

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

102nd Legislative Day

May 23, 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:

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

SENATOR W. JONES:

Mr. President, I move that reading and approval of the Journal of Wednesday, May 22nd, in the year 2002, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Jones moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There is -- if there's no objection, so ordered. 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1930, with House Amendment No. 1.

Passed the House, as amended, May 22nd, 2002.

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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 76.

Adopted by the House, May 22nd, 2002.

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 39.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

Action taken by the House, May 22nd, 2002.

PRESIDENT PHILIP:

Without objection, the Senate accedes to the request of the House for a conference committee on those bills just read. Is leave granted? Seeing no objections, leave is granted. Resolutions.

SECRETARY HARRY:

Senate Resolution 439, by Senator Geo-Karis and all Members. It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. ...Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, last night we had the House-Senate baseball game. Unfortunately, in the first -- first inning, the House made seventeen runs. And however, the finale was about 22 -- or, 23 to 11. If we didn't have the first inning, we'd have been triumphant. However -- and I want to give credit to all those who played on the Senate.

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Senator Hendon, Senator Noland, Senator Molaro, Senator Walsh, Senator Petka, Senator Dillard, Senator Sullivan, Senator Hawkinson, Senator Sieben, Senator del Valle, Senator Wendell Jones, who got one of the first hits, by the way, Senator Viverito and Senator Syverson. All I can say is that we tried. They tried very hard. They dropped their balls at the beginning, but then when they started catching them, it was a little too late. If we didn't have the first inning, we would have won by 11 to 3. But anyway, I want to congratulate Senator Watson, who also played, and he's the -- he's the captain, for trying to get the team together. I want to thank them very much for this very nice emblem. Believe it or not, the most valuable prayer award, they gave me last night, which was a complete surprise to me. And I do thank them, and I -- I'm very grateful. Next year, hopefully, we'll do better. Thank you.

PRESIDENT PHILIP:

Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

For the -- for a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR DONAHUE:

Well, thank you, Mr. President. Those of us on this side of the aisle, as we came in today, we noticed that there is a cake in the well and we'd like to wish two of our favorite Members a very happy birthday, Senator -- Senator Pate Philip, as well as Senator Stanley Weaver. You can't find one without the other. But next year at this time, we won't be able to wish Stan a happy birthday. So, Stan, we wish you many, many more. And, President Philip, happy birthday.

PRESIDENT PHILIP:

Thank you. Now, if I could have your attention for a minute,

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you may be interested in this announcement. As you know, we've been meeting off and on on the budget. And quite frankly, we still have a ways to go. So, the Speaker of the House and I have agreed with the Governor to come back here on Monday, May 27th, at 5 p.m., and the Governor will -- will have a -- a Joint Session of the House and Senate and he will have some words of wisdom. So, you're going to have to come back a little early, I'm afraid. Senate will convene on Monday at 5 p.m., and the -- the Governor speaking to the House and the Senate will be at 6 p.m. Then we'll come back here after he speaks. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

On a point of personal privilege, and -- Mr....

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, as you know, most of us will be celebrating Memorial Day Monday, and a youngster, a grammar school boy, eighth grader, who lives in Northbrook and who goes to school in Wheeling at the MacArthur Junior High, wrote -- he's in eighth grade, wrote a poem about Pearl Harbor, which I'd like to read into the record. The youngster's name is Nick Mitchell. And he did it by himself and it shows that patriotism is not dead with young people. So if -- if I may have your attention, I would like to read it.

Navy ships, silent and gray,
Floated peacefully that December day
Children playing, as the seagulls cried,
This was the day when our soldiers died,
A magic place where no tears should be shed,
Turned ugly and black as our men's blood was spread,
Our innocence ended our pride it was shattered,

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As the beautiful island and harbor was battered.

The planes came out of the sky with a roar,
And in that one awful moment we all went to war,
The bombs that were dropped hit the boats that were still,
Blowing them up, many men they did kill,
The planes shot their bullets, solid steel they did pierce,
But we didn't give up, we just became much more fierce,
Many tried swimming, or lay bleeding or dead,
The black smoke in the sky filled all with deep dread.
Children's shocked faces, in all eyes were tears,
A peaceful existence became one of fears,
The attack on our harbor was bold but was brief,
And now 60 years later we still feel the grief.

When their planes vanished, out of our site,
We all came together ready to fight.
Ships lay on the bottom, blasted and broken
As words angry and sad, from our President were spoken,
The attack on that day had stricken our pride,
But as we all came together, we soon turned the tide,
We rebuilt the harbor, rebuilt what was burned,
And remember Pearl Harbor for the lesson we learned,
That through the great pain that our men had to weather,
That we could succeed if we all stayed together.

And this is so true of what is happening today. And I certainly want to congratulate young Nick Mitchell - an eighth-grade student of Northbrook, serviced by Senator Parker; goes to school in Wheeling, serviced by Senator Sullivan - for writing this very beautiful poem on his own. It shows that patriotism is still flourishing with some young people. And I commend him, and thank you for listening.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 2024 - the Motion to Concur with House Amendments 1 and 2 Be Approved for Consideration.

Senator Parker, Chair of the Committee on Transportation, reports Senate Bill 1808 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; and Senate Amendment 2 to House Bill 5240 Be Adopted.

And Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bill 2081 - the Motion to Concur with House Amendments 1, 2 and 5 Be Adopted; and Senate Bill 2235 - the Motion to Concur with House Amendments 1, 2 and 3 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If the Members will turn to the middle of page 9 in the Order of House Bills 3rd Reading. Middle of page 9, the -- in the Order of House Bills 3rd Reading, is House Bill 2671. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2671.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Floor Amendment 1 to House Bill 2671 represents an early retirement incentive program for 2002. It allows the purchase of up to five years of age and five years of services. Eligibility - employee must have eight years vested in the system. Once a member elects to participate, he or she must terminate employment. A member may not collect his or her annuity until

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existing eligibility requirements are met. Those eligibility requirements are: must meet the Rule of 85, be age -- be age fifty-five with twenty-five years of service, age sixty with eight years of service. Other ERI issues include a member in the alternative formula must reach his or her birthday age of fifty before he is -- he or she is eligible to receive that annuity despite the additional number of years purchased. Unlike the 1991 ERI, this one would remove the penalty for those who retire before the age of sixty. The date of the ERI window is from August 1st, 2002, to December 31st, 2002. Employee must be off payroll by December 31st, 2002. Contractual service and reemployment - there is a total -- unlike the '91 legislation, will be a total prohibition of rehiring of employees that elect to -- participate in the ERI. We anticipate approximately seventy-four hundred State employees would take advantage of this, greatly reducing, if not eliminating, the need to lay off State employees as a result of our critical budget. Cost savings to GRF we anticipate to be sixty -- sixty-four and a half million the first six months and about -- approximately a hundred and eighty-four million the first year. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Senator Bomke, I don't have an analysis of this bill or a bill copy, or -- and it's not on our computer system. Would you mind taking this out of the -- record until we have those distributed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Bomke. Senator Bomke.

SENATOR BOMKE:

Just a moment, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Take it out of the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

With leave, we'll -- we'll return to House Bill 2671. Top of page 11, in the Order of House Bills 3rd Reading, is House Bill 5140. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 5140.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill creates the Unified Child Support (Services) Act. It allows a county -- a county State's attorney to submit a plan to the Department of Public Aid after the plan has been approved by the county board to undertake the administration of the child support system. I would be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

Does this allow every county to take the duties of support

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collection away from the circuit clerk?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

It -- it's the State's attorney that would be administering the program, and the way it would work is they would -- they would, after approval by the county board, prepare a plan, submit that to the Department of Public Aid, who would then, if it was -- made sense, would approve it and the State's attorney would take over the administration of the child support system.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Assuming this applies statewide, the Circuit Clerks Association aren't opposed to this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

No, they are not. And I -- I want to make the point, this proposal is the result of a couple of years of study by people that are -- have been intimately involved in the child support system. Illinois is the worst-ranking state in terms of our child support collections. Only Washington, D.C., is behind us. And so those that have been involved in it have come up with this plan, and the clerks have not opposed it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I just have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Ronen.

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SENATOR RONEN:

I've lost track a bit of the different amendments that have been put on, but would I be correct in saying that we've now amended it to say that the county board approves something before a proposal is sent to the State, so that... Is that true?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes. That's exactly correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

Your -- your answer to Senator Welch was that any county, then, can opt to do this. But if the county board chooses, they can opt out of the State plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

The county board, effectively, has veto authority. And it is strictly permissive. No county or no State's attorney has to undertake it. This just gives us a framework for those counties that want to try to improve on our child support collections.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ronen.

SENATOR RONEN:

Thank you. I understand that, but my question that -- was every county could do this if they so choose?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Anyone could apply, but the Department has the discretion to limit it to three counties at a -- at a time.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, having done work like that in the past, I can well appreciate the bill and I certainly support it. I think we should give it a try and move on with it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Trotter.

SENATOR TROTTER:

Senator Radogno, why is there so many opponents to this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

I don't -- I wasn't aware there were so many opponents to it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Looking at my list, we have AFSCME, the Office of the Judicial Advisory Council of Cook County, the Office of the Cook County Board President, Office of the Cook County State's Attorneys, Chicago Bar Association, Office of the DuPage County State's Attorney. No? Then -- this is what's on our analysis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

I think you might have an old list. This bill has been around for awhile. We've put a couple of amendments on in order to

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address concerns of the various groups that have come forward. I do believe that it's still accurate that AFSCME is opposed, and I know that Cook County is opposed. That's why it is now permissive. Initially it required Cook County to do this, but they -- they are permissive now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Trotter.

SENATOR TROTTER:

I see the -- the County Bar Association is also opposed. What -- what -- if you could just share with me, what were some of their major problems besides being a -- a fiduciary one?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

You know, I -- I'm not entirely clear what their concerns were. We had several meetings where they were invited to attend and express their concerns. We invited them to submit language. So, we have worked with them. The fact of the matter is, you know, this is not unanimously supported, but it's supported by the vast majority of the people that have been involved in this. Again, it's entirely permissive. So, if the Chicago Bar Association wants to deal with Chicago or Cook County in -- in whether or not they undertake it, they're entitled to do that. But what we're asking for is an opportunity for counties that want to try to improve our support efforts to be able to do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RADOGNO:

I'd just ask for your favorable vote on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 5140 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open.

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Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 3 Nays, and 5 voting Present. And House Bill 5140, having received the required constitutional majority, is hereby declared passed. House Bill 5375. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 5375.

(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 5375 amends the non-home rule sales tax authorization to provide that sales tax revenues can be used for public school buildings. Basically, this is a -- very narrowly written to deal with a -- the DuQuoin High School, which is wanting -- they're wanting to build a school. They would like to use - the City has agreed, the Chamber of Commerce has agreed - they would like to use sales tax for their part of the construction money. Home rule -- home rule communities can already do this, and some already are. They would like to do this. It -- as I said, it is simply the City of DuQuoin and no one else at this time. They have to have a referendum, which will be held in November. Would be glad to answer any questions that you might have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you. Question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

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Senator, can you tell us -- you mentioned that there are other communities who do this. Can you tell us who those are?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, one -- one home rule community that does it is Carbondale. And there's a very good relation between the -- the city and also the school administration. They've done it successfully, and DuQuoin would like to do it. And -- and they -- some -- few miles down the road would like to also do it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

I believe that this legislation is for non-home rule and that the example you just gave was for home rule. Is that correct? And -- and could you tell us what non-home rule communities have this arrangement?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, if I said that, I misspoke. Home rule communities -- for instance, Carbondale is presently doing it. I -- I don't think there are any other non-home rule communities that do it. I'm sorry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Then my only other question, when opponents to this concept -- certainly it's a good thing, admirable thing in DuQuoin, but when opponents express their concern about the precedent that this would set in other communities on already an overtaxed tax base, how do you answer that? How do you respond to them?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well -- well, Senator, I -- you know, again, we have a State that is extremely high in real estate tax. And, you know, when you talk about overtax, very likely this might be an area -- real estate tax might be the area in which we are most overtaxed. This gives a community the opportunity to do it with the sales tax if they think that's possible and if they think there's a good enough relationship between the school district and the -- and the city. Now, this is strictly for the City of DuQuoin. They have to have a binding referendum in November. That is in the language.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Larry Walsh.

SENATOR L. WALSH:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR L. WALSH:

Senator Luechtefeld, just for clarification, when we discussed this bill in committee, that at that time, the discussion was on the fact that the City of DuQuoin held a nonbinding referendum to use sales tax as a source of revenue to help with the school construction grant money. Correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, this particular bill now will require the City of DuQuoin to hold a binding referendum in November of this year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR L. WALSH:

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Yes. That's the point I was going to get at, was that under further discussion, they were informed that they had to hold a -- were they informed they had to hold or was a decision that they made just to hold a binding referendum?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, the Department of Revenue decided that the question on the ballot was improperly worded and -- and therefore needed to hold another referendum, and which they will do in November.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR L. WALSH:

And currently -- currently, there is no sales tax now being collected. Is there a sales tax in DuQuoin, or is this going to be an additional tax for the purposes of the school?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, this would be -- this would create the tax for the school. Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Woolard.

SENATOR WOOLARD:

Would the sponsor be willing to answer a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will. Senator Woolard.

SENATOR WOOLARD:

Senator, my question would be, has the City government indicated that they're ready and willing to relinquish their sales tax collections for this purpose?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Luechtefeld.

SENATOR LUECHTEFELD:

Yes, they have. In fact, I have a letter on my desk that we required them to send to us from the City, saying that this is something that they approve of and -- and wholeheartedly support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woolard.

SENATOR WOOLARD:

So the City, along with the school district, would be jointly holding this referendum in the fall?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

This would -- the City would be in charge of holding this for the sales tax, yes, 'cause they have the authority to hold the sales tax referendum. The City would be holding the vote. Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woolard.

SENATOR WOOLARD:

With these answers to this question, I would very much encourage those Members on this side of the aisle to support this issue as presented.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LUECHTEFELD:

Appreciate the discussion, and would -- would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Question is, shall House Bill 5375 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

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who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, none voting Present. And House Bill 5375, having received the required constitutional majority, is hereby declared passed. Earlier, the Chair received leave to return to House Bill 2671. So if you turn your attention to the middle of page 9. In the Order of House Bills 3rd Reading is House Bill 2671. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2671.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I explained the bill a little earlier today; however, I did fail to mention that on this bill is a furlough provision, one that passed, I believe, unanimously out of this Chamber earlier this year under Senate Bill 1779, that would allow an employee to take a voluntary/involuntary furlough day and for -- for it not to affect their pension. Would be happy to answer any questions on Floor Amendment 1 to House Bill 2671.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in support of House Bill 2671. In committee, we heard some discussion on it. As Senator Bomke has indicated, it's sixty-four million dollars this next fiscal -- or, this fiscal year coming up, and that's because it doesn't take effect till December 31st. So, we've got a half year, and it's ninety million dollars in all funds. So next year, if these people are not rehired, that savings should be larger. One of the problems that

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does exist, and it's one that I know was brought up in committee, and I know there's some on our side that have the same concerns, as to what guarantee that -- if these people do retire prior to December 31st, are they going to be hired back in this same fiscal year. And I think that if this bill does get out of here, if we maybe could tweak that a little bit in the -- in the House in order to ensure that they're not hired right back. If they retire in August and make it effective December 31st, we don't want to see 'em hired back in -- in September. So that's something I think needs to be cleared up. Otherwise, I think it's a good bill. I think it's a part of the budget process and it helps us a lot in -- in the immediate year. Payback - if I remember, Senator, and correct me if I'm wrong - for the pension portion, because there is a cost to -- to doing this bill, is fifty-three million dollars, which I think starts in 2004, if I'm not mistaken. So it gives us time to get our house in order and still to be able to do what's right. So I -- I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Yes. Purposes of a question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Klemm.

SENATOR KLEMM:

Senator Bomke, I've got an analysis that we just received, and I've got some questions, 'cause it's confusing to me. Do you have a copy of this here? Under the fiscal impact or mandates in the beginning of it, it says that the savings on the payroll and salary per -- per year is three hundred and fifty-six and a half million dollars. You see that? And yet I see then the cost savings for the first year - though it may be only a half a year - is only sixty-four and a half million. The cost savings of a

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second full year would be a hundred and eighty-four million. How do we get the three hundred and fifty-six million savings per year and we only end up with that small amount that we'd be saving? And if -- even if I add 'em all together, I still don't come up with that. And that, I understand, is anticipated that seven thousand three hundred and sixty-five would all participate. Now, not -- all may not want to participate in this early retirement. And that'd also be based on the premise that we would never hire anybody to replace any of those. Even though these people wouldn't be able to come back to work, we would never replace those seven thousand three hundred and sixty-five. Is that the understanding? These will not be rehired by new lower-salaried employees? And could you explain why the difference of a half a billion dollars -- or, no, three hundred and fifty-six million dollars we save, but yet when we look at GRF, we're only going to go to a hundred and eighty-four?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I -- I will attempt to answer that question. First of all, the -- the savings is based on hiring back fifty percent of the seventy-four hundred employees. That's based on half of them coming back. As far as the savings, the -- that is a gross savings. The three hundred and fifty-six million dollars is a gross payroll savings. That's before they use their sick time or vacation time to buy out. The -- the savings is actually, first year is ninety million dollars with SERS and TRS, an additional sixty-four and a half million with the GRF, for a total of a hundred and fifty-five million dollars. That's the net savings. Three fifty-six is the gross savings. One hundred and fifty-five is the net savings. The second year -- or, the first year, excuse me, we would anticipate a savings in SERS and TRS of

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two hundred and fifty-nine million, and GRF a hundred and eighty-four million, for a total savings the first full year of four hundred and forty-three -- or four hundred and forty-four million. But the three fifty-six is gross savings, not net. The net savings is actually a hundred and fifty-five million for the first year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Then, all of the lump sums, vacation and sick time, that would be used to pay this purchase and also the twenty-four payments to pay it has already been calculated in this here? All right. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Brady. Senator Brady. Representative Brady.

SENATOR BRADY:

Mr. Speaker.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Brady.

SENATOR BRADY:

Mr. President, I rise for the purpose of indicating that on the two previous bills, House Bill 5146 {sic} (5140) and 5375, I -- my switch inadvertently voted me incorrect. I intended to vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will -- will reflect your intention. Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, we looked over this ERI, and -- and I think everybody have to -- has to understand, early retirement incentives actually started in

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private industry. And private industry came up with them when there were bad economic times. They would go to some of the people who were in a higher salary bracket and go to them and give 'em a package to buy out. Therefore, they would leave. The retirement system would take most of the brunt of it and the company could go on with a very nice savings. Government started doing these about, maybe, fifteen years ago, maybe eighteen years ago, whereby it would be a good idea to do it. Now, as you well know, early retirement incentives -- if I get any calls in my district, most of the -- the biggest calls or the biggest amount of calls that I get in my district is, "Hey, how's that early retirement bill doing?" "How's the county early retirement?" "How's the State early retirement?" Well, let me tell you. When we got these calls over the last four or five years and there was always talk of an early retirement, I thought it was ridiculous. You don't have an early retirement when there's boon times. Don't do an early retirement as a giveaway. Now is when you do an early retirement. Now, when it makes sense. Now, we may come up -- and -- and Senator Bomke just said -- the first savings he gave, that net and gross, he kind of lost me there. But when you talked about the savings of almost ninety-six million, would that be at a hundred million the first year? Ninety-seven million dollars? Well, everybody knows this budget shortfall. Now, ninety-seven million doesn't sound like a lot of money, but as we work over the next few days here - we're coming back on Memorial Day - when we -- when we start working over this, everywhere that we can get a savings or -- or some type of enhancement whereby we don't have to cut where we hate to cut or make revenues where we hate to make 'em, this ninety-six million dollars is a very big number. Now is when you do an early retirement. We will not be criticized for this. This is good fiscal, sound policy. You talked about -- Senator talked about eliminating maybe half the jobs. Good, sound

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fiscal policy. You're talking about -- with seventy-five hundred leaving and bringing back seventy-five hundred at a lower rate of pay, good, sound fiscal policy. This is the time to do it. This is a good measure to send over to the House. I think they'll have to call it. They'll have to consider it. I think the Speaker will consider this measure. It's a good measure and it could get -- should get as many Aye votes as possible.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Back in '91 when we had the very substantial five-plus-five, in hindsight, as people went back and did the calculation, the impact on the pension system was a one-billion-dollar unfunded liability increase. Ended up in a lot of the problems that then led to the IRS saying that we couldn't use a portion of the interest and dividends for the subsidization in the Teachers' Pension Fund for subsidizing their hospitalization plan. Naturally, all of us wanted to avoid that kind of problem over again. I understand that there are two provisions at least, in this legislation, that are different from that, and I just wanted to confirm it with you. First of all, the savings -- and you've addressed this, but I wasn't clear on the answer. A savings based on payroll vacancies, and you're saying that this is based on an assumption that one half can be added back. But what are the assurances that these will be permanent, even that one half? There's a provision in this bill that requires that. Isn't that true?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Bomke.

SENATOR BOMKE:

There's no provision that would prevent a future Governor from hiring back more than the half. So I want to make that very clear. That's not in here. However, keep in mind, the whole intent and rationale for this is to save at least sixty-four million dollars, and -- and that's going to be built into the final -- final budget. That's going to be used as part of the anticipated savings or cost reduction. The -- it's anticipated by -- and I mentioned, and I'm sorry if I -- if I lost you, but the first year's actual savings between SERS and TRS and GRF is a net savings of a hundred and fifty-five million. The SERS, TRS and GRF, after the first year -- or, the first year -- full year, is four hundred and forty-four million dollars. After that, based on the State Retirement System, they anticipate a continued savings because employees will be earning an average salary of twenty percent less - those that are hired back.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Senator, as we've gone through these over the last ten years, the -- the projections always look so rosy. When we pick up the pieces afterwards, there's a terrible impact on the pension system. I think if -- I -- I understand that there is that provision that -- that one of the things that makes this different is a provision that they can't hire back, that there's actually assurance in the bill language. I guess I'll have to take a look, I guess, after the vote. The second question is, I'm under the impression that what you're describing to the Senate today is that the employee is going to pay the present value of the future benefits that he or she is going to obtain. Is that generally the message? That basically the employee pays the present value of

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the future revenue so that there isn't a -- a hit.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

The employee, under the TRS, SERS and alternative formula will pay what is currently required of them to pay today in order to get -- to get the -- the retirement. In other words, under SERS, an employee is currently paying four percent. That's the employee's portion. The employee will pay four percent times the -- their salary times the number of years they need to purchase. Under TRS, it's nine percent. And under the alternative formula, six and a half percent those that are covered by Social Security, ten and a half percent for those who are not.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

So is the conclusion -- not all of us have gone through the same calculations that you have, because it comes in as an amendment yesterday and then we have it today. We have not all done that calculation. Is the point that you're saying is that the person is going to pay for the value, the present value, of those future benefits?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

I suppose the answer to that could be yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

And the other -- the only other question I would have, how is that accurate at the same time the estimate says that there's an unfunded actuarial liability of four hundred -- or five hundred

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and forty-three -- five hundred and forty-four million dollars?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

My guess is that would be the State's portion. The unfunded liability would be the State's portion. And -- and let me address that, if I may. Unlike in '91 when this legislation passed, this is amortized over a ten-year period. Now, the reason we didn't choose to do it over the remainder of the forty years, or however many years is left in the ramp up, is we believe that we should account for that liability in that period of time. In the event that we need to do this again in ten years, we don't feel there ought to be any additional liability out there. So, it is amortized over a -- a ten-year period. The breakdown of the cost to the systems is seventy million the first year and ninety million for the second through the tenth year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I was under the impression that this dealt basically with SERS. Would you explain there -- TRS is involved here. Would you explain that for me?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

There are approximately five hundred employees, State employees, that work for the State of Illinois but are under the TRS system. Many of those work for the State Board of Education,

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and those are the ones we're referencing here under TRS. There are no -- no teachers inclusive -- or, included under this program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Syverson.

SENATOR SYVERSON:

Senator Bomke, if you can -- I know you answered this question to Senator Lauzen. I just want to make sure on the unfunded actuarial liability of five hundred and forty-four million. You're saying that there's no change in the -- with passage of this, there's no change in the unfunded liability? That's the unfunded liability that would occur if we didn't pass this legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

...I'm not saying that. That would increase the liability. The liability will be increased by five hundred and forty-four million. The payout is amortized over the ten-year period.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Okay. I guess I'm still -- now, I'm -- I'm more confused. You said, first of all, that they're going to be covering their contributions, plus the four percent. So what is going to be the net -- what's the net -- is the net unfunded liability increasing by five hundred and forty-four million?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Bomke.

SENATOR BOMKE:

...no. The net -- there's actually going to be a net savings in total and that net savings is approximately one hundred and fifty-five million, but that's taking in consideration SERS and TRS and also the General Revenue Fund.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Guess -- I'm sorry. Maybe I'm the only one that's still confused. If there's a savings of a hundred and fifty million, how do we get an increased liability of five hundred and forty-four million?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

The -- as -- as I've been so reliably informed by staff that that's an immediate liability to the system. The annual -- the savings will come over time. That's the -- the anticipated savings is coming annually over a period of time, or over the ten years.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Last question, I guess. At the end of ten years, then, is it -- it's a wash then with what's -- so the contributions then will, in fact, cover what this five hundred and forty-four million unfunded liability is? So at the end of ten years, we do not have an increased exposure?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

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That's correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LAUZEN:

Thank you very much, Mr. President. I do apologize. The slower -- I'm trying to sort this out. It sounds like -- well, first of all, an unfunded liability is the -- is the difference between the amount that we're depositing today - no deposit - and the amount -- the present value of the future benefits that are promised under a piece of legislation. It appears to me that we're trading -- as I'm looking at these numbers, we're trading savings for GRF - that means that we get the savings today so that we can, you know, balance the budget today - for unfunded liability in the future, amortized over those ten years. Wouldn't this be the classic transfer, or some people would say "raid", of the pension plans to get us through what we're facing now in the budget crisis?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

I'm not sure I understand the question, Senator Lauzen. But I believe you were saying, are we drawing upon the pension system to help out with the current budget crisis? And my answer to that would be no. I mean, the -- the whole objective here is to reduce costs and not only is it reducing -- it's reducing cost to the -- the two systems, SERS and TRS, but -- but significantly to GRF.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Is it not -- is it not the case that the message that you're giving us today is that we're going to gain GRF and we're going to lose five hundred and forty-three million dollars of unfunded

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liability?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

No. I mean, the message today is, and -- and let me repeat it again, that the cost savings for the first year is one hundred and fifty-five million dollars net savings and the second year is four hundred and forty-four million dollars. Now, total that up, and that -- that -- it far exceeds -- or, exceeds the five hundred and forty-three million dollars of liability that we're amortizing over the ten-year period. And we anticipate the savings will continue, because we expect, from the third through the tenth year, the employees that are rehired, if they are, will be rehired at a rate or salary of twenty percent less.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

The -- the only other observation would go back to the first question that I asked. Is there an assurance...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Is there an assurance in this bill -- you're basing the promised savings on people leaving employment not being hired back, at least half of them. You're saying that there is no assurance in the legislation itself that they won't be hired back. So it's -- it's a prospective. We're -- we're hoping that we're going to have these retirements. There is no prohibition against hiring 'em all back. So, again, we're -- we're shifting one for the other. You're saying, "Well, but we're going to save more money today and for the next ten years than it's costing the pension plan." But when you look to well -- will we really get

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those savings in GRF? You're saying there is no even promise -- there are assumptions, but there is no promise in the legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Well, the bottom line is, and I'm -- I'm sorry, I should have totalled what the first two-year savings is, and it's four hundred and forty-four million, plus one fifty-five, but that exceeds the five forty-three. We know that's going to happen and it's going to happen under the assumption that the -- the Governor next year is not going to hire all these folks back. And I can't imagine that's going to happen, because I've got to believe we're going to be in a budget crisis next year. It -- there is a -- and -- and I know Senator Jacobs brought this up, but in the legislation was supposed to be - and we're looking - but a total prohibition of hiring -- not hiring these folks back. I know that's not what you're saying. But there is a total prohibition of hiring -- rehiring employees who have taken advantage of the ERI. But -- but it's also anticipated, based on the State Retirement System, the folks that would be hired back from the third to the tenth year will be hired back on an average salary of twenty percent less than what those employees are currently earning.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator O'Malley.

SENATOR O'MALLEY:

Well, Senator, you have helped clarify as this has gone on. I want to make one thing perfectly clear for everybody here. The employees who, if any, avail themselves of this opportunity under

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your legislation would not be eligible to be rehired. And I think that's what Senator -- that's what's previously been talked about. However, there is nothing in this legislation whatsoever that would limit the Governor's ability to fill those positions in the future. And your assumption is based on -- or your assumption that your -- your projections are based on is that not more than half of those positions will be filled.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

That -- that is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

I asked in committee, and I -- and I recommend again, that you seriously consider if those are going to be what your assumptions are based on, that you incorporate that into the language of the legislation so that we could feel confident that the numbers that you are projecting are indeed what you think they will be. And to Senator Molaro, who has an awful lot of experience in this area and I have a lot of respect for, you know, he suggested that this is something that is done in private enterprise and it's done in times when there's financial difficulties, so that perhaps that's the time to do it. Well, I would submit to you as well that when they do it in a for-profit enterprise in times of difficulty, they, in fact, incorporate into that plan language that would guarantee to the stockholders of the company that the -- that the savings that are to be realized will, in fact, be realized. Now, that's all factored into and is essential, for instance, on the -- you know, on boards that evaluate the -- the value of stock of companies who make decisions like that. We have to evaluate that here. We're the board, if you will. We're the -- the New York

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Stock Exchange evaluating the implications of this for the State of Illinois. And without those assurances, I really feel that we're not doing everything we possibly can. And as sincere as you are in this effort, and I know that you are, and a champion you are for these types of issues, I -- I would strongly recommend that you consider incorporating that kind of language into this legislation so the good citizens and taxpayers of Illinois will have the confidence they deserve to know that those savings will be realized.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BOMKE:

Thank you, Mr. President. I'd simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 2671 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 55 Ayes, 1 Nay, 1 voting Present. And House Bill 2671, having received the required constitutional majority, is hereby declared passed. ...the Members will turn to the top of page 21, in the Order of Secretary's Desk, Concurrences on Senate Bills. Page 21 of the Calendar is the Order of Concurrence. Senate Bill 1282. Senate Bill 1545. Senator Mahar. Senate Bill 1588. Senator -- Senate Bill 1622. Senator DeLeo. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

...move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1622.

Motion filed by Senator DeLeo.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I'd like to concur in House Amendment No. 2 to Senate Bill 1622. It's just a -- a technical amendment. It defines what a sprinkler system is that has a backflow prevention device. I'd ask for a concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1622. 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 56 Ayes, no Nays, 1 voting Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 1622. And the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 1637. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1637.

Motion filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. We've got some technical problems with this bill in its current form. We'd like to nonconcur, send it back to the House and seek a conference committee report.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben moves -- any discussion? Senator Sieben moves to nonconcur in House Amendments No. 1 and 2 to Senate Bill 1637.

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All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the motion carries, and the Secretary shall so inform the House. Top of page 22, in the Order of Secretary's Desk, Concurrence on Senate Bills, is Senate Bill 1690. Out of the record. Senate Bill 1798. Senator Klemm. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

...move to nonconcur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1798.

Motion filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. This bill, 1798, was a -- a bill concerning hospitals that we were working with the Medical Society and the Hospital Association. We have found some compromise language that they both agree to now. I'd like to send this back to the House so that we could have a conference and then put on the amendment that's agreed-upon language. So I do ask for your vote to nonconcur with Amendments No. 1 and 2 to -- the House Amendments. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Klemm moves to nonconcur in House Amendments No. 1 and 2 to Senate Bill 1798. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 1808. Senator Noland. Out of the record. Turn your attention to the bottom of page 20. The Order of Secretary's Desk, Resolutions. Bottom of page 20 on the -- of the Calendar is the Order of Secretary's Desk, Resolution. Senator Sullivan. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 426, offered by Senator Sullivan.

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There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Resolution 426 calls on the Institute of Government and Public Affairs at the University of Illinois to do a study of the property tax impact of O'Hare expansion. And I use the word "impact" because impact could be positive or negative. This is a balanced and reasonable approach to this issue. The City of Chicago is neutral on this resolution. The Taxpayer Federation supports it, and I -- it received bipartisan support in Executive Committee. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Sullivan -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

Does the Institute of Government and Public Affairs have the capability of conducting such a study?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Senator, this -- that is the purpose of that Institute, to do public affairs studies similar to this. Yes, they do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I thought it was. I just wasn't sure. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Thank you, Mr. President, Ladies and Gentlemen of the Senate. Everything that's in this study I happen to agree with. I think we have to know this. Certainly makes sense to me. If I lived out that way and there were going to be a problem with roads and tax bases, my God, the community should know about it. Who could possibly against -- be against that? The only reason that I think that it should be a No vote today is because I don't think it's ripe yet. As we speak, Congress hasn't acted. We really don't know what the master plan is going to be for -- O'Hare expansion, if there's even going to be one. We don't know what the plan is. There are some general outlines, and my point would be that I think in about -- within two, three months, we are going to absolutely know what that master plan is. And I think if we pass this and we have the University of Illinois spending ten, fifteen, twenty thousand, which isn't much considering what we're looking for here, I -- I just think that we're going to go back to them after they do this and all the paper that's going to be wasted and say, "Well, we got a new master plan, and you're going to have to redo it." So, I like everything in it, and I'd love to vote for this, and when we come back in the Veto Session, or if we're here till August, you know, trying to do the budget, maybe we'll bring it back up in August when we're here. So, I think it's a little premature at this point.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Wendell Jones.

SENATOR W. JONES:

Yes. I rise in strong support of this resolution. Those of us that live close to O'Hare field would like to have this study so we get some facts on the board for once about O'Hare field,

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instead of always kind of flying in the dark. I think this proposal that we have in Washington is short on facts, and we need to get some facts on the table. So I rise in strong support of this, living near O'Hare field. And I'd like to see a lot of green votes. Thank...

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Hopefully, we will not be here in August still debating the budget. By the time we get back, it is most likely that the federal government will have taken this up. Senator Durbin says he has sixty-one signatures in the United States Senate to keep this moving. The time is now to act. I think it tells a lot that the City of Chicago is neutral on this issue. They -- they don't have a problem with it. They know that these are things that need to be discussed. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan moves the adoption of Senate Resolution 426. All those in favor will vote Aye. Opposed will vote Nay. And the -- 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 46 Ayes, no Nays, and 11 voting Present. And the resolution is adopted. Top of page 21. In the Order of Secretary's Desk, Resolutions, is Senate Resolution 429. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 429, offered by Senator Luechtefeld. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

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SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. Senate Resolution 429 was brought to me by the SIU, the Illinois Pork Producers and other ag animal groups. The goal of this resolution is to develop a meat or pork labeling system so that Illinois meat labels will be placed on meat packages in grocery stores. You know, basically, a lot of states have done a great job on things like Florida orange juice, or also Angus meat. It's a marketing tool. We'd like to create a -- a system to certify Illinois meat products as -- as maybe some of the best in the country, or the best. Hopefully, as a marketing tool we would -- we would develop this system at -- at Southern Illinois University. I think it's a good idea. I think it's worthwhile giving it a shot, and would be glad to answer any questions on this issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Well, I stand in strong support of this and I want to commend the sponsor. In working on this, he starts his day off with a pound of bacon in the morning, a few hamburgers at lunch time, and pork chops and steaks for dinner. And so he's been really looking into and researching this subject, and I think it's a terrific thing. So I stand in strong support of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. To echo the comments of the previous speaker, Senator Hawkinson and I happen to represent Henry County, which is known as the pork capital of the world. Henry County has a hog festival in September every year. And if the sponsor's successful in this endeavor, we would like to invite

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him to join us next year at the hog festival parade in Kewanee, Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there -- is there any further discussion? If not, Senator Luechtefeld, to close.

SENATOR LUECHTEFELD:

Thank you, Mr. President. To answer Senator Walsh's little -- little statement there. You know, I -- I do start my day the way he said, and I finish it that way, too. It has not really -- you know, I don't think you see that on my frame. It does on his frame show. He -- he is -- he is extremely proud of the fact that he is the heaviest Senator in the Illinois State Senate. So... Thank you. I would just appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld moves the adoption of Senate Resolution 429. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. Senate Resolution 431. Senator Bomke. Madam Secretary, read the resolution, please.

ACTING SECRETARY HAWKER:

Senate Resolution 431, offered by Senator Bomke. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Resolution 431 simply encourages and urges the Illinois Supreme Court to allow court reporters to enjoy collective bargaining rights granted to State employees by granting voluntary recognition to their union. This legislation comes to me by the IBEW. They held a fair and official vote for -- vote was taken by court reporters to form a union. The Illinois Department of Labor even verified this vote, but the Supreme Court still -- will still

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not recognize the union. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator DeLeo.

SENATOR DeLEO:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator DeLeo.

SENATOR DeLEO:

Senator Bomke, my friend and colleague over on the other side of the aisle, this was - and I think we need to know a little history about this - this was a -- a court case that went to the Supreme Court. The Court did rule on this in saying that the court reporters were employees of the Supreme Court, and under their rules, they could not unionize. So I think the arguments were -- were heard in front of the Supreme Court. The justices ruled. And now we're going back and telling them that we're going to overrule their ruling? I mean, isn't it normally -- isn't it normally -- isn't it normally the situation in -- in this Body when we've passed legislation and the court has ruled, we've adopted the Supreme Court's ruling? We've usually said we'll let the court rule. You know, we -- and this is -- this is just doing the reverse of what -- what the process is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Senator. First of all, we're not -- we're not telling them or mandating them to do it. Who could ever do that? We're simply encouraging them to recognize this union and to abide by State law. This organization has voted to -- to unionize and they fail to recognize that. This resolution simply urges them to -- to recognize that this group is -- is formed.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is the first time in a long time we've had anything before us dealing with court reporters. And those of you who've been around awhile recall some of the discussion that -- that this Senator had in regard to some of the issues that they brought forth to us. And I'm not so sure it's a direct -- that this is a direct result of what you want to do, Larry, but -- but let me just tell you a little bit about court reporters and what we might be doing. I don't know for sure if we will be binding -- if, in fact, this collective bargaining agreement is reached, if we will be binding the Supreme Court to -- to not making any change. Several of us - I don't know how long ago it was, probably eight or ten years ago - went to Kentucky after we kept giving court reporters more salary increases and more money for this and more money for that. And there's court reporters in this State that make over a hundred thousand dollars. And there's some -- and -- and I -- I'm not a court reporter. I've had 'em all -- since -- since they know who I am now and over those years they've paraded through my office and tell me how much hard work they do. And I'm sure they do. I'm sure they do, but I'm not sure that they're worth what they're getting paid, in some cases a hundred thousand dollars. And this was eight or ten years ago. So we went to Kentucky and we saw a system in Kentucky. Jim Rea and I, and I can't remember who all went down there, went down to Kentucky and saw their video transcribing equipment technology. And what it was, in the courtroom, they'd had cameras set up and when -- when a -- when the lawyer or whoever was making a presentation, the camera would focus on that particular attorney and then if the judge had something to say -- it was activated -- voice-activated. And of

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course, court reporters are really against this. They don't want anything to do with it because it may eliminate a job or two in -- in the system. So, if we are encouraging collective bargaining for court reporters of the Supreme Court, and I guess in our court systems throughout this State, we may be limiting the ability of the Judicial Branch to do the things that -- that bring them into the twenty-first century and -- with the technology that may be out there today. I think this may be a bad idea. And I would -- I guess I embrace the Supreme Court's decision of not allowing them to collectively bargain. So, I just thought I'd put my two cents in and get my frustrations out once more on our court reporting system in this State and begin the process by which I'll get all their mail and E-mails and letters and calls. And I'm not sure why I even did this, but I -- I'm voting -- I'm going to vote Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That a question, Senator? Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't care what profession this bill deals with, whether it's court reporters or another type of State employee. I think that this resolution's pretty basic. You either believe in the right of public employees to collectively bargain or you don't. And all we're doing is suggesting that we follow the law and that the Supreme Court follows the law, and you can, as a public employee, collectively bargain in Illinois. And I don't care what the title of the job is. You're either for collective bargaining by public employees or you aren't. So the resolution's pretty simple. I'm a little surprised that the Supreme Court, which is five to two Democratic, doesn't allow their public employees to collectively bargain. But I don't care what title of the job it is, you're

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either for collective bargaining by public employees or you're not, and that's what this is about. And I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the court reporters in my area don't make no hundred thousand dollars just like that. But let's keep in mind the court reporters are the ones who are invested with the duty and obligation to keep accurate records of all court proceedings in which they're involved as court reporters. And I think that since they're State employees like the others, if the others have the right to bargain collectively, certainly they should have, too. And I can tell you right now, the court reporters in my county do a darn good job and sometimes they've had to do it under very stressful circumstances. And I think this -- this resolution is basic, just like Senator Dillard said, and I certainly support it, when we know that thousands of other employees -- State employees have the right to bargain. And I support this resolution.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BOMKE:

Thank you, Mr. President. I'd only ask Senator Lauzen for that 1-800 Canada number for -- for drugs. Whatever. I -- I would ask for a favorable vote. I think Senator Dillard put it much better than I ever could. This group of -- of individuals have voted to organize, and yet this other organization refuses to recognize them. So I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke moves the adoption of Senate Resolution 431. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. Senate Joint Resolution 75.

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Senator Cronin. Madam Secretary, read the resolution, please.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 75, offered by Senator Cronin.

The Committee on Education adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. We debated the content, the merits, of the Amendment No. 2 at some length yesterday. Senate Joint Resolution 75 is the vehicle that we use to address the issue of waivers, mandate waivers. This, as all of you know, is a law that we passed some time ago in an effort to promote local control. Local school districts are permitted to waive certain mandates under certain guidelines and under certain qualifications. The overwhelming majority of those requests have been granted in an effort to promote local control, but on occasion we will assert ourselves and deny a waiver request from time to time. The requests that are denied that are contained in this resolution are as follows: Number one, the Lyons School District 103 limitation of administrative costs; number two is Zion School District 6 regarding substitute teachers; Harvard School District 50, substitute teachers; Waukegan, substitute teacher certificates approved for only one year; and then lastly, the issue regarding Antioch, which, again, was discussed at length yesterday. Be happy to answer questions. This is a wonderful resolution, and I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Madigan.

SENATOR L. MADIGAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of Senate Joint Resolution 75. As Senator

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Cronin spoke to, we discussed the majority of this yesterday in terms of the contention over the denial of the Antioch waiver, but I think what was said yesterday needs to be repeated. The reality is the Antioch School District is able to administer the test that they want to in addition to the test that is required by the State. And I would certainly urge an Aye vote on this today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CRONIN:

Would appreciate a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin moves the adoption of Senate Joint Resolution 75. 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 51 Ayes, 4 Nays, none voting Present. And the resolution is adopted. We'll 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.

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. Senator Parker, what purpose do you rise?

SENATOR PARKER:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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State your point, ma'am.

SENATOR PARKER:

I wanted to introduce a lady who is here today. Her name is Kate Patton. Kate's daughter, Kelley, is the reason why we passed Kelley's Law. She was her twenty-three-year-old daughter who actually succumbed to an overdose of ecstasy. She is here today because there is a shoulder-to-shoulder campaign of women legislators from the National Women's Legislative Organization and also the National Drug Administration who is working on making it more known on the dangers of club drugs. And I would like you please to welcome Kate Patton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest please rise and be -- welcomed to the Senate? Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

I would like to announce a Republican Caucus immediately upon adjournment. This is a very important caucus. Please don't take off for home. Stop in for a few minutes. Immediately upon adjournment in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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 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 80.

(Secretary reads HJR No. 80)

Adopted by the House, May 23rd, 2002.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of

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House Joint Resolution 80. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Senator Weaver now has moved for the adoption of House Joint Resolution 80. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the motion {sic} is adopted. Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

Thank you, Mr. President. As you well know, Memorial Day is Monday, and I know a lot of us don't want to go till 1, 2 o'clock and be festive and be around our house and then have to make a three- or four-hour drive. So Senator Demuzio has been kind enough to invite all Members, I think as well as staff, to go to his house for a barbecue and then -- 'cause he's only about forty minutes away. So, for those of you who need directions or anything Monday, call Senator Demuzio's office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Molaro. Senator Demuzio, for rebuttal.

SENATOR DEMUZIO:

Well, just disregard that commercial. Senator Bowles is absent today, I wish the record to reflect, on legislative business. And of course, Senator Clayborne is also still recuperating at home. And I don't have anything to say about that last announcement, 'cause I didn't hear much of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Demuzio. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Geo-Karis moves the Senate stands adjourned until the hour of 5 p.m., on Monday, May 27, 2002. Drive carefully. We'll see you Monday afternoon.