in this bill. Prior to Public Act 89-700, you had to report the number of straight party tickets when the precinct return was printed by automatic

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tabulating equipment. There is no such requirement in this bill. In the statute that requires the State Board of Elections to approve all voting system, there was a requirement that that system enabled a voter to vote a straight party ticket. This bill does not include language that would permit the State Board of Elections to approve a system that enables a voter to vote a straight party ticket for township offices. And prior to Public Act 89-700, the optical -- optical scan Article required the designation of a political party for straight party voting to be a special section on the ballot. This bill makes no such requirement. Can you comment with respect to all of those questions? Pick out the one you want.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

I heard all of that, Senator. Thank you. What I would -- what I would say is that as far as the clerks telling the -- you know, the voters how to -- you know, how to vote and how to -- explaining the straight party voting, that's their job and that's their duty, to, you know, help with the voting or explain the voting. As far as the rest of the comments that you've brought up, I think if this good piece of legislation passes the Senate, we can work on that in the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Karpiel, to close.

SENATOR KARPIEL:

I had a feeling from -- from the committee that I would probably have a lot of fun with this bill on the Floor. But in all seriousness, in all seriousness, the -- the reason that we're -- we've put in this bill is that while taking away straight party voting for other offices is a lot -- makes a lot more sense because the other offices receive a great deal more attention and

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the candidates running for those other offices receive a great deal more attention, media attention and coverage and that type of thing, the township people feel that they don't have that -- the ability to get their message out to the voters as much, or their name out, and so they would like the party affiliation to be more prevalent and the ability to vote straight party if their township board so wishes. They were -- they're hoping that -- that they could go back to that system. And that's why we have the bill in and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 946 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 25 Ayes, 29 Nays, none voting Present. And Senate Bill 946, having failed to receive the required constitutional majority, is hereby declared failed. The bottom of page 11, in the Order of Senate Bills 3rd Reading... Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Senate Amendment No. 4 to Senate Bill 629, Senate Amendment No. 5 to Senate Bill 629, Senate Amendment No. 1 to Senate Bill 832; refer to Commerce and Industry Committee - Senate Amendment No. 2 to Senate Bill 717; refer to Education Committee - Senate Amendment No. 1 to Senate Bill 756; refer to Environment and Energy Committee - Senate Amendment No. 1 to Senate Bill 392, Senate Amendment No. 2 to Senate Bill 372, Senate Amendment No. 3 to Senate Bill 694, Senate Amendment No. 3 to Senate Bill 724, Senate Amendment No. 1 to Senate Bill 847, and Senate Amendment No. 2 to Senate Bill 1180; refer to Insurance and Pensions Committee - Senate Amendment No. 2 to Senate Bill 1340,

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Senate Amendment No. 2 to Senate Bill 1497; refer to Judiciary Committee - Senate Amendment No. 2 to Senate Bill 3 and Senate Amendment No. 2 to Senate Bill 557; refer to Local Government Committee - Senate Amendment No. 1 to Senate Bill 94, Senate Amendment No. 2 to Senate Bill 385, Senate Amendment No. 3 to Senate Bill 663, Senate Amendment No. 4 to Senate Bill 663, Senate Amendment No. 1 to Senate Bill 754, and Senate Amendment No. 2 to Senate Bill 754; refer to Public Health and Welfare Committee - Senate Amendment No. 2 to Senate Bill -- pardon me, that -- that's 114, Senate Amendment No. 1 to Senate Bill 163, Senate Amendment No. 3 to Senate Bill 608, Senate Amendment No. 1 to Senate Bill 933, and Senate Amendment No. 1 to Senate Bill 1504; refer to Revenue Committee - Senate Amendment No. 2 to Senate Bill 640; refer to Transportation Committee - Senate Amendment No. 2 to Senate Bill 930; and Be Approved for Consideration - Senate Amendment No. 3 to Senate Bill -- to Senate Bill 24, Senate Amendment No. 2 to Senate Bill 213, Senate Amendment No. 3 to Senate Bill 1309, and Senate Amendment No. 2 to Senate Bill 1514.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Bottom of page 11, in the Order of Senate Bills 3rd Reading, is Senate Bill 960. Senator Thomas Walsh. Top of page 12, in the Order of Senate Bills 3rd Reading, is Senate Bill -- pardon me, 970. Senator Sullivan. Senator Sullivan. Senate Bill 979. Senator Parker. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 979.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

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School policies that prevent children from caring and using their own asthma medication put these children at grave risk. Too often asthma inhalers are locked up when children need them to relieve their asthma attacks, and the person with the key isn't available. It can lead to hospitalizations or even death. What 979 does is require that a school board permit the self-administration of medication by a pupil with -- with asthma if the parents of the pupil provide written authorization for self-administration of medication and written certification from a physician that the pupil has asthma and is capable of self-administration of the medicine. I would be glad to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 979 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 979, having received the required constitutional amendment {sic}, is hereby declared passed. Senate Bill 980. Senator Munoz. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 980.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Members of the Senate. Senate Bill 980 simply takes the current law provision that permits the City of Chicago to request the withholdings of wages for bad debts of employees of the Chicago Park District, CTA, Chicago Board of

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Education, and it expands this provision in current law to include employees of Cook County, Cook County Forest Preserve District, the Metropolitan Water Reclamation District and the CHA. The bill, as amended, also makes this provision reciprocal; that is, each of the entities I mentioned can make this request of each other. The bill came out of committee unanimously. I know of no opposition to this bill, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Couple of questions of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

To the best of my knowledge, we don't permit any other units of government or municipalities to directly deduct from wages. To the best of my understanding, they have to go to court to seek the right to assign or to -- to interdict your wages. Is -- are we taking the courts out of this loop here?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Munoz.

SENATOR MUNOZ:

Senator, it's existing law now. The only thing we're doing is -- expanding a few of these other agencies, like the Water Reclamation, but they do have to go to court before that does happen. That's what's under current law now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 980 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 Nays, none voting Present.

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And Senate Bill 980, having received the required constitutional amendment {sic}, is hereby declared passed. WAND has requested permission to photograph proceedings. Hearing no objection, leave is granted.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR KARPIEL)

Please make your announcement.

SENATOR HAWKINSON:

The Judiciary Committee will meet at 4 o'clock or immediately upon the adjournment of the Senate, whichever is earlier, in Room 400.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

While we're on the order of announcements, I neglected to indicate that Senator Viverito is absent today. He's on personal business.

PRESIDING OFFICER: (SENATOR KARPIEL)

Okay. Heavens, we have a lot of announcements here. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Purpose of announcement. The Agriculture Committee will meet at 4 o'clock in Room 212 - Room 212, in this building, as opposed to A-1 - or immediately upon adjournment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Robert Madigan, for what purpose do you rise?

SENATOR R. MADIGAN:

Thank you, Madam President. Purpose of an announcement, that the Senate Insurance and Pensions Committee will meet at 5:15 or

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immediately after -- or, at -- whenever - at 5:15 in Room -- Room 212.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Peterson, for what purpose do you rise?

SENATOR PETERSON:

Thank you, Madam President. The Revenue Committee will meet in Room 400 at 4:15 p.m.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Mahar, for what purpose do you rise?

SENATOR MAHAR:

For the purpose of an announcement. Environment and Energy will meet at 4:45 in Room 400.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker, for what purpose do you rise?

SENATOR PARKER:

For the purpose of an announcement. Transportation will meet at 4:45 in A-1 in the Stratton Building.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Purpose of an announcement. I'd just like to tell the Body that the softball game is May 10th. I'd like for you to just put this on your calendar. House has already started practicing. May 10th is the -- and we got a little problem on our hands. We got beat last year, so we obviously need to take some interest in this while we're gone. But May 10th. Put that on your calendars, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

Thank you, Madam President. For purposes of an announcement. Whether we want to or not, the Senate Local Government Committee

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will meet at 5:15, a quarter after 5, in Room A-1, and please be on time. We will be quick.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement. The Senate Education Committee will meet at 4:45 p.m. in Room 212; however, in the event that the Ag Committee and the Commerce and Industry Committee, which have that committee room before us, adjourn earlier, we will meet earlier than 4:45. So, Members of the Education Committee, please pay attention to when Room 212 becomes available. That's when we will start our committee.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. For those individuals who did not make the cut for last year's softball team, the announcement really is May 11th for softball. Just show up on May 11th. And then for Public Health Committee, we will meet at 5:15 or upon adjournment of E & E, in Room 400. So 5:15 or upon adjournment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Madam President, an announcement. Commerce and Industry will meet at 4:30 in Room 212.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

On Commerce and Industry meeting in Room 212, it'll either be at 4:30 or immediately upon the adjournment of the Ag and Conservation meeting. Thank...

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Well, I hope everyone's been paying attention and knows what committees they have to go to, where, when, et cetera. We're going to continue now on the Order of 3rd Reading. We're on page 12. Senate Bill 1011. Senator Hawkinson. Senate Bill 1012. Senate Bill 1014. Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1014.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. Senate Bill 1014, as amended, is a compromise solution dealing with the Boub versus Wayne lawsuit, which took place several years ago, which kind of threw into confusion the status of bicycle riders and their rights to the roads. This is a compromise between the Council of Municipal Governments, and the Illinois Municipal League participated. As far as I know, all the parties are satisfied with this solution. I'm going to read one sentence from the bill, which kind of sums it up. It says: A person riding a bicycle is an intended and permitted user of any street or highway in Illinois except for a street or highway on which a bicycle has been prohibited. This subsection does not create liability for any public entity for the failure to remedy any surface condition of the public right-of-way that is not hazardous to a motor vehicle even though it may be hazardous to a person riding a bicycle. This meets the objections of the municipalities and the local governments, and it also achieves the purposes that the Bicycle Federation was arguing for. I'd appreciate favorable endorsement.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Any discussion? If not, the question is, shall Senate Bill 1014 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 54 voting Aye, none voting Nay, 2 voting Present. And Senate Bill 54 {sic}, having received the required constitutional majority, is declared passed. Senate Bill 1047. Senator Cullerton. Senate Bill 1050. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1050.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. Senate Bill 1050 is a piece of legislation that came from the State's Attorney of DuPage County, Joe Birkett. It, first of all, would codify a United States Supreme Court decision in Brady versus Maryland by requiring all law enforcement personnel to provide prosecutors with all reports generated in a criminal investigation and provide prosecutors with any material in its possession that would tend to negate the guilt of the accused. It also would require that law enforcement agencies throughout the State establish policies to ensure compliance. As one who prosecuted cases for thirteen years, I can tell you that the reason for the first part of this bill is that it would place an affirmative duty on peace officers to provide all reports that have been generated to the prosecution so that they would be in a position of deciding what information should be turned over to the accused and -- and the accused's attorney. I think that this is a

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very, very meaningful step forward. It codifies Supreme Court language, but it also places an additional affirmative duty on the part of law enforcement. Second part of this bill codifies, in part, the Supreme Court case of People versus Washington, which basically states that if a person who -- who's making a claim of actual innocence on newly discovered evidence requests a hearing, that that hearing must occur within six months of the discovery of the new evidence. The burden in this case would be on the defendant to prove that the new evidence was discovered after the defendant's trial, that the new evidence could not have been discovered prior to the trial with the -- the exercise of due diligence, and also that the claim of actual innocence must be proven by the defendant by clear and convincing evidence that the admission of such evidence would change the outcome of the case. I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I am rising simply to support this fine piece of legislation that Senator Petka has put forward. I think it puts forward some important safeguards in the criminal justice system, and I commend him for the work that he's done on the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, the question is, shall Senate Bill 1050 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 1050, having received the required constitutional majority, is declared passed. Senate Bill 1065. Senator Cronin. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 1065.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1065 contains recommendations and initiatives of the Attorney General. It amends the FOID Card Act, and it does about eight or nine different -- different things to current law. First and foremost, this bill deletes the provision, quote, "within this State", unquote, as it relates to the transferor. Current law says that no person within this State may knowingly transfer, or cause to be transferred, a firearm or ammunition to any person within this State unless the transferee displays a currently valid FOID Card. That current law is inadequate to address sales of -- of firearms over the Internet. So by deleting "within this State", helps law enforcement to go after illegal purchases of -- transactions involving guns. There are seven other additional items here, all dealing with FOID Card applicants, using digital images by the Secretary of State to have a more true and accurate and reliable identification. It also gives -- makes giving false information on a FOID Card application a Class 2 felony. This bill also would take appellate authority away from the Director of the State Police if denial or revocation of a FOID Card was based on certain enumerated offenses and gives it to the -- the circuit court. We think that's much more appropriate. The bill goes on to make it a Class 1 felony if three or more firearms are transferred in violation of this -- of this bill. And then there are two Sections that are rather significant and were part and parcel of the genesis of this bill. Senator Radogno earlier

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pointed out that that tragedy that occurred at the Navistar plant in Melrose Park led to both her and I, along with the Attorney General, to reexamine some of the -- the gun laws. That tragedy occurred in the district that I represent, and we now have, with this reform in the law, as a condition of probation, not only does a person who's convicted have to turn in their firearms, but they have to turn in their FOID Card as well. It's -- it's a comprehensive bill. It was delicately negotiated with all the different interested parties, and I believe that everyone enthusiastically supports this measure. I ask for your Yes vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall -- Senate Bill 1065 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 54 voting Aye, none voting -- Nay, none voting Present. And Senate Bill 1065, having received the required constitutional majority, is declared passed. Senator Walsh, for what purpose do you rise?

SENATOR T. WALSH:

For the purposes of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Yes.

SENATOR T. WALSH:

The State Government Operations Committee will meet in Room 400 immediately after the Judiciary Committee. In Room 400, immediately after Judiciary.

PRESIDING OFFICER: (SENATOR KARPIEL)

Okay. Senate Bill 1081. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1081.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. Senate Bill 1081 requires the owner/operator of a licensed day care home or group day care home or the on-site executive director of a licensed day care to successfully complete a basic training course in furnishing children with disabilities -- providing services for children with disabilities. It also, for those licensed exempt child care -- it also permits those facilities that are -- are licensed -- they're exempt from licensing to provide child care, they are -- they can voluntarily participate in a training course as it relates to providing services for children with disabilities. DCFS will promulgate the rules as it relates to the basic training. To my knowledge, there's no opposition. DCFS, DHS, Voices for Illinois Children, the Day Care Action Council, Illinois State Medical Society, the Illinois Association of Education of Young Children, the Illinois Retired Teachers' Association and several other groups are all in support. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1081 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 1081, having received the required constitutional majority, is declared passed. Senate Bill 1089. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1089.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. This bill does exactly as it says. It -- it extends -- it extends the sunset of the Water Well and Pump Installation (Contractor's) License Act and the Professional Boxing and Wrestling Act, without any other changes in the Act.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1089 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 1089, having received the required constitutional majority, is declared passed. Senate Bill 1098. Senator Wendell Jones. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1098.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jones.

SENATOR W. JONES:

Madam President, Members of the Senate, this bill has been to the Transportation Committee on two occasions. We had a couple of amendments drafted. We are not quite in agreement yet, but the bill, as written in your synopsis, simply provides that if a court orders a law enforcement agency to return a vehicle or part of -- that was seized because its manufacturer's ID number was removed, altered, or defaced or destroyed, and -- the vehicle or part must

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be returned in the same condition that it was at the time of the seizure. Nobody disagrees with that, as long as it was returned not following a crime. Where we were hung up is on the number of days that they could hold the vehicle. We had it at forty-five and we were negotiating, but we didn't get the amendment in, in time. We'd like to move this to the House and settle the issue in the House vis-a-vis the number of days, which I think we can do. I don't think the rest of the bill is controversial. I'd appreciate a favorable roll call of fifty-four green lights. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1098 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this -- question, there are 53 voting Aye, 2 voting Nay, none voting Present. And Senate Bill 1098, having received the required constitutional majority, is declared passed. Senate Bill 1107. Senate Bill 1116. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1116.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. Senate Bill 116 {sic} basically makes St. Clair County consistent with the rest of the State as it relates to the qualifications of an elected assessor. Somehow St. Clair County -- the assessor in St. Clair County was not required to be certified. And basically, this makes everything

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consistent with the rest of the State, that the clerk -- the elected clerk must be certified by the -- Assessing Officer from the Illinois Property Assessment Institute, a Certified Assessment Evaluator designation from the International Association of Assessing Officers. I -- I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR T. WALSH:

Does this -- you said this -- this is a township or a county assessor?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

It's a county assessor.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Walsh.

SENATOR T. WALSH:

And the county assessor needs to have the -- the qualifications that township assessors and so forth need? This doesn't -- this doesn't affect the Cook County Assessor?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

No, it doesn't affect the Cook County Assessor. It only affects -- as I understand it, all assessors have to be certified. Somehow, in St. Clair County, which is one of the few places the assessor is elected on the county-wide level, there was no requirement that -- that the assessor be certified. So we're just

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making it consistent with the rest of the State.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, the question is, shall Senate Bill 1116 pass. Those -- those opposed, vote Aye -- I mean -- I'm sorry. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there -- take the record, Mr. Secretary. On this question there, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 1116, having received the required constitutional majority, is declared passed. Senate Bill 1117. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1117.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. Senate Bill 117 {sic}, we dealt with a portion of it last year. We extended the TIF and -- one of the TIFs in East St. Louis last year. And there were projects that were going to be developed, and what happened was, the bond counsel said that there were some flaws in what we passed. So this is to clean it up. And there's also an agreement that was just entered into by the City of East St. Louis and Elementis to bring their world headquarters to the City of East St. Louis, and we need to extend that TIF too. So, basically, we're extending the TIF. The school district that covers these TIFs have submitted a letter in support of this TIF extension. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Any discussion? If not, the question is, shall Senate Bill 1117 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 49 voting Aye, 7 voting Nay. And Senate Bill 1117, having received the required constitutional majority, is declared passed. Senator Walsh, Larry Walsh, for what purpose do you rise?

SENATOR L. WALSH:

Thank you, Mr. President -- Madam President. On Bill 1020 -- or, 1098, I inadvertently punched the red button. I would like the record to show I would be an Aye on that vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will reflect that. Senate Bill 1128. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1128.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is a vehicle bill. It's a total shell bill. It is there for the purposes of whatever, if anything, the Metropolitan Pier and Exposition Authority wishes to do. And even though he's not here, we have spoken to Minority Leader Jones and he agrees that we should move this over to the House as a shell bill. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1128 pass. Those in favor will vote Aye. Opposed, Nay. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 46 voting Aye, 5 voting Nay, 4 voting Present. And Senate Bill 1128, having received the required constitutional majority, is declared passed. Senate Bill 1151. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

Thank you very much, Madam President. This legislation comes to us from the Legislative Audit Commission. Several years ago, in fact in 1995, the Audit Commission established a -- a study for administrative laws considered to be obsolete. And what we did is we had different agencies come in, testify and actually make presentations as to -- to laws that they felt that we could take off -- off the books. There was some hundred and sixty-eight changes that were made and recommended. This is an additional nine more, I believe it is, and there -- this should not be controversial. These are all Acts that have -- no longer serve a purpose. So I would appreciate your vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1151 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 1151, having received the required constitutional majority, is declared passed. Senate Bill 1168.

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Senator Philip. Senate Bill 1169. Senate Bill 1175. Senator Thomas Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1175.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Madam President. This bill comes from the Human Rights Commission. It solves a problem that they were having with a hearing officer. It -- there is no opposition to the bill. This is to -- to -- to solve a problem that the department has been having. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Petka.

SENATOR PETKA:

What was the problem?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Walsh.

SENATOR T. WALSH:

They had had a hearing officer that had heard a case. What it says is that the particular hearing officer that may have presided over a case does not have to be the author of the decision. The hearing officer had -- it was a prolonged case, and if all the parties agree, and there are a couple other criteria here, that particular hearing officer wouldn't have to be the one to author the -- the decision.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Walsh -- did everyone hear that explanation? We -- we -- we couldn't hear you. You weren't talking in the microphone. Any further discussion? If not, the question is, shall Senate Bill

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1175 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 49 voting Aye, 6 voting Nay, none voting Present. And Senate Bill 1175, having received the required constitutional majority, is declared passed. Senate Bill 1180. Senator Thomas Walsh. Read the bill, Mr. Secretary. Out of the record. Senate Bill 1182. Sponsor -- at the -- at the sponsor's request, we will hold 1182 through 1189. Senate Bill 1190. Senator Cronin. Senate Bill 1192. Senator Parker. And at the request of the sponsor, we will hold 1192 through -- through 1223, at the top of page 15. Senator -- Senator Walsh, for what purpose do you rise?

SENATOR T. WALSH:

Just for an announcement. State Government Operations is going to meet at 4:15. 4:15, in 212, not -- not 400. 4:15, in 212.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senate Bill 1225. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1225.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. I would yield to Senator Bomke to explain the bill, since the amendment has become the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bomke.

SENATOR BOMKE:

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Thank you, Madam President and Ladies and Gentlemen of the Senate. As Senator Burzynski indicated, Amendment 1 has become the bill for Senate Bill 1225. It amends the Structural Pest Control Act by making a number of changes, including making changes to the provisions regarding the time frame which structural pest control license renewal applications must be provided to DPH. Adds provisions regarding continuing education requirements. The amendment increases fees for licensures and renewals. Provides requirements for the documentation that needs to be provided when applying for renewal -- renewing a license. I know of no opposition. The industry is in agreement with this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1225 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 1225, having received the constitutional majority, is declared passed. At the request of the sponsors, Senate Bills 1226 through 1235 are being held. Senate Bill 1240. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1240.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. There was a committee amendment to Senate Bill 1240 which became the bill, and it makes provisions to allow a parent or

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guardian to teach his or her own child driver's education. Any parent-directed driver education program must meet the approval of the State Board and the student driver must complete the minimum number of hours provided by rule of the State Board for classroom and driving practice. State Board shall not approve a course unless the course materials are at least equal to those required in school-based courses. Furthermore, the parent or guardian must perform at least fifty hours of practice driving instruction, including ten hours of nighttime driving practice. This is an initiative of those individuals that feel strongly that they can teach their child how to drive a car safely and -- and they can teach the child more effectively than what is currently offered. Given the requirements in this bill of training, given the requirements of course materials and the oversight from the State Board, I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Donahue.

SENATOR DONAHUE:

...have a question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR DONAHUE:

Senator Cronin, what does a parent do now that doesn't have -- say a homeschooler that would be interested and their child is coming of age and wanting to get a license, what do they do in order to have driver's ed? 'Cause I assume you can't get a driver's license until you're -- have passed driver's ed, unless you're - what? - eighteen. Okay. So what does a parent do now?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator -- Senator Cronin.

SENATOR CRONIN:

For -- in the example that you raise about a homeschooled

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child, they typically have to either work out some arrangement with the public school district within which they reside or they have to engage the services of a private driving school.

PRESIDING OFFICER: (SENATOR KARPIEL)

...discussion? Senator Lisa Madigan.

SENATOR L. MADIGAN:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR L. MADIGAN:

Senator Cronin, I think you indicated and just -- I want to be clear about this. Will the parents of these children who decide to teach them how to drive have to take any training in order to teach their children how to drive?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Yes. The parent or guardian must perform at least fifty hours of practice driving instruction, including ten hours of nighttime driving practice.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jacobs. Oh, I'm sorry. Senator Madigan.

SENATOR L. MADIGAN:

Senator Cronin, is that the student or the parent?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Forgive me, Senator Madigan, the fifty hours of practice instruction and ten hours nighttime is with regard to the instruction that shall take place between the parent teacher or guardian teacher and the student driver. With respect to the

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qualifications of the parent, a parent or legal guardian may elect to teach his or her child driver's education if the parent, number one, is a licensed driver - they have to have a license; secondly, has not had his or her driver's license suspended within the past five years; that they have never been convicted of driving under the influence of alcohol, drugs, or intoxicating compounds; that they haven't been convicted of leaving the scene of an accident. The parent or guardian electing to teach his or her child must maintain adequate records, prescribed by the State Board, to demonstrate that the driver material -- and so on and so forth. But that's the extent of the requirements of the -- the -- the teacher. It's not exhaustive.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR L. MADIGAN:

So, Senator Cronin, did you say, within that whole list, that there is some sort of training requirement that is put on the parents? Like, is there someone who's going to teach these parents how to teach their children how to drive?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

The focus of the bill is on the course work that the teacher must impose on the student. That the materials must be approved, the hours. But with respect to the actual training of the teacher, there probably is no more training here that is required of this teacher than the teacher of the homeschooler who's learning math or science or reading.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR L. MADIGAN:

Okay. So the parents will receive no special training in

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terms of teaching how their -- teaching their child how to drive. Are there any requirements in this bill that the car in which their children will be taught to drive will have a -- a second brake that is available in the car, at least that I learned how to drive in?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

With respect to specialized equipment, this bill is silent; however, it does require that the State Board approve course work and materials. And there is language that would indicate that if the State Board insisted that there be specialized equipment, it would be my intent, as the sponsor, that they would have to then equip the vehicle appropriately.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR L. MADIGAN:

Well, to -- to the bill: I guess I have a great concern that we would be letting parents, who are not necessarily teachers, teach their children how to drive without any training. And I respect the fact that once a student has gone to a licensed driver's ed class, that they then, with their permit, can sit in a car with their parent and spend, hopefully, many hours behind a wheel learning how to drive. But that doesn't take place, it's my understanding, currently, until they have been in a car where there are safety -- there is safety equipment in there, including a second brake, including additional mirrors, and so that's part of my concern with this. I'd like to note, for those people who are curious on our side with our analysis, while it appears that we voted for this bill in committee, that is not actually true. On the amendment to this, once we put language in it, I, at least, voted No and would encourage the Members on our side and even on

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the other side to think seriously about voting for this. And I would suggest a No vote. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further -- further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- Madam President, Ladies and Gentlemen of the Senate. Just a couple questions of the sponsor, if he'd yield.

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR JACOBS:

You indicate that there'd be a background check to see if they've had DUI, et cetera. Who pays for that and who makes sure that that's done?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

The State Board, I think, would take responsibility for making sure that the instructor meets the requirements in the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

Just two other brief questions along that same line. Is there anything prohibiting a driver's ed teacher today who might have had a DUI ten years ago from teaching driver's ed?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

I -- I don't know the answer to that question.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

I'll accept that and I appreciate your frankness on that.

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Just the last question I would have: Is there enough capacity in the driver's ed programs in high schools at this time to handle the students that want to take driver's ed, to your knowledge?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

I don't know the answer to that question either.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill is very timely for me since I currently have a fifteen-year-old who's in driver's ed. And I want to address this issue of the parents having training, because I've been spending many hours with my fifteen-year-old in the car. And, in fact, they -- the school actually encourages parents to take these kids out long before they've completed the behind the -- the wheel portion of driver's ed. So I think this issue of special training for parents is really irrelevant. That's exactly what we're doing right now. Secondly, I had a concern, when I first saw the bill, about parents being willing to fudge the -- the classroom portion of it. But as I understand it, they're actually required to send in the lesson plans and have it verified that they've actually completed those. And I think that it's a long -- it would be a long stretch to think a parent would actually complete all that paperwork just to fudge. They certainly have that opportunity, when you go to take your child for their driver's test, to sign that they've done twenty-five hours when they haven't, and I think this is a lot more difficult. Also knowing many kids have a difficult time getting driver's ed into their curriculum. Either they don't want it affecting their grade-point average or there's not time to take it. And I think this is a viable alternative.

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So I would encourage a Yes vote on this.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I read the bill and I -- I have some questions that I may pose to the Senator, if he would yield please. Number one, on page 2 of your -- of the amendment, the -- in line nineteen where it -- it talks about the board - no, that's not it - no, page 3, line 18: In order for the parent or guardian-directed driver education course to be approved, the parent or guardian -- guardian must perform at least fifty hours of practice driving instruction, including ten hours of practice driving instruction during nighttime hours, which I heard you read a minute ago. Who -- who has to verify that? Who -- how -- how do they -- this is under the State Board's approved program. How -- how do they verify that the -- the parent has done that?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

This is -- just like the -- the teacher in a public school setting or -- or a public school administrator makes certain representations and fills out affidavits and verification, in this case, the parent takes that responsibility and does the same task.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

So they have to work with the State Board, which supplies to companies -- and I'm reading from line 3 -- page 3, line 1, "State Board shall supply to companies with approved driver education courses any applications or other materials necessary for obtaining an instruction permit under the Illinois Vehicle Code." What is meant by that? Does that mean that the teacher has to --

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to -- to receive a -- a instructional permit of some sort?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Would you be specific about what Section you're referring to, please?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

I'm on page 3 of the amendment, section {sic} (g): State Board shall supply to companies with approved driver education courses any applications or other materials necessary for obtaining an instructional permit under the Illinois Vehicle Code. What does that mean?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

This was put in the bill because there was a concern about the materials -- the -- the textbook, if you will, that would be provided to the students. Given that these -- these students may be mostly homeschooled, we wanted to make sure that the materials may be generated by the homeschool community, which is -- which is wonderful, but we wanted to make sure that those materials would -- there would be some oversight-and-approval process.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

Who gets the instructional permit? Who has to apply for that?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

The person that is doing the instruction. In this case, would

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be the parent.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

The parent has to get a instructional permit from either the State Board or to a company that is supplying the -- the information for the courses? Is that correct?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

The parent has the responsibility to keep the log. The parent has the responsibility to verify that the hours are met. The materials that are taught or used must be approved. And we wanted to make sure that every component in that process is included in the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

Who is to get the instructional permit? Is it the parent? And how does the parent get the instructional permit, or is it the company, or who is it?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Again, we wanted to make sure that the company or the entity that generates these materials is approved. So, with respect to materials generated for the purpose of teaching children how to drive, that company would need to obtain an instruction permit.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President and Members of the Assembly. I rise in opposition of this legislation. I find that it's the parent's responsibility to provide additional support for their child once they receive the blue slip, but I do not find it necessary for the parent to be the actual certification person in the process. I also share the same concerns that Senator Madigan mentioned regarding safety. The automobile does not have a second brake and it does not have outside mirrors, and it's just not safe for the parent to be teaching their child on the road how to drive. And then I also wanted to note that the State Board of Ed has issues here that has not been addressed. They're finding that they may not be able to accommodate the additional oversight that this legislation will put forth. For just -- for those very reasons, I hope that we will consider a No vote on this.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Madam President. You know, when you look at this bill at first blush, you think, "Oh my goodness gracious, we're going to give parents the -- the right and the authorization to teach their kids how to -- how to drive?" Well, you know, in case you didn't know it, some of my colleagues, in case you didn't know it, parents have been teaching their kids how to drive for a long time. And a lot of the concerns that have been raised are premised on the belief that the only people that are qualified and capable to teach children are those people that are currently authorized either in the public schools or private driving schools. I would urge all of you to -- to -- to be receptive, to embrace the notion that a parent who is there for fifty hours of

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instruction - that's twice as much that -- as is currently required - fifty hours of behind-the-wheel instruction, including ten hours of nighttime driving, is really a very significant requirement. And so, for those of you who believe that parents and families can teach and can learn, and can learn about a lot of things. We know that the homeschool experience has been very positive when it comes to math and reading and achievement in -- in -- in standardized tests. Well, we're taking that positive experience one step further, and I believe that parents can teach their kids how to drive and drive well. I ask for your Yes vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is -- the question is, shall Senate Bill 1240 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 32 voting Aye, 15 voting Nay, 4 voting Present. And Senate Bill 1240, having received the required constitutional majority, is declared passed. Senate Bill 1241. Senator Cronin? With leave of the -- with the request of the sponsors, Senate Bills 1244 through 1253 are being held. Senate Bill 1254, on the top of page 16. Senator Lauzen. At the request of the sponsors, we're holding Senate Bills 1255 through Senate Bill 1261. Senate Bill 1262. Senator Philip, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator Philip seeks leave of the Body to return Senate Bill 1262 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1262. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

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Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Amendment No. 1 to Senate Bill 1262 provides the establishment of a special fund to accumulate funds to pay for future capital projects. Requires a five-year capital plan to be established. Provides -- this provision is similar to what is currently allowed in municipal and county government. It allows up to three percent. Hopefully, it will save them some money. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. At the request of the sponsors, Senate Bills 1263 through 1278 are being held. At the top of page 17 is Senate Bill 1279. Senate Bill 1282. Senator Roskam. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1282 is an attempt to correct some ambiguous language right -- right now as it relates to annexation through forest preserves. Now, I know that sounds like a little bit of a

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daunting measure this late in the day. Let me walk through it slowly and then you can all decide what you want to do. The -- in -- in the past, up until a few years ago, any municipality could -- could annex through a forest preserve. Forest preserves, for all practical purposes, were invisible. They were treated like rivers or railroads or -- or other highways. They were not significant in the annexation question. Couple of years ago, the law was changed to create a multitiered approach on this. This is the current state of the law that I'm going to describe, then I'm going to argue for the change that I'm advocating today. The current state of the law is that there are three factors that have to be proved as it relates annexing through a forest preserve. You've got to show that the -- there's -- the forest preserve is an impediment to natural and orderly growth, and you have to show that the forest preserve is an artificial barrier. Even if you show those two factors, you still can get knocked out of the box, if you're trying to annex through a forest preserve, if the forest preserve is bounded by three sides by a municipality. So why am I here and what are we doing? What this bill is attempting to do is to leave the current standard in place for Cook County, and take the other hundred and two {sic} counties out of the mix. Politically and historically, the reason the bill got changed in the past, a few years ago, has to do with an intra-Cook County fight. I'm not interested in touching that. This has nothing to do with that. It is completely -- I'm not even giving that fight eye contact. You know what I'm saying? All I'm trying to do is take the other hundred and two {sic} counties out of the mix, to take it back to the old way, so that a forest preserve is treated as if it is a, you know -- I'm sorry, the other hundred and one counties. The forest preserve is treated similar to a river, railroad, or other -- other deal. It's not any more complex than that. I'll answer questions to the best of my ability, and I'd

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urge an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1282 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 41 voting Aye, 14 voting Nay, none voting Present. And Senate Bill 1282, having received the required constitutional majority, is declared passed. Senate Bill 1283. Senator Robert Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1283.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Bill 1283, as amended, creates a pilot program entitled the Certified Audit Program. This comes to us from the Illinois Association of CPAs, and in their work with the Department of Revenue, they have developed this program, which would be a three-year pilot program, that would entitle businesses to hire an -- a licensed certified audit -- audit -- CPA to conduct an audit of their business when it has not been required or notified by that -- by the Department of Revenue that they are going to conduct an audit of that particular business. The -- the advantages of this program would be that in the event that that audit is conducted by a licensed certified CPA and found that there is taxes, interest and penalties due, that this program would allow that business to obtain a waiver from the Department of Revenue for some or all of the penalties, plus interest, as long as the taxes found to be due

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were paid promptly. That is the substance of Senate Bill 1283. I'd be happy to answer any questions on Senate Bill 1283, as amended.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR LAUZEN:

Senator, just for, like, legislative intent and where this is going eventually over in the House, I understand that because of the late time that we have to consider and make any adjustments into language in the Senate against the deadlines that we're dealing with, because of that lateness, I understand that there is a commitment from the Illinois CPA Society that they're going to work on just renaming this. The concept, I think, is very good. Everybody wins. But they're going to try to avoid some of the confusion that could result of using the word "certified", again to changing it to "authorized", you know, and change all those kinds of words. Is that your understanding also?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President. Senator Lauzen, that is correct. This is not represented, perhaps, to be the final product, that there may be more amendments as we move this bill along in the legislative process.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Yes. Will the sponsor yield for a question?

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PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR KLEMM:

If a small company gets notification that they're going to be audited by the IRS or by the State Treasurer or Department of Revenue, could they then quickly engage with a certified licensed CPA, have their own audit so they could avoid the penalties and all the other interest things that you said they'd be exempt from?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR R. MADIGAN:

No, Senator Klemm, they would not be able to utilize the advantage of this program if they have been notified by the Department of Revenue that they -- that the Department of Revenue is going to conduct an audit.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

So then, how does it work? How does a small business end up deciding they want to hire somebody to audit their financial records? Many of us already have audits at the end of the fiscal year. We're almost required, I think, to have an audit about once a year, a financial report and that. How, then, does it work in the real world for small businesses?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR R. MADIGAN:

Senator Klemm, as I understand it, a business may become aware, for whatever reasons, that they may be in a situation where they owe taxes. To remedy this situation, they can hire a licensed certified CPA to conduct this audit under this Certified Audit Program and avoid, possibly, penalties and interest if they

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do this on a voluntary basis.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

So, just one last question. So, therefore, they've been somehow notified or become aware of that they may be in arrears or owing some taxes someplace, somebody has informed them that they may be and then they do this audit, and that would excuse them from this? I mean, how would they know that they owe anything in the first place if they've done everything right, you know, that they thought they'd done? I guess I'm getting confused on how -- where it would trigger in, that's all.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President. Senator Klemm, this initiative may come from their internal auditor. It may come from themselves. It may come from sources of that nature, from whatever information that may come along their way, and in order to straighten their situation out, they -- they can utilize this program as a cost saving for them, if they voluntarily take this upon themselves to do it.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there further discussion? If not, Senator Madigan, to close.

SENATOR R. MADIGAN:

I -- thank you, Madam President. I would just ask for favorable consideration of Senate Bill 1283, as amended.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 1283 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting Present. And Senate Bill 1283, having received the required constitutional majority, is declared passed. Senate Bill 1284. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1284.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President. Senate Bill 1284, as amended, makes several changes in the Illinois Public Accounting Act. First of all, it moves the license and -- licensing and regulation of certified public accountants from the Department of Professional Regulation to the Illinois Board of Examiners. It changes the appointing power from -- to the Board of Examiners from the University of Illinois Board of Trustees to the Governor. It clarifies stipulations regarding continuing education. It adds a public member to the Board of Examiners and extends the sunset provisions of the Illinois Public Accounting Act from 1-1 of 2004 to 1-1 of 2014. It also stipulates that the -- other than the sunset date, it -- none of these provisions of this bill takes effect until 1-1 of 2004. I would be happy to answer any questions on Senate Bill 1284, as amended.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1284 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 56 voting Aye, none voting Nay, none voting

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Present. And Senate Bill 1284, having received the required constitutional majority, is declared passed. Senate Bill 1294. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1294 amends the Vehicle Code by adding all-terrain vehicles to the definition of "vehicle". Would require that all -- all ATVs be titled with the Secretary and all entities selling ATVs be a licensed dealer regulated by the Secretary's Office.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1294 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 1294, having received the required constitutional majority, is declared passed. Senate Bill 1297. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1297.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

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Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill, and the genesis of it, came to my attention from the CBS television affiliate in Chicago last year who wanted to know why we didn't have a law that would prohibit a new practice, which is especially prevalent in California, but also in Florida, and that is, with the technology that it is, people having hidden video cameras. And this bill expands the -- and makes it unlawful for a person to knowingly film or videotape another under or through that persons clothing for purposes of viewing the body or undergarments worn by that person without their consent. There is a proliferation of very graphic and explicit websites of the undergarments or nudity that comes from these hidden cameras, and families at Disney World and other places have been victimized. And certainly we don't want anyone videotaped without their consent underneath their clothes and having it put on the Internet, in most cases, for sale by these websites. And this expands our unlawful videotaping statute in Illinois to try to stem another technological advance, if you want to call it that. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR KARPIEL)

Discussion? If not, the question is, shall Senate Bill 1297 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 1297, having received the required constitutional majority, is declared passed. Senate Bill 1299. Senate Bill 1304. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1304.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1304, in its amended form, deals with the Immunization Advisory Committee and deals with potential conflicts of interest among the members. The language that's in this amendment represents agreed language with the Illinois Department of Public Health, and I'd be happy to answer any questions there might be.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1304 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 53 voting Aye, none voting Nay, and 1 voting Present. And Senate Bill 1304, having received the required constitutional majority, is declared passed. Senate Bill 1305. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1305.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1305 amends the Adoption Act by providing that a child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child whether due to a wavier

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that's permitted under law or otherwise. And I'd be happy to answer any questions there might be.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1305 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 53 voting Aye, none voting Nay, 2 voting Present. And Senate Bill 1305, having received the required constitutional majority, is declared passed. Senate Bill 1306. Senator Luechtefeld. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1306.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. Senate Bill number 1306 amends the Code of Civil Procedure regarding maximum wages subject to collection in a Corrections institution from a fifteen percent to a fifty percent for -- for court costs. I would be glad -- I don't know as there's any objection to it. Would be glad to answer any questions that you might have.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 1306 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none -- 1 voting Nay, none voting Present. And Senate Bill 1306, having received the required constitutional majority, is declared passed. Senate Bill 1309.

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Senator Sieben, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Sieben seeks the leave of the Body to return Senate Bill 1309 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1309. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Madam President. This language makes no substantive changes in the bill but merely adds clarifying points in response to the concerns raised in the Judiciary Committee, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, all in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senate Bill 1320. Senator Dillard. Senate Bill 1331. Senator Cronin. Senate Bill 1340. Senator Robert Madigan. Senate Bill 1341. Senator Radogno. Senate Bill 1342. Senate Bill 1487. Senate Bill 1488. Senate Bill 1489. The top of page 18 is Senate Bill 1494. With leave of the Body, we'll return to that. Senate Bill 1497. Senator Thomas Walsh. Senate Bill 1504. Senator Syverson. Senate Bill 1505. Senator Robert Madigan. Senate Bill 1508. Senator Dillard. Senate Bill 1511. Senate Bill 1512. Senate Bill 1519. Senator Dillard. Senate Bill 1520.

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Senate Bill 1521. Senator Lauzen. Senate Bill 1522. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1522.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1522 requires that DCCA by July 1, 2002, to create and make available a small business advisory website, would have -- segregated areas for use and maintenance of all State agencies, and also basically provides for plain language communication and directed at, frankly, small business interests across the State of Illinois. Many of the provisions that are contained in this legislation are already being done voluntarily. Not all of them. But it's the -- our -- it's the sponsor's intent to put this language into the statute books. I'll be happy to answer any questions you might have.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any -- any discussion? If not, the question is, shall Senate Bill 1522 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 54 voting Aye, none voting Nay, none voting Present. And Senate Bill 1522, having received the required constitutional majority, is declared passed. With the leave of the Body, we shall -- we'll return now to page 11 to Senate Bill 926. Senator -- Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 926.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Senate Bill 926 amends the International Tourism Program in regards to funding for Chicago tourism. As amended, the bill ratifies an existing partnership between the Chicago Convention and Tourism Bureau and the City of Chicago's Office of Tourism, whereby the Chicago Convention and Tourism Bureau is assigned the role of a contracting entity to market Chicago to international and domestic leisure travelers. The bill also allows DCCA, at DCCA's request, to reduce the local match for international tourism grant requirements to no less than fifty percent of the grant amount. Currently, it's no less than one hundred percent, but many, particularly downstate, suburban and -- downstate and suburban programs are unable to meet their current match requirements. So DCCA asked that we would just reduce it -- their match to fifty percent from one hundred percent. I know of no opposition. I would seek your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 926 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 926, having received the required constitutional majority, is declared passed. Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that

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the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 231, 521, 927, 1023, 1081, 1978, 2099, 2233, 2391, 3140, 3329, 3353.

All passed the House, April 4th, 2001.

PRESIDING OFFICER: (SENATOR KARPIEL)

House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 1, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 5, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 41, offered by Senator Lauzen.

(Secretary reads title of bill)

House Bill 153, offered by Senator Petka.

(Secretary reads title of bill)

House Bill 176, offered by Senator Sieben.

(Secretary reads title of bill)

House Bill 222, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 229, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 243, offered by Senator Lisa Madigan.

(Secretary reads title of bill)

House Bill 274, offered by Senator Myers.

(Secretary reads title of bill)

House Bill 294, offered by Senators Cullerton, Dudycz, Mahar and Munoz.

(Secretary reads title of bill)

House Bill 418, offered by Senator Rauschenberger.

(Secretary reads title of bill)

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1st Reading of the bills.

PRESIDING OFFICER: (SENATOR KARPIEL)

For the -- for the Members, just to let you know that there is no further business to come before us today except for the reading of -- the 1st Reading. So we will come in tomorrow at 9 a.m. Tomorrow at 9 a.m. House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 523, offered by Senators Shadid and Hawkinson.

(Secretary reads title of bill)

House Bill 596, offered by Senator Lisa Madigan.

(Secretary reads title of bill)

House Bill 654, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 776, offered by Senator Wendell Jones.

(Secretary reads title of bill)

House Bill 793, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 898, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 909, offered by Senator Myers.

(Secretary reads title of bill)

House Bill 933, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 980, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 1027, offered by Senator Philip.

(Secretary reads title of bill)

House Bill 1039, offered by Senators Burzynski and Lisa Madigan.

(Secretary reads title of bill)

House Bill 1784, offered by Senator Jacobs.

(Secretary reads title of bill)

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House Bill 1798, offered by Senator Shaw.

(Secretary reads title of bill)

House Bill 1807, offered by Senator Radogno.

(Secretary reads title of bill)

House Bill 1901, offered by Senator Peterson.

(Secretary reads title of bill)

House Bill 1942, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 1988, offered by Senator Bomke.

(Secretary reads title of bill)

House Bill 2019, offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2054, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 2056, offered by Senator Lauzen.

(Secretary reads title of bill)

House Bill 2062, offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 2381, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 2396, offered by Senator Karpiel.

(Secretary reads title of bill)

House Bill 2425, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 2472, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 2519, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 2564, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 3006, offered by Senators Hawkinson and Shadid.

(Secretary reads title of bill)

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House Bill 3059, offered by Senator Trotter.

(Secretary reads title of bill)

House Bill 3061, offered by Senator Trotter.

(Secretary reads title of bill)

House Bill 3126, offered by Senator Radogno.

(Secretary reads title of bill)

House Bill 3150, offered by Senator Shaw.

(Secretary reads title of bill)

House Bill 3162, offered by Senator O'Malley.

(Secretary reads title of bill)

House Bill 3179, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 3172 -- pardon me, 3192, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 3247, offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 3305, offered by Senator Sullivan.

(Secretary reads title of bill)

House Bill 3319, offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 3584, offered by Senator Hawkinson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there's no further business to come before the Senate,
Senator Clayborne -- moves the Senate stands adjourned till
9 a.m., on Thursday, April 5th.