

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

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 the guests in the galleries please rise? Our prayer today will be given by Pastor Donald Pritchard, Zion Lutheran Church, Pleasant Plains, Illinois. Pastor Pritchard.

PASTOR DONALD PRITCHARD:

(Prayer by Pastor Donald Pritchard)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Illinois Information Service has requested permission to film. Is -- is leave granted? Leave is granted. Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, April 2nd, 2002.

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Jones moves to approve the Journal just read. There being no objection, so ordered. Senator Jones.

SENATOR W. JONES:

Mr. President, I move that reading and approval of the Journal of Wednesday, April 3rd, in the year 2002, be postponed, pending arrival of the printed Journal.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDENT PHILIP:

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

SENATOR DEMUZIO:

Thank you, Mr. President. Let the record reflect this morning that Senator Silverstein is absent because of religious business, and also that Senator Clayborne is -- for religious reasons, and also that Senator Clayborne is absent today. He's having some surgery, I think, on one -- on his knee or something. So...

PRESIDENT PHILIP:

The record will so indicate. 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 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 86, 4338, 4726, 4936, 5606, 3632, 4083, 4230, 4255, 4318, 4369, 4509, 4540, 5647, 5793, 5870, 5908, 5921, 4066, 4084, 4208, 4343, 4353, 4409, 4439, 4453, 4933, 5004, 5695, 5847 and 6052.

All passed the House, April 3rd, 2002.

PRESIDING OFFICER: (SENATOR WATSON)

Like to call all the Members to the Floor, as we proceed, we hope, for our final day this week. Mr. Secretary, House Bills 1st Reading.

SECRETARY HARRY:

House Bill 203, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 494, by Senator Clayborne.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

(Secretary reads title of bill)

House Bill 582, by Senator Clayborne.

(Secretary reads title of bill)

Senator Molaro offers House Bill 2703.

(Secretary reads title of bill)

House Bill 3653, Senator Clayborne.

(Secretary reads title of bill)

House Bill 3657 is presented by Senators Shadid and Hawkinson.

(Secretary reads title of bill)

House Bill 3662, Senator Clayborne.

(Secretary reads title of bill)

House Bill 3783, Senator Trotter.

(Secretary reads title of bill)

Senator Watson offers House Bill 3812.

(Secretary reads title of bill)

House Bill 3938, by Senator Shaw.

(Secretary reads title of bill)

House Bill 4047, Senator Radogno.

(Secretary reads title of bill)

House Bill 4081, by Senator Parker.

(Secretary reads title of bill)

House Bill 4098, by Senator Trotter.

(Secretary reads title of bill)

House Bill 4103, by Senator Trotter.

(Secretary reads title of bill)

House Bill 4123, Senator Dillard.

(Secretary reads title of bill)

House Bill 4187, presented by Senator Watson.

(Secretary reads title of bill)

House Bill 4214, presented by Senator Sullivan.

(Secretary reads title of bill)

House Bill 4220, by Senator Tom Walsh.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

(Secretary reads title of bill)

Senator Radogno presents House Bill 4228.

(Secretary reads title of bill)

House Bill 4255, Senator Parker.

(Secretary reads title of bill)

House Bill 4257, offered by Senators Dudycz and Cullerton.

(Secretary reads title of bill)

House Bill 4318, by Senators Madigan, Hawkinson and others.

(Secretary reads title of bill)

House Bill 4328, by Senator Mahar.

(Secretary reads title of bill)

House Bill 3695, by Senator Madigan.

(Secretary reads title of bill)

House Bill 4335, by Senators Dillard and Larry Walsh.

(Secretary reads title of bill)

House Bill 4339, Senator Noland.

(Secretary reads title of bill)

Senator Shadid offers House Bill 4344.

(Secretary reads title of bill)

House Bill 4351, Senator Watson.

(Secretary reads title of bill)

House Bill 4357, by Senator Tom Walsh.

(Secretary reads title of bill)

House Bill 4365, Senator Parker.

(Secretary reads title of bill)

House Bill 4367, Senator Cullerton.

(Secretary reads title of bill)

House Bill 4439 is offered by Senator Ronen.

(Secretary reads title of bill)

House Bill 4457, by Senator Donahue.

(Secretary reads title of bill)

House Bill 4453, by Senator Donahue.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

(Secretary reads title of bill)

House Bill 4509, Senator Tom Walsh.

(Secretary reads title of bill)

House Bill 4942, presented by Senators Cullerton and Sullivan.

(Secretary reads title of bill)

House Bill 4961, by Senator Larry Walsh.

(Secretary reads title of bill)

House Bill 4965, by Senator Larry Walsh.

(Secretary reads title of bill)

House Bill 5578, by Senator Karpiel.

(Secretary reads title of bill)

House Bill 5636, by Senators Dillard and Madigan.

(Secretary reads title of bill)

House Bill 5681, by Senator Petka.

(Secretary reads title of bill)

House Bill 5718, by Senator Parker.

(Secretary reads title of bill)

House Bill 5720, Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 5822, Senator Link.

(Secretary reads title of bill)

House Bill 5846, by Senator Burzynski.

(Secretary reads title of bill)

Senator Sieben offers House Bill 5849.

(Secretary reads title of bill)

House Bill 5908, by Senator Watson.

(Secretary reads title of bill)

House Bill 5921, by Senators Dillard and Clayborne.

(Secretary reads title of bill)

House Bill 5941, by Senator Halvorson.

(Secretary reads title of bill)

House Bill 6034, by Senator Watson.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

(Secretary reads title of bill)

House Bill 6052, Senator Jacobs.

(Secretary reads title of bill)

And House Bill 3682, by Senator Wendell Jones.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WATSON)

We'll begin on the middle of page 2. Middle of page 2, we have Senate Bills 3rd Reading. And we have Senate Bill 268. Senator Karpziel. Senator Karpziel? Out of the record. Senate Bill 1537. Senator Tom Walsh. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1537.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh. Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President, Members of the Senate. Senate Bill 1537 creates the Emergency Evacuation Plan for People with Disabilities Act. Requires that the owners of every high-rise building which is eighty feet or more to establish and maintain an emergency evacuation plan for disabled occupants that are in compliance with the provisions of this Act. This exempts the City of Chicago. This has been agreed to by all interested parties, and I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just a quick question of the sponsor. Senator Walsh, it exempts the City buildings or the -- all buildings in the City?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senator Walsh.

SENATOR T. WALSH:

It -- thank you, Senator Rauschenberger. It -- it -- the City of Chicago has their own plan, which is similar to this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1537 pass. 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 1537, having received the required constitutional majority, is declared passed. Senate Bill 1545. Senator Mahar. Mr. -- Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1545.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. This amends the School Code. Permits local fire department or the Office of the State Fire Marshal to conduct fire safety checks in public schools. This is not the final version. Negotiations are continuing. I would ask the Members to join me in moving this to the House, while we're still working on the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there discussion? Is there any discussion? If not -- Senator Demuzio.

SENATOR DEMUZIO:

I'm -- I'm sorry, but we're just now getting started here. Can -- can -- can you give me a brief explanation as to what we

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

are doing and why we're moving the bill again? I apologize for not having the -- having listened, I guess...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This -- we are working with the regional superintendents around the State on their objection to the bill. We have not come up with a conclusion on that. So, because of the time, I would ask that we move this and continue the discussions.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio. Any other discussion? Any further discussion? If not, the question is, shall Senate Bill 1545 pass. 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 1545, having received the required constitutional majority, is declared passed. Senate Bill 1555. Senator Myers. Out of the record. Senate Bill 1558. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1558.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill creates a window in the Private Security and Locksmith Act.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not,



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

the question is, shall Senate Bill 1558 pass. 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 1558, having received the required constitutional majority, is declared passed. Senate Bill 1565. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1565.

(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 1565 permits the Illinois Development Finance Authority to establish a program making loans for energy efficiency improvements in the State of Illinois. This is the second iteration. It passed out of the Senate last year with more than fifty votes. These are corrections requested by both IDFA and the Governor's Office. I'd appreciate favorable support and 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 1565 pass. 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 1565, having received the required constitutional majority, is declared passed. Senate Bill 1566. Senator Rauschenberger. Out of the record. Senate Bill 1569. Madam Secretary, please read the bill.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

ACTING SECRETARY HAWKER:

Senate Bill 1569.

(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 1569 requires the Illinois Commerce Commission to repair -- to prepare reports for submission to the General Assembly on the progress and potential for aggregation of residential electric consumers. As we enter into a period of -- where prices will be deregulated and residential customers will be free to choose electricity suppliers, we'd like the ICC to carefully monitor what's happening as far as aggregating customers together for the customers' best interests. Appreciate support on this.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1569 pass. 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 -- there are -- there's 55 voting Yes, no voting No, no voting Present. Senate Bill 1569, having received the required constitutional majority, is declared passed. Senate Bill 1571. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 1571 amends the Metropolitan Water Reclamation District Act providing that the deputy attorney of the District shall be appointed by the General Superintendent and is not subject to civil service examination. Under current law, the deputy chief engineer, assistant chief engineers, head assistant attorneys, assistant directors and the comptroller, assistant treasurer and purchasing agents are appointed by the General Superintendent, not subject to civil service examination. This bill changes current law by adding that the deputy attorney for the Water Reclamation District also would be added to them -- those that are appointed by the Superintendent, who are not subject to civil service exam.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1571 pass. All those in favor, vote Aye. All 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, 55 voting Yes, no voting No, no voting Present. Senate Bill 1571, having received the required constitutional majority, is declared passed. Top of page 3. Senate Bill 1573. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1573.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. This legislation currently is a shell bill and will need to be moved over to the House as a shell bill. The advisory committee from the Department of

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Agriculture will be meeting today at 1 o'clock with the Governor's Office to finalize the language to deal with the Grain Insurance Fund. As a result of the Ty-Walk bankruptcy this last fall, there's a need to replenish the Grain Insurance Fund, but the final language is not available yet. I think there's generally consensus on what's going to happen, but the language will need to be put on this bill in the House. So, I'd ask for your support and an Aye vote at this time.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1573 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 1573, having received the required constitutional majority, is declared passed. Senate Bill 1576. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. This legislation is an initiative of the Illinois Retail Merchants Association, and it seeks to address an issue that goes on today at -- at large retailers, like Kmart and Wal-Mart, who sell both firearms and -- and liquor at the same facility. They've been doing that for many years and have just realized that according to current statutes, they should not sell firearms in those -- those establishments. So, the legislation would provide that they can continue to do

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

that provided that the -- the firearms or the liquor represent less than fifteen percent of the sales of tangible personal property. I think that's basically what the bill does. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A question of the sponsor, if he'd yield.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, I -- you know, I really don't have a lot of problems with what you're trying to do, but my concern comes back a little bit to the fifteen percent, number one. Are we, in effect, saying by -- if this legislation passes, that a quick shop, as an example, could sell guns? If you have a gas station that sells cigarettes, sells guns, sells booze, can -- can that happen?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

I -- I think staff's advising me that -- that those -- the ability to -- to make those sales would depend on federal licensing, if they were licensed to be a -- be a seller of those products or locally licensed to sell alcohol. If they did, then the sale of those products, if they chose to sell both, would have to constitute less than fifteen percent of their -- the personal property -- tangible personal property that they're selling.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Therein lies my concern. Even if they -- they are licensed,

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

we're going to be allowing -- potentially allowing gas stations, Jewel Tea, Eagles, anyone who would choose to do so, to also sell guns. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

No, they would not be allowed -- allowed to sell them.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Excuse me, but -- Senator, and -- and I love you. You're my -- you're my neighbor and you're a very able Senator, and I don't even like to question you. I really don't. But -- but I still have a problem because it appears to me that as long as they have the permission to sell the weapon, we are opening the door in Illinois to allow them to sell 'em at gas stations or at the Eagles or at -- at anything else, with this legislation. 'Cause as I see it, the only real prohibition is that they have to have -- fifteen percent or less of their sales has to be liquor. And in most cases, that's going to be true of gas stations, it's going to be true of Jewel Teas, everyone else. And I love our friends at the Retail Merchants, but this one is a little scary to me. And I just feel I need a better answer than what I'm getting.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Sieben, could you tell us how many additional outlets this will create in Illinois?

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

The answer to that question, the legislation would by -- in and of itself, would create no additional outlets.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR SIEBEN:

Yes. Thank you, Mr. President. Let me respond to Senator Jacobs' question. The underlying issue here is whether or not a retailer can continue to sell both alcohol and liquor {sic} from the same establishment. If a retailer, as you're describing in the Quad Cities, wants to begin retailing firearms or wants to begin retailing liquor, one or the other, they can do that right now, regardless of what this legislation does. This has nothing to do with their ability to seek a federal license, to seek a local liquor license to sell those products. The issue in this legislation is can they -- can a retail establishment sell both products? And this legislation goes back years and years ago. In fact, I think Senator Geo-Karis was the sponsor of the bill, maybe eight or nine years ago, that attempted to prohibit the sale of -- of firearms in establishments -- or, retail establishments that were also selling liquor. Basically prohibit taverns, bars, those kind of things, from also selling firearms. The effect of that has been that now that the megastores, the -- the -- the supercenters that have a license to sell liquor, have a license to sell firearms, technically are in violation of the law. We've narrowly drafted this to say that those large retailers can continue to sell both products that they are legally licensed to do if the sale of those products represent a very small part of their business, that's not their primary business. And this -- this legislation is not opposed by the hand -- hand -- Citizens

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

for Handgun Control. They're neutral on it. The Illinois Liquor Commission is neutral on the bill. I think the only opposition that we have recorded on the bill is from the City of Chicago. So, I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 1576 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? Have all voted who wish? Take the record. On that question, there's 28 voting Yes, 27 voting No, no voting Present. Senate Bill 1576 fails. Senator Sieben?

SENATOR SIEBEN:

Yes, Mr. President, I'd ask that this bill put -- be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR WATSON)

That request is in order. Moving on the Calendar, Senate Bill 1580. Senator Cronin. Out of the record. Senate Bill 1583. Senator Philip? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1583.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1583, as amended, provides a member of the Illinois National Guard serving on State active duty the same civil protections as military personnel serving under federal active duty. It's a good idea to bring our Illinois National Guards up to parity with everybody else. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1583 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 1583, having received the required constitutional majority, is declared passed. Senate Bill 1605. Senator Syverson? Madam... Out of the record. Senate Bill 1635. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1635.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 1635 would allow, by ordinance or -- resolution, municipalities the right to adjust the number of aldermen. This really comes from a couple communities with the last census where their population grew by just over a thousand people, which is going to require that they add a significant number of aldermen, which is a financial hardship for those communities, and they would like to have the ability, by -- by their ordinance -- local ordinances, to be able to stay the same size. We've, since that time, also asked that an amendment be put on from Senator Sieben to address just the opposite concern where they would like to have the opportunity for a community to add aldermen by a front-door referendum. Current law doesn't allow that to happen. This amendment will allow a community, by front-door referendum, to also add a number of aldermen. There is one last issue, which we ran out of time, which is addressing -- which was Senator Link's issue, and he certainly has our

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

commitment that we're going to address his concerns when this bill gets over to the House. I'd be happy to answer any questions anyone might have.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd just like to rise and compliment the Senator on the hard work he's done on this bill. I just think this really represents one of those efforts someone's really made to bring legislation along.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? If not, the question is, shall Senate Bill -- Senator Demuzio? Just a little late on the switch.

SENATOR DEMUZIO:

I -- I was for this bill until that last speech. I'm...

PRESIDING OFFICER: (SENATOR WATSON)

Yeah, okay. Thank you.

SENATOR DEMUZIO:

I'm not quite sure where I am now.

PRESIDING OFFICER: (SENATOR WATSON)

Thanks for those comments. We -- we are now in passage stage. President's got to get refocused. The question is, shall Senate Bill 1635 pass. 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 1635, having received the required constitutional majority, is declared passed. Senate Bill 1637. Senator Sieben? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1637.

(Secretary reads title of bill)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank -- thank you very much, Mr. President. This legislation amends the Telephone Solicitation Act and makes it unlawful to make telephone solicitation calls to cellular telephones, with one exception: The cellular provider of the service may call their own customers provided they are not charging their customer for that call. I know of no opposition. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall -- Senator Cullerton.

SENATOR CULLERTON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, we had a -- a discussion about this bill in Judiciary Committee yesterday, and we considered a -- an amendment, which was defeated, dealing with an exemption. And I wondered if you could just describe for me what the exemptions are in this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Senator Cullerton, the bill you're referring to is 1830, which is the -- the big -- no -- restricted call registry bill. This is just the cellular -- on cellular phones.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1637 pass. All those in favor, vote Aye.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

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 1637, having received the required constitutional majority, is declared passed. Senate Bill 1641. Senator Parker? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This now is a shell bill and the issue that we were working on comes from our Mental Health Task Force and we were -- are -- are looking at issues to help prevent suicides in jails. We are working with the sheriffs and with different people from the mental health community, and I would just like to pass this over to the House so we can have further opportunity for an amendment that everybody can agree on.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1641 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 1641, having received the required constitutional majority, is declared passed. Senate Bill 1642. Senator Roskam. Out of the record. Senate Bill 1655. Senator Parker. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senate Bill 1655.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We all know that truck safety is a very important issue, and what this bill does is this expands the powers of the ICC police and also the Secretary of State police to allow them to do motor carrier safety inspections and to be conducted under the Illinois Motor Carrier Safety Law. This would include that the inspections can examine the following: the driver's license, medical examiner certificates, duties of the -- of the driver, hazardous materials requirements and many others. This does expand these opportunities. There are a hundred and thirty Secretary of State police. There are ICC police that presently can do different duties, but if they can do this also, this will help out the troopers and make our roads safer. And I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Brad -- Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield.

SENATOR BURZYNSKI:

Senator Parker, how does this affect farm vehicles with farm plates on them, semitrailer rigs?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR PARKER:

They can be inspected just -- it doesn't change. They can be expected {sic} like any other truck. All this does is allow other people and additional people to carry out safety inspections on our roads.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Well, in the past, we've had some problems, especially during harvest season, where farm trucks have been stopped several times - the same truck, over and over - and it seems to me like this can make the problem even worse if we add another policing authority.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Senator, this does not change what any of them can do. All this does is add further opportunities on the road. We have a large State. Up north we have people who really would like to have more inspections of trucks and more opportunities. And as we know, with our present situation, after -- in -- September 11th, we certainly want to be able to have more people to do that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield.

SENATOR SHADID:

Senator Parker, I have a problem, wondering why we're doing this at all. Did the Secretary of State's police request this additional duties?

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

The original bill included the ICC police and, actually, we went to the Secretary of State and asked if they wanted to also be involved because we felt that the more people we have inspecting trucks the better. And they said -- they do agree with this, and they said that they would like to do this. And -- and let's remember, if they're safe trucks, they have no problem with this. We are only going after the opportunity for having unsafe trucks off the roads.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Do the Commerce police have full police powers?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

They -- they do not now. This would give them full police powers. What happens now is often they will -- they can stop a -- a -- a truck for improper licensure and they can see it's unsafe, but they have to wait there and ask -- have a trooper come to take that truck off the road.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Well, I don't know if you understood what I'm trying to ask you. When I say full police powers, does that give the ICC police -- do they presently have the authority to make any arrest on any municipal ordinance or State law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR PARKER:

No.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

There must be a reason for that. Why don't they?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I -- I don't know. I think it'd be a good idea. They have the same training as local police powers, but they do not have the same powers.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Well, I -- I might as well tell you this, and everyone else: I'm not in support of this bill, for a lot of reasons. If you're going to put a police officer on the street to do just this one more, additional thing, everyone who's called "policeman" should have full police powers. And if they don't have it, there must be a reason for it. And plus, it's my understanding that there's only fourteen ICC policemen presently. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I think fourteen or fifteen, that's correct.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

I think not only the trucking industry, I think the citizens of this State would be well served if we would eliminate all these different little police agencies, like the ICC police, and put



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

them under the umbrella of the State Police who now do the -- regulations of the trucks. And if I'm not mistaken, a couple years ago, we put additional monies into the State Police budget so they could hire twenty to thirty more troopers to do this work. So, I think it all should -- can be more consistent. We should have a police officer on the street that can make an arrest for any violation, not just for a truck regulation, is what you're proposing. So I'm urging a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield.

SENATOR HENDON:

Senator Parker, could you respond to what Senator Shadid had to say? I was looking for a response to that and that would help formulate my -- my question. But could you do that for me, if you would?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I would be glad to respond to that. There was a report that Senator Dudycz and Senator Shadid had issued a couple of years ago and it was thought it would be good to culminate and put everybody under one agency, but that hasn't occurred. But what this does is it does something in the meantime until there could be agreement for that, because the State Police didn't want to have the ICC under them. So there's arguments on how that should occur. So in the meantime, what we can do is give the ICC full police powers. They already do all that training. They can have the -- the

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

training for the motor safety. Even though there's fourteen or fifteen of them, they are presently -- now their duty is to go ahead and see if there are unlicensed drivers, and very often they find unsafe trucks and they have to wait for a trooper to come. They now, with this bill, would be allowed to take that truck off the road, and this does, then, expand the Secretary of State's police, which is a hundred and thirty. So, it gives us more of an opportunity to have safer roads because we do have more people and -- people out there with the authority that can look at whether a truck is safe or not, and we know that that's important. Now, if there are safe trucks, the safe trucks have no problem with this because they're safe. If they're unsafe, they should be off the road.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Well, Senator Parker, I -- I know that Senator Dudycz has been a lieutenant with the Chicago Police Department and Senator Shadid has been a sheriff. We have to look at them as the experts in this area within this Chamber. Wouldn't you agree with that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I think there are many experts here.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

I mean, but -- but you do acknowledge their -- their expertise and the years that they have put in in this area, and I just think that we should look to them for leadership in this area. It's clear to me that they're on the right track. Just creating and giving all of these different groups full police power I think is

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

-- is dangerous, and I -- I agree with their suggestion to put 'em under the State Police. But I don't think that we need to be doing this right now, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in opposition to this legislation. You know, I think law enforcement on our highways -- State highways should be the total authority of the State Police. You can't convince me that when a -- State Police stops a truck, that he can't check his -- he can't check his -- if he's hauling livestock, the health permits, or if it's trouble with the tires or stuff like that. I don't think we need the State Police, the Department of Agriculture, the Commerce Commission, the Secretary of State, about four or five different agencies stopping these trucks, when it looks to me like -- that if we're going to do anything, let's put more State Police on the -- on the road and do away with all these other agencies, and when a -- when a truck is stopped, let the -- let the State Police check out all of his problems and let him get on the road. You know, the trucking industry, we give 'em a lot of problems, but that's not that profitable of an industry. And time three or four different agencies stop a truck on the road, he's lost his profit, probably for the whole day. And I -- I just think this should be solely the responsibility of the State Police to -- to enforce all the laws on our highways.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PARKER:

Thank you, and thank you for your -- for your comments. The issue on whether all of the truck and safety inspections are done

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

by the State Police is not the issue of this bill. The issue of this bill is whether we have more of an opportunity to have people out there that can check for dangerous trucks on our roads and, as we all know, that's important. Senator Dudycz supported this bill in the Transportation Committee. The State Police are neutral on this bill. The State Police don't even want the ICC police under them. That's a whole other issue. But right now, in the meantime, we can vote today for this bill to take the ICC police, who have the training now for police. They can have the additional training to do the motor safety inspections. The Secretary of State have an additional hundred and thirty that they can put out there, and we can have safer roads and safer trucks. And if you have a safe truck, there isn't a problem, but if you don't have a safe truck, then that truck should be taken off the road. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1655 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? ...the record. On that question, there's 15 voting Yes, 36 voting No, 4 voting Present. Senate Bill 1655, having failed to receive the constitutional majority, fails. Senate Bill 1661. Senator O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1661.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President -- or, Mr. President. Excuse me. The -- the package that is before you, this is the first bill,

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

1661. It's associated with 1662 and 1663 that follow. This package is known -- has become known as the "Born Alive" package. 1661 creates the Induced Birth Infant Liability Act, creates a cause of action where medical care, as provided for in Senate Bill 1663, is not provided. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1661 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, 31 voting Yes, 11 voting No, 10 voting Present. Senate Bill 1661, having received the required constitutional majority, is declared passed. Senate Bill 1662. Senator O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1662.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. 1662 is the second component of the "Born Alive" package, and it defines a born-alive infant in order to resecure the rights of children who are born under any circumstances to equal protection under the law. Be -- again, I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1662 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?

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Take the record. On that question, there's 30 voting Yes, 12 voting No, 10 voting Present. Senate Bill 1662, having received the required constitutional majority, is declared passed. Senate Bill 1663. Senator O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1663.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, again, thank you. This is the third component of the "Born Alive" package, and what it provides is that a child born under any circumstances would receive all reasonable measures consistent with good medical practice. Also requires a second physician to give an opinion of viability and to deliver such reasonable measures of care as are defined in 1663. Again, I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR CULLERTON:

Senator O'Malley, which one of these bills was the Medical Society -- did they testify against? Was it all three of 'em or just this one?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

You know, I -- I really can't speak for them, but I suspect their major issue was with 1661.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Obama.

SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR OBAMA:

Yeah. Just along the same lines. Obviously this is an issue that we've debated extensively both in committee and on the Floor, so I -- you know, I don't want to belabor it. But I did want to point out, as I understood it, during the course of the discussion in committee, one of the things that we were concerned about, or at least I expressed some concern about, was what impact this would have with respect to the relationship between the doctor and the patient and what liabilities the doctor might have in this situation. So, can you just describe for me, under this legislation, what's going to be required for a doctor to meet the requirements that you've set forth?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Obama, first of all, there is established, under this legislation, that a child born under such circumstances would receive all reasonable measures consistent with good medical practice, and that's as defined, of course, by the -- you know, the practice of medicine in the community where this would occur. It also requires, in two instances, that -- that an attending physician be -- be brought in to assist and advise with respect to the issue of viability and, in particular, where there's a --

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

there's a suspicion on behalf of the physician that the child -- may -- may be -- may be viable - that there's a suspicion - so that the attending physician would make that decision as to whether that would be the case. The other one is where the child is actually born alive and then is -- is -- is actually born alive, in which case, then, the physician would call as soon as practically possible for a second physician to come in and determine the viability.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

So -- and again, I'm -- I'm not going to prolong this, but I just want to be clear because I think this was the source of the objections of the Medical Society. As I understand it, this puts the burden on the attending physician who has determined, since they were performing this procedure, that, in fact, this is a nonviable fetus; that if that fetus, or child - however way you want to describe it - is now outside the mother's womb and the doctor continues to think that it's nonviable but there's, let's say, movement or some indication that, in fact, they're not just coming out limp and dead, that, in fact, they would then have to call a second physician to monitor and check off and make sure that this is not a live child that could be saved. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

In -- in the first instance, obviously the physician that is performing the procedure would make the determination. The second situation is where the child actually is born and is alive, and then there's an assessment -- an independent assessment of viability by -- by -- by another physician at the soonest



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

practical date -- or, time.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Let me just go to the bill, very quickly. Essentially, I think, as -- as this emerged during debate and during committee, the only plausible rationale, to my mind, for this legislation would be if you had a suspicion that a doctor, the attending physician, who has made an assessment that this is a nonviable fetus and that, let's say for the purposes of the mother's health, is being -- that -- that labor is being induced, that that physician (a) is going to make the wrong assessment and (b) if the physician discovered, after the labor had been induced, that, in fact, he made an error, or she made an error, and, in fact, that this was not a nonviable fetus but, in fact, a live child, that that physician, of his own accord or her own accord, would not try to exercise the sort of medical measures and practices that would be involved in saving that child. Now, if -- if you think that there are possibilities that doctors would not do that, then maybe this bill makes sense, but I -- I suspect and my impression is, is that the Medical Society suspects as well that doctors feel that they would be under that obligation, that they would already be making these determinations and that, essentially, adding a -- an additional doctor who then has to be called in an emergency situation to come in and make these assessments is really designed simply to burden the original decision of the woman and the physician to induce labor and perform an abortion. Now, if that's the case - and -- and I know that some of us feel very strongly one way or another on that issue - that's fine, but I think it's important to understand that this issue ultimately is about abortion and not live births. Because if these are children who are being born alive, I, at least, have confidence that a doctor

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

who is in that room is going to make sure that they're looked after. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR O'MALLEY:

Thank you, Mr. President. I appreciate the comments from the previous speaker, but I can assure you that the interests of everybody, I think, in -- in this State would be to protect the life of a child, including the physicians who are involved there. And I believe that the second-opinion physician would actually, in many ways, protect not only the interests of that child, which is its primary responsibility, but to make sure that if there -- was any error in judgment of any kind by the -- the primary physician, that -- that -- the -- the -- the burden association -- associated with -- with that failure and decision would be minimized. And so, I would request your support of this legislation so that this package can move to the Illinois House, where it can be given some serious consideration. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 1663 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 30 voting Yes, 13 voting No, 8 voting Present. Senate Bill 1663, having received the required constitutional majority, is declared passed. Senator Madigan, for what purpose do you rise?

SENATOR L. MADIGAN:

Mr. President, I'd like to request a verification.

PRESIDING OFFICER: (SENATOR WATSON)

That request is in order. Will our Members please be in their seat? ...Secretary will read the affirmative votes.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Bomke, Burzynski, Demuzio, Dillard, Donahue, Dudycz, Hawkinson, Wendell Jones, Karpiel, Klemm, Lauzen, Luechtefeld, Mahar, Maitland, Noland, O'Daniel, O'Malley, Peterson, Petka, Rauschenberger, Roskam, Sieben, Smith, Stone, Syverson, Larry Walsh, Thomas Walsh, Watson, Woolard and Philip -- Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, do you request -- or, challenge the presence of any Member?

SENATOR L. MADIGAN:

Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm on the Floor? Senator Klemm? Strike his name. Any other requests?

SENATOR L. MADIGAN:

No further requests.

PRESIDING OFFICER: (SENATOR WATSON)

On a verified roll call, the Ayes are 29, the Nays are 13, 8 voting Present. And Senate Bill -- 1663, having failed to receive the required constitutional majority, is declared lost. Senator O'Malley.

SENATOR O'MALLEY:

I request Postponed Consideration concerning 1663.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley seeks leave to place Senate Bill 1663 on the Calendar on the Order of Consideration Postponed. That request is in order. Senate Bill 1666. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1666.

(Secretary reads title of bill)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

...you, Mr. President, Members of the Senate. This bill was introduced at the request of the Treasurer in Cook County, and it's been amended to include all the county collectors. The County Collectors' Association is in support of it. It would permit the collectors, within one year after the -- after the date of a sale in an annual sale and a hundred and eighty days after the date of sale at a scavenger sale to administratively grant a sale in error in certain limited situations. This is -- the purpose of the bill is to avoid very costly court proceedings that are unnecessary when the -- the reason for the sale in error is really nondiscretionary. That would be, for example, when the -- the property was not subject to taxation, or the taxes were actually paid prior to the sale, or if there's a bankruptcy or a federal forfeiture, or the property is owned by a governmental entity. And the bill allows for a -- a new Section providing for a voluntary registration of certificates of purchase and assignments so as to make sure that the tax buyers can be identified and that they are -- receive notice, because if they -- if they do receive notice and they wish to object to the administrative sale in error, they can just simply indicate that and they would go, then, through the normal procedure of going to court. I don't know of any opposition. Think it will be a -- a nice procedure to save some money for our counties, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Sponsor indicates he'll yield Senator Hawkinson.

SENATOR HAWKINSON:

Has the opposition of the Chicago Bar Association and Downstate Tax Purchasers been removed? And I guess, along those lines, has any concern that you have a nonjudicial official acting to reverse a judicial order been addressed in your amendment?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

There was an amendment that was adopted that was a compromise worked out with the -- the Bar Association and the -- the Treasurer's Office. And the -- the concern of the Bar Association was actually that there -- in certain limited circumstances, they would want to go back to court and not allow for this administratively to be done and they were concerned about the notice. So the main part of the compromise was to set up this voluntary registration of certificates of purchase and assignment where they would virtually guarantee that they would get the notice. Now, as far as the second point, a nonjudicial officer making the -- the --- the determination, that was addressed by defining exactly those circumstances when it would apply, and they are strictly nondiscretionary, where there's just no question that the -- that the -- had it gone to court, they would have no choice but to order it. So, that's -- that's the way the compromise was achieved. And the Downstate Tax Buyers are in favor of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1666 pass. 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? ...the record. On that question, there's 54 voting Yes, no voting No, no voting Present. Senate Bill 1666, having received the required

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

constitutional majority, is declared passed. Senate Bill 1679. Out of the record. Senate Bill 1687. Senator Burzynski. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1687.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill now contains language that extends the Funeral Directors and Embalmers Licensing Code. It also removes the provision requiring that a licensee only pay one fee in order to place the license on inactive status. Try and answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1687 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 1687, having received the required constitutional majority, is declared passed. Senate Bill 1688. Senator Burzynski. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1688.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill provides a definition for a new licensed dietitian nutritionist. It combines the two professions. This amendment also replaces some terminology and reflects changes made to the Board to reflect the difference in the professions that are now in this Act.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1688 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 No, no voting Present. Senate Bill 1688, having received the required constitutional majority, is declared passed. Moving along on page 4. Top of page 4. Senate Bill 1730. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1730.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this does is provide that if a person continues to drive on a suspended or revoked driver's license, that they could have their vehicles forfeited. The Illinois Association of Chiefs of police and the Illinois Sheriffs' Association are in support of this. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1730 pass. All those in favor, vote Aye.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

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 1730, having received the required constitutional majority, is declared passed. Senate Bill 1732. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1732.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Senate Bill 1732 amends the Election Code making a -- technical change to a Section concerning committees of political parties. It's a vehicle bill that we hope to amend in the House and see again when it comes back here.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1732 pass. All those in voter -- Aye. Opposed, vote No. The voting's 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 1732, having received the required constitutional majority, is declared passed. Senate Bill 1733. Senator Dudycz? Out of the record. Senate Bill 1734. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1734.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Senate Bill 1734 increases the amount by which the Chicago community college district has to let a contract for supplies, materials, or work by competitive bidding if the contract involves an expenditure in excess of five to ten thousand dollars. In 1992 the General Assembly increased the bidding requirement threshold from five thousand to ten thousand for all community colleges except the City Colleges of Chicago. This just puts them in parity.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Demuzio. Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR GEO-KARIS:

Did I understand you to say that they -- the community colleges cannot go ahead and spend money past five thousand dollars without Community Board action?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Senator Geo-Karis, this is regarding the City Colleges, where the -- the City College of Chicago cannot let a bid out for competitive bidding in excess of five thousand. All others can go up to ten thousand. This just brings them in line.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, the -- oh, excuse me. Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, past ten thousand dollars, they have to go out

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

for bids. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Yes, ma'am.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I rise in support. I think it's time we did this.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? If not, the question is, shall Senate Bill 1734 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 54 voting Yes, 1 voting No, no voting Present. Senate Bill 1734, having received the required constitutional majority, is declared passed. Senate Bill 1756. Senator Cullerton? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

...Mr. President, Members of the Senate. This bill amends the Open Meetings Act. Currently the law says that an agenda for each regular meeting shall be posted at the principal office of a public body and public notice shall also be posted of the meetings and the public body shall keep written minutes of all their meetings. So what this bill says is that if that public body has a website, that they should also post it on the website. And as a

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

result of an amendment drafted for the Municipal League, we indicate that the website is that website that the staff of the public body maintains. So, we're not requiring them to get a website if they don't have one. We're just saying if they do have a website, in addition to posting the notice of the agenda and the minutes, that they should also put it on the website, if they have one. So, be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1756 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 54 voting Yes, no voting No, 1 voting Present. Senate Bill 1756, having received the required constitutional majority, is declared passed. Senate Bill 1760. Senator Rauschenberger? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1760.

(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. Seventeen -- Senate Bill 1760, after amendment now, is the white smoke that we've all been waiting for to finally clarify how to appropriately get exempted building materials processed for enterprise zones. We now have the agreement of the administrators of the enterprise zones, the Department of Revenue, the people doing the construction and the affected retailers. It's another

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

example of -- we wait a couple years and things end up working out okay. I'd appreciate support on this. I'd be very happy to extensively answer questions about the technical nature of this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? The question is, shall Senate Bill 1760 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 1760, having received the required constitutional majority, is declared passed. Senate Bill 1764. Out of the record. Senate Bill 1779. Senator Bomke. Out -- Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1779.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1779 simply gives State employees the means to restore earnings and service credit for time spent on furlough, thus -- eliminating the reduction in monthly retirement annuities and service credits. I'd 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 1779 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

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

voting No, no voting Present. Senate Bill 1779, having received the required constitutional majority, is declared passed. Senate Bill 1782. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1782.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill represents a consensus among the doctors, the nurses, Department of Public Health and others to implement an informational program surrounding the issue of postpartum depression. There's been a lot of publicity on the issue of late. It appears that there are a number of groups that are interested in figuring out how the State, working with the private sector, can get additional information out around this issue. I know of -- no opposition, and I'd appreciate an affirmative roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I stand in strong support of Senator Obama's initiative and urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? The question is, shall Senate Bill 1782 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 No, no voting Present. Senate Bill 1782, having received the required constitutional majority, is declared passed. Senate Bill 1795. Senator Smith? Mr. Secretary, please

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

read the bill.

SECRETARY HARRY:

Senate Bill 1795.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill prohibits a school bus driver from operating a school bus while using a cellular phone. It creates exceptions for emergency situations and mechanical breakdowns or problems that impair the safe operation of the bus and when the bus is parked. A violation is petty offense punishable by a fine of not less than one hundred dollars and not more than two hundred and fifty dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1795 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 is 55 voting Yes, no voting No, no voting Present. Senate Bill 1795, having received the required constitutional majority, is declared passed. Senate Bill 1798. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1798.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Thank you, Mr. President. Senate Bill 1798 actually makes a technical change in the Hospital Licensing Act and it's for the purpose of further negotiations between the hospitals and the Medical Society on some questions about pain management. I'd like to continue that dialogue, and I'd ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1798 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, 56 voting Yes, no voting No, no voting Present. Senate Bill 1798, having received the required constitutional majority, is declared passed. Senate Bill 1810. Senator Peterson? Out of the record. Senate Bill 1812. Senator Mahar? Out of the record. Senate Bill 1820. Senator Munoz? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1820.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Madam -- Mr. President, Members of the Senate. Senate Bill 1820 deletes all. If one or more hospitals combine or merge in any fashion that does not require any of the parties to transition {sic} to secure a new license under the Hospital Licensing Act, the medical staff bylaws -- each individual hospital must remain in effect until the bylaws are modified according to the terms of the bylaws. Exempts Cook County hospitals from the Act. There's no known opposition. I'd be willing to answer any questions, if possible.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1820 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 1820, having received the required constitutional majority, is declared passed. Senate Bill 1830. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1830.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. This legislation creates the Restricted Call Registry Act. It's a follow-up to the legislation that we all voted for last year, passed the House and sent to the Governor, and then the Governor vetoed because he felt we didn't have an adequate funding mechanism in the bill at that time and that the exemptions were a little too broad and would create a false expectation among consumers, that they'd put their name on the list and still receive these calls. So, we've responded to the Governor's concern in his Veto Message, and we've added an enrollment fee of -- allowing the Commerce Commission to collect up to five dollars when a person enrolls, and then their name would be on that list for five years. We'd check and see if they wanted to maintain their name on that list. That could be continued for another five years. We've also dealt with that issue of purging the list. We've tightened up the -- the exemptions in terms of the language that describes what an existing business



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

relationship is and what an existing customer is. We also have some exemptions in the bill, similar to the bill of last year, primarily a couple for the real estate agents and the insurance agents that are essentially calling to set an appointment rather than to solicit for the -- the purchase of a product. And then there's the same exemption that was in last year for the telecommunications providers to reflect the ongoing telecommunications rewrite. So, we've given them a two-year exemption, as that all gets sorted out. This is a major initiative of the AARP. We've worked closely with them and want to thank them for help on this bill -- bill, and also Representative Hoffman in the House, who's represented the interests there. Be happy to answer any questions and ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is then, shall Senate Bill 1830 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 1830, having received the required constitutional majority, is declared passed. Senate Bill 1838. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1838.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Last year we passed Senate Resolution 118, sponsored by Senators Shadid, Munoz and myself.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

It asked the Department of State Police to review the duties, responsibilities, table of organization, sworn rank/command structures, the commercial vehicle enforcement activities, deployment of personnel to areas under the jurisdiction of local law enforcement agencies, hiring and promotion practices regarding women and minorities, and their -- they were to report to us by the end of last year. They did and part of their report stated that they do not have sufficient statutory authority or flexibility to modify and shape the organizational structure of their agency. And Senate Bill 1838 is their response. It's legislation that amending -- that amends numerous statutes to eliminate the statutory division organization of the Illinois State Police, allowing the Director to organize the Department in the most efficient and effective way possible. It also repeals the ranks of major and Special Agent Major within the Illinois State Police structure.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1838 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 1838, having received the required constitutional majority, is declared passed. Top of page 5. Senate Bills 3rd Reading. 1843. Out of the record. Senate -- with leave of the Body, Senator Burzynski, who is a hyphenated cosponsor of Senate Bill 1843, will handle the legislation. Mr. Secretary, will you please read the bill?

SECRETARY HARRY:

Senate Bill 1843.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. This is -- in this form, is a shell bill dealing with temporary special education teacher certification. There's some negotiations going on relative to this bill, and it'll be coming back to us.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Point of personal privilege, please, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR SULLIVAN:

Exiting the gallery right now is St. Andrews School from Park Ridge. If the Senate could please welcome them.

PRESIDING OFFICER: (SENATOR WATSON)

Well, we'd like to welcome our exiting guests to the Senate. Glad to have you here. Senator Demuzio.

SENATOR DEMUZIO:

While we're reflecting on the gallery, do we have leave to -- to tape this morning? We've been taping all morning. We haven't had leave. I mean, what time was that?

PRESIDING OFFICER: (SENATOR WATSON)

At 9:25 this morning we asked leave and...

SENATOR DEMUZIO:

You keep good -- good notes. That's -- that's good. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? If not, the question is, shall Senate Bill 1843 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish?

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 52 voting Yes, 2 voting No, no voting Present. Senate Bill 1843, having received the required constitutional majority, is declared passed. Senate Bill 1859. Senator Bomke? Would you please read the bill, Mr. Secretary?

SECRETARY HARRY:

Senate Bill 1859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1859 amends the State Employee Group Insurance Act of 1971, permitting employees to elect not to participate in the program of health benefits offered under the Act, beginning with Fiscal Year 2003. This legislation was instigated by AFSCME Union. It's expected that it will save the State of Illinois between twenty-four and forty-eight million dollars. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Bomke, I'm not opposed to what you're doing. I just had a interesting question. This bill, I guess, is -- is one that says that if you have two individuals who are -- have insurance, both your wife and -- and yourself, one of those is a State employee, that they are not going to be compelled to have to pay that portion of their premium for the wife if she has insurance at some other occupation. Is that your -- I see you shaking your head yes. Well then, the question I had was, what happens now? Do -- if -- let's assume that you have two State employees. Do

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

they both, husband and wife or spouse, do they -- do they both pay the full amount, or is that prorated, or how is that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

I think, under current law, they pay the full amount. This will not change that. It would have to be a spouse that has insurance away from the State. And -- and I can give you one more scenario and that is, I -- I had -- I was contacted by an individual who works for the Capital Development Board, and he's retired from a company and that company provides health insurance for him. And he said there were at least five out of six people in that office under the same scenario. But yet, because they work for the State of Illinois, they must pay the forty dollars a month and the State of Illinois must be primary coverage. This would allow them to opt out. And obviously, an older person would have a greater impact on the -- the system. But if there are any other questions, be happy to address 'em.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR SHAW:

To follow up on what Senator Demuzio was saying, where that you have two individuals both working for the State, one of those individuals opt not to opt out of the insurance plan. Say that the one that have the insurance plan decrease? The -- this is halfway through the enrollment, and let's say the enrollment you can't get until -- this person decrease in June, the enrollment is in January. What does this bill do to provide some coverage where

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

that this widower or widow can get back into the plan?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

First of all, Senator Shaw, it does not affect two people working for the State. They still will have to continue to pay their -- their monthly -- their monthly fee. However, under that scenario, a spouse working for the State that might have coverage under another spouse who has a family plan and elects not to take the State health insurance plan, if that other -- the spouse dies, there are provision in the bill to allow them to come back to the State plan, regardless of their insurability.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

That's -- that's not my question, but do they have to -- do they have to wait until that open enrollment? Does this bill provide that they could go in and get immediate coverage?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

That is correct.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? If not, the question is, shall Senate Bill 1859 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 1859, having received the required constitutional majority, is declared passed. Senate Bill 1860, out of the record. Senate Bill 1862, out of the record. Senate Bill 1873. Senator Tom Walsh? Out of the record. Senate Bill 1874.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Out of the record. Senate Bill 1880. Senator Sieben? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1880.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. This legislation, as amended, would allow private security vehicles to use amber oscillating, rotating or flashing lights, as well as propane delivery trucks. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, question is, shall Senate Bill 1880 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 1880, having received the required constitutional majority, is declared passed. Middle of page 5. Senate Bill 1882. Senator Syverson wishes this bill to return 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 1882. Mr. Secretary, are there any Floor amendments approved for consideration? Senator Syverson, what -- for what purpose did you ask this bill to be returned to 2nd Reading?

SENATOR SYVERSON:

Thank you, Mr. President. We need to table Amendment No. 1. Amendment No. 2, which is the amendment offered by City of Chicago, does not track with Amendment No. 1, and so we'll need to table Amendment No. 1.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson moves to table Amendment No. 1. Is there any objection? All those in favor, say Aye. Opposed, Nay. The amendment is tabled. Are there any -- further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. On the Order of 3rd Reading now is Senate Bill 1882. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1882.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation affects the Public Construction Bond Act, and the goal is to allow contractors the ability to use surety bonds in lieu of cash bonds. We exempted the City of Chicago and Cook County because that is the current practice that they already have. I'll be happy to answer any questions, otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR SHAW:

On the -- on the surety bond, did we pass something like this



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

a couple of years ago or something dealing with the surety bond in terms of construction or something? How does this work? Let's say that the -- we require the contractor to put up a bond in Dolton. Now, how would this change them going to an insurance company, getting a certificate, putting up a bond?

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator Syverson.

SENATOR SYVERSON:

Senator, the way you described it exactly was what the legislation does. It would require the use of a bond or a letter of credit. The concern was there are some downstate communities that were requiring cash in lieu of a surety bond.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Okay. So, it wouldn't change our current practice, what we're doing now, in terms of the bond. Okay. Thanks.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any other discussion? Is there any other discussion? If not, the question is, shall Senate Bill 1882 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 1882, having received the required constitutional majority, is declared passed. Senate Bill 1907. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This now is a vehicle that is going to go over to the House, and we are still working with IEPA on emissions testing and a procedure that the Auditor General had said that -- should be changed and that would be that there be an independent ultimate inspection review, and that's what we are working with them on. I would like to pass it over and continue that work.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1907 pass. All those in favor, say Aye. Opposed -- 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 56 voting Yes, no voting No, no voting Present. Senate Bill 1907, having received the required constitutional majority, is declared passed. Senate Bill 1908. Senator Parker? 1908. Out of the record. Senate Bill 1909. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1909.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. The Illinois Liquor Control Act, back in the Prohibition days, prohibits -- prohibited manufacturers, distributors and retailers from holding a liquor license and also a local elected office. This bill removes the prohibition that manufacturers and distributors not hold local office, although it -- it keeps the prohibition for retailers,

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

because unlike retailers, manufacturers and distributors are only licensed at the State level through the Liquor Control Commission and not at the local level; therefore, the local liquor board has no regulatory authority over manufacturers and distributors. Committee amendment allows manufacturers and distributors to hold offices provided -- such as aldermanic or trustee offices, provided that the office does not have local liquor control authority. Amendment 2 on this bill allows beer carts on public district golf courses, such as are allowed for forest preserves. And I ask for -- your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1909 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 46 voting Yes, 5 voting No, 2 voting Present. Senate Bill 1909, having received the required constitutional majority, is declared passed. Senate Bill 1917. Senator Molaro? Bobby, you got a -- Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1917.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We heard this bill. I talked on it yesterday and then forgot there was a technical amendment, so here we are again. And basically all this does is that it changes the requirement that when someone is brought into a hearing, a parent, they're given

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

service or by publication, the way you would normally serve 'em. When we changed the juvenile justice bill that had to do with the other end of the juvenile justice bill, we took out the language that allows the court to just give a date on a hearing and let the other side know, because they're, most of the time, in court. We don't have to serve them again to let them know of a continuance. Senator Hawkinson, I guess I'll put in the record so you don't have to ask me, that if somehow they are not there, which they nine times out of ten are, the State's attorneys have assured me that they will call either by telephonic or by fax, letting the other party know of the continuance date, if, in fact, there is a continuance date. And that's all the bill does.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not the question is, shall Senate Bill 1917 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 1917, having received the required constitutional majority, is declared passed. Senate Bill 1924. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1924.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. Senate Bill 1924, as amended, simply allows vehicles of local emergency management service -- services and also the vehicles of volunteer members of -- of those local or county emergency management

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

services to use rotating and flashing lights. I think the -- certainly the fire departments have this, and this would make them on that same level.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1924 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, 56 voting Yes, no voting No, no voting Present. Senate Bill 1924, having received the required constitutional majority, is declared passed. Senate Bill 1926. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1926.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Currently on a minor's driver's license or ID card, there is a marking above their picture for when they turn twenty-one. This bill will add so that there'll be a marking for when they turn eighteen. The twenty-one is to prevent alcohol sales; this is to prevent -- prevent tobacco sales to minors. There's no known opposition. I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1926 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 {sic} (55) voting Yes, no

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

voting No, no voting Present. Senate Bill 1926, having received the required constitutional majority, is declared passed. Senate Bill 1930. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1930.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1930 would allow school districts -- any school district that was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay these claims -- have a one-time transfer from the Tort Immunity Fund to the Education Fund to pay the remainder of their balance to the now-defunct self-insurance co-op.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this in any way affect the tax levy or provide that a -- that a transfer can be made from an unlimited fund to a -- a currently capped fund?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

Senator, it's a specific one-time transfer from the Tort Fund.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate -- Senator Hawkinson.

SENATOR HAWKINSON:

The Tort Fund is not, however, limited, as long as it's a proper purpose. So, is this an indirect way of increasing the real estate taxes that is not currently allowed?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

That's a good question. Most school districts that I know of, Senator -- and I don't know how to answer your question directly, but most districts that I know of already have a major balance in their Tort Fund because they've been levying at the max already. So I don't believe this would call for an increase in taxes in most school districts.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Is there further discussion? The question is, shall Senate Bill 1930 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 3 Nays, none voting Present. Senate Bill 1930, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Senate Amendment No. 1 to Senate Bill 1951 and Senate Amendment No. 2 to Senate Bill 1972.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. We'll continue. Senator Roskam, on Senate Bill 1934. Read the bill, Madam Secretary.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

ACTING SECRETARY HAWKER:

Senate Bill 1934.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1934 was unanimously approved by the Judiciary Committee. It's the initiative of the Illinois Association of Realtors to address a problem when people take possession unlawfully of rental properties. What we're doing is creating a -- a more straightforward vehicle by which unknown occupants are given notice of eviction procedures. I know of no opponents. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall 1934 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1934, having received the required constitutional majority, is declared passed. Senator Roskam, on Senate Bill 1948. Read the bill, Madam Secretary. Oh! Excuse me. Senate Bill 1936.

ACTING SECRETARY HAWKER:

Senate Bill 1936.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Roskam.

SENATOR ROSKAM:



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1936 amends the FOID Card Act by creating a new exception, allowing a person who is otherwise eligible for a FOID Card to possess on a firearm range without a FOID Card a firearm if they are supervised by a FOID Cardholder who is twenty-one years or older. This is a -- the twenty-one time frame was a suggestion of Senator Obama. It's a good idea, and I'm happy to answer any questions and I think there may be one from the fine, young Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Halvorson.

SENATOR HALVORSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Halvorson.

SENATOR HALVORSON:

Senator Roskam, I noticed in the bill that shooting range or firing range is not defined. Could a middle of a street be a shooting range if someone so chooses?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Roskam.

SENATOR ROSKAM:

No, Senator. For purposes of legislative intent, a firing -- firing or shooting range is defined currently under 740 ILCS 130/5a. So, it's well defined and there's no ambiguity.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Would you be willing to add an amendment on in the House that would actually define "firing range"?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Roskam.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR ROSKAM:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator Roskam, to close? The question is, shall -- Senate Bill 1936 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 14 Nays, 1 voting Present. Senate Bill 1936, having received the required constitutional majority, is declared passed. Now, Senator Roskam, on Senate Bill 1948? Out of the record. Senator Roskam, on Senate Bill 1949? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1949.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1949 addresses a problem. There's a -- there's currently a case, In re Lucille Prior, where a public guardian was not allowed fees because the appointment was temporary and never became permanent. This allows the court, in its discretion, to award those fees. It was unanimously reported by the Judiciary Committee, and I'm not aware of any opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1949 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1949, having received the required constitutional majority, is declared passed. Senator Jacobs, do you wish to return Senate Bill 1951 to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, Senate Bill 1951 is on the Order of 2nd Reading. Read the bill, Madam Secretary. Oh. Have there been any amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. This is a bill that we discussed a little bit the other day. This is an amendment that's agreed-upon amendment. They preferred to put it on in the -- in the Senate rather than to have it go over to the House, and what it basically does is clear up one of the problems that may have existed with the -- the original bill, which tightens up the fact that police officers, then, could not be hiring people without having going through the registration process. And I ask for approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, No -- Nay. The Ayes have it, and the amendment adopted. Are there further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 2nd {sic} Reading is Senate Bill 1951. Read the bill, Madam Secretary. I did say 3rd Reading.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

ACTING SECRETARY HAWKER:

Senate Bill 1951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1951 merely changes or -- or provides an exemption from licensure concerning law enforcement officers employed by an employer in connection with the affairs of that employer. Now, with the amendment, I know of no known opposition and ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1951 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1951, having received the required constitutional majority, is declared passed. Senator Myers, on Senate Bill 1958. Senator Sieben, on Senate Bill 1963. Senator Welch, on Senate Bill 1968. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1968.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. What this bill does is allow for

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

the licensed professional geologist to perform and review site investigations. When the original law was passed allowing engineers to do the site investigations, geologists weren't licensed. Since that time, they've been licensed, and this bill will bring the -- the site investigation statute up to date. So, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator, what -- what committee did this go through?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

It went through the Environment and Energy Committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there further discussions? Is there further discussion? Seeing none, the question is, shall Senate Bill 1968 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1968, having received the required constitutional majority, is declared passed. Senator Dillard, do you wish to return this bill? Senator Dillard seeks leave of the Body to return Senate Bill 1972 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is Senate Bill 1972. Madam Secretary, have there been any amendments approved

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, on Amendment No. 2.

SENATOR DILLARD:

Thank you, Madam President. This is a technical amendment that deletes a cross-reference, which was inadvertently put in, and I'd appreciate its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is Senate Bill 1972. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1972.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. This is a bill which has been around for a couple of years, and it's had a lot of input from the State Board of Elections, various vendors and Republicans and Democrats alike. It gives the State Board of Elections one more option to certificate or approve touch-screen voting, and it gives the local election jurisdictions one more way to conduct

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

elections. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Walsh, Larry Walsh.

SENATOR L. WALSH:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

He -- he indicates he'll yield, Senator Walsh.

SENATOR L. WALSH:

Senator Dillard, just in regards to legislative intent of the bill, if you don't mind. Does this bill permit every election jurisdiction in the State of Illinois the opportunity to adopt the DRE System?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Larry Walsh.

SENATOR L. WALSH:

And secondly, will this bill continue to permit poll watchers at various times during election day to check on the number of voters who have voted?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Check on the number of voters, yes it does allow that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, does this also allow for poll watchers to check on the names of individuals who've voted?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Not through the machine. So if they could check today, they could check, but not through the machines, they cannot check whether Patrick Welch voted or not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Senator, last year, I think it was, you had a bill that we debated extensively about whether a machine would kick out a ballot that was undervoted, and you were objecting strenuously to a poll -- or, a -- a election judge calling your name out and saying, "Senator, you didn't vote for governor, come back here." Is there anything dealing with that issue involved in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

No, there is not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. Question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Syverson.

SENATOR SYVERSON:

Senator, a question regarding the paper trail. I know before you've discussed that through this, there'll be a receipt that



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

would be printed out under these Touch-Tone programs. But is there an independent paper trail? Currently now, the person physically votes on a hard copy and that hard copy can be verified. Now, under this legislation, are we -- we're at the mercy of the computer. We're voting with the computer, and we want the same computer to print out a receipt, and that's the verification. Is there any independent hard copy that a person has voted on that if a challenge occurred, that someone could go back and actually see that hard copy?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you. That's an excellent question, Senator Syverson. The electronic voting will have an actual audit trail in which a computer tape will be printed out with a summary record of vote totals, without the actual identification of the voter. The vendors who offer this type of technology stated in committee they can offer whatever type of paper trail the local election authority wishes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

I guess thus is my concern. The -- you're saying that the computer and the vendor would kick out a -- a receipt at the end of -- or a tally. With the technology that's out there and with viruses that are out there and the creativity that's out there, I guess I'm concerned about the assurance that now when I go in and vote, even though there's a computer that -- that tallies it all and totals it all up, if I have a concern, if there's a challenge, we can go back and physically count the paper trails that each one has voted on. Under this legislation, we're at -- totally at the mercy of the computer, that the computer is going to give us the

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

receipt, that the computer is going to give the tally and we -- we want the assurance that the computer's going to tell us that everything is all right, but the individual does not have any hard-copy guarantee that his vote, and only his vote, has been counted and counted appropriately.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

I guess, Senator Syverson, my answer is, I'm not sure today, as a voter, you or I have any guarantee that -- different than this that our actual ballot has been counted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- Senator Syverson.

SENATOR SYVERSON:

Aren't the -- if there's a challenge, aren't the -- aren't the physical ballots, today, counted?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

That's true, but you wouldn't know whether it's Dave Syverson's punch card or Kirk Dillard's punch card.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Obviously that's correct, but you would physically have those cards that you could pull out and that you could actually count. I can just imagine what would happen in -- in -- in the case of Florida where we're debating hard copies; here we're debating whether or not the computer vendor had done something correct or not correct, if there was a virus in the computer, under this system. You know, sometimes my -- my fear is that we're getting so modernized that we're taking out some of the guarantees that --

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

that give people the assurance that their -- that their vote is being counted properly. I -- I guess I'm concerned and rise in opposition to this because of my fear over any protection that the -- that we don't have a hard paper trail that can -- that can assure voters, if there is a challenge, that those votes were counted appropriately.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I want to point out, in answer to Senator Syverson's concern, that each precinct is -- is sort of an independent computer. This isn't hooked up to a central computer; it's not hooked up to the -- to the Internet. And the State Board of Elections is concerned with the same kind of questions that Senator Syverson validly raises, and it will be part of their certification process. And if things are not copacetic, the State Board of Elections will not approve something like this. And again, the local election authority clearly can demand from the vendor what it wants in terms of a proper paper trail.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there further discussion? Is there further discussion? Seeing none, Senator Dillard, to close.

SENATOR DILLARD:

Just very briefly. You know, after the Florida Presidential recount situation, many of us believe we should have as many voting options in place as possible. And, you know, we trust people -- our money is trusted every time we go to an ATM machine, and the world is computerized and these are individual forms of -- of computers in a precinct. And I just think we should have every option available, using the technology of the twenty-first century, to make elections as easy for the voter and as reliable as possible. And there will be a long certification process on

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

these, but we should have every available technology to our local election authorities in Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is -- the question is, shall Senate Bill 1972 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 6 Nays, none voting Present. Senate Bill 1972, having received the required constitutional majority, is declared passed. Senator Karpiel, on Senate Bill 1975. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1975.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. Senate Bill 1975 amends the Day Labor Services Act. It changes the name to the Temporary Staffing Services Act, and as was mentioned yesterday, the intent in the House is to change the title to the Day and Temporary Labor Services Act. It provides for the enforcement of the Act. It sets up a three-tier penalty situation for violations. It provides that the fees to the Department of Labor may be paid by check or money order. Deposits the moneys from the fees and the penalties into the Child Labor and Temporary Staff -- Staffing Services Enforcement Fund to be used for those Acts. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. The AFL-CIO did put a -- a late

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

opposition slip to this bill. It was a little tardy, but they did file it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Senator Hendon, the problem that they had with it was the title, if you'll remember, and we have negotiated that out by saying that in the House, we are going to change the title to the Day and Temporary Labor Services Act and that took care of their concerns.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Woolard.

SENATOR WOOLARD:

I just wanted to clarify, I think that Senator Karpiel did very well, but the opposition was removed with the agreement that when it moved to the House, it would be corrected.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 1975 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's 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. Senate Bill 1975, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 1978. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1978.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. As we've all probably heard from a lot of providers over the last few months, our Medicaid payment system is kind of a 1967 model with body hardware added in the early nineties that hasn't been improved since. The frustration that providers have across the State is evidenced in -- in the calls we're getting and the frustrations they have. This bill creates a Medicaid hospital and physician and other provider payment task force to work this summer to bring back to the next General Assembly a recommended list -- list of reforms and modifications to the Medicaid program. Hopefully the Body will support the bill. I'll be happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1978 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1978, having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill 1982. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1982.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Thank you very much, Madam President. As you know, there's a great deal of discussion right now about privatization in some of our correctional facilities and it's privatizing the dietary and

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

the commissary, and many of us, including myself, were opposed to that. And this is an attempt to try to get the commissary, at least, to be self-supporting. Current Act and current law allows for profit of those items sold in the commissary - and that would be toiletry items, snacks, candy, tobacco - to only be between three- and ten-percent profit. That's all they can -- that's all they can mark it up. What I want to do here is raise it to twenty percent, an additional ten percent, and that -- according to the Department of Correction figures, the commissary sold forty-one million five hundred and fifty-six thousand dollars' worth of product in Fiscal Year '01. And current year to date, in January, is twenty-one million seven hundred and eighty-two thousand. About the same amount of money for seven months. This would raise roughly four million dollars, and part of the provisions of the legislation would be that the money, the increase, would go towards the operation of the commissary, for salaries and costs of those people who have those jobs. So, this is a method by which, hopefully, privatization issue could be addressed and we could -- we could fund it on the basis of increasing profits in the commissary.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Question is, shall Senate Bill 1982 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1982, having received the required constitutional majority, is declared passed. Senator Cronin, on Senate Bill 1985. Senator Klemm, on Senate Bill 1997. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1997.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Senate Bill 1997 amends the County Code which would authorize that townships within counties having populations of less than eight hundred thousand and more than three million who have a planning commission to be able to object to special use -- special permits that the county would be considering. They'd have to submit a written objection to the county board, and the county board would need an extraordinary vote to adopt that. The Amendment No. 1 was requested by Lake County Board who wanted to be part of the legislation, that was inadvertently overlooked, and Amendment No. 1 was adopted, so they are included. So I do ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1997 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1997, having received the required constitutional majority, is declared passed. Senator Syverson, on Senate Bill 2001. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 2001.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Thank you, Madam President. Senate Bill 2001 does create the Innovations in Long-term Quality Grant {sic} (Grants) Act, which allows grants to be made to facilities licensed under the Nursing Home Care Act. The grant must fund programs that promote residential care and quality of life. I'll be happy to answer any questions -- otherwise, ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 2001 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2001, having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill 2016. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 2016.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. This comes to us from the Illinois Sheriffs' Association and has two provisions. One is that the compensation of sheriff may not - and this is only in counties, by the way, of under two -- two million - the compensation of a sheriff may not be reduced below the rate of compensation it was being paid, and the reason for this, of course, is that if county board decides, after someone has been nominated for the office, the county board then cannot lower their salary. The second provision says that the -- and this was worked out with the County Officials, and it provides that the county

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

board may allow the Supervisor of Safety, which is a sheriff, an annual salary in an amount to be determined by the county board. And this is supported by the Illinois Sheriffs' Association. The County Officials have no problem, and I'd ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 2016 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 2016, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WATSON)

Moving along on page 7. Top of page 7. Senate Bill 2018. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 2018.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Senate Bill 2018 is a bill that creates the Career and Technical Education Fund, and it's subject to appropriation. This fund will be used by the Illinois Community College Board for the operational expenses associated with the administration of the Career and Technical Education and payment to grants and colleges. Now, if you'll remember, yesterday we put an amendment on from the State Board of Education to clarify that it doesn't have anything to do with elementary and secondary education and it's only for colleges. And this is at the request of the Community College Board, and I would

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2018 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? ...all voted who wish? Take the record. On that question, there's 56 voting Yes, no voting No, no voting Present. Senate Bill 2018, having received the required constitutional majority, is declared passed. Senate Bill 2022. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 2022.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2022 amends the Mental Health Code requiring hospitals to tell law enforcement with a valid forcible felony warrant the present and discharge status of a wanted patient. There were some concerns earlier. We worked those out, and to my knowledge, there's no objection to the bill or opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2022 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 2022, having received the required constitutional majority, is declared

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

passed. Senate Bill 2023. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 2023.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Bill 2023 does a -- a couple of things. First of all, it incorporates into our statutes Brady versus Maryland, which was a Supreme Court case which required the turning over of -- of evidence favorable to the accused, or what we call exculpatory evidence, in a timely fashion. What this bill does is require that police officers turn over all investigative reports in their possession and places an affirmative duty on them to do just that. The second part of this legislation deals with a case of People versus Washington, something known as an actual innocence claim. Under this legislation -- or, under this proposal and -- and Floor Amendment No. 1, which was adopted yesterday, an individual who has evidence which was unknown at the time of trial which will show actual -- will demonstrate by clear and convincing evidence that he is actually innocent, is entitled to a hearing at any time; however, the -- there is a limitation placed upon the individual. In those circumstances where the individual gains knowledge of this, he must -- bring that claim within two years. The -- this is an initiative of the DuPage County State's Attorney's Office and, Mr. President, I will answer questions that may arise.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2023 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

who wish? Have all voted who wish? Have all voted who wish?  
Take the record. On that question, there are 51 voting Yes, 2  
voting No, 1 voting Present. Senate Bill 2023, having received  
the required constitutional majority, is declared passed. Senator  
Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, ma'am.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, we're  
delighted today to have with us from the Jack Benny Middle School  
in Waukegan, Illinois, which I believe is under Senator Link's  
jurisdiction, Antonio Munoz, Morris Catchings, Ashley Burts,  
Brandy Johnson, the assistant principal, Crista Boske. They are  
here for Leadership Council, learning how to be outstanding  
leaders in their community. I have met with these youngsters and  
they're terrific youngsters. I'd like you to welcome them here.  
They're sitting up here in the President's Gallery.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Will our friends from Waukegan please rise? And  
we'd like to welcome you to the Senate. We're glad to have you  
here. Moving along. Senate Bill 2024. Senator Dillard. Madam  
Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 2024.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Senate Bill 2024 requires all

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

convicted felons in Illinois to give a DNA sample for criminal identification purposes. Having an extensive file of DNA samples will greatly assist law enforcement in solving crimes, as well as those who -- who are innocent from wrongful prosecution. The State of Virginia has had a similar law and has solved hundreds of cold, or unsolved, rapes and murders since the implementation of mandatory felon DNA testing. One of the most amazing things about what happened in Virginia was that eighty percent of the defendants caught as a result of DNA database testing were -- non-felons - drug users, thieves and others - who graduated to more serious types of crimes. In other words, they graduate to -- to some really, really, really heinous crimes. Illinois law enforcement officials should have a DNA fingerprint of all convicted felons. It protects the innocent and it lets us solve a number of crimes. I'd 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 2024 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 -- on that question, there's 55 voting Yes, no voting No, no voting Present. Senate Bill 2024, having received the required constitutional majority, is declared passed. Senator Welch, your light is on, sir. Did you have -- okay. Senate Bill 2029. Senator Petka. Out of the record. Senate Bill 2030. Senator Petka. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 2030.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Bill 2030 addresses two problems that recently arose in the County of Will dealing with the -- the manner in which the Department of Human Services is required now, under the Sexual Violent Act and Sexual Offenders, to basically be in the same position as a guard. As a result, individuals who are guarding -- prisoners in the Department of Corrections, if they are assaulted or attacked, it is a felony; however, these individuals from the Department of Human Services are performing exactly the same function. If they are attacked, it is a Class A misdemeanor. What this, in effect, does is place those individuals from the Department of Human Services in the same protected status as the other -- others who are in the enumerated class. The bill also provides that if -- that -- enhances the penalty for aggravated battery; that is, where there is injury involving great bodily harm or permanent disability or disfigurement to a peace officer acting within his or her official duties, to a Class 2 felony. Additionally, in those instances where a person is convicted of the offense of resisting or obstructing a peace officer, there is now a mandatory minimum that would be imposed under this bill of either forty-eight hours of jail time or one hundred hours of community service. This is an initiative of the State's Attorney's Office of Will County, and I'll be -- I'll happily answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, for the purposes, I guess, of legislative intent,

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

there's an amendment that we put on the bill that says a person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer is guilty of a Class 4 felony. Could you describe how the -- what the burden of proof would be, who it would be on and what is the burden of proof in order for the State to -- to prove that Section?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

First of all, thank you for -- asking that question. The burden of proof will be on the State. It'll be a burden of proof beyond all reasonable doubt. The -- I envision a jury instruction which would hold that the individual to be found guilty of the offense must be found guilty beyond all reasonable doubt and must prove that the injury was proximately related to the action.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

For the crime of resisting arrest, where is that classified? Is that a Class A misdemeanor or is that a Class 1 felony, or what is resisting arrest?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Resisting arrest will remain a Class A misdemeanor, Senator. In those circumstances where a peace officer in effectuating an arrest is injured as a result of that arrest, such as situations



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

where there's a struggle for placing the handcuffs on or it's just a struggle in apprehending the individual who is running, the peace officer suffers great bodily harm, under those circumstances, the -- the charge can be upgraded to a felony.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

Well, let's just stick with the Class A misdemeanor for a second. Obviously, as you well know, when the trier of fact and/or the State's attorney brings the charge of resisting, when either you're pleading it out or after a trial and there's a conviction, in a Class A misdemeanor, you can get up to three hundred and sixty-four or sixty-five days, as well as -- I forget what the fines are, as well as community service. Why if it's a Class A misdemeanor - and maybe I'm reading this wrong - it's a Class A misdemeanor and there is no great bodily harm or injury we are making it mandatory that there be forty-eight hours of imprisonment or a hundred hours of community service? Why would we take away from the State's attorney or the judge the ability to look at it and see, well, we have resisting arrest and, of course, there's certain -- certain degrees, because resisting could be as simple as pulling your arm away and they would have to grab you. Why are we making it forty-eight hours mandatory jail time or a hundred hours of community service?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, first of all, we are not taking away any discretion from prosecutors in connection with this. There is the opportunity, as there is in just about any factual circumstance I can imagine, to negotiate for a disposition that is other than mandatory sentence. It is routinely done in -- in prosecution

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

offices throughout the State, as I think you're aware.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Any further discussion? If not, Senator Petka, do you wish to close?

SENATOR PETKA:

I would just urge its adoption. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 2030 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 are 56 voting Yes, no voting No, no voting Present. Senate Bill 2030, having received the required constitutional majority, is declared passed. Senator Lightford, for what purpose do you rise, ma'am?

SENATOR LIGHTFORD:

...you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR LIGHTFORD:

Thank you. Members of the Senate, if you would, I'd like to introduce to you Gale Lindo and Michael Holmes, who have a very nice community organization in my district. Can we please welcome them? Westside Holistic Family Services.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Would -- would our guests please rise? We're glad to have you here and appreciate your work. Thank you. We are in the middle of -- and by the way, if anybody wants their picture taken with Senator Dudycz, he's back here in the back. Just form a line in the back and -- and he'll be... We're -- we're in the middle of page 7. Senate Bill 2050. Senator Donahue. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senate Bill 2050.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Senate Bill 2050 is a piece of legislation that was initiated by the American Heart Association, and it creates a Stroke Task Force within the Department of Public Health. The Director of Public Health will be serving as the chairman, and the task force itself must be composed of seventeen different organizations. We amended the original piece of legislation to add another association. So, this is a very important piece of legislation, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2050 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 2050, having received the required constitutional majority, is declared passed. Senate Bill 2067. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2067.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Right now the fines for not paying tolls are between five and not

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

more than a hundred dollars. What this bill does is increase that from not less than twenty to no more than two hundred and fifty dollars. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2067 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 2067, having received the required constitutional majority, is declared passed. Senator Welch, for what purpose do -- do you rise, sir?

SENATOR WELCH:

Mr. President, I'd like to have the record reflect that I intended to vote Yes on Senate Bill 2024, but instead I hit the wrong button.

PRESIDING OFFICER: (SENATOR WATSON)

The record will so reflect. Senate Bill 2067. Mr. Secretary, please read the bill. I'm sorry. 2068.

SECRETARY HARRY:

Senate Bill 2068.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. This bill requires the Tollway to fully disclose all individuals holding beneficial interest in land the Tollway buys. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 2068 pass. All those in -- vote Yes. You can

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

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 is 56 voting Yes, no voting No, no voting Present. Senate Bill 2068, having received the required constitutional majority, is declared passed. Senate Bill 2069. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2069.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation addresses a concern raised by the physicians regarding billing practices. And this corrects those problems for the University of Illinois and the Medical Society. I don't know of any opposition, but be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

There any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2067 {sic} 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 56 voting Yes, no voting No, no voting Present. Senate Bill 2069, having received the required constitutional majority, is declared passed. Senate Bill 2072. Mr. -- Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2072.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill establishes a method whereby the State of Illinois, if it finds that there are volatile contaminants in local water, publicizes in periodicals or makes the public aware that there might be contaminated wells near someone's property so that a property owner can make whatever decision they need to make with respect to their own water supply. It also requires the State of Illinois to notify the affected unit of local government so the unit of local government can take whatever appropriate action it needs to with its own constituency to alert 'em that wells near them have been contaminated. I'd be happy to answer any questions. And I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2072 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 2072, having received the required constitutional majority, is declared passed. Senate Bill 2074. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2074.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President, Members of the Senate. This is an agreed-upon bill for the clerks of the circuit court across the

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

State of Illinois. This came out of the judicial committee unanimously. We addressed the initial concerns in notification with concern from Senator Geo-Karis and Senator Hawkinson's. I would appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2074 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, 55 voting Yes, no voting No, no voting Present. Senate Bill 2074, having received the required constitutional majority, is declared passed. Senate Bill 2098. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2098.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President and Members of the General Assembly. Pharmaceutical drugs has been an issue that has gotten national attention. And back in 1980 -- late eighties, the State of Illinois created the Circuit Breaker program and over the years, we have expanded that program and assistance to our seniors. We've included new drugs, new illnesses. And this year, we got a great burst with the federal government starting a pilot project in Illinois called SeniorCare, and that will allow more assistance to our seniors. We also have numerous individual companies that have private plans that help with discounts for pharmaceutical drugs. There's pharmaceutical clubs. We have local pharmacies that have various discount days and discount

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

types of programs, and there is a lot of help - not enough, but there is still a lot of help out there - for our seniors and prescriptions, drugs. And when we put together a task force to study this issue, we found that the number one issue with our senior citizens, and actually came -- coming through AARP, was the fact that seniors didn't know about these programs. So this legislation is a three-part program, but the first - and I kind of think, the anchor of the whole piece of legislation - is to create, through the Department on Area -- Department on Aging and through our area agencies on aging, a senior assistance help line and assistance program which will give the information and collect the information to get this to the seniors so they know what's available, so they know what's out there. And the beauty of this is that when we put the task force together, the whole idea was the State's facing terrible problems - fiscal problems - the budget's in crisis, so how do we help our senior citizens without costing the State a lot of money? And this is the number one program, I think, for that in getting the information to our senior citizens. Also we discovered that when you have a catastrophic illness, the drugs for those can be extensive, and through our CHIP, which is the Comprehensive Health Insurance Program, we want to study the issue of how to serve the people that are in a situation with a catastrophic illness and how to serve them. So in this legislation is a study performed by the Comprehensive Health Insurance Program {sic} (Board). Also, because there are so many programs and so many things throughout the State, we have put together an oversight committee that will look at these and see if they're all coordinating and working together and not duplicating themselves, that we get as much as we possibly can to help and assist our seniors. So, there's an oversight committee created to do that. So this is a three-part program: senior health assistance to get information,



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

understanding of programs to our senior citizens; catastrophic drug program study; and an oversight committee. I think this is a very important piece of legislation, and I would certainly ask for your support, be more than happy to answer any of your questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

She indicates she'll yield, Senator Halvorson.

SENATOR HALVORSON:

Senator Donahue, I just have a couple questions. First of all, according to my analysis, this review committee doesn't have to meet very often and then it's going to report back to the General Assembly once a year. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Halvorson.

SENATOR HALVORSON:

Is there going to be any sort of cost to the State for this portion?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

No.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Halvorson.

SENATOR HALVORSON:

Also, the second part is establishing what we're going to do

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

with the hot line and asking the area agencies on aging to act as a clearinghouse. Now, I've made a few phone calls myself and found out that the area agencies on aging are pretty much already doing that, and I know we all remember the experiences with the Department of Revenue on how our seniors faced so much frustration trying to get through a so-called hot line. This can be perceived as a duplication of services, but in the meantime, is there any cost to the State with regards to setting up this portion?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

It's really no more cumbersome than the SeniorCare in getting the information. But the area agencies on aging already have a program in place, and what we're going to do is give them more information to impart through this program. In fact -- and I searched for it. I cut it out of my newspaper at home, but my area agency already holds little town meetings and town hall meetings throughout my region talking about Circuit Breaker, how to sign up for Circuit Breaker, what the eligibility is. Now they'll be talking about, you know, you can do this; if you take this kind of drug, we can get you this kind of assistance; we can sign you up for circuit -- SeniorCare. So, to me, it's getting more information. And the crux and the real nuts and bolts of this, to me, is through the area agencies on aging, because each district and each region has different local things that happen at their local pharmacies. Wednesday is discount day or Thursday, you know, maybe Friday on your day. I don't know, but that's where the local area agency will come into hand.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Halvorson.

SENATOR HALVORSON:

I -- I agree with all of this; however, now we're asking CHIP

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

to do this study to find out more information, which we all know this issue has been studied to death. What kind of cost, and I -- as I sit on Appropriations and on -- CHIP came to see us on Tuesday, and as everybody is having to have their budgets cut, what is this going to cost, or is CHIP amenable to doing this survey?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

They can -- Comprehensive Health Insurance Program -- the Board and group can accept private money to do this study. I believe -- I believe AARP has already indicated that they would help support a study, because this -- it's important to cover this to understand the magnitude of the catastrophic issue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Halvorson.

SENATOR HALVORSON:

This is all well when said and done; however, now we've got a hot line that could possibly frustrate our seniors, we're going to do another study to find out what they need, but -- and you don't have to report back for a year. Now, we all have prescription drug coverage and we are now forcing our senior citizens who do not have prescription drug coverage to continue on without anything. We're still forcing them to spend their five, six, seven hundred dollars a month for prescriptions that they can't afford. I think if we really wanted to do something for our citizens -- senior citizens, we would be giving them some real relief, something that's going to give them something that'll have less expense. So, I would just hope that this is not just something that gives election-year cover and we really do something with it. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senator Donahue.

SENATOR DONAHUE:

If -- if I could respond. Number one, the study doesn't have -- isn't studying prescription drugs; it's studying catastrophic: if you have cancer, if you have this -- enormous illnesses that take, you know, one thousand dollars a month on your drug bill. Those are the kinds of things. And when you're sixty-five, you age out of CHIP and you're not eligible. And they have figures already that we can use and participate with. So, it's not out of the ordinary to ask them to do this. And to say that this is just another study, it is not.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...President and Ladies and Gentlemen of the Senate, the important phase of this bill is this: The too poor, they can be taken care of, but there's -- there's the middle class that suffers, that they -- they are not on Circuit Breakers. And they are entitled to information, good information, and there are sources, that they're not even known to many people. And the -- the catastrophic illnesses - let me tell you, that's been very serious. And insurance companies - there are some that will write up catastrophic insurance, but it goes deeper. This is an all-encompassing bill which will give some information, very valuable information, to people who are between the Circuit Breakers and further -- and that -- who are not too wealthy they can afford catastrophic medical bills and catastrophic pharmaceutical bills. I think this bill's a bill in the right direction, and I certainly urge favorable passage. We can't just say we're going to penalize the pharmaceutical companies, we're going to penalize this one and that one. We have to know more about everything and then act accordingly to help people keep

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

their health going well.

PRESIDING OFFICER: (SENATOR WATSON)

Further...

SENATOR GEO-KARIS:

And I urge favorable passage.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Excuse me. Senator Ronen.

SENATOR RONEN:

Thank you, Mr. Speaker {sic}. You know, Senator Donahue -- may I ask some questions of Senator Donahue?

PRESIDING OFFICER: (SENATOR WATSON)

Certainly, Representative.

SENATOR RONEN:

When we were in the Health Committee yesterday and this bill was presented, it was presented in the vein that, well, we know this doesn't do very much and is not the answer, but at least it's -- it's doing something. And I think in that vein, us Democrats on the committee voted for it. It was acknowledged then that this is not a far-reaching program. It is -- this is not a program that provides more pharmaceutical assistance to more seniors; this is a program that does a study. In answer to how much it's going to cost, it doesn't cost anything because it doesn't do anything.

PRESIDING OFFICER: (SENATOR WATSON)

I guess that's a question. Senator Donahue.

SENATOR DONAHUE:

I totally take issue, Senator Ronen, with your -- with your statement of what happened in committee, because, number one, it's not a matter of not doing anything; it does an enormous -- a lot. Because when you've talked to AARP and you talk to the senior citizens, they don't know that some of these programs exist, they don't know that they're eligible to access this. In fact, fifty-two percent of the seniors in Illinois have some sort of

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

coverage and they don't all know about it. So I think it does an enormous amount. When we're -- when we're in a budget crisis and we don't have the money to expand a program and put more millions and millions of dollars into it, then what are we going to do? This program does an -- a whole lot by informing the public of what they already have access to in the State of Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Ronen.

SENATOR RONEN:

Here's -- here's the issue: If this is the number one priority of the Republicans in addressing the senior citizens' pharmaceutical problems, let's be clear about this: This is all you're doing and that's not enough. By your own statistics, you're saying that only half of seniors now are covered by a program - only half - which leaves another half that are uncovered. That half that are covered, that fifty-two percent that you talk about, don't have coverage for all drugs, just certain drugs. And, you know -- the -- the 800 number - you're talking about creating another one. We've just been calling for the last fifteen minutes the existing Circuit Breaker number. And you know what we get? Can you hear this? It's a busy signal. That's all you get when you call it - a busy signal. Establishing another 800 number is another ruse because you'll get another busy signal, and that's all you get. If we're going to help senior citizens - and we must help senior citizens - and, as you say, the number one problem is pharmaceutical assistance, we need to be real about it and we need to put some resources behind it. If your party is saying this is the best we can do, is to coordinate existing services and try to do a better job of letting people know what exists, I say that's already the job of State government. That should already be happening. We need to do more for seniors. We need to do something of substance, something that will provide

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

them real coverage, and to do that, we need a real program that expands the number of people served and make sure that they get coverage for any medicine a doctor prescribes. Seniors should not have to choose between eating and taking their medication. That's wrong, and this bill will do nothing to address that problem.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. If I can -- I'd like to respond to just a couple of those issues. First, when we say is this the only Republican initiative, I think we should be remindful that a year ago, what we had to offer in Illinois was strictly the Circuit Breaker program. It was this leadership; it was our Governor who went to Washington, worked with President Bush. It was President Bush who selected one state - one state only - Illinois, to be the SeniorCare state. I didn't see others working towards that. Illinois now is going to have another two hundred and fifty thousand seniors covered under this expansive SeniorRx program. No other state has that. That's a significant increase. Part of our problem is that many of those two hundred and fifty thousand seniors are not even going to be aware of the fact that we have this new expansive program. We've expanded Circuit Breaker over the last couple years. Again, many seniors aren't aware of it. It was AARP who came to us and said the number one concern for our seniors right now is information, getting information to those seniors. That's when, under Senator Donahue's leadership, we came up with this program of the 800 number. Now, how do we solve the problem of the busy signal and the staffing? That is something that we are, I hope, addressing. It's something we're working with the Department of Aging on. One of the areas that we're looking at is under the SeniorRx program. Currently, under Circuit Breaker, we have a twenty-five-dollar enrollment

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

fee. Under the SeniorRx program, if we charge an enrollment fee like we do under Circuit Breaker, that will generate millions of dollars which can be used to cover all the staffing that we need to answer those phones at the Department and be able to refer people back to the area agency. So the question is: Have we done a lot? Certainly we have. Under this program, we now have in excess of fifty percent of seniors in this State who will be covered under some kind of government-subsidized pharmaceutical program. Then we take all those that still have the discount programs that are available from all the drug companies and all those that have coverage through their private employers, and I think we've had significant success over the last couple years of addressing some of the major problems. Is it everything? No. And I think the point that was made in committee yesterday was, this is not that it doesn't do very much; it's -- it -- what limited budget we're in, this is doing a lot for the limited resources that we have available. And I certainly rise in support of this and want to thank Senator Donahue for her leadership on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Obama.

SENATOR OBAMA:

I'll be very brief. Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a -- just a quick comment. It was stated in -- earlier by the sponsor, I think, in discussion with Senator Ronen, that we are under a budget crunch and this may be the best we can do within our budget constraints. I think nobody would deny, at this point, that we are under a budget crunch. I want to make a simple point that under the prescription drug bill that Senator Halvorson has presented for the last four years now, Economic and Fisc has estimated that we would, in fact, save two hundred and twenty-five million dollars, as opposed to it costing money. So, to the extent that this is a approach that has not



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

been tried, involving the State using its market power to purchase drugs and distribute them and get a small twenty-five-dollar buy-in from the seniors to assure that in fact that they would have these drugs available to them, according to Economic and Fisc, this would save us money and not cost us money. I think we should be honest about the reason that we haven't moved that forward is because the pharmaceuticals are opposed to the bill and perhaps the pharmacies aren't thrilled about the bill, and there are a range of economic interests in this State that are not yet comfortable with this approach. Now, we may have some legitimate disagreements, and there's nothing wrong with the pharmaceutical companies or the pharmacies or other business interests presenting their side of the story, but I think it is not appropriate for us to say that, in fact, there are no other approaches that we could be taking given our budget constraints that would provide meaningful relief to seniors. According to Economic and Fisc, there are. It's a bill that has never been called on this Floor. And although I'm sure you will see Democratic support for your bill because it's relatively harmless, from my perspective, and -- you know, let's try the 800 number. I'll be calling in when this thing is up and running to see if I get a busy signal or -- or not. Nevertheless, I think it's incumbent upon this Chamber to tackle the more substantive problem and to see if, in fact, there are ways of doing it that will save money and ultimately, most importantly, save money for seniors.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DONAHUE:

Well, thank you, Mr. President. If legislators would quit calling the line, seniors might be able to get through. If you want to talk about money, if I understand the fact that your bill doesn't cost any money, I understand there's a

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

twenty-seven-million-dollar GRF transfer immediately, or when the bill becomes law. It gets it back, but we still have to come up with twenty-seven million to -- do that. Economic and Fiscal may say it doesn't -- it saves us money, but how do we get there if it's in litigation? If I understand it, that's the Florida plan - they're in litigation. Their program is not running because it's in the courts. Now, let's see what happens in Florida. Maybe it does work. But why should we spend money - fifteen, twenty million dollars - to litigate something. See what happens in Florida. So the fact is, it doesn't work. This is something that deals with information. You keep talking about the 1-800 number. I said in my opening remarks and I still say this, that the key to this is through our local area agencies on aging and getting the information to our seniors. I talk about it being AARP's number one issue. They oppose your legislation. So, to me, this is something that we can do considering our -- constraints. And when you talk about -- when I talk about use fifty-two percent, and someone made the comment that, "Well, what about the other half", we don't know about the other forty-eight percent. Those are people like my dad who takes medication on a regular basis. He has insurance that covers some of that. Okay? There are other people like that and there are some out there that need help. But not all forty-eight percent. I think Senator Syverson used some figures about -- with the Medicare across the -- the -- across the country. They're saying that -- has -- twenty-seven percent has no coverage. So there's a lot of things out here that are floating around, that are being -- saying because I know the partisan differences on this issue. This bill, to me, is what it's all about right now, is getting the information to our seniors, and I ask you for support. I think it's a good bill, and I think it's going to make a difference. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

The question is, shall Senate Bill 2098 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 2098, having received the required constitutional majority, is declared passed. Senate Bill -- Senate Bill 2113. Senator Bomke? Out of the record. Senate Bill 2115. Senator Luechtefeld? Out of the record. Senate Bill 2117. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2117.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2117 creates the Illinois Medical District at Springfield Act, and it also creates a Springfield Medical District Commission to govern the district. This is copied after the -- and with the help of the Chicago Medical District. There are some differences, and they are: This District will not have the ability to tax, abate taxes, or quick take powers; will have eminent domain powers, not unlike what the City of Springfield currently has. And be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Let me indicate that I rise in support of this bill; however, I have some -- some concerns that I'd like to reflect and put into the record. Let me applaud, Senator Bomke, you and the Mayor of Springfield here for adding

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

some additional members to the panel, increasing it to sixteen, particularly involving the representation from the neighborhood group, which the Mayor has pledged to, in her new -- and in our additional member from yesterday to appoint someone from the neighborhood. I guess that's one of the concerns that I have, that I wish that there were more neighborhood representation on the Commission, but apparently that's -- that's not the way it's going to be. And the reason for that is because there are several hundred of -- hundreds of homes that are involved in the affected area. And since you do have eminent domain power, it'd seem to me to make some more sense to giving neighborhood representation more votes than -- than -- than they currently have. Seven of the sixteen members now will have to be appointed by the Governor with the approval of the Senate. There is no one who will be appointed from the City's Historic Sites Commission. The bill does afford protection for properties in historic districts but there are no districts in the proposed medical district area, but there are twenty-three buildings with potential -- for the City -- land making to -- according to the -- a City-sponsored survey that covered only about forty percent of the MDA. The bill, frankly, is -- does not, but I think the Commission should look at affording the same protection as provided to the historic districts to those twenty-three buildings and any other individual historic sites that might be identified within the District. The Commission, I think also, should be, as a matter of intent, be specifically mandated to develop design guidelines for new construction in the District that would provide for compatibility with existing neighborhoods and historic resources in matching height, setbacks, style and designs, and I think they should take that into consideration. And that any building permit applied for by the Commission, which is not provided in your bill but should be a prerogative of the Commission, should require that approval from

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

the HSC, Historic Sites Commission, to assure that no historic resource is removed or its exterior altered in the manner that comprises the historic or the -- architectural integrity of the resource. And also -- although the bill does not provide, but also the Commission ought to be charged with making -- having some provision for building -- for a building's future historic integrity by requiring the protective covenants be attached when the Commission sells an historic piece of property. I think that given the fact that they have done a good job with respect to where you are at the moment, hopefully, for legislative intent, that some of the things that were mentioned in my remarks might be considered by the Commission, and I intend to support your bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Bomke, you wish to close?

SENATOR BOMKE:

Yeah. Thank -- thank you, Mr. President, and thank you, Senator Demuzio, for your -- your comments. To the neighborhood associations, it was very much a concern to me that they favor whatever plan we came up with, and as a matter of fact, they both -- there are two neighborhood associations. They overwhelmingly support the Medical District. By law, we must appoint two members to the Commission. The Mayor of Springfield has promised to appoint a third person. But in addition to this, there's an advisory commission -- or, committee made up of the two neighborhood association. There must be two members from each association on that advisory committee, giving them four. That advisory committee must approve the master plan or any changes to their master plan. So, I think that the neighborhood association is pretty well represented under this scenario. I'd only ask for -- at this point, for a favorable vote. Thank you...

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 2117 pass. All those in favor,

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

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 54 voting Yes, no voting No, no voting Present. Senate Bill 2117, having received the required constitutional majority, is declared passed. Flip the page to page 8. Top of page 8. Senate Bill 2130. Senator Philip. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2130.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2130, as amended, would -- would create the position of Curator of the Executive Mansion who would work under the Historic Preservation Agency to control and manage of -- artifacts on the grounds of the Executive Mansion and the Governor's Office in the Capitol and also at the Hayes House in DuQuoin. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

You know, I -- I don't quarrel with the -- with what we're attempting to do here, but I guess the timing, I guess, means everything here. The -- this is creating a -- another individual to -- and another position at a salary to be determined, as I understood it, by the Governor. And, you know, at a time when we -- when we don't have any money, it seems to me we're -- we're creating another position. Again, here, and it says the Governor shall determine the compensation of the Curator and shall not be

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

diminished during his term of the appointment. I mean, we've gotten along for this far in our -- in our lifetime without a Curator. It seems to me that a couple more years probably wouldn't hurt till we get financially on our feet.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PHILIP:

Thank -- thank you, Mr. President. You know, there already is a position now. There is a Curator for the Executive Mansion. He's been there, I think, since 1968. This is just putting it in the statute. Sometimes when you have a changing of the guards, things are misplaced, things are lost. It's good to have somebody that's responsible for paintings, statues, et cetera. So I think it is kind of important and we ought to make it -- put it in the law. You never know what goes on around here.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 2130 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 46 voting Yes, 8 voting No, no voting Present. Senate Bill 2130, having received the -- constitutional majority, is declared passed. Senate Bill 2132. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2132.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Larry Walsh.

SENATOR L. WALSH:

Thank you, Mr. President and Members of the Senate. Senate Bill 2132 deals with the transportation of municipal waste from --

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

from transfer stations to a landfill. We have gutted the bill and are sending it over to the House. The industry has indicated that they will continue to work with us and hopefully have a piece of legislation to come back with. I...(microphone cutoff)...support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2132 pass. All those in favor, vote Aye. Opposed, vote No. Voting's 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 2132, having received the required constitutional majority, is declared passed. Senate Bill 2147. Senator Tom Walsh. Out of the record. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, sir.

SENATOR DEMUZIO:

In observing the balance of the Calendar, it seems to me that the sponsors are all on your side of the aisle and none of 'em are on our side. I suspect we'll sit here for the next couple, two, three hours and see if we can help you out.

PRESIDING OFFICER: (SENATOR WATSON)

Wait till next year. Senate Bill 2149. Senator Rauschenberger? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2149.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This -- this bill is important to Democrats who live in Kane and Will County, I want you to know, Senator Demuzio. This adjusts the thresholds for county authority to purchase land to bring them in line with their current statutory powers after the 2000 Census. Appreciate favorable support and be very happy to answer questions about Democratic or Republican interests in forest preserve acquisition authority.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2149 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 No, no voting Present. Senate Bill 2149, having received the required constitutional majority, is declared passed. Senate Bill 2155. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2155.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this amends the Premises Liability Act. Provides that an owner or operator of an off-road riding facility, a facility used for recreational activities or sporting events involving off-highway vehicles, is not criminally liable for any noise emission, is not subject to a nuisance or -- trespass action. This bill was brought to me by ABATE of Illinois, relative to off-road riding in

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

parks, State parks, recreational facilities. We've been spending some money over the last few years to develop those in our State parks. And I'd be more than happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Senator Obama.

SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR WATSON)

You're welcome.

SENATOR OBAMA:

Senator Burzynski, just -- just a quick question. I note here that City of Chicago and the Northwest Municipal Conference are opposed, at least on our -- on our analysis. Could you just describe for me the nature of their opposition?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

You know, I'd love to do that, Senator Obama, but neither organization or group has spoken to me about this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? If not, the question is, shall Senate Bill 2155 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Everybody's voted. All right. We've got -- have all voted who wish? Take the record. There's 55 voting Yes, no voting No,

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

no voting Present. Senate Bill 2155, having received the required constitutional majority, is declared passed. Senate Bill 2159. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2159.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 2159 provides that any municipality or county may enact an ordinance providing for an automatic red light enforcement system. You know, it's kind of an important bill because running a red light is a dangerous risk many people take just to save a few moments and a few times -- seconds, but the consequences can certainly be deadly. Drivers that run red lights cause nearly one million collisions a year, result in over five hundred thousand injuries and more than a thousand deaths a year, according to the National Association of Independent Insurers, and the problem is growing. Actually, running red lights, stop signs and yield signs are the most frequent cause for intersection accidents in urban areas. We have in -- about seventeen states provide, already, laws regarding automatic enforcement. We already have thirty-seven communities, twelve countries {sic} using this. We also allow it in Chicago for using it for -- when it's involved in a vehicle accident, leaving the scene of an accident or reckless driving. Chicago alone issued forty-seven thousand citations last year for running a red light. We had two hundred and nineteen deaths last year because of it. In a survey that was conducted in 1996 by the insurance industry, over eighty-three percent of respondents supported legislation such as this. And using red light cameras

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

that would stop red light running has reduced red light violations between forty to seventy percent in areas that it's been used. Now, the bill is permissive. It's not a mandate. Counties and municipalities, working together with their own law enforcement people, their own community leaders, can determine if this is a program they wish to do. It's something, I think, that we should do to give our law enforcement community, who supports this bill, every tool they can to stop this dangerous practice. One of the officers of the Chicago Police Department who was interviewed on ABC on a expose, I guess it was, that said very simply, he said that somebody who runs a red light, they're playing Russian roulette with somebody else's life. We've got some changes that Senator Cullerton's going to talk about briefly, but I do ask for your support. It's an important bill, I think, for the safety of our motorists. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I've been working with Senator Klemm with this bill. It is going to be amended. Needs to be amended in the House. There's a number of different issues that we are grappling with, such as whether or not this should be a -- a moving violation or not, the issue of how the fines, if there are any fines, should be administered. And there's a number of, as he indicated, people in the City of Chicago that have looked at this technology and -- trying to -- we will, in the next few weeks, try to determine what would be the best way to go ahead with the bill. But there's no question that in the City of Washington, D.C., where they've implemented this provision, there's been a dramatic decrease in fatal accidents at a number of the forty intersections where they have this technology, and it's really resulted in the savings of a great

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

number of lives. And I think that there are some -- even some constitutional issues. There's some -- a lot of internal debate as to what -- the best way to go, and we will have that debate when the bill comes back to -- from the House. But for now, I would appreciate an Aye vote so we can continue the discussion.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall -- Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I'll -- I'll be as brief as I can. Talk to the sponsor. First of all, I like the bill the way it is, so I hope there's no amendments. I mean, as -- as we understand this, and I -- I just -- saying it so if anybody ever listens to debate and they pick it up in the House and maybe Senator Cullerton could also listen to this also as he files his bill. But obviously this just says that - we've used it for accidents now - now we can use it just for people who run red lights. So what they do is, they get a picture of the license plate. And they're very careful not to take a picture of the driver or who's in the car, so they get away from these privacy issues, which I kind of like and it makes a lot of sense. The only problem that we have is that we're making a discussion. Say they take a picture and it turns out to be, you know, someone's plate. Let's say my plate or -- or the President's plate. So there'll be a plate, but you don't know who's driving. That's the problem we have. You got a picture of the plate. It's got a number. You call it up and it's, you know, Joan Smith. Okay. Now what do you do? Well, obviously, one of the good things you could do, I guess, some may consider, since she owns the car, you can have probable cause to issue a citation. One of the problems that we have and we talked about and I think they want to talk about it in the House -- and I hope that the City of Chicago doesn't look at

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

this as strictly revenue-producing, that if we're going to stop people from running red lights, everything that Senator Klemm is -- said is absolutely true. They do cause the most accidents. I mean, people, you're going through a green, you got to be able to trust that if my light's green and I'm going through it, I don't want some nut going through a red light that's -- and causes, you know, tremendous damage and loss of life. So all of that's good. But if they start looking at it as revenue-producing, then there's going to be a thought in their head, let's move it to administrative review and let's get from this General Assembly -- go to administrative review, let's be able to prove that we're going to give Joan Smith, who's registered to that plate as the owner, that she's going to get a moving violation. She could lose her license and yet nobody ever has to prove that she was driving. One of the tenets of the law is that if you're going to charge me with a crime and I'm going to lose my license, I should at least be the person that was driving. We can't, for the sake of producing revenue or even for safety's sake, come up and say, "Here's what we're going to do: We're going to convict people of running red lights without ever having being able to prove that they, in fact, ran the red light." And I just hope that when it goes to the House that we come up with a compromise that - and it's this simple, I'm almost done, Mr. President - that we would have probable cause to issue the citation and under the Civil Practice Act, when that defendant shows up in court, the prosecutor could ask them if they were driving, and if he says yes, you proved your case. But instead of -- there should be in this bill where you have to show that the person was driving, and I hope that's where we're headed. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR KLEMM:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Well, those are good points and that's the reason we've got some issues that we want to take up. We're going to suggest to the House some changes that we did not have time to incorporate. I think we're all on the same page and we're going to be doing it. So, I do ask for your support. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 2159 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 49 voting Yes, 6 voting No, no voting Present. Senate Bill 2159, having received the required constitutional majority, is declared passed. Senate Bill 2185. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2185.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 2185 creates a new license plate category designated as "Stop Neuroblastoma". Neuroblastoma is a childhood cancer of the nervous system, and about one in one hundred thousand children under the age of five are diagnosed with this cancer every year in the United States. This was brought to me by a constituent whose little boy died of this neuroblastoma, and as a matter of fact, within a couple of months, another little boy in my district died of the same -- the same disease. This is -- this is a license plate. The money collected from the additional fee on this would go to the American Cancer Society for neuroblastoma and cancer research, education, screening and treatment. I ask for your Aye vote.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2185 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 53 voting Yes, no voting No, no voting Present. Senate Bill 2185, having received the required constitutional majority, is declared passed. Senate Bill 2191. Senator Tom Walsh. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2191.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. The next two bills are dealing with audits found with the Department of Commerce and Community Affairs. They will solve problems that they've had with the Audit Commission or have had with their audits. This first one repeals several Acts. I have -- the bill's been sitting on 2nd Reading for a long time. The Department feels that these various Acts are no longer necessary. I'd 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 2191 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 2191, having received



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

the required constitutional majority, is declared passed. Senate Bill 2192. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2192.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. And this, again, is a DCCA response to audit findings. This makes various changes from mandatory to permissive for requirements of the Department. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? If there any further discussion? If not, the question is, shall Senate Bill 2192 pass. All those in favor, vote Aye. Opposed, vote No. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 54 voting Yes, no voting No, no voting Present. Senate Bill 2192, having received the required constitutional majority, is declared passed. Senate Bill 2194. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 2194.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. This bill allows the ICC to continue to access the Grade Crossing Protection Fund dollars to continue the program that we started for rail safety programs at

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

the current level. It also will authorize the ICC to use five hundred thousand dollars per year of those funds to match federal dollars so that we could receive five hundred thousand from the feds, so that we could have public education regarding our State laws dealing with grade crossing safety. The third thing it does is eliminates the cap language on the ICC Transportation Regulatory Fund so that they can have and continue to provide grade crossing protection if they have any unused funds. Illinois is actually the second largest in the nation of having highway and rail crossings. It's the second largest rail network of any state. In fact, we recognize the importance of the safety programs by increasing this fund by nine million dollars this last past year. Now, the mission of the ICC in this program is really twofold. One, it provides for grade crossing safety projects for those crossings that are dangerous. Actually, in the last five years, they did three thousand six hundred and fifty safety projects in the -- in the State alone, and they did seven hundred crossbucks that they've added. Secondly, they worked with the railroads to correct safety defects that currently exist. They did eight hundred and fifty-three last year alone. If the program's not continued, we're going to have a reduction in the staff, which would mean that we're going to have less railroad crossing protection devices installed in Illinois and maybe -- and maybe more unsafe crossings than we already have. If you remember, I started this program some years ago when the Fox River Grove had the school bus that was hit. We found, after we corrected that situation, a hundred and twenty-eight similar crossings that had the same defect that caused that accident with that school bus. They were corrected with the help of the railroads. So this is a program, I think, that needs to be continued. It's supported by the ICC. AFSCME supports the bill, the Illinois Association of County Engineers, the Illinois Trial

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Lawyers, the Illinois Farm Bureau, IDOT. And I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes. The sponsor will yield, Senator Shadid.

SENATOR SHADID:

Thank you. Senator Klemm, how many -- of this money, the twenty-seven million dollars, how many -- there's four thousand -- my -- I've been told, four thousand crossings in downstate Illinois alone that don't have any crossing gates or lights. Of this money, how much is going to be spent in the next year's budget to add crossing gates and lights?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

Well, I -- you know, how -- they rate the -- the crossing protection by the number of vehicles, certainly the number of accidents, the number of trains that go by there. The last few years they've done seven hundred crossing buck wands that they've improved on. Some projects cost -- it's about a hundred and fifty thousand dollars to put lights and gates up, roughly, at a project. But because some of the projects have crossing bridges, underpasses that are deteriorating that need to be replaced, this is a problem, obviously, they've had. What they have done, though, because they have over seven thousand nine hundred or something, they've already corrected three thousand six hundred and fifty of those, and some of those, obviously, are the crossing guards, not only because the Farm Bureau supports it, because they realize that we have some gravel roads that go across the railroad

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

tracks that maybe doesn't have a train going there only once or twice a day. They may not need crossing gates and guards and lights. So, obviously, we have to determine which ones need 'em. But, certainly, they're looking at that, also.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Shadid.

SENATOR SHADID:

It's my understanding that there isn't any money budgeted to -- for -- to put in crossing gates or lights for next year for those ones that don't have it. And also, it's also my understanding that the funding will not cease; it'll still go on for another year. I'm going to encourage a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? Senator Parker.

SENATOR PARKER:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR PARKER:

Senator, in committee, it was a suggestion, however it didn't pass out of committee, that the bill be amended to take out the five hundred thousand dollars and also to put a sunset in this. If this passes out of here, even though that particular amendment didn't pass out, would you still work towards that with the House sponsor?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

Absolutely. I was the one who put the amendment in because there were some questions about it. The people that asked for it never did talk to me until the day before the committee meeting. I told them we will continue to -- work on it. I think it's too

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

important, because if we don't fund the program, it just about dies and we won't get any improvement for one thousand or four thousand crossings that we'd like to improve on. So, I think it's something that we need to do. Absolutely. We'll look at any amendments we can. I think it's too -- too important a program to stop. So I do ask for your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President. Just a question of the sponsor, and -- and maybe I missed this in your -- in your discussion of the bill. It says here that there will be a transfer -- changes in the amount transferred annually from the Grade Crossing Protection Fund to the Transportation Regulatory Fund. There will be more money in which fund then?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

What -- what we have done is transferred the money from the Grade Crossing Fund to this fund that does the safety investigations and the grade crossing evaluations. It's going to continue at the same amount.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Would that mean that there will be fewer crossings dealt with, as far as lights and -- and gates are concerned, because of this? I understand that in -- I -- in this year's budget, there's only maybe -- there's no money for gates and lights, is that right?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Actually, there's going to be more because we have the funds and we have the people to do it. If this doesn't pass, there'll be less dollars to do the improvements.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, Senator Klemm, to close. All right. The question is, shall Senate Bill 2194 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 29 voting Aye, 17 voting Nay, 3 voting Present. And Senate Bill 2194, having not received the required constitutional majority, is declared failed. Senate Bill -- 2200. Senator Syverson? Senate Bill 2204. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2204.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Madam President. Senate Bill 2204 amends the Illinois National Guard grant program.

PRESIDING OFFICER: (SENATOR KARPIEL)

Excuse me, Senator Dudycz.

SENATOR DUDYCH:

Thank you, Madam President. The bill amends the Illinois National Guard (grant) program providing that if the recipient of an educational grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received. The repayment shall be

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

prorated according to the fraction of service obligation not yet completed, and it also provides that all repayments shall be deposited in the new National Guard Grant Fund.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2204 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 52 voting Aye, 1 voting Nay, none voting Present. And Senate Bill 2204, having received the required constitutional majority, is declared passed. Senate Bill 2210. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2210.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. This is a -- a bill proposed by the Department of Revenue. It allows the Department of Revenue to assess the costs of collection fee on taxpayer accounts for which a lien was filed and a lien release is requested by the delinquent taxpayer. It simplifies the administration of tax offset claims received from other states, and it extends the filing and payment date for electronic income tax returns and payments to coincide with the new federal legislation that's being proposed to extend the federal filing times by electronic income tax returns and payments. Ask for your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2210 pass. Those in favor will vote Aye. Opposed, vote Nay. The

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

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 2210, having received the required constitutional majority, is declared passed. Senate Bill 2217. Senator Rauschenberger? Senate Bill 2218. Senator Weaver. On the top of page 9 is Senate Bill 2219. Senator Weaver. Senate Bill 2220. Senator Rauschenberger. Senate Bill 2221. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2221.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President, Members of the Senate. This gives the Illinois Commerce Commission the authority to seek injunctive relief. Also authorizes the ICC to enforce fines on utilities, increasing fines for any violation of commission order, rule, or the Public Utilities Act up to thirty thousand dollars. It is currently between five hundred and two thousand dollars. It excludes the telecommunications portions of the fines, because we just did that in the telecom rewrite. This has passed at least once before, I think unanimously. I know of no opposition, and I would be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2221 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



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Present. And Senate Bill 2221, having received the required constitutional majority, is declared passed. Senate Bill 2223. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2223.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. This bill basically creates the license pending status for advanced practice nurses that have gone through that process. And also it does not -- it's not intended to affect the right of any applicant who obtains a certificate from the Commission of Graduate {sic} (Graduates of) Foreign Nursing Schools.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2223 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 2223, having received the required constitutional majority, is declared passed. Senate Bill 2227. Senator Sieben. Senate Bill 2232. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill -- or, Senate Bill 2232.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR KLEMM:

Thank you, Madam President. The -- a number of subdivisions have been talking to me about the subject of property damage and health hazards caused by the large population of Canada geese that are occupying half their lakes and everything else, and they're doing all kinds of things. And so we have this -- this bill would allow these associations that have the U.S. Fish and Wildlife or the DNR permit approval to use a flare-type of pyrotechnic device to disperse these nuisance geese and these other birds. It's used all over. In fact, the U.S. Department of Agriculture actually issues them. I have one municipality that says, "No, it's considered a -- fireworks; we won't let you do it." So, we're saying, well, wait a while. If they got the approval and they're trying to chase these geese out of there a little bit on an approved program that the Department of Agriculture authorized and is doing it now - in fact, they're loaning that equipment out - then why can't we let these people do it? So that's what this bill does. We're still in negotiation over in the House with it. So, I do ask for your support to continue this.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2232 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 2232, having received the required constitutional majority, is declared passed. Senate Bill 2235. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2235.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. As part of our electric deregulation bill several years ago that Senator Mahar sponsored, Senator Maitland and I had the privilege of working on parts of that bill. Senator John Maitland worked very, very hard to establish in the statute a LIHEAP program on the State side to compliment the work that the federal government does in making sure people with low income have access to funds to pay for necessary heat and electric bills. That bill contained a sunset, so this -- 2235, as amended now, moves the sunset date and makes some administrative and practical revisions in Illinois' nation-leading State LIHEAP program that, in the Governor's address, the Governor named as the Senator John Maitland LIHEAP Fund. So this is the update. I'd appreciate unanimous support. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 2235 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 2235, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to Senate Bill 2227. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2227.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Madam President. This legislation is introduced on behalf of Whiteside County, who is trying to recover from the devastating impact of the closing of Northwest Steel and Wire last May. This would allow the county, by ordinance, to establish a TIF district in the unincorporated areas in Whiteside County with certain restrictions that that -- that the district would have to produce at least five hundred full-time equivalent jobs and have a private investment of not less than twenty-five million dollars. Specifically drafted for some economic development projects that will be coming in the Sterling/Rock Falls area, and I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2227 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, 2 voting Nay, none voting Present. And Senate Bill 2227, having received the required constitutional majority, is declared passed. Now, Senate Bill 2243. Senator Walsh. Senate Bill 2249. Senator Lauzen. 2250, 2252 and 2253, out of the record. Senate Bill 2254. Senator Walsh. Senate Bill 2255. Senator Weaver. Senate Bill 2256 and (22)57 are out of the record. Senate Bill 2258. Senator Philip. Out of the record. Senate Bill 2259. Senator Weaver. Out of the record. At the top of page 10 is Senate Bill 2260. Senator Weaver. Senate Bill 2261. Senator Philip. 2262. Senator Philip. Senate Bill 2263. 2264. Senator Dillard. Out of the record. Senate Bill 2265. Senator Dillard. Senate Bill 2266. Senator Petka. Senate Bill 2267. Senator Dillard. No. Senate Bill 2269. Senator Petka. Senate Bill 2271. Senator Petka. And

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senate Bill 2272. Senator Philip. 2273, 2274 and 2275 are out of the record. Senate Bill 2276. Senator Weaver. Senate Bill 2277. Senator Weaver. On the top of page 11 is Senate Bill 2278. Senator Weaver. Senate Bill 2279 and 2280 are out of the record. Senate Bill 2281. Senator Weaver. Senate Bill 2282. Senate Bill 2283. Senate Bill 2285. Senate Bill 2287. Senate -- Senate Bill 2288. Senate Bill 2289. Senate Bill 2290. Senate Bill 2291. Senate Bill 2292. Senate Bill 2293. Senator Rauschenberger. Senate Bill 2294. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Senate Bill 2294 amends the Code of Civil Procedure concerning our quick-take and eminent domain. If you recall, we passed a resolution some time ago that's worked very well. What this bill does is it asks that before a unit of local government can request quick-take, they must at least notify the owners of the intent, publish the intent in a newspaper, hold public hearings, adopt a resolution asking for quick-take authority from us, submit to the General Assembly some affidavits saying what the property is and that it's for a public purpose and the reason for it. Also, in this we do have one authorized quick-take authority for the Village of Baylis. I think that's for a period of twelve months, which is what we do, from the effective date, and it's for a property for a new sewer and they've met all the requirements that we have established. We do have one amendment that we'll be asking the House to incorporate, and that's to accommodate some of the quick-take provisions for

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

county highways where they have a series of small parcels that they have to identify for us. And it's a little bit difficult to get legal descriptions and appraisals so we've allowed -- we've talked to IDOT and -- reached a -- a compromise that they will be able to live with and that will still protect our tenets that we wanted to preserve for quick-take. So I do ask your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Klemm, if I -- if I may, the reason we -- I have the Amendment No. 2, which has not been adopted. That's the one you are talking about having the House adopt. And the reason we're doing that was because the amendment was just filed today and this expedites the process and we're vacating. Is that what the deal is?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

That is correct. We didn't have time to have it before the Executive Committee. It just came in from the counties just two days ago.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, the question is, shall Senate Bill 2294 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 41 voting Aye, 8 voting Nay, 2 voting Present. And Senate Bill 2294, having received the required constitutional majority, is declared passed. Senate Bill -- all right. With leave, we will return to Senate Bill 2269. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senate Bill 2269.

(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. 2269 is a shell bill to be utilized for purposes of amending Criminal Code, if -- if such a thing might be available.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? In not, the question is, shall Senate Bill 2269 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 2269, having received the required constitutional majority, is declared passed. Senate Bill 2271. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2271.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. Senate Bill 2271, along with the Floor amendment which was adopted yesterday, simply deletes the last six terms -- or, six words under current law, under the financial identity theft statute. A situation arose in the County of Will in which an individual fraudulently obtained another's Social Security number and then was able to, by use of that Social Security number, obtain a loan

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

in excess of a hundred thousand dollars in that person's own name. Under the statute that currently exists, that would not be a crime because it would have had to have been made under -- in the name of another person. It could have been prosecuted under another Section, but the easier prosecution would come under this Section dealing with financial identity theft. I'll be more than pleased to answer any questions, and I'd move for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Seeing none, the question is, shall Senate Bill 2271 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 2271, having received the required constitutional majority, is declared passed. Back to the bottom of page -- back to the bottom of page 11. With leave of the Body, we will go to Senate Bill 2293. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 2293, as amended, sets in statute that the retainage on a State contract shall be five percent of the total contract price. Currently, there's no statutory requirement for how CDB handles retainage. In the case where we have insurance or we bond the project, this sets in statute that they're to set aside a five-percent retainage on the contract. Be happy to



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

answer questions if people have any.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2293 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. Senate Bill 2293, having received the -- required constitutional majority, is declared passed. Senate Bill 2294 we've done. Senate Bill 2295. Senator Rauschenberger. Senate Bill 2296. Senate Bill 2297. On the top of page 12 is Senate Bill 2298. Senator Rauschenberger. Senate Bill 2299. Senate Bill 2300. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2300.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Out of the record. Senate Bill 2301. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2301.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam Chairman and Ladies and Gentlemen of the Senate. Senate Bill 2301, as amendment -- amended, tries to provide low-income areas with a bank or a branch facility, because it forces these people to go to a currency exchange. And I think the idea is commendable. We ought to try to do something.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Unfortunately, there's a constitutional problem with this amendment. There are people that don't like this amendment. It's opposed by the Illinois Bankers Association. So, in committee we understood that. We agreed to pass it out with the idea it will get over to the House. When it gets over to the House, the Bankers and the State Treasurer will try to work out some kind of an agreement. Okay? And then, of course, it has to come back here anyway, so we will have the final shot on it anyway. So, I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Philip, I think this is one of those bills that you ought to pull it out of the record, keep it on the Order of 3rd Reading and have the compromise struck here, because as this bill is now, this bill abates taxes for -- for banks, savings and loans, loan associations, et cetera, in areas that have been designated by -- by the State Treasurer as banking development districts of which the criteria includes any other criteria that the State Treasurer deems appropriate. It seems to me that there's an awful lot of things that are going wrong with this bill in here at the moment, including the possibility that it may have some implications with respect to Section 9, Article VI {sic} of the Illinois Constitution with respect to the Revenue Act, with -- with -- with exemptions from property taxation. I don't think we ought to be providing -- abating taxes to the most wealthy of the wealthiest in -- in -- in Illinois, the financial institutions, and putting the communities and municipalities and the school districts on notice that they might be losing some money. I would prefer that you took it out of the record, left it on the Order of -- of 3rd Reading - you have the power to extend the deadline - and let the compromise come here, rather than asking all the

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Members to vote on this thing, 'cause this is a nasty, little, thirty-second commercial for everybody that -- that does this. And I think -- I would hope that you would take it out of the record and just leave it here, extend the deadline and extract the compromise here.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator -- Senator Philip.

SENATOR PHILIP:

Yes. Thank you. Senator Demuzio, it does not abate taxes. It would allow a taxing district, or a -- or a school board could do it by a majority vote, but it doesn't automatically abate any taxes whatsoever. It's up to each one of those individual taxing bodies to do it by a majority vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I -- I -- all I'm saying to you is that I -- the way it's constructed now, I think it's a nasty, little thing that I don't think any of the Members want to have to explain. And it would seem to me that you ought to just extend the deadline on this thing, take it out of the record. And given the environment where we are now, with the fact that, you know, we're -- we're concerned about local property taxes and school districts and municipalities, we ought to correct it wherever we're going to correct it and do it here. That's all I'm suggesting. You -- you do whatever you want to do.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. As far as the bill is concerned, just trying to make a record. And I would hope if -- if, Senator Philip, by this bill, or the Treasurer, is trying to solve a

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

problem where in certain areas, certain neighborhoods, certain communities, they don't have the banks there and the banks and savings do not want to build there because they don't know if they're going to make enough money, and the only way to be profitable is to first have a little bit of property abatement and then maybe they could catch up, and it better serves the community, puts 'em on the tax roll and hopefully we can make money. Now, that sounds like a good idea, and it even sounds good to a long-term plan. The only thing I do hope, 'cause it does look like it is leaving this Chamber today, contrary to Senator Demuzio, who probably has a good idea. But if it does leave the Chamber today, the problem I see, and I hope it's corrected, is that the Treasurer is and never has been in the abatement business. That's always been DCCA. DCCA, of course, doesn't want any part of this. They have their hands full. So they've already told us, "Leave us out of this. We don't want any part of it." So I'm just hoping that somewhere, when they look towards the rules, there can be a very, very good plan put forward so that we have when the Treasurer gives the okay to abate or when the Treasurer says no to abatement, that there are pretty good rules, terrific guidelines and people in the Treasurer's Office who know abatement and could actually put this thing forward. So I hope a good bill comes back from the House.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. You know, when we talked about this in Executive Committee, we find that there are a number of areas that the banks have moved out of, mostly a lot of depressed areas in Chicago, downstate and some other areas, and this is trying to allow those banks to open up a facility to help those consumers have some banking privileges in their neighborhood.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Now, what it says is that if you want to abate a tax from a school district or something, you'd have to say, "We want to do it." And it has to be a recorded vote. So, you're not taking anything away. They -- if they don't want to do it, they just say, "No. I'm sorry, it's not that important." I think it's an important thing. I think, as Senator del Valle said, it's a good concept. We need to continue it. So what we agreed to with the banks and with the -- the Treasurer's Office is to allow that continuation of discussion to continue as we move through. Any amendments that we make will be coming back to the Senate, as Senator Demuzio has said. We will hear all those again. But to stop it now, I think we lose that momentum that we're doing to help some communities that really need some banking facilities. I do ask you for support on that bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jones. Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. It was my understanding in committee that this bill would be let out and the differences worked out prior to moving this bill any further. That was the understanding that I had. And so, perhaps, Mr. President, you can clear it up. But I understood that the bill would be let out of committee and the differences worked out before any other action is taken.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President. You know, I guess I have a lot more faith in the Democrat-controlled House than my fellow Democrats on the other side of the aisle. They'll do the right thing. We'll straighten this thing out. Believe me. It'll come back the way it ought to be. And if it's wrong, I won't vote for

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

it. I won't even call it if it's wrong. I guarantee you that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. This -- this bill does nothing more than insert the State Treasurer into TIF district legislation that currently exists. Everything that is done here can be created by your local community by creating a TIF district on a certain couple of blocks where they want a bank to locate. There's nothing here that really does anything more than put the State Treasurer into the position of sticking her nose into various communities and saying, "Hey, I think that that should be a bank district right there." Anybody in your town can do it. Your mayor and your aldermen can vote to designate a block down on the main street, "Hey, we need a bank there. We'll give them this much in abatement." This is nothing but a political bill for this election. That's all this is, plain and simple, to help the State Treasurer get reelected.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, having been a municipal attorney, I can assure my colleague on the other side, it is not that easy to get a TIF district established locally. Therefore, I think this bill is in the right direction and I think we should support it. This Treasurer has brought in more money than any other treasurer in the history of Illinois, in interest and -- because she's very wise and she does very careful management and investment. And I think it's high time you realized it and stop playing politics, and let's vote for the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR PHILIP:

Thank you very much. And vote your conscience.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 2301 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 25 voting Aye, 24 voting Nay, 2 voting Present. And Senate Bill 2301, having not received the required constitutional majority, is declared failed. Senator Munoz, for what purpose do you rise? Excuse me, everyone. Please give Senator Munoz your attention. Senator Munoz.

SENATOR MUNOZ:

Thank you, Madam President and Members of the Senate. Today here with us in the gallery up above I have Farragut High School ROTC here with us. They performed in the Rotunda. Did a great job. And along with them is their Colonel Matich, who takes care of them there at the ROTC program at Farragut. They do an outstanding job, so I'm very proud of 'em. Not only do they do an outstanding job in school, but they take the extra effort to get up sometimes 5, 6 in the morning to perform before school and on the weekends. So, I'd like to welcome them here to the Senate, as well.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome -- welcome to Springfield. Stand up and be recognized. Senator Jones, for what purpose do you rise?

SENATOR E. JONES:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR E. JONES:

We have with us today one of our former colleagues. Senator

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Alice Palmer is with us today. And she -- she brought a guest, a member of the European Parliament. His name is Glyn Ford. In his district, he represents five million people, and he's limited to spending just sixty thousand dollars to get elected. So let's give a warm welcome for our colleague in government, Mr. Glyn -- Representative Glyn Ford.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. And welcome back, Senator Palmer. Senator Molaro, for what purpose do you rise?

SENATOR MOLARO:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR MOLARO:

Also in the gallery behind me is the ROTC -- ROTC program from Hubbard High School, and with them is Colonel Wargo. Of course, it's a fabulous program and the people in it have done a terrific job. From Hubbard High School. Thank you. If we could acknowledge them, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR HENDON:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR HENDON:

Not only am I an alumni from Farragut High School, one of the greatest high schools, the Farragut Admirals, in the country, but I also have from my district -- from my district, the wonderful choir from Whitney Young High School in Chicago. Let's give 'em a big hand.



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield, Whitney Young.

SENATOR HENDON:

Over on the Republican side of the gallery, Madam President. They sung today down in the Rotunda.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to all these fine high school students. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, thank you. Given what just took place here in the last fifteen minutes, maybe we ought to take these hats off some of these guys, these hard hats, and where 'em around down here for a while.

PRESIDING OFFICER: (SENATOR KARPIEL)

We're -- we're going to need 'em. Back on page 12 we have Senate Bill 2302. Senator Dillard. Senate Bill 2303. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2303.

(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 bill has been before us on previous occasions. In fact, it was first introduced by Senator John Maitland a couple of years ago. And it just clarifies that the Attorneys Lien Act does not apply to the lawyers who represented the State of Illinois in the massive National Tobacco Settlement. To refresh your recollection, the lawyers who took on the case on behalf of the State of Illinois were awarded a hundred and twenty-one million

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

dollars by an arbiters' panel. But that wasn't enough for 'em, and that arbiters' panel said they, quote, "did little work". I didn't say it. The arbiter panel said these lawyers did, quote, "little work". But now these lawyers want more for little work. They want another -- about eight hundred million dollars of money for their little work, on top of the hundred and twenty-one million they have already been paid. Representative Jeff Schoenberg, who I think desires to be a Member of the Senate next Session, also agrees with me that it is unconscionable that these lawyers want this extra money and he has asked them to release their lien, at least temporarily. And when we are in a budget crisis, the amount of money that is involved here for a little work...

PRESIDING OFFICER: (SENATOR KARPIEL)

Excuse me. Excuse me, Senator Dillard. We have a lot of people on the Floor who are not Members. Could everyone leave the Floor who doesn't need to be on the Floor? And let's keep it a little quiet. We have a little bit more to go and then we can all get going home. Senator Dillard.

SENATOR DILLARD:

Thank you. Considering we have a one-billion-dollar budget crisis in the State of Illinois, these lawyers are holding on to another eight hundred million dollars for their little work. Representative Schoenberg, and I'm sure Representative {sic} Rauschenberger will concur, if we were to take the attorneys lien money - and we already have nearly a hundred million dollars on hold - match it with federal Medicaid money, we could certainly plug a tremendous hole in our billion-dollar budget problem. And I think, Madam President, it is unconscionable for lawyers who did little work to want another eight hundred million dollars when people can't get their Medicaid benefits, when the State of Illinois is a deadbeat with respect to vendors to the State of

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Illinois and I'm getting letters from education groups who are worried we are going to cut education funding. So I just think it's time to end corporate welfare for trial lawyers who did little work, according to an arbitration panel, and we need to pass this.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR CULLERTON:

Senator Dillard, how did we find ourselves in this situation? How did the State of Illinois find itself to be in this situation where we might potentially have to pay so much money to these lawyers? Who would have signed a contract like that with any set of law firms to potentially have us spend so much money for these legal fees?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, somebody in the Attorney General's Office approved a contingent fee contract and the lawyers agreed to go to arbitration. They've been awarded a hundred and twenty-one million dollars for, quote, "little work". But contracts every day are abrogated in -- in courts for unconscionability, quantum meruit and things like that. And, you know, we just need to make it very clear here that the Attorneys Lien Act doesn't apply to these monies, and try to hopefully get some money that can help Medicaid and other health care providers get paid and to make sure that the State of Illinois plugs its -- its hole a little bit in the State budget.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, when we went -- when our representatives went to the arbitration hearing, couldn't we have resolved this issue at that point in time, when we attended the arbitration hearing, and -- and said that we shouldn't have to pay any more than a hundred and twenty-one million? Wasn't it resolved then at the arbitration hearing when we were there?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

I would think that the arbitration panel would have resolved the -- the fee crisis at a hundred and twenty-one million dollars for little work.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, my question is, what was our position that -- the State of Illinois, by and through its Attorney General, at the arbitration hearing? What arguments did we make at that hearing to -- towards the -- the issue as to whether or not these legal fees should have been paid?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, I don't know. I wasn't there. All I know is that the Attorney General of Illinois wants to stop this greed right now, and he does not believe that the Attorneys Lien Act applies to these public monies.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Molaro.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR MOLARO:

Thank you, Madam President. Well, you know, I'm probably in an unenviable position as a Democrat. I'm rising to sort of protect the Attorney General. Sort of. Well, and the only reason is, do you know when -- when the Attorney General -- and obviously we can reinvent history if we'd like to, but when the Attorney General would talk to certain law firms - this was happening throughout the country - to take it for the deal that they finally made, many law firms turned this down. They thought the contingency was too small. The -- this unnamed low-level lawyer who signed this deal for billions of dollars, obviously the reason he signed it, he thought and the Attorney General thought it was a good deal. This was a good deal for the State of Illinois. They signed a contract. A deal is a deal. That's what this whole -- the whole business arrangement of this country's founded on. Everybody's in business or knows about people who are in business. A deal is a deal. You signed the contract. Now, almost like any lawyer who practices, or is a PI lawyer, after the case is settled or after they win the verdict, there's always a little bit of client or buyer's remorse. When the -- when the lawyer goes up there and says, "All right, here's your eighty thousand; you agreed to give me a third," of course they go back and say, "A full third? You're going to take that much? Really? What kind of work did you do? How much work did you put forward?" So this was a good deal then. And all we're doing now is coming up and saying that the lawyers are making too much. Well, let's get this straight. Nobody in this Chamber is going to say -- is not going to say that the lawyers aren't making too much. Of course, they are. Even the lawyers getting this know it's obscene. This is obscene. They shouldn't get this money. But we're doing it the wrong way by getting a little bit of grandstanding and saying that we all voted Yes on this to -- to go after these vicious lawyers

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

who are taking too much money. Let me tell you what's happening. There's a -- there's a couple principles in the law, like unjust enrichment, that -- that they didn't earn this money. Do you know that this is in court right now? These lawyers aren't going to get this money. Everybody knows that. There's no way the courts are going to allow this. Let the courts run its course. Let the lawyers not get it. Let's not, in this Chamber, change a tenet of the law that says a deal is a deal, a contract is a contract. When someone is unjustifiably enriched, you go to court just like the Attorney General did, and they are not going to get their money. Let's not do this and change a tenet of the law just so we can have some grandstanding. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. First, I want to thank "Justice" Molaro for his legal opinion on the -- on the lawsuit. That was -- if we can just get him on the bench pretty quick, we'll all be better off, I think. Or send him to the House. One or the other. I -- I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR WELCH:

Senator Dillard, in the bill that you have, it says the -- paragraph 2, Section 2, "The Attorneys Lien Act does not now create, nor has it ever created, a lien" et cetera, et cetera. Have we ever passed any laws that go -- state retroactively that the law meant -- was never passed to mean something? Because that seems to be what you're doing here, and I don't recall ever seeing that happen in a -- in a bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

SENATOR DILLARD:

Well, I know what you're getting at, and all we're doing is restating what we believe is the -- is the current law. The language came from the Attorney General -- the Assistant Attorney General, who's been fighting this -- this fight and case. But I think I could find you, and I -- and I don't have it off the top of my head, some instances of where we restate law just for extra -- emphasis to the courts.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch.

SENATOR WELCH:

Well, it just seems to me that what we're doing here is that we're in the middle of the -- the attorneys having a lien on sixty million dollars. We would like to get that money to help balance this budget, and here we've got a bill drafted by assistant to the Attorney General saying that, hey, we never meant to let them have that lien. And he's putting it in a statute? This is -- this is pretty much unprecedented, in my opinion, because this is more political support for the Attorney General's opinion, say, "Hey, we didn't -- we never meant to do that. Look, they've got that lien. They shouldn't be holding that sixty -- sixty million dollars and we just passed legislation supported by the House and Senate saying that we never meant to do that." You know, this is a pretty political piece of legislation right here. I agree that we never should have created the lien. I agree that the lawyers were paid too much money. I don't agree that a bunch of law firms turned it down, because the law firms didn't do very much. They never appeared in court, and they got a ten-percent contingent fee and never appeared in court? Now, where do you get those cases? But I -- I intend to vote Yes, but it seems to me this is -- this is a bizarre way to word this piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Further -- further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, thank you, Ladies and Gentlemen of the Senate. For all of those who have walked to the press box and -- and railed against corporate welfare and all of those who've said it's a shame that we're going to be forced to lay people off, I don't know how anybody can talk about putting up a red light on this bill. Whether it's -- whether it's a statement of the intent of the General Assembly or a political document really depends on your point of view. If you think -- if you think that having eight hundred million dollars sequestered in our Tobacco Settlement funds to enrich one law firm is -- is -- is a political question, then I guess I don't understand where you're coming from in a budget year like this. When you talk about corporate welfare, we talk about incentives to encourage industries to expand or locate here to create jobs. This eight hundred million dollars that's set aside for one law -- law firm doesn't create any jobs. It enriches a very few. We take actions all the time that express the intent and opinion of the General Assembly. In this kind of budgetary situation, when there's already sixty million dollars collected that could be put into our Medicaid program and deliver a hundred and twenty million dollars' worth of resources to our medical provider community to help serve the people that we've already made commitments to, anybody standing on -- on the question of whether a deal is a deal, there's no deal paying someone a billion dollars for not appearing in court that we should ever justify or endorse or vote to support. I appreciate Senator Dillard bringing it forward. I really appreciate the thoughtful explanation by lawyers as they kind of walk us around the block. And if you want to know why there's a fundamental lack of confidence in the court system, particularly the civil court system, you heard it on the Floor today. You



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

know, people don't trust the court system and they certainly don't trust us when it appears that we can't make a clear, firm decision on an issue like this. I would appreciate a -- a green light supporting Senator Dillard.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Madam President, Ladies and Gentlemen of the Senate. It's not political when we know that we are strapped in this State by almost a billion dollars in our budget. It's not political at all. And I'm an attorney and I -- and I do not agree with some of my colleagues' ravings and rantings against the lawyers because lawyers are necessary people, just like anyone else. However, the -- the amount given of a hundred and ten should not -- whatever it is -- if the arbitrator thought it was fair, fine, but any other lien should not be enforced against any of the other monies. And the fact that they want eight hundred million more, let 'em sue for it. But let 'em not have a lien on the other monies because we need it for our Medicare and we need it for -- for many purposes in this State, because we are short of a billion dollars. And if the House doesn't keep some budget controls over there, there'll be more shortages. And I'm just telling you right now that I'm -- I'm a lawyer and I am going to vote for this, not because I -- contracts can be broken all the time, but because it's the right thing to do in the emergency that we have today.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. Briefly, in the past, I've opposed this bill, and -- and the reason that I've opposed it is that the people who are to blame, and this is in response to Senator Rauschenberger, who it

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

looks like may have stepped off the Floor, are whoever it is that entered into this ill-conceived contract. Now, I won't mention who that was who decided very late in the day, after the tobacco litigation had already been initiated by a wide variety of states and whereby there was very little work remaining to be done, to go ahead and sign a contract with law firms that he had relationships with and that ended up resulting in a wildly disproportionate benefit being conferred to those law firms. I have no interest in defending that deal. It was a bad deal. I think there's nobody in this room who thinks that it was a good deal. If you've calculated the hourly rate for these attorneys, it would not be simply in the thousands, but in the tens of thousands. And they took very little risk. So, there is no doubt that this was a terrible contract to enter into. Having said that, the reason that up -- up until this point I've opposed this is, I worry when we have a situation where the State whenever it makes a bad deal, then decides that it can rescind on that bad deal. It may be that we didn't do a very smart job in terms of entering into negotiations for State workers' contracts. Should we now rescind them after we sign a collective bargaining agreement? It may be that maybe -- maybe we're not making good negotiations with respect to the hospitals. Do we then go back to the hospitals and say, "You know what? We had bad judgment, or it was politically convenient at that time for us to do it, and now we're going to go back on our word"? My concern here is not the deal. The deal is terrible. Senator Rauschenberger's exactly right. This is why people don't trust the court system or the legal system. The corrective for that is to make sure that we're making good decisions in the first place, as opposed to trying to clean up our mess after we make it. That's the reason I've opposed it in the past. Now, the only question I've got then, I guess, Senator Dillard, and this is a -- this is a question to the sponsor, is if

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

this bill passes, have we abrogated our obligations under the contract with these law firms that entered into these terrible deals? Or, are we simply saying that they no longer have a claim on the State -- they no longer are able to secure their claims on the State through the lien, but should they be vindicated in court, the State would still be under obligation to pay them? Because I think that in a budget crunch, that may make a big difference, to the extent that this money is frozen up.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Excellent question, Senator Obama. That's why you're a law professor. All we're doing is making sure that these lawyers do not have a lien on this money. They're still going to litigate this. They're still going to continue to litigate it, and perhaps they can recover - and I think Senator Molaro is right; they're never going to get the full nearly eight hundred million dollars - but they can continue to litigate this. This just says don't sit on over a hundred million dollars of cash we could use with a federal match for -- for correcting a situation -- a terrible budget situation for the poor or for education or for mental health. You pick your favorite program. These lawyers have about a hundred-some million dollars of money just tied up in a -- in a -- in a fund somewhere that could be used to help poor people. But they can continue to litigate this. This just says, let us use this money right now to help our way out of a State's budget crisis.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Obama.

SENATOR OBAMA:

Thank you very much. And -- and I -- I hope the sponsor's aware that my harangue was not directed at him personally, but

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

rather the person who entered into this terrible deal on behalf of the State. Having voted No in the past, I am actually going to vote in favor of this bill this time, because I think we are in an enormous budget crunch and I think it may be appropriate for us to be able to at least release this money at this time to meet our immediate shortfall. But I want to be clear that this does not mean that we have gotten out of the contract that we entered in with these law firms, and if, in fact, it is adjudicated that we owe the money to these firms and if they refuse to settle - I hope they enter into reasonable negotiations and feel a little bit of shame about it - but if they don't and they negotiate this -- they -- they litigate this, I think we should all be aware that the State is going to have to pony up. And we may be deferring it beyond this election, but we will have to pony up, which leads me to my final point, I guess. From this point forward, I would hope that all of us would be monitoring what the various Constitutional Officers and the Executive Branch are doing when they enter into contracts. And I'm pleased to see that we will certainly have at least two -- one of the two candidates for Attorney General this time, I'm certain, will be mindful, prior to entering into these kinds of contracts, that, in fact, we may -- be giving away money that we shouldn't be giving away.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Madam President. I kind of find it a little awkward defending a deal, or defending lawyers, in particular, particularly when they never went to court, never took a deposition. All they did was copy complaints that were filed in another state, take the name "Florida" out, put the name "Illinois" in. That's about all they did. But I remember when the Attorney General came to my office about this deal. And

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

believe it or not -- and it was -- if I remember right, they got ten percent. All of the other states got fifteen percent or more. The Attorney General was very pleased that he was able to knock them down to agree to ten percent. I even thought ten percent was high, very honestly. But -- but in comparison to other states, he made the best deal that was going at the time.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I have to respectfully disagree with the President of the Senate. I think this was a terrible deal. Those other states who gave up the fifteen percent, at least there was a lot of work done for it. And I do want to point out that those were lawyers who cut a deal with the other lawyers. So, you can't say the lawyers on one end were -- were bad guys and the lawyers in the Attorney General's Office were completely good guys or innocent guys who were duped or conned by these other attorneys. I think that that's wrong. So we want to keep that in mind. It was a mistake made out of the Attorney General's Office. That's what it was. It's a bad deal, but I don't think you can hold the other lawyers on the other side completely accountable without holding some accountability to the people who let the contract in the first place, who are also attorneys.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Seeing none, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Madam President. I do want to point out Illinois is not the only state that had to go to arbitration with its lawyers. And I learned a long time ago in the practice of law that there are some greedy trial lawyers out there who are not necessarily the people with the greatest conscience in the world. But I just want to put the General Assembly on warning, 'cause I'm

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

going to come back with a bill next year that has now been passed in a number of states, and I don't care whether it's Senator Madigan who's the next Attorney General or my State's Attorney Joe Birkett. Many states are passing, after this Tobacco Settlement situation, that any contract for legal services over a million dollars has to receive the approval of the Legislature. So I'll be back and I'll bet you I'll have a lot of cosponsors on that bill next Session. But, again, I just think that we just need to clarify what the law is. The Attorneys Lien Act never was meant to apply to these types of legal contracts. And again, it is unconscionable to sit on this money while poor people do not receive medical services in the State of Illinois, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 2303 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 51 voting Aye, 4 voting Nay, none voting Present. And Senate Bill 2303, having received the required constitutional majority, is declared passed. Senate Bill 2304. Senator Weaver. Senate Bill 2305. Senate Bill 2306. Senate Bill 2307. Senate Bill 2308. Senate Bill 2309. Senate Bill 2310. Senator Watson? All right. Senator Jones, Wendell Jones, for what purpose do you rise?

SENATOR W. JONES:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR W. JONES:

Yes, I'd like to introduce State Representative from Westchester, and also the Republican Candidate for the United

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

States Senate in the November election, Jim Durkin.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to the Senate, Jim. Senate Bill 2311. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2311.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip. Out of the record. Senate Bill 2312. Senator Philip? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2312.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Yeah. This is rather a simple bill. Senate Bill 2312 requires the Department of Revenue to disclose a list of all the delinquent taxpayers that owe over a thousand dollars. Their intention, I believe, is to put it on the Internet. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 2312 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 2312, having received the required constitutional majority, is declared passed. Senate Bill 2313. Senate Bill 2314. Senate Bill 2315. Senate Bill 2316.

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Senate Bill -- and on the bottom of page 12 all the way through to page 14, from 2390 to 2414, those are appropriations bills and the -- the sponsors have requested they be held. Which brings us to the end of 3rd Reading. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

On a -- on a sad note, quite frankly. John Oremus, who was a longtime Mayor of Bridgeview, passed away today. He was ninety-some years old. He founded the Oremus Ready-Mix Company, one of the largest in Illinois. Great Republican. He was a great American and a great mayor. We will have a Republican Caucus in my office immediately after we adjourn.

PRESIDING OFFICER: (SENATOR KARPIEL)

Yes. Resolutions.

SECRETARY HARRY:

Senate Resolution 382 and Senate Joint Resolution 64, both offered by Senator Demuzio and all Members.

They're both death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 65, offered by Senators Donahue and Syverson.

It's substantive.

PRESIDING OFFICER: (SENATOR KARPIEL)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)



STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries and the resolutions are adopted. 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 3673, 3705, 4166, 4263, 4506, 4531, 4873, 4937, 4948, 5608, 5734, 5961, 4157, 4527 and 5823.

All passed the House on April 3rd and 4th, 2002.

PRESIDING OFFICER: (SENATOR KARPIEL)

Messages.

SECRETARY HARRY:

Message from the President, dated April 4th, 2002.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for Senate Bills 3rd Reading on the following category of bills, with specific bills enumerated under this category, to May 31, 2002.

State Finance - specifically, Senate Bills 2273, 2274, 2275, 2279, 2280, 2296, 2297, 2315 and 2316; Appropriations - specifically, Senate Bills 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405 and 2406; Budget Implementation - specifically, Senate Bills 2285, 2286, 2287, 2288, 2289 and 2290; Pensions - specifically, Senate Bills 1860, 1862, 2113 and 2253; Government Operations - specifically, Senate Bills 1764, 2250, 2300, 2304, 2309 and 2313; Revenue - specifically, Senate Bills 2252, 2256, 2257 and 2259; Local Government - specifically, Senate Bill 1679; Gaming - specifically, Senate Bills 2291 and 2292; and Elections -

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

specifically, Senate Bill 2302.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR KARPIEL)

Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 66, offered by Senator Weaver.

(Secretary reads SJR No. 66)

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution No. 66. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Weaver has moved for the adoption of Senate Joint Resolution 66. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 86, offered by Senator Lauzen.

(Secretary reads title of bill)

House Bill 1949, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 2778, offered by Senator Molaro.

(Secretary reads title of bill)

House Bill 3632, offered by Senator Larry Walsh.

(Secretary reads title of bill)

House Bill 3712, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 3773, offered by Senator Myers.

(Secretary reads title of bill)

House Bill 3794, offered by Senator Halvorson.

(Secretary reads title of bill)

House Bill 4001, offered by Senators Halvorson and Madigan.

(Secretary reads title of bill)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

House Bill 4066, offered by Senator Bowles.

(Secretary reads title of bill)

House Bill 4208, offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 4438, offered by Senator Myers.

(Secretary reads title of bill)

House Bill 4451, offered by Senator Lauzen.

(Secretary reads title of bill)

House Bill 4455, offered by Senator Halvorson.

(Secretary reads title of bill)

House Bill 4527, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 4900, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 4936, offered by Senator Petka.

(Secretary reads title of bill)

House Bill 5000, offered by Senator Watson.

(Secretary reads title of bill)

House Bill 5602, offered by Senator Molaro.

(Secretary reads title of bill)

House Bill 5695, offered by Senator Roskam.

(Secretary reads title of bill)

House Bill 5842, offered by Senator Sieben.

(Secretary reads title of bill)

House Bill 5847, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 5858, offered by Senator Link.

(Secretary reads title of bill)

House Bill 5860, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 5870, offered by Senator Parker.

(Secretary reads title of bill)

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

82nd Legislative Day

April 4, 2002

And House Bill 5939, offered by Senator Link.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any further business to come before the Senate? If not, Senator Ronen moves the Senate stand adjourned until the hour of noon, Tuesday, April 9th, 2002. Senate is adjourned.