

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend Joe Eby, Chatham Presbyterian Church, Chatham, Illinois. Reverend Eby.

THE REVEREND JOE EBY:

(Prayer by the Reverend Joe Eby)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

The Illinois Information Service has made a request to film. Is leave granted? Leave is granted. Senator Petka, for what... Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Wednesday, May 16th, 2001.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

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

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Thursday, May 17th, in the year 2001, be postponed, pending arrival of the printed Journal.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDENT PHILIP:

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

SENATOR PETKA:

Thank you, Mr. President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor appointment set forth in Message-May 2nd, 2001.

PRESIDENT PHILIP:

We'll now proceed to Executive Session for the purpose of advise and consent. You've heard the motion. All those in favor, signify by saying Aye. Those opposed, Nay. Motion carries. Mr. -- we are -- we -- the motion carries, and we are in Executive Session. Mr. -- Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Petka, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of May 2nd, 2001, reported the same back with the recommendation the Senate advise and consent to the following appointment.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Mr. President, with respect to the Message of May 2nd, 2001, I'll read the salaried appointment of which the Senate Committee on Executive Appointments recommends the Senate do advise and consent:

To be a member of the State Board of Elections for a term ending June 30th, 2003, Jesse R. Smart of Bloomington.

Mr. President, having read the salaried appointment from the Governor's Message of May 2nd, 2001, I now seek leave to consider that appointment of May 2nd, 2001, on a roll call. Mr. President,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

will you put the question as required by our rules?

PRESIDENT PHILIP:

Is there any discussion? Any discussion? If not, the question is, does the Senate advise and consent to the nomination just made. All those in favor will vote Aye. All those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? On the question, there are -- 58 Yeas, no Nays, no voting Present. A two-thirds majority of Senators elected concurring by a record vote, the Senate does advise and consent to the nomination just made. Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Mr. President. I would -- stand on a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR DUDYCZ:

We have with us this morning, in the gallery behind me on the Republican side, the fourth-grade class of Rutledge Elementary School, from Lincolnwood, being represented by both Senator Silverstein and myself. And they are led by their teachers, the first one being Jean Catalano, and five additional teachers.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator O'Malley, Chair of the Committee on Financial Institutions, reports Senate Amendment 1 to House Bill 3068 Be Approved for Consideration.

And Senator Klemm, Chair of the Committee on Executive, reports that Senate Amendment 2 to House Bill 2439, Amendment 1 to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

House Bill 2641, and Amendment 2 to House Bill 3188, all Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 859.

Passed the House, May 17th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen, what purpose do you rise?

SENATOR LAUZEN:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR LAUZEN:

Thank you very much, Mr. President. Before we get into today's business, legislative business, I would like to introduce to the Illinois State Senate a -- a number of guests of honor that we have here with us today. I would ask the -- the special guests in the gallery to rise while I give a bit of an introduction of -- of what this group has done. As a member of the Navy League, I am especially delighted to introduce some guests in the President's Gallery today. This group of men, who are accompanied by their wives today, served honorably during the Second World War. More recently, they undertook a task that has never been done before and will probably never be done again: They recovered an LST, or a landing ship tank, more affectionately known by those who operated 'em as a large, slow target during the Second World War,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

which was a support ship that delivered seventeen Sherman tanks at a time or four of the type of landing crafts that you see in the movies. They would -- these ships would contain four of those at a time, into the war effort. I ask you to imagine finding a '42 Chevy in a junkyard, driving it sixty-two hundred miles, which is two times across the -- the -- America, sixty-two hundred miles across a desert, with a driver who's over seventy-two years old. Well, and that's what these fellows did. Usually there's a complement of a hundred sailors who take this ship across the sea. They had twenty-eight. What they did is they found an old LST on the Mediterranean Island of Crete. They salvaged it. They -- they -- you don't sail an LST. What do you -- they -- they brought it over from Crete through the Mediterranean, then across the Atlantic Ocean, in the middle of winter, to bring it home to Mobile, Alabama, after people said that it couldn't be done, so that it could become a living museum so that people can understand the great nature of American citizens and those who serve in the Armed Forces. It took 'em twenty-eight days to come across the ocean. They got there an hour ahead of time, which is very typical of these guys, getting there on time, and it demonstrates the perseverance of the greatest generation in our history. With that, I'd like to introduce the individual members who are with us today. First of all, the Captain and Commander of the operation, Bob Jornlin and his wife, Lois; Don -- oh, and we'll hold the applause for all five -- Don and Mary Chapman, who are from East Moline; Bob and Lois Jornlin are from Earlville, Illinois; Donald and Virgene Lockas are from Marseilles; and Bruce and Katie Voges are from Oakwood, which is just outside of Danville in Judy Myers' area; and then Ed and Eileen Strobel, from Decatur. These LSTs were manufactured in Seneca, Illinois, and part of the great, massive effort, the war effort, that won the Second World War. With that, I would welcome our guests of honor...

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR JACOBS:

Just in -- a comment in regards to Senator Lauzen's comments. It's great that these people are here, but also they're looking for a -- a place to put this LST, and I think it would be great that -- if we would work on some sort of a -- a bill next year in order to bring that LST to -- to the State of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Turn your attention to the bottom of page 13, in the Order of Senate Bills 3rd Reading. We will -- we will be going to that order of business immediately. House Bills 3rd Reading. Thank you, Senator Molaro. Bottom of page 13, in the Order of House Bills 3rd Reading, is House Bill 2. Senator Mahar. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. House Bill 2 is the alternative fuels vehicle, the purpose of which is to go to conference committee, pending the budget negotiations. I know of no opposition to this procedure.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 2, having received the required constitutional majority, is hereby declared passed. Bottom of page 13, in the Order of Senate -- House Bills 3rd Reading, is House Bill 39. Senator Parker. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 39.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have made this a vehicle bill because there are ongoing negotiations. What we are trying to do is come up with agreement, and we are almost there, working with the Secretary of State's Office, on abandoned vehicles. So I would ask for your favorable vote so we can move this forward.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 39 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 39, having received the required constitutional majority, is hereby declared passed. Top of page 14, in the Order of House Bills 3rd Reading, is House Bill 60. Senator Watson. House Bill 148. Senator Myers. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 148.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Assembly. This amends the Police -- Illinois Police Training Act. It requires that an applicant for employment as a peace officer shall authorize a criminal background check and -- no law enforcement agency may knowingly employ a person unless such criminal background check is completed and reveals no convictions. This was at the request of the Illinois Sheriffs' Association. In addition, Senator Klemm has placed on this bill an amendment which adds a new provision to the Municipal Code to authorize any municipality with a board of fire and police commissioners to ignore the thirty-five-year age limit for new police hires if that person has served as a sheriff's deputy and otherwise meets necessary training requirements. I'd be glad to answer questions, but would like a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 148 pass. All those in favor will vote Aye. And the vote -- opposed will vote Nay. And the voting is open? Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 148, having received the required constitutional majority, is hereby declared passed. House Bill 169. Senator Burzynski. House Bill 215. Senator Dillard. Mr. Secretary, read the bill, please. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I would ask leave to come back to this bill. There is a technical amendment that has been filed

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

this morning. We are going to have a Rules Committee meeting, I believe, in a little while, and the Rules Committee meeting needs to pop out this technical amendment to the Floor so we can consider it. And, Mr. President, I'd ask leave to come back to this...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Hearing no objection, leave is granted. House Bill 263. Senator Dillard. House Bill 273. Senator DeLeo. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 273.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President and Members -- Ladies and Gentlemen of the Senate. House Bill 273 - yesterday we adopted the Floor amendment, which -- which actually became the bill. And what this does, it creates the Automatic Sprinkler Contractor Act {sic} (Fire Sprinkler Contractor Licensing Act). This will be for improper installation and repair of fire and sprinkler systems. We came to an agreement late yesterday. As I mentioned, I was going to hold this on 3rd Reading. All parties -- the Home Builders, the -- the Plumbing Union and all parties came to an agreement. We'd ask to pass this the way it is. We're going to send it over to the House and do the technical amendment over in the House and -- and concur in a conference committee. So I think that explains the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 273 pass. All those in favor will vote Aye. Opposed will

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 273, having received the required constitutional majority, is hereby declared passed. House Bill 356. Senator Sullivan. House Bill 469. Senator Thomas Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 469.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. House Bill 469 - yesterday we had an amendment to take off the stormwater management portion of the bill, which was a somewhat controversial part of the bill. What this does is it makes three districts for the Water Reclamation District within Cook County. The districts would be the same as the Board of Review districts. This would guarantee representation for all of the county, which is not the case right now. And the second thing that it does is it eliminates the Sanitary District Observer position. This is a position which is no longer necessary. It's been editorialized by both major newspapers that this position should be eliminated, and that would be accomplished within this bill. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WCIA-TV has requested permission to record the proceedings. Hearing no objection, leave is granted. Any discussion? Senator Welch, Patrick Welch.

SENATOR WELCH:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Thank you, Mr. President. I'd just like to stand in opposition to this bill. I don't think we need to have separate districts for the members of this commission. They've done a fine job as it is. It doesn't make any sense to split -- split these up and have smaller districts. I think that they need to have the overall picture of the entire area that they're serving. So for that reason, I would urge that everybody here vote against this bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. Chairman. Will the Senator yield for a few questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Viverito.

SENATOR VIVERITO:

Senator, I think that -- you and I both served at the Sanitary District, and I feel that both of us did our best. And I'm certain that you realize, totally, that the Sanitary District of Greater Chicago probably -- Water Reclamation District has one of the finest reputations in the State of Illinois as probably being one of the more efficient agencies, wouldn't you say?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

There is no question about the fact that the people that work at the District do a very good job. What we are talking about is those that are elected to the Sanitary District, and what I am asking for - and to answer the previous question or the previous comment - you know, all we're asking for is the fact that each one of the Water -- or, each one of the treatment plants for the Water Reclamation District is located in the suburbs and yet the suburbs

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

don't have representation or the kind of representation that they should have on this board. And there is no guarantee, with the way that it's set up, as was the -- the County Board previously and the Board of Review. The County Board, for many years, the -- the -- the commissioners ran at large. I think it was back in 1992, we created single-member districts for them. In 1994, we created single-member districts for the -- for the Cook County Board of Review. I'm asking that we do the same thing for the Metropolitan Water Reclamation District to guarantee that the people that are paying the taxes, to guarantee that the people that are subjected to the treatment plants in their areas have some say as to what happens on the board.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

Senator, I'm glad that you agree how well it runs, but obviously in your particular area, in the western suburban area, recently, as much as - what? - two or three years ago, I believe is was the Vulcan Quarry that was going to house something like thirteen billion gallons of stormwater, as well as the combined sewer system, which many of the residents in that area totally objected to, including Senator Radogno, I believe State Treasurer Judy Baar Topinka, Congressman Bill Lipinski, myself included. Obviously many of us were concerned, from an environmental standpoint. Of course, the District did their best to explain it. Eight of the commissioners voted against that proposal. Obviously, if it would have been into this district and say the whole three were elected from that -- western suburbs, the other commissioners might have very well says, "The heck with it, we're going to solve a lot of the problems in the older suburban areas," like Brookfield and Cicero and all of those areas along the Des Plaines. They could have pushed it all out into that

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

particular community. But, no, the wisdom of the District -- and people are elected at that District from all different ways. And, obviously, you know and I know that the Democratic Party - and I'm a Cook County Central Committeeman - no longer can dictate as to who is going to be elected there. It has become an extremely competitive field with as high as twenty-eight to twenty-nine members running for it from all walks of life - lawyers, teachers. And, believe me, I lost that election in 1986, Tom, as you lost it. I know that was a nice place to work, at 100 East Erie, right off of Michigan Avenue, but, Tom, in your wisdom, you should pull this bill off, knowing full well that the District has done a good job. The deep tunnel is working. Please don't change it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further -- further discussion? Senator Hendon.

SENATOR HENDON:

Thank -- thank you -- am I on? Thank you, Mr. President. I -- I believe Senator Walsh was about to respond to Senator Viverito. I'd like to hear that response before I -- give him the opportunity to respond. I think he -- he wanted to.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yeah. I don't want to prolong things, and -- and -- and, Senator Viverito, there's no question about the fact that the District runs well, and there are -- there -- that is because of the people that are working there. It isn't necessarily because of the elected commissioners. And all I am saying is that what we ought to guarantee -- and there are -- there's twenty-seven people running in the Democratic primary usually for that position, because you know and I know that if you can get that top ballot position, it's not a bad one to have. All I'm saying is that we ought to have -- we ought to make sure that -- that every part of

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

the county is represented at the Water Reclamation District, and -- and that is not being done right now. What this bill would do is it would guarantee that everybody in Cook County would be represented by the Metropolitan Water Reclamation District, of which each one of us is paying taxes to in Cook County, and I don't feel like I'm being represented.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

Now, I don't want to belabor this particular situation, but it's extremely important that many of you on that side of the aisle - and of course, many in here -- people that live here in Cook County realize that the Water Reclamation District has more professional staff, civil service complete. There is nobody there that isn't capable and able, and if the governing board was doing anything wrong, you wouldn't have all civil service employees and you wouldn't have all those professionals. You do deserve some credit when you're a commissioner because you're the ones that labor, you're the ones that set policy and the -- general superintendent carries out those policies.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

I would hope that in the wisdom of this Body, when something is running as well as it's running, because, believe me, all of the major newspapers, including the Chicago Tribune, which is basically a little more Republican, always said keep the District running the way it is. And it's running well. And the commissioners are doing an excellent job. Tom, I urge you to pull this bill off...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR VIVERITO:

...and reconsider it.

SENATOR T. WALSH:

I -- I -- you know, I'm not going to do that, because I think it's a -- I think it's a good bill, and you know -- you know, if the credit with the Water Reclamation District -- and you know the way that it's set up is that it is the job of the commissioners to appoint a general superintendent, and it is the general superintendent's job to run the day-to-day operation of the Water Reclamation District. It is not the commissioner's job to run the -- the -- the day-to-day operation. The commissioner's position is a part-time position. It is their job to appoint a general superintendent, and it's -- it is that person's job to run the day-to-day operation. And although it -- the -- the commissioners can get some credit for who the -- the -- the general superintendent is, the day-to-day operation isn't -- isn't up to them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

Senator, in all due respect, the Sanitary District, many years ago, had many problems. Many of its elected officials were irresponsible. That is not the case today. I know, Tom, that you'd like to be closer to home, obviously. You've got a couple of small children. I understand that. But, you know, we need you here in the State Senate too. So, I understand the feeling. You're doing a good job in the State Senate, and we want to keep you here. I urge a No vote. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further -- further discussion? Senator Hendon.

SENATOR HENDON:

Thank -- thank you -- thank you, Mr. President. I won't -- I

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

think I'll change my tactic after what my esteemed Leader here, Senator Viverito, said. I don't believe that you're doing this for yourself, but I -- I do want to ask, because I have seen people draw maps and lines before and then run for that office. That's -- can you unequivocally say today that you will not be running for this position?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Unequivocally.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Was that an unequivocal yes or an unequivocal no?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

It was unequivocally.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

The sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

I just had a question related to the bill, Senator Walsh. On page 15, it says that -- obviously this is a Section that deals with cumulative voting, but it also says "No political party shall limit its nominations to less than two candidates for commissioner in any subdistrict", and -- since you have cumulative voting. So I -- I assume that there is no guarantee that there would be any minority representation in the districts to which you are drawing.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

It could be three Democrats or it could be three Republicans. Was that the way -- I'm -- I interpret this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

This is identical language to the way that the -- that the House used to operate with cumulative voting.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

All due respect, I don't think it says that. It says here that no political party shall limit its nominations to two. So you could have as many as you want. And then under cumulative voting, it says you take the -- the top -- the top three. So there's no guarantee that you would have a minority representation person represented in that district. You would have to say, you take the -- the highest two are elected and -- and the person of the -- of the other political party that -- that is on the ballot, whoever gets the highest number of those votes, is elected. But that isn't what it says.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

You're right that the top three would win. It's -- it's identical to the language that was used in -- used in the old House. And that language didn't guarantee that there was going to be minority representation either.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Oh, yes, it did. That's how you got minority representation. This is -- what I'm -- what I'm -- I mean, it doesn't make any

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

difference. I mean, I just want to point out to you that "no political party shall limit its nominations to less than two candidates...." So I could have four candidates. You could -- the other political party could have three candidates. And you still take -- you take the top three vote getters. So you don't get any minority representation. Okay. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam {sic} President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR E. JONES:

Senator Walsh, now the Water Reclamation District, it takes care of almost all of -- all of Cook County?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes. And -- and there are some portions outside of Cook County that it takes care of also.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

But it takes care of the entire Cook County, right?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Well, for the Body -- and it shows you when one is talking about something when they really know the issue themselves and they're trying to make changes. See, for your edification, Senator, the Water Reclamation District does not cover all parts of Cook County. There are portions within Cook County that is not part of the Water Reclamation District. Are you aware of that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes, but, however, they do vote for the Water Reclamation District, and Bloom Township, I think, is the portion that you're talking about. They do vote for the members of the Water Reclamation District. And the LaGrange Highlands, which they have their own sanitary district, they still do vote for and pay taxes to the Metropolitan Water Reclamation District. But they are not served with their -- with the -- their sewage does not go to the Metropolitan Water Reclamation District.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

Well, it is not only Bloom Township. There are other parts of the southern suburbs and I'm quite sure some parts -- there are other parts of the county that's not part of the Water Reclamation District. I want the Body to know that. I think, you know, when you're presenting a bill for the entire Cook County, this is not the case, and I urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

You know, there -- but those people still do pay taxes to the Water Reclamation District, and they -- and they still vote for the commissioners of the Water Reclamation District. I mean, the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

fact of the matter is, is when we're down here, what we're doing is we're representing the whole State, but we're not running statewide. The issues that come before us are issues that affect every part of the State, but we are each elected from districts. And I'm only asking for the same thing that we're doing down here to happen up in Cook County in the Metropolitan Water Reclamation District. It is one of the few governmental bodies in the State of the many that we have that is still elected at large. We have divided up the County Board. We have divided up the Board of Review. And I don't know why we didn't divide up, at the same time that we did that, the Water Reclamation District, but we didn't. And now it's time to do it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm just rising because I have the next bill on the Water Reclamation District and I don't want anybody to get too upset during this particular speech. Anyway, the point of the matter is, I think that we certainly have to start looking long and hard at -- at going to single-member districts. Everything Senator Walsh has said seems to make sense to me. I don't necessarily, however, Senator Walsh, agree that it should be done cumulative voting for the three. I know we've tried other ones, just making it maybe similar to the subcircuits, maybe making it only six commissioners or -- or expanding it to twelve. I think, and I will commit to you, that I think we certainly have to look at this as much as we can, but, unfortunately, in the -- in the manner that it is, I -- I feel they should be single-member districts. I just don't know if this is the route to take with the three commissioners, three in each district. I don't know. I'd rather see -- you're right, this is just as much of becoming one as -- as a Cook County Board

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

member, even though Senator Cullerton explained something else. But, you're right. If we did everything else, the time is eventually going to come for this to go to single members. But maybe not this way. So, thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR T. WALSH:

Well, I -- you know, it's been debated pretty well. I think it's a commonsense bill. I'm only asking for the same thing that these other agencies in Cook County have. I'm asking that every one in Cook County have representation on this board. And I think that one thing that we haven't talked about that's important is that this bill eliminates the Sanitary District Observer. Now, this is a position that's paying twenty-eight thousand dollars to go and sit and watch each one of these -- each one of these board meetings. It's a position that is elected by the Governor. It's a position that the Governor wants to eliminate because it is an unnecessary position. It is a position that both major newspapers have editorialized about getting rid of. It is time to get rid of the Sanitary District Observer. It's time to -- to give all of Cook County representation on the Metropolitan Water Reclamation District Board, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 469 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 30 Nays, none voting Present. And House Bill 469, having not received the required constitutional majority, is hereby declared failed. Senator Walsh.

SENATOR T. WALSH:

I'd like Postponed Consideration on that bill.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Postponed Consideration. Hearing no objection, leave is granted. House Bill 478. Senator Molaro. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 478.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This affects not how they're elected or anything to do with the elected board or the attorney or anybody else. These are the five or six thousand members that are in the pension fund at the Water Rec. Maybe about eight or ten years ago, everybody got involved and turned to the 21st century and then went to Prudent Man Rule with their investments. However, the Water Reclamation District was a little slow in doing that, and what they ask in this bill is that they need the permissive language to invest up to sixty-five percent of the funds in certain stocks - you know, graded AAA stocks - that everybody else -- the other sixteen pension funds have this authority. The Water Reclamation District does not have this authority. And the point is, whenever we had that two-year runaway market - everybody was returning some enormous returns - the Water Reclamation District wasn't able to do that. This gives them the language to do that. Also, there are fifty - 5-0 - just fifty elderly individuals, somewhere in their eighties or -- or late seventies, that are -- have a pension and they're living on five hundred dollars a month. For those individuals, it would take their minimum salary -- minimum annuity from five hundred to, in some cases, six-twenty-five, so they're not over there living

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

on pet food. So, that's all it does. There's -- it's a really no-cost item, and we'd ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

I just -- you know, in spite of the last bill, I do want to rise in -- in support of this bill and let everyone know that these are good people. This is a -- a good bill, and I would urge our side of the aisle to support the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Molaro, to close?

SENATOR MOLARO:

We ask for a favorable roll call, and I thank the gentleman from Cook. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 478 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 478, having received the required constitutional majority, is hereby declared passed. Senator Petka, what purpose do you rise? House Bill 505. Senator Rauschenberger. House Bill 512. Senator Roskam. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 512.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

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

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

House Bill 512 provides that the ownership of an interest in the surface of lands by a co-owner of an interest in minerals underlying the surface does not prevent partition of the mineral estate. It's an initiative of the State Bar Association. At the recommendation of Chairman Hawkinson, we amended it so that nothing in this Act can be construed as allowing an owner of a mineral or interest in coal or -- in coal to mine and remove the coal by the surface method of mining without first obtaining the consent of all of the owners of the surface. I don't know of any opponents. It's just cleaning up some case law.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 512 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, no -- none voting Present. And House Bill 512, having received the required constitutional majority, is hereby declared passed. House Bill 549. Senator Cullerton. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 549.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is a -- comes as the result of a report of the Task Force on Professional Practice in the Illinois Justice Systems, chaired by J. William Roberts, and issued this report on May of the year 2000. And it's supported by the Illinois Association of County Boards and Commissions, Metro Counties Council, Public Defenders'

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Association, Illinois State Bar Association, and the State's Attorneys' Association and AFSCME. What it does is to say that the State shall treat public defenders as it does State's attorneys, in that for part-time public defenders in Illinois, of which we have eighty-five, that -- approximately eighty-five, that the State would pay two-thirds of their salary, just as they do for the State's attorneys. If -- in the case of the full-time prosecutor -- full-time public defenders, if their salary is ninety percent of the State's attorney's salary, then the State would also pay two-thirds. That decision, though, is made up to the county boards. The county boards are the ones that determine what the salaries are of their public defenders. Right now, the eighty-five counties that have part-time public defenders, it's estimated that their salaries are approximately twenty thousand dollars per year. It ranges between ten to thirty thousand dollars a year. But the concept is for the State to help the counties by picking up this support. Most of the benefit would be for the smaller counties, and it would -- it was -- it was the recommendation of the Task Force on Professional Practice in order for us to upgrade the quality of the public defenders throughout the State of Illinois. I'll be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator Cullerton, I see -- you talked about the public defenders. Is there language in here relative to the State's attorney's office and the assistant State's attorneys as

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

well?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

No, this is meant to bring them similar to the current law with regard to state's attorneys?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Do I have the correct understanding from our -- our analysis? When it explains the amendment, it says that the -- increases the -- the State stipend to assistant State's attorneys in counties with State mental health institution for counties under ten thousand people by five hundred percent. Actually, this one's -- in that county, it's about six hundred percent. In thirty thousand to a million people, it would go up about five hundred percent, the State stipend. Do I have that understanding correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Senator, I believe you're reading from an analysis of an amendment which is unfortunately still in the Rules Committee. For some reason, it didn't get out of the Rules Committee, as hard as we tried. So I -- that's a different bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Okay. So that's -- those amendments were, out of fiscal

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

prudence, then held someplace in a committee in the process.

Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question or two of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Cullerton, is it currently a responsibility of the State of Illinois to pay for public defenders?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

No, just State's attorneys.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Would -- would you assert that if we don't pass this bill, that these people will not get paid?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

No, they would continue to be paid by the -- by the counties, as they are now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Cullerton, I always appreciate your thoughtful sponsorship and know that -- that you mean well with this, and perhaps, as we move forward, equity between our treatment of public defenders and State's attorneys might well be a good idea.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

I just would caution Members that this year, based on our resource, assuming another State responsibility at a time when we're having a hard time meeting other State responsibilities, might not be prudent. And I would urge people to think very carefully about whether we ought to assume another responsibility. Maybe the sponsor might think about holding this bill for Veto Session, after we have a better idea of the dimension of the budgets.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand, briefly, just to strongly support this bill. You know, we pass an awful lot of laws in here dealing with imposing criminal penalties on a wide range of -- of persons across the State. We subsidize the prosecutors. I think that part of our central role in providing justice to persons is to make sure that they're getting an adequate defense as well. This is an extraordinarily modest cost, Senator Rauschenberger, and I would strongly suggest that if we don't do this now, we're essentially just putting it off. I -- I would urge adoption of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This -- this undoubtedly will -- will benefit counties, smaller counties, the counties that have -- the eighty-five counties that employ part-time public defenders. It will assist those counties by having the State pick up two-thirds of the cost of the public defender's salary, just as they do right now for the State's attorneys. I think it's a basic concept of fairness, and it came as a result of the Task Force on Professional Practice, which

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

issued their report last year. As I said, it's a very modest cost, a little over a million dollars, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question -- the question is, shall House Bill 549 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 13 Nays, none voting Present. And House Bill 549, having received the required constitutional majority, is hereby declared passed. House Bill 572. Senator Burzynski. Mr. -- Senator Burzynski, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Burzynski seeks leave of the Body to return House Bill 572 to the Order of 2nd Reading for -- for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 572. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. This amendment removes language for physical therapy aides, which was opposed by the Hospital Association.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 572.
Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 572.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. What this bill does is allows the Department of Professional Regulation to establish the continuing education requirements for renewal of licensures of physical therapists, and then also inserts the legislative intent that only -- individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 572 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 572, having received the required constitutional majority, is hereby declared passed. Bottom of page 14, in the Order of House Bills 3rd Reading, is House Bill 604. Senator Peterson. Top of page 15, in the Order of House Bills 3rd Reading, is House Bill 678. Senator Watson. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 678.

(Secretary reads title of bill)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. Several years ago, we passed the Safe to Learn Program for our schools and it had a sunset provision, and that sunset provision will be this particular year. This legislation extends that sunset provision for another three years, to July 1st of 2005.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 678 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 678, having received the required constitutional majority, is hereby declared passed. House Bill 800. Senator Thomas Walsh. House Bill 843. Senator Rauschenberger. House Bill 888. Senator Cronin. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 888.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill seeks to amend the Criminal Code of Procedure {sic} (Code of Criminal Procedure). It does two things, simply. One, it extends the period of time from ten to thirty days that law enforcement can conduct an eavesdrop. And secondly, it -- it's -- it provides that the State's attorney may authorize

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

an assistant State's attorney, and only an assistant State's attorney, to apply to a circuit court judge for the use of an eavesdropping device. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 888 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. And House Bill 888, having received the required constitutional majority, is hereby declared passed. House Bill 922. Senator Thomas Walsh. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 922.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President, Members of the Senate. What House Bill 922 says is that if a taxing Body has a regularly scheduled meeting during the tax week, they don't have to have another meeting on their prescribed tax day. Yesterday we put an amendment on it dealing with the certificate of error, saying that if the courts approved of a certificate of error by the 30th of November of the prior year, you would have to pay half of your first installment of the county tax based on the certificate of error. I know of no opposition and would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 922 pass. All those in favor will vote Aye. Opposed will

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 922, having received the required constitutional majority, is hereby declared passed. House Bill 1000. Senator Dillard. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 1000.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an initiative of the Associated Beer Distributors of Illinois and it requires that a common carrier must obtain the signature at the time of delivery of a person at least twenty-one years of age when delivering alcoholic liquor to a resident. It's really a cleanup of something we passed a couple of years ago, but we found that a lot of common carriers were literally taking alcohol to a house, leaving it on the doorstep, and, you know, the -- the younger people from across the street or inside the house would run out and get it. So this requires a -- a signature that they gave it to somebody over twenty-one at the time of delivery. We had an amendment that we adopted yesterday, worked out by the AFL-CIO and the Beer Distributors, with respect to how one would get notice that this wasn't complied by from a law enforcement agency. I know of no opposition and would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1000 pass. All those in favor will vote Aye. Opposed will

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 1000, having received the required constitutional majority, is hereby declared passed. House Bill 1011. Senator Shadid. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1011.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. House Bill 1011, as amended, affects only the City of Peoria and Peoria County and permits them to enter into an intergovernmental agreement through which the City of Peoria can exercise zoning powers within one and a half miles of the City's boundaries. So I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall House Bill 1011 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. And House Bill 1011, having received the required constitutional majority, is hereby declared passed. House Bill 1096. Senator Burzynski. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1096.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is a bill that's been much debated this spring in both Chambers. We've worked. We've added a lot of different language to it. It's the Alternative Learnings Opportunity {sic} (Learning Opportunities) Law dealing with at-risk students, with their education and support services, alternative education. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1096 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 1096, having received the required constitutional majority, is hereby declared passed. Senator Trotter, what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Mr. President. On House Bill 1011, I inadvertently pressed No, and I would like to be recorded as an Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, Senator. On the top -- in the middle of page 15, in the Order of House Bills 3rd Reading, is House Bill 1148. Senator Radogno. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 1148.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. House Bill 1148 embodies language that was agreed to between the IEPA and Interstate Brands Bakery that restores the baseline level of emissions, and that would be a hundred tons a year, that was originally assigned to the bakery in a judicial consent order issued in '94. This will allow that bakery to participate in the emission reduction market program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch. Patrick Welch.

SENATOR WELCH:

I had a -- I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he -- she will yield. Senator Welch.

SENATOR WELCH:

Senator Radogno, the prior owner of this business, Wonder Bread, was able to meet the emission standards set. Why does this company, number one, need to have an extra thirty-seven tons of emissions? And number two, if they don't have the extra thirty-seven tons, why are they able to sell that ability to pollute the air to somebody else if they don't need it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Well, as you know, the -- the market emissions program was set up so that we could sort of spread out the -- the problems we have. This bill in no way allows them to go over any emission level that is set, even for the nonattainment areas. As you know, the bakery's changed hands. The previous bakery agreed to a lower level of emissions in order to have a reduced fine. So, in doing so, it's precluded the current owners from participating in the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

market -- the market reduction program, and this would simply allow them to do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, but Wonder Bread was able to operate at a sixty-three ton pollution level. They made money. They sold the business to this company. Now this company is coming in, after knowing that. Without this legislation in place, they bought the company from Wonder Bread. Now they're coming to us basically asking for a windfall profit here. And not only are they asking for that, they're asking that they be allowed to sell those credits to pollute to someone else. I know the system works that you can sell pollution credits, but why are we creating them for this company when it's been proven that, number one, this bakery can operate at the lower level and, number two, it was done by Wonder Bread and, number three, the company bought the business knowing they were at the lower level of allowing sixty-three tons of pollution into the air? This is just a windfall for this company. And the Lung Association is still opposed to it because it's going to create lung problems in that particular area.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you. A couple of comments on that. First of all, the reason they agreed to the lower emission level was part of a fine. They've paid -- the fine has been paid. I mean, they have done what they need to do in order to comply. They've paid their dues, so to speak. With respect to opposition, there -- this bill was discussed twice in committee. There was no opposition from anyone. You yourself voted in favor of this twice. In fact, the only opposition that is out there at all has come only after Democratic

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

staff solicited opposition from the environmental groups. And the fact of the matter is, some of those environmental groups actually said, "No, this is not a bad program at all. The bill is a good bill, and we are neutral on it."

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Senator, in committee you said you were working on an amendment on the Floor. You said that. Number two, I don't need environmental groups to tell me what bills to be for and against. And number three, I really dispute the fact that we were soliciting environmental groups to be opposed to this. What this bill does is allow more pollution, period. This company is trying to get a windfall profit by this deal. They bought this business knowing what the deal was: sixty-three tons a year. Wonder Bread operated at that level. This is just -- this is special interest legislation of the worst kind, and I think that this is something that should be looked into by the Attorney General and should be taken to court. This -- this helps one particular business that knew what they were getting into and came down here, basically, to get a windfall profit by getting the Legislature to push something through that nobody really understood. I don't know why the EPA is neutral on this. They shouldn't be because it creates more pollution. It creates thirty-seven more tons of pollution. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I just rise in support of this bill. And, you know, I find it a little ironic, you know, if -- if there is one Senator in this Body that I look to for my conscience on protecting the environment, it's Senator Radogno. I

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

don't think Senator Radogno would do anything to jeopardize the safety of her constituents or anybody else, and I just find it a little ironic that of -- you know, of all the Senators who serve in this Body, nobody has been a stauncher protector of the environment than Senator Radogno. And, you know, I just find it a little ironic the rhetoric coming from the other side, and I just rise to say this is a good bill. Senator Radogno talked to me about it yesterday, walked me through what the provisions are. And again, as long as Senator Radogno is the sponsor of this, I'm comfortable with it because she has a reputation, in an area next to my district, of being the staunchest protector of the environment. So I urge an Aye vote on this. This bill is okay.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RADOGNO:

Well, thank you. I certainly respect that people can view things differently, but I do believe this is a good bill. The environmental community is not opposed to it and was not in committee, and I would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1048 {sic} pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 18 Nays and 3 voting Present. And House Bill 1148, having received the required constitutional majority, is hereby declared passed. House Bill 1189. Senator Sullivan. House Bill 1199. Senator Philip. House Bill 1200. Senator Philip. House Bill 1201. Senator Klemm. The bottom of page 15, in the Order of House Bills 3rd Reading, is House Bill 1202. Senator Klemm. Top of page 16, in the Order of House Bills 3rd Reading, is House Bill 1203. Senator Philip. 1204. Senator Philip. 1205. Senator

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Dillard. I'm sorry, 1215. Senator Dillard. House Bill 1277.

Senator Peterson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1277.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 1277 would change the language in the notification for a tax notification to add the word "substantially". Under current law, a taxing body must publish notice of a proposed property tax increase in a newspaper following prescribed standards, in terms and size and notice and the wording itself. Failure to meet the standards which are outside the control of the taxing body leaves the tax open to a -- a successful tax objection. This bill, to protect the taxing bodies from some of those errors, by stating that wording in the published notice must be in substantially - and that's the word that's added - substantially the wording outlined in the statutes. The word "substantially" is used eleven times in the Property Tax Code, so it's well defined. The amendment that was put on, the Floor amendment, deals with the leasing of property from nonprofit organization to a school district. And as long as a school district is using the property for school purposes, that the property would be exempt from taxes. Be happy...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any...

SENATOR PETERSON:

...to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR HAWKINSON:

Thank you, Mr. President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

As to the amendment, Senator, does this only apply to school district-owned property, or does it apply to other exempt property, such as religious or church property?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Yes, Senator Hawkinson. Any property that's currently exempt and another organization that wants to use the property that also is exempt from property taxes and uses it for that purpose, such as the school district wants to use it for, the property would continue to be exempt from property taxes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Does that use have to be a -- a -- a use that is exempt as well? In other words, a school district couldn't lease it to a church to run a gas station or something.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

No, it could not lease it to a gas station for a profit purpose. It has to be used for the same purpose that you would have originally asked for that exemption. So, if it's a school district that uses it, they'd have to use it for educational purposes connected with the school district or nonprofit.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR PETERSON:

Ask for your support of the bill, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Question is, shall House Bill 1277 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. And House Bill 1277, having received the required constitutional majority, is hereby declared passed. House Bill 1356. Senator Myers. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. This bill amends the School Code to provide for definitions and scopes of practice for speech pathologists and speech pathologist assistants. It also amends the Speech-Language Pathology and Audiology (Practice) Act to provide for licensure requirements for speech pathology assistants. We've added an amendment to address some of the concerns of the State Board of Education. I'd be glad to explain it; otherwise, ask for a positive vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1356 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

And House Bill 1356, having received the required constitutional majority, is hereby declared passed. House Bill 1465. Senator Robert Madigan. Senator Madigan. House Bill 1466. Senator Robert Madigan. House Bill 1493. Senator Parker. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1493.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This Senate Bill does three -- House Bill does three things. It requires the Tollway to submit to the General Assembly not later than January 1, 2002, a twenty-year comprehensive strategic financial plan. It requires an outside auditor to perform a management audit of the Tollway. It also allows the Tollway to enter into a contract with a local unit of government or other public or private entity under which the Tollway can collect tolls or fees by electronic means on behalf of another entity. The Tollway has been approached to use its I-PASS system to collect fees from places like O'Hare parking garage, Chicago Skyway and even the Rockford toll bridge. I would be glad to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I just wanted to record -- my -- my button is not working as it should be. I don't know why.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, Senator Smith. Thank you.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Is there any further discussion? If not, the question is, shall House Bill 1493 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1493, having received the required constitutional majority, is hereby declared passed. House Bill 1519. Senator Philip. 1521. Senator Philip. 1523. Senator Philip. 1531. Senator Weaver. House Bill 1599. Senator Luechtefeld. House Bill 1623. Senator Myers. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1623.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. House Bill 1630 -- (16)23 has been put together to continue the program passed in the last General Assembly for the State to pay the legal fees necessary to defend title to land where a federal land patent is alleged to be invalid and the State sovereignty over that land is being challenged. The current law authorizes payment of legal fees up to a hundred thousand dollars in this Fiscal Year '01 to be paid from the Attorney General's contractual services budget; however, the current law sunsets at the end of the current fiscal year, even though the Miami Tribe litigation will still be ongoing. This bill extends the program through Fiscal Year '02 and adds additional requirements that the property is not covered by title insurance, and legal representation is consolidated to the fullest extent possible. The Fiscal Year '02 funds will come from

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

funds appropriated for this purpose, and the total payment is also capped at a hundred thousand dollars. Finally, the current law required to report on payments and projected payments to the General Assembly last April, and this bill requires a similar report by March 15, 2002. Be happy to answer questions, but would ask for a positive vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank -- thank you, Mr. President, Members of the Senate. I rise in strong support of this legislation. I think this is something that needs to be done. I feel that the Miami Tribe, all they want to do is maybe get a -- a casino anyway. But, anyway, these people have owned this land for over a hundred years. Now a lot of 'em are elderly and all, and to have this to -- faced with now in their later years, I think is totally uncalled for, and I think we should support this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Myers, to close?

SENATOR MYERS:

...just feel that this is extremely important for those fifteen landowners and for the State as a whole. There's an issue of State sovereignty, so I think it's very important that everyone here votes for this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall -- shall House Bill 1623 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 55 Ayes, 1 Nay and 2 voting Present. And House Bill 1623, having received the required constitutional majority, is hereby declared passed. House Bill 1655. Senator Dillard. House Bill

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

1664. Senator Lauzen. Bottom of page 16, in the Order of House Bills 3rd Reading, is House Bill 1692. Senator Dillard. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1692.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill provides that beginning with the year 2002-2003, that school districts may incorporate activities to address intergroup conflict. And the objective of such activities are to improve intergroup relations on and beyond school campuses and defuse intergroup tensions and promote peaceful resolution of conflict. It also provides that the school board shall make the information available to the public concerning the ways that such activities and programs are implemented. You know, I believe, as political leaders, we need to do whatever we can to fight hate in both word and deed and that our schools must actively teach tolerance and mutual respect among groups. And, you know, we certainly need to teach young people to overcome differences and to live peaceably with each other, in respecting and celebrating diversity, which is America's greatest strength. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lisa Madigan.

SENATOR L. MADIGAN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Madigan.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR L. MADIGAN:

Senator Dillard, I know that you've been working on this for a number of years, and I think that this is a very good bill. You are very well-intentioned and there is certainly concern that all of us have about the violence and the increasing violence in our schools and ways that we can work to resolve that. I just want to make sure that based on the amendment that was adopted in committee the other day, that we are still going to allow anti-bias education on the basis of children that would have mental disabilities, physical disabilities, sexual orientation and race.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Yes, Senator Madigan, you know, clearly the intergroup conflict that will be taught will be greater than just religious tolerance, although the Concerned Christian of -- Americans and the American Jewish Committee are the two groups that really worked on this. You know, obviously hatred goes beyond just religious differences. You know, when I was a kid, we had deaf children at my grade school, and I vividly remember teachers saying you must show tolerance to the handicap and please don't tease and torment the children with hearing disabilities. So, yes, it's broader than just religious tolerance.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR L. MADIGAN:

Senator Dillard, I appreciate your answer on that and in your intent behind this, and if that is the case, I withdraw my objection to the amendment. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hawkinson.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR HAWKINSON:

Thank you, Madam President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, that amendment reads that the activities must be, quote, "...respectful of individuals and their divergent viewpoints and religious beliefs...." Will the students be allowed to express their divergent views and religious beliefs, even if they're contrary to the most popularly held beliefs or those that are viewed to be politically correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Yes, they will, Senator Hawkinson. And even most importantly -- or, most importantly -- and this was a concern of the Concerned Christians of America {sic} -- that if a child is taught that something is wrong in their religion, they certainly can feel free to voice it in class without any type of retribution whatsoever. And hopefully, Senator Hawkinson, you know, on the reverse end, these discussions -- and this bill is permissive; I want to let everybody know it -- this bill is permissive. It's up to the local school district that -- whether they should do this or not, although I believe this is very important. Yes, the child can chime up, Senator Hawkinson, and say, "Hey, I disagree and here's why." And, hopefully, if the course is taught correctly, you know, that discussion is healthy.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator -- Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Well, I don't see that anywhere in the amendment, but I think you are appropriate to express that,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

because all too often that's not true in some of our educational institutions, even at the institutions of higher learning. So, we'll take you at your word, but I -- I think this ought to not be viewed as chilling, but rather ought to let students -- students and teachers express their religious beliefs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Yeah. Senator Dillard, my recollection of discussion in committee was a little bit different, perhaps, than what Senator Madigan's clarification was, and I -- I'm just kind of curious. I think that the bill -- or, the way it was explained just a minute or two ago went a little bit farther than what I understood it to go in committee, relative to bias. Could you please again reiterate what you told Senator Madigan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Intergroup conflict is greater than just religion, I think is my answer, Senator Burzynski. You know, and that would include disabilities, or a child that might come to school with orange hair should not be teased.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Would you care to delineate any further what that might mean?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Senator Dillard.

SENATOR DILLARD:

I don't know what would finally be in the curriculum. Again, I'm a believer in local control of your schools. And what might be taught on the west side of Chicago would be different than what would be taught in Macomb. But, you know, this is broader than, I believe -- or, the bill is broader and it's not limited just to religious tolerance.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Senator Dillard. Having heard that comment made on the Floor, I -- I would like to indicate that I would voice my opposition to the bill. And had I had that definition in committee, I would have voted No in committee the other day as well. And so I would urge everyone to really consider what this bill does, as well as placing another requirement on school districts for the school report cards.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Well, I -- no, I'm -- I'm -- thank you, Mr. President. I'm rising for this bill. There's certainly concerns by the gentleman from Knox County, as well as the lady from Cook. But those concerns aside, it's nice to see Senator Dillard -- I've been railing all the time, that all we do is increase penalties and we don't have enough bills like this. So it's nice to see bills like this coming from you, Senator Dillard, not just enhancement of penalties. I'd like you to keep up the good work, maybe address some concerns and come up with good ideas like this in the future and continue this. And I -- I think it's a great bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, you and I have been involved in this bill for the past several weeks, and your response to the Minority Spokesman's question, in my opinion, sort of fundamentally changes the dynamic of what we've been involved in here. She asked a -- a specific question as it -- as it related to gay rights. What we're --- the dynamic that everybody's been trying to protect is if there is a child that comes from a family that has a religious objection to that lifestyle. I think your answer to that question really creates a lot of concern on the part of us that have been negotiating on this bill. I don't know if that was your intent. I commend the Minority Spokesman for being very wise in moving an agenda, sort of underneath the radar screen, that didn't come up in the committee, didn't come up as part of this discussion, didn't come up ever until just now. And I think your answer to the question -- either I hope you didn't hear the question right, or I hope you would -- I hope that in these remarks, you're amending your previous answer. This whole dynamic and the reason this bill got out of the Education Committee, in my view, is because of a very well-defined, very narrow scope that you were trying to advance. And your previous answer, in my opinion, sort of puts that all up for grabs and moves this bill into a very different posture, Senator, than what we all negotiated.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Well, you know, with all due respect, Senator Roskam, I

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

disagree. I mean, the very fact that the Christian groups wanted a sentence added that said "The activities must be respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment of {sic} (to) the Constitution of the United States", they wanted that sentence in there because they clearly knew that there would be things other than just religion that would be included in intergroup conflict. And again, you know, it's whether somebody is handicapped. I think the greatest situation and much of the tension that has gone about and led to school shootings was a bias against kids who were not athletically inclined and might have been -- you know, when I went to school, we probably called them hippies. But, clearly, some of the greatest tension is not religious; it's between athletes and kids who are into other things, whether it's heavy metal music or whatever. And, clearly, I don't see at all how you could have been confused, because intergroup conflict is much greater than just one's religious view. It's whether they -- what they look like and a lot of other things, whether they are athletes - jocks, so to speak - or into heavy music. And all of those intergroup conflicts, depending upon what curriculum the school district may choose, are there for -- for discussion in the classroom.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, just so we're clear. My objection and the concern that I'm -- that I'm raising today is not about any of those issues that you addressed. My concern is this has been a very carefully negotiated bill. The language, Senator, that's in that was my initiative, frankly, as it related to the First Amendment protection. But when you answer the question that part of this agenda is a gay and lesbian agenda, that raises a real

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

concern on the part of a lot of us who wanted to make sure that there was a -- a protection for children that are coming from families that -- that have a concern about that lifestyle. So my request is that we -- if you're willing, to take this bill out of the record. If you're not, I would urge my colleagues who thought they were voting for one thing -- I think in light of the response under the Minority Spokesman's questioning, I think the dynamic of the bill has changed. This was a well put together piece of legislation, well negotiated, and the -- the legislative intent, I think, is now ambiguous, and I think the bill is -- is flawed. So with all due respect, depending on your reply, Senator, I'm going to be voting No or Present. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. Chairman, Members -- or -- for purposes of a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, our analysis says that schools may incorporate activities to address intergroup conflict. You know, schools have done that for years. I -- I guess my -- my question is, why would we pass a law to say that they may do that? They've had that right to do that for years. Why would we -- what good is this law, I guess? Or is -- is there something to follow? Is it the -- does it -- does it lead to other things, I guess, in the future? I just don't quite understand. You know, what you'd like to do, certainly, is admirable. We'd all like to stop and certainly limit this conflict. But I don't -- you know, I think it may put pressure on schools to do this, to have -- you know, everybody's going to come up with a program. It may be phony.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

It's something they've done for a long time. And -- and -- and again, your intentions, I think, are good, but I just don't understand what -- since they may do that, what the bill does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Senator Luechtefeld, this bill's permissive. And, you know, I was lucky to go to a school district that taught me intergroup conflict, but not all school districts are maybe as sensitive as they need to be. And this bill is drafted -- as it -- as it was initially introduced in the House, it wasn't permissive. And, to me, it has to be permissive. It has to be up to the local school district whether they even teach this. And, you know, going to questions outside of what the scope is of this, it's up to the local school district to determine whether a certain type of hatred is -- is in here or not to be discussed. All it is, is it's there to -- if you looked at the United States Census data, you know we have a very, very emerging diverse country with respect to race and respect to religion. And it's there as just sort of a nudge or a reminder to parents that they ought to ask their local school districts, "What are you teaching our kids about tolerance of a very increasing divergent and diverse American public?"

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Again, I -- I like your intentions. I just say that if that -- if that parent wants to do that, he needs to go to his school board and see to it that that -- that's being taught at school, rather than from a legislative standpoint, simply -- certainly we're not mandating it, but I think we're getting close to that, and I don't -- don't know as we need to do that. Anyway, thank

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Been around here now fifteen years and I really am a little surprised at some of the debate on this bill. I think it's a very simple bill. It's a very straightforward bill. It's intended -- it's a voluntary program intended to relieve intergroup tensions and intergroup problems. And I just am a little bit miffed to think that we are -- are discussing that one child may be different from another child, and that is something I don't understand. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Ronen.

SENATOR RONEN:

I -- I also rise in support of -- of this bill, and I am somewhat astounded at the debate that's come before. This bill talks about tolerance, and I think if you're talking about tolerance, it means that you -- you're tolerant to all. That's the idea of it. It's like liberty, your freedom or justice. It's indivisible. And to be picking and choosing those to whom we'll be tolerant is really abhorrent. So I urge everybody to vote for what is a very straightforward, simple, permissive bill that addresses serious problems in our schools.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. I'm cosponsor of this bill, and I want to commend the sponsor. You know, I've been listening to the debate for about fifteen minutes, and it's kind of scary. We just finished in the -- fifty years ago there was the Holocaust, where

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

people were persecuted because of their religion, their beliefs - Jews and non-Jews. And I think we're trying to teach tolerance so this does not happen again to anybody. And I'm encouraging people on my side of the aisle to support this bill and I hope we get it through. And thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DILLARD:

Thank you, Mr. President. I just want to point out two things. And we've debated this rather well. First of all, what's on the board where it says "-Report Card" is not right. This has nothing to do with the school report card anymore, and the -- the bill is permissive. I do want to point out, you know -- and I appreciate that Senator Roskam and -- Senator Burzynski are, you know, crusaders for religious beliefs or et cetera, but the Concerned Christians -- Concerned Christian Americans and the American Jewish Committee worked like we're supposed to in intergroup conflict, in harmony, on this bill. And there are no Christian groups that I know of that are opposed to this, and the Concerned Christian Americans worked on the amendment to this bill. So I don't know of any official religious opposition to this bill. And if you've looked at the Census data, you've looked at the problems in the public schools with school shootings, I have, for the life of me, no idea how you can be opposed to this, and I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1692 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 6 Nays, 12 voting Present. And House Bill 1692, having received the required constitutional majority, is hereby declared passed.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Top of page 17, in the Order of House Bills 3rd Reading, is House Bill 1810. Senator Klemm. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill 1810 does actually two things. It amends the Public Funds Statement Publication Act to require that municipal treasurers to show all monies exceeding twenty-five hundred dollars that are paid to an individual be in the annual financial report. It also amends the Illinois Municipal Code. So instead of listing each employee's name with individual salaries, it allows the treasurer to put the employees' names and the salary range that we do for all the units of government. It also has an amendment that we adopted yesterday to appoint local -- appoint village clerks that would not have to be a resident of that community, as we do for their appointed treasurers. There's no opposition. Everybody supports the bill. I think it's a good one. I ask for your vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I sat here and listened to the debate on 1692, and planned to vote for it, and didn't even vote. I'd like to be recorded as voting Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, Senator O'Daniel. Senator Welch -- further discussion? Senator Welch. Patrick

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Klemm, is there a provision still in this bill that says that individuals who work -- public employees who work for cities, I guess it would be, or villages, have their salary published by category instead of specifically the amount they are paid? Is that still in the bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Yes, it is. It's a little different than the Senate Bill 101 that we unanimously passed before that has almost the same, identical provisions. 1810 lists a little bit differently. It adds a few more categories. I think it's a better breakdown of the -- of the salaries. What we found out is the municipal people are saying that to list each individual who perhaps have some merit increases and things, causes so much dissension because some other person who works there says, "Hey, how come I'm not making the same as -- as Sally or Tommy is doing?" It's causing so many problems. Now, they're the only unit of local government that is required to do this. All the rest have the categories, and this would just put 'em in compliance with what we do for all the others.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

The most interest we have in my area is for how much the local attorney's getting paid. Is that going to be specifically set out

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

in this bill as to what he or she is paid? Because that's the only time anybody ever finds out what the lawyer gets paid, is when the publication of the salary comes out.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

If they're a salaried employee and they get a salary, then they would be grouped there, I mean I guess. But if it's an attorney that's on contract or gets a contingency or something else, that would be a different case.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, a lot of the attorneys are paid on a hourly basis with a retainer fee per month, something like that. Would that be set forth specifically in the publication?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

I would think -- I would think not. I don't know, honestly, how -- how that would be handled right now. I would think because there is a -- provision in there that shows that, you know, any monies that are exceeding twenty-five hundred dollars, would have to be still listed, and I would think that would fall under that category, rather than an employee that gets a paycheck every week. So, I don't think that -- I think it's covered, but it's not the same.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR KLEMM:

Just -- just ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

The question is, shall House Bill 1810 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 1810, having received the required constitutional majority, is hereby declared passed. House Bill 1825. Senator Burzynski. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have a bill that creates the Animal Cremation Act. Requires a provider of animal cremation services prepare and distribute written explanations of the services offered. I might add that this bill came to me in a roundabout way, but I've been working on it very closely for the last three to four weeks relative to what's been going on in pet crematories throughout the State. There certainly is a need for this. There have been editorials in the Chicago Tribune. There have been exposes on Channel 7 relative to people who take their pets to pet crematoriums and don't get the remains back that belong to their pet. So this is a disclosure bill. It's not a licensure bill. We would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1825 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 1825, having received the required constitutional majority, is hereby declared passed. House Bill 1840. Senator Petka. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1840.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Well, thank you very much, Mr. President and Members of our Senate. The -- this bill does two things. First of all, it provides for an optional criminal background check for student teachers. The -- the check would be done by the Illinois State Police. The cost then would be reimbursed by the State Board of Education. If that individual is hired by the -- that school board, then the -- a further criminal background check would be waived. This would also permit that -- or, would -- the background check would then be valid for eighteen months. In addition to that, there is a provision here that deals with annexation and -- and disconnection. This bill came out of the Education Committee on the attendance roll call. I know -- I'm not aware of any opposition, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1840 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 1840, having received the required constitutional

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

majority, is hereby declared passed. House Bill 1908. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1908.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill was authored by two school districts in Lemont, and the bill focuses on the office of township treasurer and township board of school trustees. These exist only in Cook County. And through a referendum, the voters residing within a Cook County township can eliminate, or elect to eliminate, this board and this township treasurer position. Because of changes in our election cycle and the consolidated election, et cetera, this is a technical amendment that coincides with an election that would abolish these and -- our Election Code. And I know of no opposition. It's really just a technical change. And I'd be happy to answer questions, but appreciate a favorable...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR T. WALSH:

What -- Senator Dillard, is this because of the fact that we no longer have the November election that -- that we had to...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR DILLARD:

As usual, Senator Walsh is correct. That's why we need this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- Senator Walsh.

SENATOR T. WALSH:

Well, that -- so it otherwise would -- the -- the elimination, I believe, was that every school district within the township has to vote in the affirmative for the position to be eliminated. If one of the school districts in the township were to not support the abolishment of the school treasurer, then they would still serve.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Walsh, it doesn't change any of the underlying law requirements. It just changes the date.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, I -- I support the -- the bill. I would even support going a step further, abolishing the whole office, which I think is an unnecessary office to begin with. But if this is the only way that we can get it done, it's a good start.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Dillard, to close. The question is, shall House Bill 1908 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. And House Bill 1908, having received the required constitutional majority, is hereby declared passed. House Bill 1970. Senator Peterson. Madam Secretary, read the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

bill, please.

ACTING SECRETARY HAWKER:

House Bill 1970.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. House Bill 1970 replaces the current provisions regarding transactions conducted in a language other than English. Sets forth forms that the retailer must have the customer sign when the retail transaction or negotiations related to the retail transaction result in a contract in a language other than English. The terms of the form are dependent upon whether or not the consumer used an interpreter or not. We did present this in the Judiciary Committee. Senator Cullerton worked with me to provide a clarifying Floor amendment. And his amendment would require that the customer, if he provides his own interpreter, both the customer and the interpreter sign the acknowledgement that the interpreter explained the terms of the contract to the customer. And if the retailer provides an interpreter, the customer must sign an acknowledgement form -- in the customer's native language. This is supported by the Retail Merchants and the New Car Dealers Association. Ask for your support on House Bill 1970.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1970 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 1970, having received the required constitutional

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

majority, is hereby declared passed. House Bill 1989. Senator Madigan. House Bill 2058. Senator Roskam. House Bill 2099. Senator Molaro. House Bill 2125. Senator Weaver. House Bill 2137. Senator Weaver. House Bill 2157. Senator O'Malley. Senator O'Malley. House Bill 2161. Senator Demuzio. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that was brought to us by Representative Klingler from the House. It is a bill that requires the State's attorney to notify the Secretary of State if a person under the year -- under the age of eighteen who does not have a license has been charged with a violation that's arising out of an accident where a person was involved as a driver that caused a death or injury to another person. And it also provides that the Secretary of State, upon receiving the notification from the State's attorney, may deny or not issue a license to any person. Apparently there was an incident, whereby in August of last year, a fourteen-year-old girl was -- was killed in an automobile that was driven by a fifteen-year-old who was unlicensed. The unlicensed driver was subsequently charged with reckless homicide in early November. While the charges were still pending, the teen turned sixteen, went down to the driver's license station and received a driver's license. This would simply require notification by the State's attorney and would allow the Secretary of State -- we are codifying what he already

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

does anyway. So I know of no opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in the -- in the language, it uses the word, Secretary of State may deny. Does that mean not issue?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 2161 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2161, having received the required constitutional majority, is hereby declared passed. House Bill 2207. Senator Thomas Walsh. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2207.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

...President. You know, this bill, yesterday we shelled it and what we're trying to do is keep the discussion going, and like

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

to send it back over to the House and see if we can get a conference committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2207 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 2207, having received the required constitutional majority, is hereby declared passed. House Bill 2228. Senator Hawkinson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 2228, as amended by Senate Amendments 1, 2 and 3, amends the Criminal Code regarding the preservation of evidence in chain of custody. It represents an agreement between the law enforcement groups, the Bar Association, the public defenders. I think everybody is on board at this point. Last year we passed some legislation dealing with the preservation of evidence. It created some problems. This more specifically says how long and what evidence has to be preserved and how it has to be preserved. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, could you just focus on -- I assume this was amended and that that amendment was in response to some objections. You indicated that there was an agreement with, I think you said, the Public Defenders' Association. What was the change in -- with regard to the -- the original bill as it passed the House with regard to chain -- chain of custody?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Actually, Senator, the public defender and I were on the same page exactly on that issue, and that's Senate Floor Amendment No. 3. The words "chain of custody" had been deleted from one of the paragraphs. The Cook County Public Defender thought that ought to go back in, and that was my feeling as well. And that's why we adopted Senate Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 2228 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 2228, having received the required constitutional majority, is hereby declared passed. Bottom of page 17, in the Order of House Bills 3rd Reading, is House Bill 2265. Senator Halvorson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2265.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. House Bill 2265 is an initiative of the Secretary of State, and it does a number of things. It sets additional penalties for people convicted of DUI whose blood alcohol content registers at double the legal limit, which is .16 or above. The worst of these offenders will face felony charges and mandatory jail time. According to the National Transportation Safety Board, repeat DUI offenders with a BAC greater than .15 account for twenty-seven percent of all the fatalities. It also imposes strict penalties upon people who drive drunk with a child in the car. Under this plan, child endangerment penalties include felony provisions and mandatory jail time. Third, it greatly expands the -- the Breath Alcohol Ignition Interlock Program in Illinois. Multiple DUI offenders will not be eligible for driving relief unless their car is equipped with one of these devices, which ensures a drunk driver cannot operate the car. Passed out of committee unanimously. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Jacobs.

SENATOR JACOBS:

I think what you're doing here, Senator, is very good. The only question I have, and I asked you this yesterday, and I'd like to ask you for the record. It says that -- clarifies when the ignition interlock device shall be used. It shall be used when

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

there are two or more convictions of DUI or a similar statutory suspension. But there's no time limit in that. So it's possible that someone at the age of twenty-one gets a DUI and maybe at the age of sixty-seven gets another DUI. They then would have to go to the ignition lock. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

I mean, that's not enough to -- to not vote for this bill, because it's a very good bill. But I think that's something that really probably should have some time restraints on it. And maybe we can work on that next year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Link.

SENATOR LINK:

Thank you, Mr. President. I -- I just want to raise in strong support of this bill, and I want to commend a number of people on this legislation, especially Secretary of State Jesse White, who, with his leadership, brought a number of groups from law enforcement, corporations, associates to work together to help set this piece of legislation in our nation. But by passing this legislation, I think that we face -- finally are addressing one of the roots of all the drunk driving problems, and that's the repeat drunk driver. I think now we are giving law enforcement the tools they need to get this chronic abuser off the road. I'd also like to praise a number of other companies -- another -- a number of organizations that were involved in this and -- and Mothers Against Drunk Driving, Alliances Against Intoxicated

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Motorists, for their diligent work on doing this. But I also want to commend a couple other people that I don't think get recognized for the effort that they had in this. One of 'em happens to be a constituent of mine who worked on this diligently, and that's John Bowlin, who is the President of Miller Brewing, who worked very hard to make sure people like this are not on the road anymore. Another group that I'd like to thank is the Daily Herald for running an expose on this and bringing the awareness of the repeat offender on this matter. I think that this is a long overdue piece of legislation. The only thing I regret in this legislation, we didn't go as far as I think we should have gone. I strongly support this and hope that we can get a unanimous vote on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR HALVORSON:

Thank you, Mr. President. And thank you, Senator Link, for pointing out all the supporters. And the only reason this legislation will come about is because everybody worked so hard together. So I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 2265 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2265, having received the required constitutional majority, is hereby declared passed. Top of page 18, in the Order of House Bills 3rd Reading, is House Bill 2266. Senator Halvorson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2266.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Again, House Bill 2266 punishes people who continue to ignore the law and drive while their license is suspended or revoked by putting them in jail and immobilizing their vehicles. Nearly seventy-five thousand drivers were arrested for driving on a suspended or revoked license in 1998 alone. That same year, nearly fifty thousand people were arrested for a DUI. So this proposal, which is very needed, focuses on the most dangerous and irresponsible drivers on our road, people who have no respect for the law or the safety of our citizens. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2266 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And House Bill 2266, having received the required constitutional majority, is hereby declared passed. House Bill 2296. Senator Dillard. House Bill 2367. Senator Luechtefeld. House Bill 2380. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2380.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2380, as amended, provides that a builder or developer may not be required by a county or municipality to post an irrevocable letter of credit, surety bond, or letter of commitment by a bank to guarantee a project's completion if the developer or builder already has such a bond on file with the county or municipality. It also requires the counties and municipalities to accept surety instruments from surety or insurance companies authorized by the Department of Insurance to sell those sureties in Illinois. The amendment, as I explained on the Floor yesterday, dealt with the objections from the City of Chicago and the County of Cook.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2380 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2 Nays, none voting Present. And House Bill 2380, having received the required constitutional majority, is hereby declared passed. House Bill 2391. Senator Syverson. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. House Bill 2391 creates the Humane Euthanasia in Animal Shelters Act. This is legislation that has been worked on and negotiated with the American Society for the Prevention of Cruelty to Animals, the Humane Society, and of

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

course, the fine Chairman of the Licensed Activities Committee. I know of no opposition. I appreciate their help in working out this language. Also, I should add, the Department of Agriculture is supporting this and has language in it as well.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2391 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2391, having received the required constitutional majority, is hereby declared passed. House Bill 2392. Senator Radogno. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2392.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill is an initiative of the Cook County Assessor, and it applies to Cook County. It attempts to address a problem that arises when a developer builds several residences on an area that -- that previously had only one property identification number. This creates a problem because if one tax bill is issued to cover the entire property, those several owners who have split the tax liability among themselves then have to trust each other that each will pay, and if they don't, the entire parcel can be subject to a tax sale. House Bill 2392 attempts to motivate developers in Cook County to make application for division in a timely fashion so that this problem does not occur. Be happy to try to answer any questions.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator, can you explain the opposition of the Home Builders Association of Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

They had previously been opposed to it, but the amendment that we adopted in committee and is on the bill currently removes their opposition because it takes care of their concern that if the holdup was in the assessor's office, as opposed to their action of filing the paperwork, that they would be liable.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill -- 2392 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2392, having received the required constitutional majority, is hereby declared passed. House Bill 2419. Senator Robert Madigan. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2419.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 2419 deals with the usage of credit reports in the underwriting of -- certain insurance policies. This matter has recently come up and attracted a lot of attention, and House Bill 2419 is brought forth to address concerns that have arisen about this -- about this practice and contains several provisions dealing with that subject. First of all, it provides that if an insurer makes an adverse underwriting decision based upon a record of creditworthiness, the decision cannot be based on income, gender, race, color, religion, or national origin. It provides that an insurance company may not refuse to -- to issue or renew an insurance policy solely on the basis of a credit report. Provides that an offer by an insurance company to write a policy through an insurer that is an affiliate does not constitute a refusal to issue or renew a -- a policy. Further provides that if a credit report is used in conjunction with other criteria to refuse to issue or renew a policy of insurance, the insurer must provide the policyholder with a notice of the underwriting action taken. This has been amended to comply with federal law, and I would be happy to answer any questions on House Bill 2419.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR T. WALSH:

Senator Madigan, as I was paging through the bill, I came across the word "affiliate", which forces me to ask the question. Does the word "affiliate", as used in this legislation, mean an insurer specializing in substandard risks outside of the parent

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

insurance company?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Senator Walsh, I noticed all morning you've been very diligent in -- in reviewing and paging through the bills, as you have done on this one, and I compliment you on your diligence. And let me respond by answering no.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh. Further discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I rise in strong support of House Bill 2419. It's an excellent consumer bill, one of the best consumer bills we've had in a long time. About the last year, many of the insurance companies have used -- or, is using, as a criteria for underwriting, credit scoring. And I know of at least one insurance company that has chosen to use this as its only criteria for writing new business and/or renewing consumers or customers who have been with them for a long time, regardless of their loss record and regardless of whether they pay their premiums on time. It's ambiguous. Some insurance companies will rate someone and put them in their preferred risk. Under the credit scoring, that same consumer may not be accepted by another insurance company. Credit scoring is ambiguous, it's discriminatory, and it's simply the wrong way to underwrite consumers for insurance. And I urge a strong Aye vote for House Bill 2419. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR R. MADIGAN:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

The question is, shall House Bill 2419 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 2419, having received the required constitutional majority, is hereby declared passed. House Bill 2428. Senator Rauschenberger. House Bill 2432. Senator Munoz. House Bill 2439. Senator Luechtefeld. Senator Luechtefeld, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Luechtefeld seeks leave of the Body to return House Bill 2439 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 House Bill 2439. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. The Senate Amendment No. 2 becomes the bill. It permits the State Treasurer to deposit State money in eligible banks and savings and loans for the -- and have the interest income held in a separate account at the bank and savings and loan which the Treasurer may then use as a security of up to ten percent to back up new loans and existing loans that maybe were missed -- a payment was missed for maybe a couple of months because of layoff or disability and the homeowner has missed those mortgage payments and resume them within a couple of months.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Opposed, Nay. The Ayes have it. And the amendment is adopted.

Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 2439.

Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2439.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. This bill was brought to me by the Treasurer, Judy Baar Topinka, in an attempt to address a small part of the problems that we've been having with predatory lenders. This bill would allow the Treasurer to use the linked deposit to help borrowers who attempt to -- or, who borrow for -- for maybe homes. If they miss a -- a payment or two, or having problems, that this can certainly maybe help some of those people. I would be glad to answer any questions that you might have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2439 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2439, having received the required constitutional majority, is hereby declared passed. House Bill 2463. Senator Noland. House Bill 2595. Senator Luechtefeld. Mr. Secretary,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

read the bill, please.

SECRETARY HARRY:

House Bill 2595.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. House Bill 2595 amends the Illinois Optometric Practice Act to provide a licensing category for graduate optometrists {sic} practicing in a residency program. It allows -- DPR to set a separate licensing fee. Currently, the -- requires -- the license is ninety -- nine hundred dollars in -- to complete a one-year residency program. Residents certainly do not earn that much money. There's a recommended fee of one hundred dollars. It does a couple of other things. It allows for a one-year license restricted to practice at a -- a program location. It also aligns the statute with current enforcement practices. And would be glad to answer any questions that you might have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2595 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 2595, having received the required constitutional majority, is hereby declared passed. Bottom of page 18, in the Order of House Bills 3rd Reading, is House Bill 2641. Senator Rauschenberger. Senator Rauschenberger, do you wish this bill returned to 2nd Reading for purpose of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 2641

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

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 House Bill -- 2641. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment to the Procurement Code would allow a State procurement officer to review and determine whether a purchase made from the General Services Administration generalized bid list would be appropriate for a State agency to make without going through the Illinois process and bid. I'd appreciate its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 2641. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR RAUSCHENBERGER:

I'd like -- like to take...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. On top of page 19, in the Order of House Bills 3rd Reading, is House Bill 2646. Senator Dillard. House Bill 2665. Senator Madigan. Robert Madigan. House Bill 2900. Senator Sullivan. 2905. Senator Philip. 2911. 2914. 2917. 2920. House Bill 3050. Senator Karpel. House Bill 3068. Senator Lightford. Senator Lightford, you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Lightford seeks leave of the Body to return House Bill 3068 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 House Bill 3068. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Lightford and Munoz.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment 1 to House Bill 3068 replaces the total prohibition of imposing fees on the consumer for the first five transactions each month for the use of a Link card or other access device issued by a government agency for use in obtaining financial benefits under the Illinois Public Aid Code.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 3125. Senator Sullivan. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3125.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yesterday we amended this bill to position it for conference committee out of discussion on the State Disbursement Unit. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3125 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 3125, having received the required constitutional majority, is hereby declared passed. House Bill 3128. Senator Donahue. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3128.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. House Bill 3128 rewrites the provisions of the State Case Registry to clarify the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

information that must be submitted to the Registry. It basically reduces the amount of information required for nonpublic assistance child support cases. It clarifies that the information submitted is confidential and not subject to disclosure. And it -- establishes penalties for failure to submit this information. Also, in a -- we amended this bill yesterday with Floor Amendment No. 1, which adds Senator Sullivan's bill, House Bill 3125, and it allows a support order of {sic} (or) income-withholding order for -- from another state to be registered in Illinois by sending certain documents to the appropriate tribunal, which is normally the circuit court. It's a good bill. And I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Patrick Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

Senator, we just went through a couple of years of torture on this particular subject with the SDU. They are swearing that they have all the bugs worked out. Why are we changing what is required now after two years of -- of delay and -- and confrontation with the SDU?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

...a good question, Senator Welch, but this has absolutely nothing to do with any of that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Does it have something to do with child support orders?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Yes. The Case Registry that's maintained by the Department of Public Aid, but not this disbursement unit. Two different things.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator, have you -- have you had an opportunity to see the Auditor General's report of the Department of Public Aid and the SDU and the Registry as of yesterday that was released?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Senator Demuzio, the Auditor's General -- the Auditor's {sic} General report has nothing to do with -- with the Registry. It's about the disbursement unit. We're talking about two different animals.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Is this the Department of Public Aid?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

It's the Department of Public Aid and the child support Case Registry. Not the disbursement unit.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DONAHUE:

This has nothing to do with the problems that are established

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

through the disbursement of child support. It has to do with information and trying to reduce some of the paperwork that's needed for the Registry. I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3128 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 4 voting Present. And House Bill 3128, having received the required constitutional majority, is hereby declared passed. The Chair will remind the Membership that we are not through with the day's business yet. We are just going to have the Rules Report read in. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Commerce and Industry - the Motion to Concur with House Amendment 1 to Senate Bill 252; to the Committee on Education - Motion to Concur with House Amendment 1 to Senate Bill 116, House Amendment 1 to Senate Bill 326, House Amendment 1 to Senate Bill 487, and House Amendment 1 to Senate Bill 979; to the Committee on Environment and Energy - the Motion to Concur with House Amendment 1 to Senate Bill 724; to the Committee on Executive - Senate Joint Resolutions 34 and 35, Motion to Concur with House Amendment 1 to Senate Bill 606, and House Amendment 1 to Senate Bill 902; to the Committee on Insurance and Pensions - the Motion to Concur with House Amendment 1 to Senate Bill 333, and House Amendment 1 to Senate Bill -- or, 869; to the Committee on Judiciary - Motion to Concur with House Amendment 1 to Senate Bill 104, House Amendment 1 to Senate Bill 401, House Amendments 1 and 2 to Senate Bill 797, House Amendment 1 to Senate Bill 993, House Amendment 1 to Senate Bill 1065, and House Amendment 1 to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Senate Bill 1517; to the Committee on Licensed Activities - the Motion to Concur with House Amendment 1 to Senate Bill 1152; to the Committee on Local Government - the Motion to Concur with House Amendment 1 to Senate Bill 93, and House Amendment 1 to Senate Bill 99; to the Committee on Public Health and Welfare - Motion to Concur with House Amendment 1 to Senate Bill 382, House Amendment 1 to Senate Bill 390, and Amendment 1 to Senate Bill 750; to the Committee on State Government Operations - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 900; to the Committee on Transportation - Motion to Concur with House Amendment 1 to Senate Bill 30, Amendment 2 to Senate Bill 115, Amendment 1 to Senate Bill 800, Amendment 1 to Senate Bill 826, Amendment 1 to Senate Bill 1098, Amendment 1 to Senate Bill 1514, and Amendment 1 to Senate Bill 1521; and Be Approved for Consideration - Senate Amendment 3 to House Bill 215, the Motion to Concur with House Amendment 1 to Senate Bill 15, Amendment 1 to Senate Bill 216, Amendment 1 to Senate Bill 931, Amendment 1 to Senate Bill 950, Amendment 1 to Senate Bill 969, and Amendment 1 to Senate Bill 1117.

PRESIDING OFFICER: (SENATOR DUDYCZ)

In the middle of page 19, in the Order of House Bills 3rd Reading, is House Bill 3188. Senator Klemm, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Klemm seeks leave of the Body to return House Bill 3188 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 House Bill 3188. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

SENATOR KLEMM:

This is a listing of those that have quick-take proposals that will become the bill, and I'll explain it, if you will, on 3rd Reading.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

The Senator yield for a question, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

It's my understanding the ones that you are eliminating are those that did not comply with the rule that you have established, but there are a number of others who you -- also have not complied that you're leaving in. Is there a particular reason?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Some of 'em have not met the requirements, and so we did not advance those measures and they'll have this summer to clear any problems they have. The ones that we do have here, in trying to realize that we just passed Senate Resolution 41 this year, we have one that has a hearing that will be held on May 22nd. We didn't want to hold that entire program up that -- because it's only a couple days off and we have to move on these bills. Others have some others that have to comply by June 7th. If they don't finish the rest of these compliances, that are public hearings that they're having at their town meeting or at their municipal meeting, we would probably withdraw that in the Veto Session. They've been advised of this. They know what they have to do. It's trying to accommodate those that have met every other requirement and we do have it all in our -- in our file.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, it just -- it just somehow or other gave the appearance that certain Members were being highlighted and others were not, that rule was being applied arbitrarily, but we'll work on it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 3188. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. This is the reduction, actually. When we first had these quick-take requests last year, I think we had, like, thirty-five of 'em. Eight of 'em have complied with our House -- our Senate Resolution 41. Let me briefly go over those so you'll understand which ones they are. The first one is from Franklin Park - Senator Cronin - it's a project providing relief from traffic congestion caused by an at -- at-grade railroad crossing. In Plainfield - Senator Petka is the -- is the Senator - is construction of a -- public infrastructure improvements including water, sewer and roadway needs. Champaign,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Champaign County - Senator Weaver is the Senator in that area - improvements to Olympian Drive. It will be the only arterial connection between I-57 and U.S. 45 north of I-74. Mount Prospect - Senator Sullivan - to construct a new village hall, senior center and a public parking facility. And Downers Grove - Senator Dillard and Senator Walsh - it's to construct a multilevel parking deck for the municipality. Bolingbrook - Senator Petka - for a road extension. Lincolnwood - Senator Silverstein - building a municipal parking lot, public works usage and storage, and the construction of a planned East West Connector Road within the corporate limits. And Neoga - from Senator Noland - requires easement to install water line underground. They have all met the requirements that we've asked for. And I ask for your support on these.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. I -- the Chairman of the Executive Committee, Senator Klemm, I think, has done a commendable job in trying to reign in the prior abuses in connection with quick-take. However, because I have a possible conflict of interest in connection with this legislation, I'm going to have to vote Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Link.

SENATOR LINK:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Link.

SENATOR LINK:

Senator Klemm, you know, I commend you for what you're doing on this and getting this, but -- just one question. Is any of

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

these parcels that we are using in here going to be used for commercial redevelopment?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

No -- no, they are not. They don't meet our requirements that we passed in Senate Resolution 41. They're all for -- they are all for public purposes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Link.

SENATOR LINK:

So they're all for infrastructure. We're all on this. So there will be no commercial redevelopment whatsoever out of any of this quick-take?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link -- Senator Klemm.

SENATOR KLEMM:

No. They've signed affidavits. They've told us what it's for. We've confirmed it. We asked -- we asked that they pass resolutions by their governing body. So we have that. If they do violate that, obviously there would be causes to go after 'em. But there are none listed here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Lauzen. Further discussion? If not, the question is, shall House Bill 31 -- would Senator Klemm wish to close? Question is, shall House -- House Bill 3188 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 9 Nays, and 3 voting Present. And House Bill 3188, having received the required constitutional majority, is hereby declared passed. House Bill 3247. Senator

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Donahue. Madam -- Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3247.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. This is the annual IDOT conveyance bill, and it has been amended in the Senate, so -- once, with two projects in Wayne County and Cook County. The other one's -- they're probably too numerous to number, except I should say to you that it is going to conference and we will probably have an opportunity -- we will have an opportunity to see this again. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3247 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 3247, having -- having received the required constitutional majority, is hereby declared passed. House Bill 3284. Senator Cullerton. ...Channel 5 has requested permission to videotape the proceedings. Hearing no objection, leave is granted. News Channel 5 from St. Louis. House Bill 3284. Senator Cullerton. House Bill 3289. Senator Burzynski. Mr. Secretary, read the bill, please. 3289.

SECRETARY HARRY:

House Bill 3289.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill does three or four things. A couple of those are technical in nature, but it does make a direct pay permit -- permit pilot program permanent. And it also updates current sales tax exemptions for manufacturing equipment, and also it addresses a concern that JCAR had relative to IDOT procedures and policies.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3289 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 3289, having received the required constitutional majority, is hereby declared passed. Bottom of page 19, in the Order of House Bills 3rd Reading, is House Bill 3392. Senator Weaver. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3392.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. House Bill 3392 amends the Developmental Disabilities {sic} (Disability) and the Mental Disability Service {sic} (Services) Act to create a sixteen-member workforce task force comprised of representatives of the General Assembly, State agencies and special interest groups. Would require that the -- the task force report barriers

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

to employment for persons with disabilities and report within six months of their creation. Try to answer any questions. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3392 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 3392, having received the required constitutional majority, is hereby declared passed. The Chair will advise the Membership that at the conclusion of the business of today, we will be conducting a death resolution for a former colleague, so stick around. Top of page 20, in the Order of House Bills 3rd Reading, is House Bill 3426. Senator Rauschenberger. 3439. 3440. 3463. 3489. Senator Weaver. 3490. 3491. 3492. 3493. Senator Rauschenberger, on 3494. 3495. House Bill 3566. Senator Cronin. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3566.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill deals with the issue of the Reading Improvement Block Grant Program. This bill defines the -- the ways in which the program is administered, focuses it much more narrowly and makes sure that the proper personnel is hired for purposes of reading and only reading. This does not, however, expand the program. It simply closes certain loopholes and

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

ensures that the money spent on reading is, indeed, used for that purpose. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3366 {sic} pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 3566, having received the required constitutional majority, is hereby declared passed. House Bill 3576. Senator Madigan, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Hearing -- Senator Madigan seeks leave of the Body to return House Bill 3576 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 House Bill 3576. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

I would recommend adoption of Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 3576.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 3576, as amended, makes several changes in the Clerk(s) of Courts Act. First of all, the underlying bill dealt with when a person's check has been returned at least twice, that the clerk of the court may levy a fee of twenty-five dollars for each check delivered that has been returned more than -- more than twice, in addition to the regular cost. The second change in House Bill 3576 deals with restructuring or reformulating the stipend that, first of all, has never been funded and is not in the Governor's budget - the stipend dealing with counties who have correctional facilities in -- in their counties. It increases that stipend that is currently at three hundred and ninety thousand dollars - again, that is not funded - to five hundred and nineteen thousand seven hundred and fifty dollars, and establishes a formula insofar as the number of inmates and the number of correctional facilities in -- in the respective counties. And lastly, it deals with credit cards -- or, the handling of credit cards in county offices. And this is an initiative of the State Treasurer's Office and the County Treasurer's Association dealing with credit cards -- or, a person paying a fee or a license or whatever with a county office and using a credit card to make payment on that. Currently it is -- as I understand it, based upon the -- the credit card regulations, it is not feasible for county offices to handle these credit cards. Now, overall, on how this

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

restructuring, as far as changing the fee structure, whether by minimum dollar or minimum percentage, this is a push, or almost a push, with regards to a fee increase. In a higher case, it could mean that a person would pay a higher percentage, and if it's a low dollar on the minimum dollar, as far as the cost of that, depending on what the fee charge was, this credit card payment could be a higher cost to them. I would be happy to dodge any questions on House Bill 3576.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3576 pass. All those in favor will -- will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 5 Nays, none voting Present. And House Bill 3576, having received the required constitutional majority, is hereby declared passed. Previously we had received -- leave to return to House Bill 215. In the middle of -- on page 14, the middle of page 14, in the Order of House Bills 3rd Reading, is House Bill 215. Mr. Secretary, read the bill. Oh. Senator -- Senator Dillard, do you wish this bill returned to 2nd Reading for -- for the purpose of an amendment? Senator Dillard seeks leave of the Body to return House Bill 215 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 House Bill 215. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a technical amendment

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

dealing with fees that have to be paid when a local government from another jurisdiction becomes a litigant in the court system. It's technical, and we'll debate the bill on 3rd Reading. And I'd move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President. A quick question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

SENATOR OBAMA:

I know that earlier, in -- in unamended form, the City of Chicago had an objection to this bill, as I understand it, and I wanted to check as to whether this amendment cured that objection.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

This amendment takes care of the City of Chicago's concerns.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. In the middle of page 14, in the Order of House Bills 3rd Reading, is House Bill 215. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 215.

(Secretary reads title of bill)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill does a number of things with respect to the funding of our court system and law libraries. The underlying bill allowed a county that has a county law library to let the county board, at the county board's discretion, raise the county law library fee from ten dollars to nineteen dollars on the litigants of that particular county. There are also, or has been added, an amendment to this that added three provisions. It added a provision that was identical to something that Senator Judy Myers had concerning the -- certain fee collections by a circuit clerk for drug testing, electronic monitoring, or probation, that they shall not be subject to general distribution. And then there are two things added with respect to filing fees in DuPage County and Cook County only. There is a filing fee increase in Cook County that has not been increased for nearly a decade in here and also one for DuPage County that amounts to - since they haven't had a filing fee increase in about ten years - about three percent a year. The reason for filing fees is that the filing fees help hold down local property taxes and real estate taxes, and the statistics are quite astonishing as to how much the court systems, especially in these two larger counties of Cook and DuPage, cost. There has only been a twenty-nine-percent increase in Cook County in fees since they were granted their last filing fee increase about a decade ago, and they've had about a hundred-and-twenty-five-percent increase in the amount of real estate taxes that have had to go into the court system. So we need to adjust from time to time - here it's been about ten years - these filing fees. And the filing fees are user fees, and it

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

helps hold down local real estate taxes. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch. Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Thank you. Did you say the fee for downstate libraries would be nineteen dollars? Because the analysis now says twenty-five dollars up from ten dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

The bill was amended to set the ceiling at nineteen dollars. Twenty-five dollars has been amended out. And it's up to your county board to set that fee, and it depends whether your county has a law library. Some counties don't have a law library. But it's up to your county board, and it's nineteen dollars, not twenty-five dollars, Senator Welch.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator, these -- these fees aren't paid by lawyers, are they?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Generally, they'd probably be paid by the client, but in some cases, a -- a lawyer, when they adjust their fees and other things, sometimes eat part of the cost. But generally, they're paid by the users of the court system - the litigants.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

Senator, is there any limitation in this piece of legislation that would require these funds to be used for the court system? Or they -- could they be used at the discretion of the county board for anything at all? Does it go to the general fund or does it go specifically to the court system?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

It goes to the general fund of the county. Although, the testimony of both County Board President Stroger, from Cook County, and Mr. Zeilenga, who's the County Administrator of our home county, DuPage, they talked about how much they supplement out of real estate taxes the operation of the courts, how in our county, the -- the -- the cost of our system of justice has gone up so much. And while they go into the general fund, testimony of the witnesses were they supplant out of the general fund tens of thousands, millions of dollars to supplement the Cook County and DuPage County system.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

This is my final question. Criminals and -- and criminal defendants are not paying these fees, right? This is only going to civil litigants, the moms and pops who are bringing causes of action, people that are filing for child support and that type of

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

thing? This isn't -- this isn't a fee against any sort of criminal sanction. Right?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Generally, no. And -- and -- and I don't know, and Senator Hawkinson or Senator Petka, the State's attorney types of the Senate, are better able to answer that than me. Most of the criminal people are indigent, so they don't pay these fees. So most of this is a -- is a -- is a civil litigant, and obviously, a civil litigant, I guess, in theory, helps support the criminal courts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

You on? Thank you...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I just want to make a couple clarifying points. Senator Dillard, you weren't wrong entirely, but you had made the -- the statement that these fees will go to the general revenue fund. I'm informed by Cook County that these dollars, in fact, go to the public safety fund. Okay? With that -- and also that -- just let the people know that, one, there are higher fees than -- than these fees that we are imposing in Cook County. The fees are higher in New York, Pennsylvania, which is up to five hundred and fifty-nine dollars. So this is a reasonable bill, and I would like to see everyone vote for it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DILLARD:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

Thank you, Mr. President. These fees haven't been raised in a long time, and we need user fees, as opposed to taking real estate taxes and sales taxes, to support our criminal -- or, our -- our justice system. And these fees, in no way, even come close to the amount of the general fund or the public safety fund in Cook County that's going to supplant and fund our court system. And I'd urge a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 215 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 26 Nays, none voting Present. And House Bill 215, having received the required constitutional majority, is hereby declared passed. Ladies and Gentlemen, to accommodate the family of our former colleague, who has passed away, we will be postponing our death resolution until Tuesday. Resolutions.

SECRETARY HARRY:

Senate Resolution 38, offered by -- or, Senate Joint Resolution 38 is offered by Senator Sieben.

Senate Joint Resolution 39, by Senators Shadid, Hawkinson and others.

And Senate Resolution 150 {sic} (157), by Senator Lauzen. They're all substantive, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions Consent Calender. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all 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, Mr. President.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there 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:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 43.

(Secretary reads HJR No. 43)

Adopted by the House, May 17th, 2001. The joint resolution, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 43. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Senator Weaver has moved for the adoption of House Joint Resolution 43. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. For clarification, Ladies and Gentlemen, before you leave the Chamber, we will be coming back this coming Monday at the hour of 3 p.m. We will be coming back 3 p.m. this coming Monday. Messages.

SECRETARY HARRY:

A Message from the President.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadlines for final action on the following category of bills, with specific bills enumerated under this category, to May 31, 2001: Appropriations,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

44th Legislative Day

May 18, 2001

specifically - House Bills 3426, 3439, 3440 and 3463; State Finance, specifically - House Bills 1531, 2125, 2137, 2428, 3489 and 3490; Budget Implementation, specifically - House Bills 3491, 3492, 3493, 3494, 3495; Pensions, specifically - House Bills 1465, 2099, 2157 and 2367; Reapportionment, specifically - House Bills 1199, 1200, 1201, 1202, 1203, 1204, 2905, 2911, 2914, 2917 and 2920; Telecommunications, specifically - House Bills 356, 843, 1189 and 2900; Ethics, specifically - House Bill 2646; Aeronautics, specifically - House Bills 1519, 1521 and 1523; Economic Development, specifically - House Bills 263, 1215, 1599 and 1655; and School Funding, specifically - House Bill 3050.

The letter signed by President Philip.

...President, with respect to the President's Message on bills that have been exempted, there is also a category of Local Government, specifically - House Bill 2432.

The letter signed by President Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Parker moves the Senate stands adjourned until the hour of 3 p.m., Monday, May 21st, 2001. Drive carefully.