

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

101st Legislative Day

May 22, 2002

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 Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

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 asked permission to film. Is leave granted? Leave is granted. Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, May 21st, 2002.

PRESIDENT PHILIP:

Senator Wendell Jones.

SENATOR W. JONES:

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

PRESIDENT PHILIP:

Senator Jones moves to approve the Journal just read. There being no objection, so ordered. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

...President. Senator Clayborne again is absent. Probably will be absent the rest of the week; although, he is home recuperating.

PRESIDENT PHILIP:

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The record will so indicate. Committee Reports.

SECRETARY HARRY:

Senator Sieben, Chair of the Committee on Agriculture and Conservation, reports Senate Resolution 429 Be Adopted.

Senator Klemm, Chair of the Committee on Executive, reports Senate Resolution 431 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Bill 1545, with a Motion to Concur with House Amendment 1, Be Approved for Consideration; Senate Amendment 2 to Senate Joint Resolution 75 Be Approved for Consideration.

Senator Tom Walsh, Chair of the Committee on Insurance and Pensions, reports Senate Bill -- or, Senate Amendment 1 to House Bill 2671 Be Approved for Consideration.

And Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Bill 1690, the Motion to Concur with House Amendment 1, Be Approved for Consideration.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 2420, by Senator Myers.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 5965, with Senate Amendments 1 and 2.

Nonconcurrent in by the House, May 21st, 2002.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1588, with House Amendments 3 and 5.

We have a like Message -- or, like Messages on Senate Bill 1907, with House Amendments 1 and 2; Senate Bill 1880, with House Amendment 1; Senate Bill 2155, with House Amendments 1 and 4; and Senate Bill 2017, with House Amendments 1 and 2.

All passed the House, as amended, May 22nd, 2002.

PRESIDENT PHILIP:

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President, today I'm very happy to have in the President's Gallery, Nancy and Michael Ark, my constituents from Gurnee, Illinois, and their son, Stephen, who's a Page today. And Stephen is being honored because he's been selected to be one of the young people going in the People to People program that was initiated by the late Dwight Eisenhower, and in July, he'll be going to London and other countries and representing us as People to People as good will ambassadors. I would like us to welcome Nancy and Michael Ark and our boy, Stephen Ark, here.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate?

Senator Bomke, for what purpose do you rise?

SENATOR BOMKE:

Thank you, Mr. President. To announce that Senator Judy Myers is back in her district on legislative business today.

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PRESIDENT PHILIP:

The record will so indicate. Senator Larry Walsh, for what purpose do you rise?

SENATOR L. WALSH:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR L. WALSH:

Mr. President and Ladies and Gentlemen of the Senate, today I have a special guest. Dion Pillard, who is the Program Coordinator for Tobacco Control and Prevention, from the Will County Health Department, is here to be with us in Springfield, to see how the Senate works. So, I'd like to welcome her.

PRESIDENT PHILIP:

Would she please rise and be recognized by the Senate? Senator Lightford, for what purpose do you rise?

SENATOR LIGHTFORD:

For a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR LIGHTFORD:

Thank you, Mr. President. Members of the General Assembly, we have with us today the Tasmanian Delegation. They've traveled clear across the country. They're a group of businesswomen. They're here to watch our legislative process and understand how we function here in America. If you could please welcome me -- or, help me welcome them to the General Assembly.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Nice to have you here, ladies. Senator Noland, for what purpose do you rise?

SENATOR NOLAND:

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Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR NOLAND:

I'd like -- I'd like to please introduce some young friends I have with me today, and first is Cam Holeman Shipp. Cam's an eighth grader at Mt. Zion High School. And also with Cam is Angela and Samantha Feriozzi, from Mt. Zion. Angela and Samantha's great-grandfather was the late former State Representative Webber Borchers.

PRESIDENT PHILIP:

Wonderful. Will they please rise and be recognized by the Senate? Nice to have you here. If I could have your attention just for one minute. I might have some good news for you. It would -- I should say we're getting closer and closer. We're not there yet, but it looks like we might be able to get out of here tomorrow afternoon, probably around 2 o'clock. So, if we could get our work done today and come in tomorrow, hopefully we can get out tomorrow afternoon.

PRESIDING OFFICER: (SENATOR KARPIEL)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Environment and Energy - the Motion to Concur with House Amendments 1, 2 and 3 to Senate Bill 2235, the Motion to Concur with House Amendments 1, 2 and 5 to Senate Bill 2081; to the Committee on Executive - Senate Joint Resolution 69 and Senate Resolution 427; to the Committee on Judiciary - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 2024; and referred to the Committee on Transportation - Senate Amendment 2 to House Bill 5240.

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PRESIDING OFFICER: (SENATOR KARPIEL)

On page 9 of the Calendar is the Order of House Bills 3rd Reading, for the purpose of recall. The first one is House Bill 2671. Senator Bomke. Do you wish this bill returned to the -- to 2nd Reading for the purposes of amendment? Senator Bomke seeks leave of the Body to return House Bill 2671 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 2671. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Bomke and Philip.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is an early retirement incentive plan -- it's an early retirement incentive plan for State employees, and I'll explain it on greater -- in greater detail on 3rd Reading.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. On page 11 of the Calendar is House Bill 5375. Senator Luechtefeld. Senator Luechtefeld, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Luechtefeld seeks the Body -- seeks leave of the Body to return House Bill 5375 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order

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of 2nd Reading is House Bill 5375. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. Amendment 3 of House Bill 5375 amends the Section authorizing voter-approved non-home rule sales tax to add specific language for the -- for the referendum question. Also expands the definition of public infrastructure to include school buildings, but only those tax-approved at the November 2002 election in the City of DuQuoin.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, all those in favor, vote Aye. Opposed, vote Nay. The voting is -- say Aye. Opposed, say Nay. The voting is open or -- any... The Ayes have it. 3rd Reading. On page 21 of your Calendar is Senate Joint Resolution 75. Senator Cronin. Mr. Secretary.

SECRETARY HARRY:

Senate -- Senate Joint Resolution 75, offered by Senator Cronin.

The Committee on Education adopted one amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin. Have there been any further amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

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Yes. Thank you very much, Madam President, Ladies and Gentlemen of the Senate. Senate Floor Amendment No. 2 was adopted in committee this morning. This amendment and the adoption of the amendment comes after extensive discussions, negotiations with the Antioch School District. This issue centers on testing and the Prairie State Achievement Exam, and after much debate and consternation, we've come to the conclusion, the Majority Members of the Education Committee, that we need to deny this request because there's too much at stake. And so I'd be happy to talk about it more on final passage, but I ask for your favorable consideration in adopting this amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR O'MALLEY:

I -- rather than debate this per se, especially at this point, I would just like to bring to the attention of everybody here that the amendment that is being proposed to Senate Joint Resolution 75 - that, by the way, without the amendment is something that all the Members of the committee agree on - would basically say to the Antioch School District, who has made an application for a waiver under our waiver law and has done it in such a fashion that it meets all the requirements of the waiver law, the same school district that we asked last year to delay, pending some negotiations or potential negotiations with the Illinois -- the State Board of Education, and see if something could be worked out, basically it was admitted in committee that for all practical purposes, there had been no discussions whatsoever by the State Board of Education with Antioch. Therefore, Antioch came back and

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requested this -- by their application for a waiver a second time. They have met all the legal requirements that are -- are applicable. They are deserving of that, and I don't think that anybody questions that they have a meritorious request. Apparently, there's some belief that if we, as a State, allow this waiver to take place, that we somehow jeopardize something that's at stake because of an imposition or a mandate from the federal government. And as far as I'm concerned, that just isn't the case at all. And I believe that what we should do is reject this amendment. Certainly, I -- Antioch is not in the district that I represent; it's in, actually, Senator Geo-Karis' district. But again, a meritorious request. And I might say, just in closing, that each and every requirement, including to show that they could meet the intention of the State law a different way and do it more efficiently and less expensively, has been achieved. And -- and what the State Board should have done in the past year, frankly, is looked at what Antioch was doing and see how they could incorporate it into -- into their statewide testing program. That's the first thing they should have done. And the second thing, if they couldn't have made that effort to do that, then what they, frankly, should have done is come back to the State and suggested that the mandate law, which the President of the -- of the Chamber here was the sponsor of, that that be amended and changed, and they didn't do that. So, Antioch's request is a -- a meritorious request and it should be honored. And unfortunately, we're faced with the potential, because of this amendment, of rejecting their very, very appropriate waiver request.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Ladies and Gentlemen of the Senate, Senator O'Malley spoke very accurately, and I'm appalled that this amendment is going to

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be debated today and suggested, considering the fact that the Antioch schools did comply with the State mandates, did put a great, great production on it and showed where the school can save money and still comply with all the State -- State rules. And I might tell you that the State Board didn't bother to communicate and negotiate with the Antioch School District for almost a year, and only this last week because Members of the Education Committee insisted that Mr. Gidwitz should communicate with the Superintendent of the Antioch High School. I feel that it's wrong to pass this amendment when Antioch has shown conclusively that it can do a good job, comply with the State mandates and save money for the State. And I think that's what we're all supposed to be doing, is saving money for the State, and I am opposed to this amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

Well, thank you very much, Madam President. I, too, rise in opposition to this amendment that we heard today in the Education Committee. I think the previous two speakers very adequately and eloquently articulated the reason to oppose this amendment. The effect of putting this amendment on would be to deny Antioch's waiver. And Antioch came to the Education Committee a year ago and requested a waiver. We told them to sit on it for a year. They came back again this spring. They've been to our hearings, and they have truly met all the requirements of the waiver law, to meet the intent of the waiver -- or, of the mandate in a more effective, efficient and economical manner. So, I believe we should deny this amendment and we should vote No on this amendment. Now, the concern that has been raised by the State Board of Education is this has the potential to make us in noncompliance with the new federal legislation just passed that

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says "leave no student behind"; that all states should have some type of a standard assessment procedure and -- and testing mechanism. Well, I've looked at that. I asked the State Board for a copy of that area of the -- of the federal law requiring this. We do have a time frame here of a -- of two or three years to bring our State assessment and standards and -- and testing requirement in line, in compliance with the federal government, before we would run the risk of losing any federal money. And that's the argument that the State Board is making to deny this waiver request, that if we don't do this, we'll have one school that does not administer the Prairie State Achievement Test; therefore, we're not in compliance with the federal "leave no student behind". I don't believe it's -- the time frame is that tight. I think we've got a couple of years here to -- to look at our whole testing methodology. We're ahead of most states in the country, in terms of our State standards and our State assessments. So, I believe, at this point in time, we could grant Antioch's waiver request, and to do that, we need to vote No on this amendment that would deny it. So, I ask for a No vote on Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I, too, rise in support of my three colleagues who just spoke. I would ask for a No vote on this amendment as well. It's my opinion that the Antioch School District has done a very good job in assessing its students and working to find a good way to follow up throughout the years. I believe, as well, that if we wanted to, we could run this as a pilot project; however, when the State Board was presented with that as an option, they chose not to respond to that suggestion. So, for that reason and for the

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reasons that have been expressed by the prior three speakers, I would also encourage a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Cronin, do you wish to close?

SENATOR CRONIN:

Yes, I do wish to close. Let me please offer the other viewpoint on this amendment, and I'll have you know that this passed out of the Senate Education Committee by a vote of 6 to 3. It's not an easy issue, but, Ladies and Gentlemen, please take into consideration the following facts. Number one, we're talking about the Prairie State Achievement Exam. Every school district in the State of Illinois is required to administer this. As you know, it is a nationally normed test. It is also a test that has the ACT. This is the test that gives kids a chance to go to college. This is the test that is paid for by the State. We discovered that there were ten thousand new students that now have a chance to go to college that were -- never before even had an opportunity to consider it. Secondly, and -- and I think a very compelling point, the federal law, the No Child Left Behind Law, offers hundreds of millions of dollars for those states that are in compliance. Without question, if we don't have a testing policy that includes the Prairie State Achievement Exam being administered by all the districts throughout the State, we jeopardize hundreds of millions of dollars. Keep that in mind in -- during this fiscal crisis right now when you look at your button and decide which -- which one to press. And lastly, with all due respect to Antioch, they are not precluded from administering the test that they so dearly love. They are not precluded. All we are asking them is to get with the program and administer this test, this test that'll give all of their kids a chance to go to college. It's paid for by the State. It permits us to comply with the federal law, and it also enables us to

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secure hundreds of millions of new dollars. I think this is a no-brainer. Please, I ask for a Yes vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

All those in favor of Floor Amendment No. 2 to Senate Joint Resolution 75, say Aye. Opposed, Nay. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this -- on this question, there are 35 voting Aye, 16 voting Nay, none voting Present. And the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Thank you, Madam President. I would like to request a Republican Caucus in James "Pate" Philip's Office immediately on adjournment.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR WATSON:

Yes. Thank you very much, Madam President. Our strategy on keeping this low-key for the softball game has worked, been very effective. The House went out and practiced last night. Several guys came back - I don't know if you saw 'em today - a couple of guys on crutches. Guys are all wrapped up. They've got real problems over there. So, it's worked out very well. We're in great shape for this. Game is tonight. It's at the same place. I think it's Lincoln Park, which is north end of town. Same time. 5 o'clock. 4:30. If the -- players, early as you can get out there, head on out, 'cause we do want to take a -- get loosened up and take a little batting practice, so... And then John Cullerton

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and myself will be coming around. We're going to ask each of you to give us ten bucks, like you have in the past, to go to a local charity that we believe is the Big Sisters and Big Brothers here in Springfield. So, ten dollars from each of you. The Democrats, please give it to John Cullerton, and Republicans, while we're in caucus, you can stop by and see me there. See you at the game.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Now, we -- we do have quite a few announcements of committee -- committee meetings. Senator Mahar, for what purpose do you rise?

SENATOR MAHAR:

Thank you, Madam President. For the purpose of an announcement. The Senate Environment and Energy Committee will meet tomorrow at 11:30 in Room 400.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker, for what purpose do you rise?

SENATOR PARKER:

For the purposes of an announcement. The Senate Transportation Committee will meet tomorrow at 11:30 in the morning in A-1.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Madam Chairman. Purposes of an announcement. The Senate Judiciary Committee will meet tomorrow morning at 10:30 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Senator Smith, I -- I know. I'm going to leave you for last because you have two Members on your side that have point of orders. Senator Molaro.

SENATOR MOLARO:

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Yes. Thank you, Madam Chairman. As far as the softball game, Senator Cullerton is running late, so Senate Members, we'll see you in caucus. And, you know, I think it's ten dollars. And, Senator Watson, I would like you, before the game, if you could talk to Senator Hendon. He was screaming about a practice, and I just want those of us who didn't hear it -- and I said, "Well, Rick, we can't practice tonight. You know -- the field's a little wet." And I said, "But we'll do okay." He said, "I wasn't worried about you guys. I can't afford to look bad." So, you could tell that Senator Hendon, again, is out for himself. He's -- he doesn't care about the team, and I'd like you to have a meeting with him before the game, if you can.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

Let me tell you something: If we go out there and warm up a half an hour before the game, we won't even be able to play. My -- my advice is just show up for the game. Forget that other stuff.

PRESIDING OFFICER: (SENATOR KARPIEL)

I agree with that. All right. Senator Watson, what time is the game? 5 o'clock? All right.

SENATOR WATSON:

The game is at 5 o'clock, but those who are going to play, we'd like to get you out there a little bit earlier to do -- we've got some calisthenics organized. Frank Leone - is that his name? - is going to be out there to lead us in -- in calisthenics.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR SMITH:

Thank you, Madam President. I'd like to announce that there

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will be a meeting immediately at the close of this meeting here in Senator Jones' Office for all Democrats. Will you please make yourself available as soon as this meeting is closed. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Okay. Is there any further business to come before the Senate? If not, Senator Shadid moves the Senate stand adjourned until the hour of 1 p.m., Thursday, May 23rd, 2002. 1 p.m.