

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

110th Legislative Day

November 30, 2000

PRESIDING OFFICER: (SENATOR DONAHUE)

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise? Our prayer today will be given by the Reverend Thomas Christell, Grace Lutheran Church, Springfield, Illinois. Reverend Christell.

THE REVEREND THOMAS CHRISTELL:

(Prayer by the Reverend Thomas Christell)

PRESIDING OFFICER: (SENATOR DONAHUE)

The Pledge of Allegiance, by Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDING OFFICER: (SENATOR DONAHUE)

Reading of the Journal. Senator Jones.

SENATOR W. JONES:

Madam President, I move that reading of -- and approval of the Journal of Wednesday, November 29th, in the year 2000, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones moves to approve {sic} the Journals just read. There being no objection, it is so ordered. With leave of the Body, the Chicago Tribune, WLS-TV and WGN Television wish leave of the Body to film the proceedings. Is leave granted? Leave is granted. Committee Reports. Resolutions.

SECRETARY HARRY:

Senate Resolution 461 and Senate Resolution 462, both offered by Senator O'Malley.

And they're both death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1979, offered by Senator O'Daniel.

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(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker, for what purpose do you rise?

SENATOR PARKER:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR PARKER:

I have with me today constituents John Conklin and his son, Phillip, who is with me on the Floor. Please give them a warm welcome.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you rise and be recognized? Welcome. With leave of the Body, WAND-TV wishes leave of the Body to film the proceedings. Is leave granted? Leave is granted. 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 Executive - Conference Committee Report No. 1 to House Bill 557 and Senate Amendment 1 to House Bill 1284; and Be Approved for Consideration - Senate Amendment 3 to House Bill 1511, Senate Amendment 1 to House Bill 1582, Senate Amendment 2 to House Bill 4659, and Conference Committee Report 2 -- No. 2 to Senate Bill 487.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

For the purposes of an announcement, Madam President. The Senate Executive Committee will be meeting in Room 212 in one hour, which will be 11:15. Room 212, Senate Executive Committee. Thank you.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Madam President. To announce a Republican Caucus immediately in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Smith, for what purpose do you rise?

SENATOR SMITH:

Madam President, I'd like to announce that immediately after this Session, the Democrats will have a Caucus in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Caucuses in both Republican Office and Senator Emil Jones' Office, immediately. Executive Committee meets at 11:15. Senate will stand in recess till the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will be in order. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports House Bill 557, the First Conference Committee Report Be Adopted; and Senate Amendment 1 to Senate {sic} (House) Bill 1284 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

CLTV News Chicago asks permission to videotape. Is there leave? Leave is granted. Also, permission for WFLD-TV to photograph today's proceedings. Randy Squires, photographer working for the Associated Press, requests permission for still photos. Is there leave? Leave is granted. House Bills 1st

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Reading.

SECRETARY HARRY:

House Bill 4738, offered by Senator O'Malley.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

With permission of the Body, NBC Channel 5, out of Chicago, has asked permission to film. Is leave granted? Leave is granted. If I could have Members' attention. We are going to go to the top of page 2, House Bills 3rd Reading. So if you're in the hearing of my voice, we are getting ready to do House Bills 3rd Reading, top of page 2. All right. At the top of page 2, on the original Calendar, is House Bill 50. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 50.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 50, which is John Maitland's bill that I'm -- I've been asked to move for him, makes a change in the Public Utilities {sic} (Energy Assistance) Act to permit DCCA to adjust the ceiling threshold to which we can make grants of LIHEAP funds to. Normally, we get an allocation from the federal government to help low-income people pay for their heat and light bills in the winter. This year, due to the natural gas prices, the federal government is providing more resources than normal. This bill permits DCCA, each year, to set a threshold that approximates the federal aid they're going to get. It's a good bill. It allows us

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to access federal money to help people with their heating bills this winter. I'd appreciate a favorable roll call and be very happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 50 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. House Bill 50, having received the required constitutional majority, is declared passed. Senator Judy Myers, on House Bill 851. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 851.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Myers.

SENATOR MYERS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. As you'll recall, Public Act 91-607 was the enabling legislation for the State Treasurer's Bright Start Program, which is a college savings program. And currently, distributions made from the pool for qualified expenses are made directly to, one, the educational institution, a vendor, or in the form of a check payable to both the beneficiary and the institution. This legislative change would allow a check for a documented approved expenditure to be made payable directly to the beneficiary. The -- the parent of the student is the account owner and the parent has to sign off on the receipt. I think that this is a good change, and I would hope that we could have a positive vote on

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this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 851 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 851, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to House Bill 1284. Next is Senator Munoz, on House Bill 1551 {sic}. Wishes to return to the Order of 2nd Reading House Bill 1511. Hearing no objection, leave is granted. Now on the Order of 2nd -- Reading is House Bill 1511. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Silverstein.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Silverstein, on Amendment No. 3.

SENATOR SILVERSTEIN:

Thank you, Ms. President. This is a technical amendment we filed to clear up a concern that Senator Hawkinson had regarding a problem with the speedy trial Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now on the Order of 3rd Reading is House Bill --

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1511. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1511.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

With leave of the Body, WICS News has requested permission to videotape, as well as KSDK-TV St. Louis has requested permission. Leave granted? Leave is granted. Now, on House Bill 1511, Senator Munoz.

SENATOR MUNOZ:

Thank you, Madam President, Members of the Senate. Again, House Bill 1511 -- 1511 amends Code of Criminal Procedure and Unified Code of Corrections regarding aggravated sentencing factors. There were some concerns. We've cleared it up over the last couple days after committee and Silverstein -- Senator Silverstein refiled the amendment to try to please everyone. So as of right now, there's no concerns that they have at this point. I think it's a great bill - also, being a law enforcement officer. What it is, basically, in layman's term -- the bill is very technical bill, but what it does, in my opinion, it allows the judges, at their discretion - once they're sentenced and, of course, convicted beyond a reasonable doubt, offenders that have committed heinous crimes to the elderly, to our youth, minors - it gives them great -- for the judges to impose penalties for these certain acts that are committed against our citizens of the State of Illinois. I would ask for a favorable vote at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1511 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record. On that question, there are 54 Ayes, 2 Nays, 2 voting Present. House Bill 1511, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to House Bill 1582 and 1597. Leave is granted. On the -- House Bill 1991. Senator Obama? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1991.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Madam President. I think many in this Chamber should be familiar with this bill. We debated and discussed this last year. It got pulled off. All this does is extend the life of enterprise zones from twenty years to thirty years. It does not modify, in any way, the underlying statute impacting how enterprise zones operate, and I would ask for a Yea vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Obama, is there any review by the city when the enterprise zones are extended by ten years, or does everybody who's already in the zone get another ten years?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

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SENATOR OBAMA:

At least within the city, there are provisions in there for regular monitoring to ensure that, in fact, the enterprise zone is operating in the manner that was envisioned during -- when the statute was initially enacted. So there have been no circumstances where persons who are benefiting -- companies that are benefiting from the enterprise zone legislation were found not to have been abiding by the rules of the game that -- and -- and providing the source of employment opportunities and bringing in businesses into distressed areas that was the objective of the initial statute.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Let me give you an example. In my town, we've got a business that -- guy owns a strip mall. It's in the enterprise zone. Does he automatically get another ten years of tax exemption just because he's in the zone now?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

My understanding would be that the -- under the underlying legislation, the same prerequisites and requirements that were set up for you to qualify for these exemptions under the enterprise zone legislation would continue. And so, for example, if -- if this strip mall was no longer located in a distressed area, was no longer providing employment for persons living in distressed areas, et cetera, then the enterprise zone tax benefits should be removed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

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Just one last question. Does this still allow for school districts to opt out of the enterprise zone tax break?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

You know, I'm -- as I said before, this does not change the underlying legislation in any fashion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Noland.

SENATOR NOLAND:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Noland.

SENATOR NOLAND:

Senator Obama, will you -- go back to Senator Welch's question. The largest school district in my district is Decatur District 61, which is experiencing about an eleven-million-dollar debt right now, and they've all called me saying that they -- they are opposed to this extension. Now, does this automatically extend the benefits for the extension for the Decatur school district too, or will they have the option of saying we don't want to extend these benefits?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

My understanding would be that the extension -- what this does is essentially enables - all right? - the extension of enterprise zone beneficiaries for an additional ten years. All right? But as I said before, it does not change the underlying statute in terms of the qualifications, who authorized the enterprise zone being set up. I'm not familiar with how it was structured initially in Decatur, for example, but my understanding would be

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that there is local input in terms of whether this is an appropriate enterprise zone designee and whether, in fact, the enterprise zone is operating to the benefit of the local community where it's -- where it's -- has been set up.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Noland.

SENATOR NOLAND:

So, Senator, my problem then is, if -- if the school district does not want to continue that but, yet, their ordinance grants an automatic extension, are they forced -- are they forced to continue to extend these benefits? If the -- if their local ordinance says such, does this automatically extend it ten more years? Ten more years of lost revenue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

Let me try to be as clear as possible. The local government entity - all right? - Decatur - has to authorize the extension before the -- the extension kicks in. So local control remains in the hands of the local government. This is not a situation where -- let's say -- let's just take an example that -- that Decatur fifteen years ago decided we need enterprise zone legislation. They set up an enterprise zone. All right? It's set to expire at the end of the twenty-year period; however, times have changed in Decatur, and so there's a consensus at a local level that, in fact, we no longer need this enterprise zone or it is not worth the -- the hardship that's being caused the school district. The local authority is in a position to say, "We don't want this additional ten-year extension because we've made a determination that it's no longer of benefit to the local community." Does that answer...

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Noland. Okay. Further discussion? Senator Sieben.

SENATOR SIEBEN:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Sieben.

SENATOR SIEBEN:

Senator Obama, a couple of years ago I introduced legislation on behalf of Northwestern Steel and Wire in Whiteside County, and we passed that legislation with a very specific and narrow extension of the Whiteside County enterprise zone, specifically for industrial purposes only. Did not cover commercial or other type of activities within the Whiteside County enterprise zone extension. My question is the impact of this legislation now on that extension as we go forward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

I confess to you that I have not investigated the particular impact on this decision and the previous legislation that you passed. As I said, my working assumption is, is that local communities are able to make determinations, with respect to whether or not enterprise zones should be extended in those particular localities and under what terms and on what basis, on a case-by-case basis. So my working assumption would be, not having looked at your particular legislation, that it is up to the particular area and the particular enterprise zone that is located in your area to make a determination as to whether you want to now broaden the extension of this enterprise zone to last for the additional ten years for all beneficiaries of enterprise zone benefits in that area or whether you'd prefer to keep it narrow and targeted for this particular industry.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Sieben.

SENATOR SIEBEN:

Then correct me if I'm wrong: My understanding is, then, that it's your -- your opinion that we will not need special legislation in the future for the Whiteside County enterprise zone to pick up commercial and other purposes. That decision can be made by the local enterprise zone authorities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

That is my understanding. Now -- but I -- I want to make sure that I'm not misrepresenting anything. I have not looked at your particular legislation, but my working assumption would be because this -- all this does is essentially authorize the -- an additional ten-year extension.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you. I just want to clarify what my understanding of this is. I was led to believe that when there was a request to extend the enterprise zone, that there would be a chance to renegotiate it; so that even though a school district, say, was in favor of it in the first instance, they might no longer be in favor of it and that, at this point, they could opt out. Is that your intent?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

I believe that you're addressing the same issue that Senator Noland asked, and it is my specific understanding of this legislation that all taxing bodies, including school districts, have the option of participating or not participating; so they can

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opt out of the extension.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Senator Obama, to close.

SENATOR OBAMA:

I appreciate the questions and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1991 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 3 Nays, 1 voting Present. House Bill 1991, having received the required three-fifths majority, is declared passed. Senator Sieben, on House Bill 2970. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2970.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill is an initiative of the Illinois Association of Aggregate Producers, and this is the non-coal mining industry in our State that produces ninety-five percent of the construction aggregates used in the State, such as crushed rock, sand, gravel and ag lime. The bill deletes certain outdated and obsolete sections of the Surface-Mined Land Conservation and Reclamation Act to streamline the process - the permitting process. There are three significant provisions in this that you've heard some discussion on. We've had discussions over the last two years with the Association, with the producers, with the Department of

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Natural Resources, with EPA and a variety of other people. The three significant provisions are that: Currently, an aggregate mine operator only has three years within which to disturb all of the surface land contained within a permit application. Under 2970, we would extend that from three years to ten years. Secondly: Currently, mines are bought and sold in our State without any notification to IDNR. Under 2970, we would require that a valid bond be filed with IDNR before any work could begin -- begin by the new operator. And third - third provision: Currently, some units of local government require mine operators to submit a duplicate reclamation bond for land already bonded by the State, creating a needless and extra cost. 2970 would eliminate the double bonding by local governments. Ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam Chairman. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Radogno.

SENATOR RADOGNO:

I hate to disagree with my seatmate; however, I do certainly agree that the aggregate-producing industry is important in the State and it does provide a good tax base, as well as jobs in our many communities. But this is an activity that also has the potential to cause a lot of problems in our communities, particularly those communities that have homes close by to those gravel pits, which is certainly the case in the Chicago area, my district in particular. As you mentioned, this legislation was requested and, by and large part, written by the industry, and I believe it does have elements that end up disadvantaging our communities when they have to deal with aggregate producers that

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are causing problems, specifically some of those issues that you mentioned - the changes in the permit process. While the aggregate industry characterizes these as strengthening the process, the municipalities disagree with that. In fact, this legislation is objected to by the Municipal League, as well as the Illinois Environmental Council. The fact that it allows the transfer of a permit without approval is a problem. There is a public hearing process for the approval in the first instance and that is removed with the transfer. The extension of the permit from three to ten years is a problem, because that offers communities an opportunity, when the permit is renewed, to have an opportunity to comment or interject themselves into that process. Under this scenario, it's possible that a permit could be transferred from a reputable owner to one that's less than reputable, and it's ten years before there's an opportunity to intervene. Most permits are granted -- renewals are granted without a lot of problem, and that should continue and probably will continue if there's no problem. But to remove that point of entry for our communities is a problem. Also, the -- the removal of the ability of municipalities to require an additional bond is problematic. The DNR bond is not deemed to be adequate in many cases, and this allows municipalities to go ahead and get something that they view as adequate in order to reclaim those gravel pits. I think there's some good elements to the bill, but until these particular items are addressed, I would certainly urge people to vote No on this -- on this bill. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. I rise in support of this legislation. I think there's a lot of overreaction to what's happening here. They're wanting to eliminate the -- not have a

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double bonding. Mines and Minerals - they monitor these things almost on a daily basis to see that there's -- they're -- they're carrying out their responsibilities, and they need a ten-year program so they can put up -- so they can come up with a long-range reclamation program that isn't going to be detrimental to the operation. And I think this is a very good piece of legislation, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. I -- I guess I'm maybe closer to this gravel industry because McHenry County and Lake County and that and the collar counties are such a big producer of -- of the aggregate in -- in the northern part of the State. I have two concerns that I'd like to share with you. One is that the problem why locals who have the pit in their neighborhoods, in their area, and that the residents have to look at and deal with, sometimes are not rehabilitated correctly because the bond that had been established ten years and sometimes twenty years earlier was nowhere sufficient to pay for the cost of restoration today. So what happens is the locals and your taxpayers, because that's where it comes from, ends up with this ugly scar in the landscape. Now, most -- and all the gravel industry people that I know are responsible and caring and they want to do the best job, but because of the economics, the bonds aren't always sufficient. In fact, if you talk to DNR and look at some of the history of it, you'll find that many of them are adequately underfunded, as far as restoration. That's why the locals, rather than having this scarring -- pit left there, ask for additional bonding to take care of it because they're the ones that are left with it. DNR doesn't. They are not in the neighborhood. A developer maybe will buy it or something, but who knows? That's the reason I think it's

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so important that at least the locals have something to say about it. Under this provision, they really don't, and I think it needs to be corrected somehow because that's not the intent of the sponsor, to leave a gaping hole that didn't have enough money in the bonding to correct it. But -- in the bill, it doesn't address it. The second one is that, when I used to be on the county board, as many of you did, we would get the conditional use or the special use permits come before us, and we would look at the corporation that was asking for that conditional use. And we would talk to 'em and we'd find out they were very responsible, well-known and they could do the job, and we would grant it to them. But under this provision, that can be sold or transferred to somebody that we have no earthly idea whether they're even capable, financially or anything else, to do the job. We don't know who the heck they are. We didn't grant it to them. We granted it to this one person, and the reason we have special or conditional use permits in Illinois is to make an exception to that use of that land or the exception to what takes place. I don't think it should be sold willy-nilly to anybody who comes with a high bidder, because that's not what the public hearings were all about, it's not what the voters had talked about, it's not what the county board or the city council had even voted for. Those are my two concerns. I don't know how they can be addressed at this point in time, but I -- until they are, I would hope that this could be held back or something so we could resolve that; otherwise, I would have to ask for a No vote or at least a Present vote until those very serious local concerns that affect Chicago and downstate and everybody else that has any gravel mining. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

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Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Shaw.

SENATOR SHAW:

How many votes does this -- does this bill -- do you need to pass it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- oh! Senator Sieben.

SENATOR SIEBEN:

I believe it has an immediate effective date and therefore would require thirty-six votes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

I agree with the -- with Senator Klemm in terms of -- in terms of this, in terms of removing the bonding and preempting home rule. Too often, we have these places who do the work in the community, then they go and sell the company to somebody else, then that company is not responsible. That company, not being financially able to -- to take care of the problem, they leave the local community high and dry. I think Senator Klemm is right, and we heard this bill in committee yesterday, I believe it was, and that's a major concern of mine because what the local community would have to do is then go to some State agency and plead with them to come out and -- to take the bond money and come out and -- and do the cleanup, where that if the local people had the -- the local municipality had the bond, they could do their own cleanup. And that's the problem with this bill. I think it's a bad concept, and what you're doing -- and I know the sponsor have good intentions, but I think you need to revisit this issue. I think that we -- we just don't want all these holes left in communities all over the State of Illinois and then somebody else

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pointing a finger, saying, "Well, it wasn't mine. You need to go to some State agency to get the bond money." Leave the bond money at the local level. Make 'em put up the bond, and that way this would be a good bill. I ask for a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I stand in strong support of this bill. I think it's a good bill. We were brought a amendment yesterday that a number of the speakers have talked about, with the extension of permit or -- or the shortening of the permit time and also the double bonding. The problem we have -- had with the amendment - and that's why I think it's a good stand-alone bill - was that the timing was all wrong. We don't know what should be the time. Should it be three years? It was an arbitrary change from ten years to three years. What is the bond to be? How do you prejudge that bond? So it's an issue to me that -- that we vote the legislation out. If we want to continue discussion on the double bonding, let's establish what is a fair price, what is a fair bond, and then also go from there to -- have someone help us to establish what is a fair length of time, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR SIEBEN:

Yes, thank you, Madam President. Just let me respond briefly to Senator Shaw's complaint about the -- the amount of the bond and the need for reclamation. The information I have from this industry indicates that currently in Illinois, Illinois coal mines, Illinois oil wells are only bonded by the State. They're not bonded with a double bond by local communities. A little bit

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of a different situation. But during the past fifteen years, the State has had to forfeit several bonds for coal mines and oil wells to take care of reclamation that wasn't done by the owner of that permit. But in those same fifteen years, there's only been one time when the State has had to forfeit their bond for an aggregate producer who has failed to complete the clean-up provision. So I think history shows and -- and reality shows us that this industry is very responsible. They are taking care of the reclamation process on a day-to-day basis. As they mine this area, they move the land over here, and so by the time they complete a mining operation, they do complete the reclamation work so there's not a big amount that's left there at the end. Senator Radogno raised some very significant concerns, and I'm sensitive to that. She's talked to me about it for many months, since this bill's -- she's known that I was the sponsor of the bill. I think the industry has gotten the message about the operator or the producer in her district. The information I have is that producer is much more responsive to the activities of that mine relative to the sensitivity in the community. They are making some improvement. Their history hasn't been good, but their most recent history is getting better, and I think we want to keep pressure on them to do that. And that's also part of the function of -- of the EPA and DNR. So, think it's a good bill, not perfect. Obviously there are some -- some concerns, but I think it's a bill that we can vote for. And I'd ask for your Aye vote at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 2970 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Take the record. On that question, there are 39 Ayes, 18 Nays, none voting Present. House

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Bill 2970, having received the required three-fifths majority, is declared passed. With leave of the Body, we are going to return now to Senate -- or, House Bill 1582. And, Senator Madigan, do you wish to return this bill to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, House Bill 1582 is on the Order of 2nd Reading. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President and Members of the Senate. Floor Amendment No. 1 to House Bill 1582 is the "rule of 85" language that was a portion of the employees -- or, the bargaining agreement that was reached between the Executive Branch and the State employees this past spring. Basically, the rule of 85 language says that when an employee reaches a combination between his or her chronological age and years of service that total eighty-five years, they would be eligible for full retirement without discount before the age of sixty. That employee has to be at least fifty-five and has to have at least twenty-five years of creditable service, as far as minimum qualifications. But other than that, that -- that employee would be able to qualify if -- for a full retirement annuity if in -- again, if their age and their years of service equal eighty-five or more. I would be happy to answer any questions to Floor Amendment No. 1 to House Bill 1582, but I think that anyone who has a State employee in their district or near to their district certainly has -- certainly is familiar with the aspects of the rule of 85 language.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Molaro.

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SENATOR MOLARO:

Yes. Thank you, Madam President. Just one question. We were in committee, in the Exec Committee, and -- yesterday - days mesh together - and we called this bill. What changes are -- from what we talked about yesterday, are in the bill today? Did we delete anything?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR R. MADIGAN:

Senator Molaro, let me answer that by saying this is a different bill than what was in Executive Committee, and it only contains the rule of 85 language.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

And -- then what committee did this -- this particular bill, what committee did this go through, if I might ask?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR R. MADIGAN:

Senator Molaro, House Bill 1582 went through the Insurance and Pensions Committee. The Floor Amendment No. 1 was reported directly to the Floor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

And the Floor amendment is basically the rule of 85 - what we're really talking about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan. Senator Molaro.

SENATOR MOLARO:

Do you have any indication of the two or three pieces that

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seem to be missing, from what we talked about in Exec -- anywhere? Do you know where those pieces or concepts may be? Do you think there's going to be a bill here today or -- to your knowledge?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR R. MADIGAN:

Without -- those two or three pieces that you may be -- that you are referring to, Senator Molaro, let me be clear that they are not in this Floor amendment. It's possible that later today there might be something regarding other language that was a portion of the contract that was agreed to between the Executive Branch and the State employees.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. Just to answer Senator Molaro's question: On the Calendar, on page 8, there's Senate Bill 1047. It's on the Order of Concurrence. That's a bill that I'm sponsoring. It's a pension bill. It was amended in the House with all of the provisions that were subject to the AFSCME negotiations, not just the rule of 85. I have filed a motion to concur, but it hasn't come out of the Rules Committee yet. So, to answer Senator Molaro's question, that's where the bill is. If anybody's interested in ever passing it, I'd be very happy to consider calling it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Madigan, to close.

SENATOR R. MADIGAN:

Thank you, Madam President. Madam President, Members of the Senate, I would just point out that, as far as I'm aware of, Floor Amendment No. 1 represents something -- or, the language that is

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noncontroversial. There are some -- controversy attached to other portions of what Senator Molaro referred to, and there are some groups -- or, a group that is opposed to the language that Senator Cullerton refers to on Senate Bill 1047. But I think, as far as the rule of 85, that's something that I'm not aware of that anyone who would be affected by that has a problem with it.

PRESIDING OFFICER: (SENATOR DONAHUE)

All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1582. Mr. Secretary, will you read the bill?

SECRETARY HARRY:

House Bill 1582.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 1582, as amended, contains the rule of 85 language that was a portion of the bargaining agreement reached between the State employees and the Executive Branch in the most recent contract negotiations. The rule of 85 states that an employee who has reached the age of 55 and has at last twenty-five years of creditable service with the State of Illinois would be able to retire with a full annuity and no penalties for discount if that age - chronological age - and the years of service total at least to the number of eighty-five. I would be happy to answer any

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questions on House Bill 1582, as amended, but otherwise would ask for a favorable roll call from the Members of the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1582 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1582, having received the required constitutional majority, is declared -- excuse me -- having received the required three-fifths majority, is declared passed. Now we will turn to the middle -- bottom of page 2 to House Bill 3612. Senator Klemm? Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3612.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. House Bill 3612 has three provisions in it, and what it does is it amends annexations into the Metropolitan Water Reclamation District. There are three parcels that are being asked to be able to go into that district. All three have been approved by the Metropolitan Water Reclamation District. All three have met the local requirements of letters of support. There's no opposition. Let me read 'em quickly to you. The first one is five hundred and sixty-five acres located near the Village of South Barrington. This property will be developed into a planned unit development for residential use, will also be annexed into South Barrington. Now, this is important because it doesn't affect me, but the property is the former Klehm Nursery

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site. I want to be very clear: It's not Dick Klemm's Nursery site. In fact, it's even spelled differently, but they happen to be friends of the family. But that's beside the point. Everybody supports it. And I might add that one of the provisions they're doing - I think it's Walter Payton's wife was out there - they're going to do some walkways and some parkways in there, in some of the forest preserve districts. It's really a beautiful development that they've worked on. The second one is a three-hundred acre, approximate, located near Hoffman Estates. This property will be developed both as a residential property and property owned by Northern Illinois University. There's no opposition. Hoffman Estates supports it. Everybody does support it. The last one is five hundred acres, approximately, in Hoffman Estates, known as the Beverly Property. This is a property that had been -- back in 1981 or '83, I think, had been developed -- or, set aside as development for property and they are now going to be moving on that development. It seems to be very appropriate. It's along the tollway, Highway 72, and I think there's no opposition. And I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 3612 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. House Bill 3612, having received the required three-fifths majority, is declared passed. Senator Roskam, on House -- out of the record. Senator Peterson, on House Bill 3619. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3619.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. House Bill 3619, as amended, allows quick-take authority. This bill is composed of a lot of what was in Senate Bill 1860 {sic} (1680). The Governor amendatorily vetoed that bill. In the interim, we had other agreements that were met and several villages asked to be removed, which they were, and the amendatory veto language was removed. Those that have been removed were Winnebago County, St. Charles and Westchester. And Barrington and -- and Lyons, their language has been reduced. The area that they wish to do quick-take in was reduced dramatically. And basically the bill is the same. There were no add-ons. No new villages that were added. And, Madam President, inquiry of the Chair. Madam President, inquiry of the Chair. How many votes does this bill need to become...

PRESIDING OFFICER: (SENATOR DONAHUE)

The bill requires thirty-six votes for passage.

SENATOR PETERSON:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Petka.

SENATOR PETKA:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Petka.

SENATOR PETKA:

Senator Peterson, under well-established legal principles, a statute does not apply to the State unless the statute specifically states that it applies. It is my understanding that some of the legal descriptions in this bill may include State

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highway right-of-way. Is it the sponsor's intention for this bill to give any local units of government quick-take authority with respect to the State?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Okay. So is it fair to say none of the quick-take provisions in this bill apply to State highway right-of-way?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

That is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Senator Peterson, are there any portions of this quick-take legislation which take property from a landowner under quick-take and give it to a commercial establishment or give it to a private entity?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Yes, in some of the TIF districts, that would be the case.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka. Further discussion? Further discussion? Seeing none, Senator Peterson, to close.

SENATOR PETERSON:

I ask for your support of House Bill 3619, as amended.

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PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 3619 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Take the record. On that question, there are 30 Ayes, 24 Nays, 3 voting Present. House Bill 3619, having not received the required three-fifths majority, is declared failed. Senator Peterson.

SENATOR PETERSON:

Madam President, request Postponed Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Postponed Consideration is correct. Senator Cronin, House Bill 3841. Out of the record. Senator Radogno, on House Bill 4347. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 4347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. This bill changes the composition of the Board for the Teacher Retirement System. It adds one member, which brings the Board to eleven, and it specifies that that member will be elected by the annuitants. I'd be happy to try to answer any questions and ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Shadid.

SENATOR SHADID:

A point of personal privilege, Madam Chairman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Go ahead, Senator Shadid.

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SENATOR SHADID:

Thank you. In the galley -- gallery, there's a group of students from Pekin High School, being chaperoned by their teacher, Arlan Miller. Would you join me in welcoming them to Springfield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate? Welcome to Springfield. Is there discussion? Is there discussion on House Bill 4347? Seeing none, the question is, shall House Bill 4347 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 4347, having received the required constitutional majority, is declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures assigned: Be Approved for Consideration - Senate Amendment 2 to House Bill 1284.

PRESIDING OFFICER: (SENATOR DONAHUE)

Again, at the top of page 3, where we left off, on House Bills 3rd Reading, is House Bill 4659. Senator Philip, do you wish to have this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Philip? Senator Philip, do you wish to have Senate Bill -- or, House Bill 4659 returned to the Order of 2nd Reading for the purposes of an amendment? Hearing -- hearing no objection, on the Order of 2nd Reading is House Bill 4659. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Any others?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, on Amendment No. 2.

SENATOR PHILIP:

As you know, we've had quite a discussion on zero tolerance. That's what this amendment is. Zero tolerance for people who work at the prisons: jail guards, et cetera. Move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is -- adoption of Amendment No. 2. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. If I could have your attention. We're going back to the top of page 2 to House Bill 1284. Senator Jones, do you seek leave of the Body to return this bill to the Order of 2nd Reading for the purposes of an -- amendment? So, on the Order -- or, hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1284. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, on Amendment No. 2.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Just so the committee Members understand about Amendment No. 2, which we did not hear in Senate Executive. Was brought to my attention by the Speaker that there was, in his opinion and in his lawyer's opinion, a little glitch in our amendment. We had our staff look at it. We came to the same conclusion. All this -- all -- the only change in this amendment that we heard in committee was one change: Clarified that the Auditor General has the authority to audit the Sports Authority. That's all it does. Other than that, the bill is exactly -- the amendment is exactly like the amendment we had in committee and heard. Now, just to -- to explain it, briefly. As you know, it authorizes the rebuilding of Soldier Field. Adds nineteen new acres to park in the City of Chicago on the lakeshore. It improves the campus of our Field Museum, underground parking they share with the Sox. It is funded by a two percent hotel-motel tax wholly within the City of Chicago, and there is no liability to the State of Illinois and no risk to the State of Illinois. It -- it allows this Authority to issue five hundred and eighty-seven million dollars to fund the rebuilding of the White Sox Park, the Field Museum and, of course, the Bears Stadium. The Bears and the National Football League contribute some two hundred million dollars. I happen to think that it's a very good deal for the City of Chicago. It's a great deal for the Bears and an outstanding deal for the -- for the people of the State of Illinois, and certainly would move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Discussion? Seeing -- Senator

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Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Ladies and Gentlemen of the Senate. For those people who are concerned about the finances of the deal, as a fiscal conservative and the Appropriation Chairman, I was also concerned about the construction of the deal, and this amendment includes language which fully indemnifies the State for all portions of the advance money that's provided in the appropriation advance. The appropriation advance now serves only to reassure the bond market. The repayment of that advance each year is supported by both the hotel-motel tax and secondarily by the City of Chicago's Local Government Distributive Fund. All of the conditions and requests set by the Appropriations Staff people that worked on the bill have been met by the City of Chicago and by the proponents of the bill. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1284. Senator Jones. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1284.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. Many of the issues in the

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bill have been discussed by the sponsor of the amendment, and I'd like to concur with all those amendments -- I mean, those statements. One other thing it does is it does create a new stadium at Soldier Field, a stadium that will be attractive to all Illinoisans and people in the Midwest. It does allow the Authority to issue about three hundred and ninety-nine million dollars in bonds. It will be financed by the hotel-motel tax that currently is in existence in the City of Chicago, and it is revenue-neutral as far as the State of Illinois is concerned. It creates a twelve-member Advisory Board appointed by the Leaders so that all -- all persons will have an opportunity to participate in the workforce and development of this major project. We have discussed and we have discussed and we have discussed this issue, but I think the -- the stadium will be not only good for Chicago, but it's good for Illinois. Many of the tax-revenue dollars that will be generated by those who use this stadium go to help the entire State of Illinois. And I think it's a very good proposal. Even though we are in the fourth quarter, I'm confident that we will be able to get this here bill passed and score a touchdown for the Chicago Bears and the people of the State of Illinois. And I urge a Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. First of all, let me say that I will be reluctantly voting for this bill. So I want to get that out of the way first. But, in Chicago, we have a wonderful -- lots of wonderful things happening. There's development going on all over the place. We have the lakefront development. We've got campus museums. We have planters. We have all kinds of things going on, and the City looks great. And there's a lot more on the drawing board. This stadium is, of course, part of that

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development plan. But I think it's important for the record here to show that as we move to adopt this plan - and I hope it will, of course, be adopted - that in many districts, legislative districts like mine in Chicago, we have kids in overcrowded classrooms. We -- we have other plans in the City of Chicago. The Chicago Board of Education has a capital -- five-year capital plan. I've got a copy of it sitting on my desk in my district office. And I've got three or four schools that are supposed to be constructed but are part of a capital plan that is not funded. There's no money available right now to construct those schools. I have a high school, Kelvyn Park High School, where the kids eat lunch at 9:30 in the morning - 9:30 in the morning - because of overcrowding. Cheeseburgers at 9:30 in the morning because of overcrowding. We need to take action in this legislative Body to cover some of the pension dollars for the Chicago teachers. We've been talking about this for a long time. We've put it off once again. But until we take that action, we are not going to, in the City of Chicago, be able to free up the dollars that are necessary for us to sell bonds to build schools in our communities. Overcrowding is a serious problem. We can continue to develop and develop and develop in Chicago and develop downtown, but if we don't develop our schools in our neighborhoods, what are we accomplishing? The kids at Kelvyn Park are not going to be able to afford, and their families cannot afford, those personal seating licenses. Very few. I will not be able to afford those PSLs. Half of that stadium will be PSLs. Sports in Chicago and throughout the entire country is becoming the entertainment for the rich. Most people are being left out. That's a reality that's there. I'm not going to change it. None of us are going to change it. We've got to continue to progress. I'm not going to stand in the way of progress, but let the record show that we have not taken action to relieve overcrowding, to construct

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schools. We have not taken action to give a dollar raise to mental health care workers who do an important service for the State of Illinois. We haven't taken action to approve a supplemental appropriation to make dollars available to the Early Intervention Program, working with disabled children. There are a lot of things that we haven't done. We can do these things. We can do these things when we come back next year, and I hope that that is the action that we will take so that our conscience will be clear, so that as we see the development of this very expensive project, that we'll also see the development in areas that will help people in early childhood education, in the mental health field, and help our schools in overcrowded communities. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I rise in strong support of this legislation. A lot of the questions and concerns as far as the numbers and all were addressed in caucus and cleared up. The State is not on -- on the line at all for this. And as you know, the team needs a shot in the arm about right now. I remember when -- when they were winning, everybody was with them, and now they're not doing so good. Maybe a new stadium will give them some new inspiration and will let them know that all of us around the State are supportive of the team. And I agree with some of the things that Senator del Valle had to say, but this is about the image of our State and sports teams are very much part of our image. If we can put a winning team out there, we all benefit by -- throughout the State of Illinois. So let's go ahead, as Senator Jones has said, and score a touchdown for the State and for the team. And I believe it will help them get back the winning ways of the old Chicago Bears, and then we'll all have

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something to be proud of. And all of us don't make it to the stadium to watch the games, but we watch it on television. We want to watch a winner, and I think this will go toward helping them build a winning team.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Jones, I understand that the Bears are putting a hundred million dollars and another hundred million is coming from the NFL - is that right? - towards this project.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Yes, you are correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

So that what they're looking for then is about three hundred and eighty-seven million more in order to complete this project?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Yes, and that would be coming from the -- the sale of bonds.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And payment toward this will be from the -- the amusement tax of the City of the Chicago, is that correct?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

It's coming from the -- the tax that's imposed on the hotels and motels in the City of Chicago for the Sports Facility Authority that we passed back in 1984, I believe.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And I understand then that if this facility is transformed, it will still be dedicated to Soldier's Field, to the veterans, in a way, and also that it will provide not only the field for football, but also for professional world soccer, major concerts, large-scale conventions and religious gatherings and other civic events. Is that your understanding?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Yes, the stadium will be available for all those things that you mentioned, but the Chicago Bears will be the main tenant and they have a contract for I think into the year 2030. And I think you and I will be their hand in hand to see 'em.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And you have assured us then that it will not be at the expense of the State, is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Yes, language in the bill that in the event there is a shortfall, the State is not held liable; the City of Chicago will

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absorb that. But this tax has been on, the growth has been there for fifteen years, and there's always this "if, if, if". But as long as I've been in this Body, you and I came in together twenty-eight years ago, I have always seen a revenue growth. So the growth has been there, and I expect it to continue to be to finance this project.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

So that whatever help the State gets -- gives, rather, it will be paid back in full, is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

To the City. Not the State, the City. Yes, it will be paid back.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. I was one of those No votes in the Executive Committee on this bill, and -- and it passed out, actually overwhelmingly. But somebody came up to me afterwards and asked me, you know, "Why'd you vote No? What's wrong with this -- this bill?" And I -- you know, I had a tough time coming up with an answer, actually. And I -- but I did say there was some things that I wanted to see done during this -- this Session that I would -- hoped would have been on the table and considered while this is being debated. And that obviously is -- one of 'em is the gas tax. I was, as you know, strong proponent of that. And I had hoped that we would see that out there as a possible issue that all of us could benefit from in the State - would be the gas tax. There was the -- the House debated

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the St. Louis Cardinal issue yesterday. Personally, I don't think that was something that, as downstaters or someone from the Metro East area, we should hang our hat on because St. Louis Cardinals belong in St. Louis, the City. If they're not going to be there and there's a possibility they're moving out of St. Louis, obviously Illinois ought to be an option, and that would be good for us in Illinois, as a State, to have the St. Louis Cardinals. There was also another issue floated out there that was -- some of these baseball teams out -- various locations throughout our State, help them build facilities, and that would have been good for all of us. So we all come to the table sometimes and ask for something, you know: "What did I get out of this? What am I going to get?" I guess that's just the nature of our business here, and this didn't happen on this issue, at least in my opinion. I really appreciate Senator Philip and the Senate Republicans for the -- the position that they put in this legislation that took the liability away from the State. Now, that was something anybody, again, who asked me about my concern and what I was going to do with this legislation was I was concerned about the liability of the State: Are we going to be left holding the bag? Well, now, with the language that's out there now, we are not. We are not. And I think that's obviously a very positive point that can be said for this -- for this legislation. I agree with Senator Jones that this is an issue that is good for all of Illinois. This is not a regional issue. This is an economic issue, obviously for the City. But when the City benefits, we all do. And that's something that I say in my district. It doesn't matter whether something good happens in Greenville or Highland or Vandalia or Carlyle. If it happens in that community, it's good for all of us. All of us benefit from that. So as a downstater and someone who maybe has a history here of not supporting legislation such as this, I think I'm going to

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vote Yes, and I think it's the right thing to do. And I think it's the thing to do for this State as a whole. And sometimes we have to look past our parochial interests and be more broadened in what will benefit our State, and I think this does that. So I'm asking you to consider voting Yes and join me in support of Senator Jones in this effort.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in strong support of this package with -- which Senator Philip has, along with Senator Jones, finally redefined and retuned to make this very, very passable today. I do share with Senator del Valle some of the concerns and other needs that we have in the State of Illinois. But I do want to point out that in this package there is well over a hundred million dollars in amenities to children, to families, to museum visitors, and those who visit the lakefront region of Chicago. This is much more than just something for the Chicago Bears. I looked at, last night, the number of visitors that visited the Shedd Aquarium, the Field Museum, and the Adler Planetarium. Last year, over three million people visited these three museums, this lakefront property, which will be improved through this particular plan. Many of those people are west suburbanites who live in my district, and there's certainly inner-city schoolchildren getting their first look at museums that get excited about what they're learning in schools at these great museums that are also improved by this particular plan. This is a lot more than the Chicago Bears, which I pointed out a second ago. The improvements to Soldier Field are for high school football teams that just last week played in Soldier Field. There are rock concerts and concerts at Soldier Field and there are religious gatherings there as well. So more than just the

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Chicago Bear fans will benefit from this. Importantly, I think this plan offers the most financially responsible way to meet the needs of the museum campus, the great lakefront that we have and preserve our Soldier Field heritage while gripping the realities that we have a dysfunctional sports facility that our flagship franchise of Chicago plays in most often. The Chicago Bears are more than just a franchise. They're probably Chicago's most unique sports franchise for a lot of reasons. They wear the University of Illinois colors, historically, the orange and blue. And as they say in their own fight song, they are the pride and joy of Illinois. So this is a easy plan. There is no risk to the State. I look forward to working with Senator del Valle and all of you next year on many of the other needs of Illinois, but this is a need that meets the -- not only the needs of Soldier Field, but I do think it is important for families, for visitors and for children who go to Chicago's lake-fronted museums on a regular basis. This is more than the Bears. It's an easy vote. We should all be for this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Channel 3/WCIA-TV has requested leave of the Body to film the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. Just a -- a brief comment. I'm going to be supporting this bill and -- because I think that -- for many of the reasons that have already been stated. If we're looking at this from the perspective of State legislators and State interests, then it does not appear to me that the State is on the hook for anything. And we often talk about, in this Chamber, issues of local control. I think this is an opportunity to facilitate Chicago doing something and the State doesn't need to be blocking it just for the sake of blocking it. So I'm going

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to be supporting the bill for that purpose. In addition to being a State legislator, though, I'm also a resident of the City of Chicago and a legislator who -- who represents constituents in Chicago, and I would just want to send a message to the City that there may be a range of concerns that residents in Chicago have about this new stadium and the structure and the construction, how it's going to operate, what it's going to look like, what are going to be the impacts in terms of traffic and so forth. I don't think that that's something that necessarily should be debated in this Chamber, but I would urge the City of Chicago to look carefully at its plans and make sure that the local process for approving the site, figuring out how the construction is going to take place, and so forth, is not simply a rubber-stamp process, but that citizens actually have some significant input into the process to make sure that, in fact, if this stadium is built, that it ends up being the first-class facility that we deserve in Chicago. And with that, I will urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. I'll be brief. This is rather a historic day. I've been here twenty-six years, and every time I've voted for something for Chicago, it always costs a lot of money from the State. The fact is I want to associate myself with Senator Watson's remark and say finally we're doing something for -- for the City that doesn't cost us anything. And if you don't believe me, read pages 40 and pages 29 of the bill, where in effect -- and I want to applaud both Senator Philip and Senator Jones and others who worked on this agreement, because I wasn't for this package yesterday. And with the two substantive changes that have been made in this bill with respect to the Local Government Distributive Fund, of Chicago making up the advance

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instead of the State making the State whole, I think is very important, as well as the revision in the State five-million-dollar subsidy on page 29 of this bill. And I think as a consequence of that, it makes it a lot easier for those of us in downstate Illinois to support this proposal. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Just a couple of comments and then a -- a question of the sponsor. First of all, it appears to me that this bill is much better today than it was yesterday, that our Leadership has done a very good job of trying to negotiate, answer some of the questions and concerns that the Membership has. And it's very obvious to me that the Bears management had a better offensive scheme here in Springfield than perhaps they do on the field in Chicago right now. But having said all of that, I think there's still a concern or two that's out there, and I just want to raise those. And would the -- would the sponsor please yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator Jones, does -- does this five-hundred-and-eighty-seven-million-dollar project fall under the State Procurement Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Yes, it does. It's in the State Procurement Act under the Sports Facility Authority.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

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SENATOR BURZYNSKI:

So, then, my understanding is the contracts are all going to be bid out for construction?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

More than likely, yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

More than likely. Would you like to define what more than likely is, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

Well, you're speaking specifically of -- on the Procurement Act. When they designed the stadium - and you see the -- the model downstairs - and get all the architectural work done, some planning has -- had to take place. And it takes those individuals with the expertise in putting together a facility as such to get this done. And so they -- the Authority or the Bears probably entered into contract to do such. I know where you're trying to lead 'cause you're trying to see whether this will be a bid process as such. You follow me?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

I thought I was the one asking the questions, but anyway -- and definitely, Senator, that's exactly where I was headed and -- and the reason I'm heading there is because I believe, and -- and I don't know but it's my understanding, that if the Sports Facility Authority is overseeing this project, it is a local body,

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does not have to qualify, does not have to go under the State Procurement Act, and that's why I'm asking the question. I think it's -- you know, there's been a lot of answered questions, but I think that's a concern. We talk about the State's interest. We talk about the people of the State of Illinois. I have a concern about no-bid contracts. That's why I'm asking.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

...you -- thank you, Madam President. Well, it's good to see that this certainly isn't a Democrat or Republican issue, and I'm certainly not going to talk more about the bill because we've digested this and everybody knows what's in it. We certainly have made it better and it doesn't cost any State dollars. What I do want to talk about, however, is that since it doesn't cost State dollars and since Leadership on both sides say that this is absolutely an issue that's critical to the State of Illinois in the sense that it will bring more dollars into the State of Illinois - we all want the Chicago Bears, we'd love to have the Cardinals - beautifies the lakefront, beautifies the museum campus, will make more and more people come to Chicago and Illinois. I think probably if they did a -- they did a survey, Senator Watson, I think in St. Louis, and the survey came back that about eighty percent of the people that attend Cardinals game do not live in the City. I think you'd find the same thing with the Bears games, that probably eighty, eighty-five percent don't live in the City of Chicago. We call 'em the Chicago Bears, but they're actually the Illinois Bears. There's more Bear fans throughout the State of Illinois, so -- not Chicago. So I'm trying to figure this out: Why is it that the Members of the House would vote No and vote this bill down when, in fact, there's no cost to the State? We've made this bill terrific. It's a good

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thing for the State - as Senator Demuzio and Senator Watson pointed out, basically a freebie. And the only thing it could be is what Senator Watson talked about. We've all been frustrated down here - this side of the aisle maybe more than that side, but also on that side - about projects, about things for their own district, be it school money, be it airports, be it the -- the motor fuel tax. That's very important, Senator Watson. What I would like to say to the Senators here is that the reason we have a difference between the House and the Senate is they're supposed to be more parochial. There are more of 'em. They're supposed to be in the district and be there strictly for their district. House Member gets up, "Hey, I didn't get my school funding." "I didn't get my airport." "I didn't get my gas tax; I live on the border." They're supposed to be parochial. We're supposed to stand for something for the entire State of Illinois. We're supposed to be a higher Body. The House of Lords, if you will. And I think what we have to do is -- I voted for dockside. I didn't like it. There's no gambling in Chicago. We voted for the gaming bill that helped dockside and helped some of the impoverished towns compete with Indiana. Now, this is one where it's not only important to the State of Illinois, but Chicago. I don't think this should be the bill - not this bill - where if something didn't happen in your district, that you would say, "Well, okay, I didn't get this little project. I'm frustrated, so I have to vote No on the Bears and beautifying the lakefront." There's other places to do that protest vote. That's the only reason anybody would vote No. It doesn't -- it doesn't come out and enrich the Bears. The Bears are paying two hundred million. They don't own the stadium. These other multimillionaires we made billionaires last Session, they own their -- they own their land, they own the casino, they own the racetrack, they own the distributors. They're only a tenant. They don't own it. The park district don't -- this is

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government-owned land, government-owned project. The park district owns this stadium. So the only reason that I could see where someone would vote No is that their frustrated because they didn't get something that they thought they were entitled to elsewhere, not on this bill, and I believe they are. So I would just ask that we try not on this particular bill to stop something that's so vital just to make a protest vote. And that's my comments. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski, I apologize to inadvertently not having your question answered. Would you please restate your question to Senator Jones?

SENATOR BURZYNSKI:

Thank you. I'd be more than happy to, but I -- before I do that, I want to respond, because I'm not up here asking questions because I didn't get something I asked for. Those of you that know me know that I don't do business that way here in Springfield, and I think that the previous speaker was really speaking out of turn when he talks about pettiness in the Chamber. So anyway, let me -- let me go back. I'm simply wanting a response to the Sports Authority, whether or not they have to bid this project. That's all I want. Whether or not they have to bid this project.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

I'm glad you did come back, because I was surprised when you sat down. You didn't give me a chance to respond to you, as such. And perhaps you misunderstood. It's all local control. It's not under the State Procurement Act. So, therefore, you have to worry about the State Procurement Act as relate to this piece.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Burzynski.

SENATOR BURZYNSKI:

So, the answer is no?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR E. JONES:

No to what I believe that what you are thinking is no.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

I love it. This is the first time I've had this opportunity. And you can read my mind, Senator. I love it. And I'm not even one of the Jones boys. But, anyway -- so, I guess just -- just my comment is, so we're talking about a five-hundred-and-eighty-seven-million-dollar project that, in all probability, is a no-bid project. State and local funds involved, and that's all I wanted to say. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. I had not planned to speak on this legislation until a colleague stood up and stated that perhaps the reason that many people are voting No is that there was nothing in it -- in the project for them. In simply looking at what is going on here today and -- and knowing what has gone on beyond the scenes, I feel pretty comfortable that a bill is going to be passing out of the Senate. It, however, will not be passing with my vote. There is something very wrong with a process -- and as we pointed out during our brief interlude with the Bears when they explained this entire situation to us, that all of the plans that were being made back in the summer, back in -- in the early fall, that included a -- an

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organization such as the NFL and had a lot of things falling into place and one of the critical components of that picture happens to be us, who -- who provide the votes, we were literally last in line. And as one of our Members pointed out jokingly, the Bears probably spent more time deciding on who was going to be wasted draft pick Curtis Enis' limousine driver than they did in allotting time to talk to us. I -- I truly hope that the Bears seek great -- go on to greater heights. I'm a rabid longtime Bear fan. But there's something to be said about the way that this process, once again, gets diminished, when we are literally treated like mushrooms, kept in the dark and fed some bull, because here we are, in a Veto Session, very conveniently after an election, where we suddenly have an emergency, where the public and the skepticism of our process continues to grow. And I don't believe that I should be a person, and I don't believe my constituents sent me to Springfield, to heighten and to further exaggerate skepticism. And for that -- that reason, and that reason alone, I'm going to vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in strong support of House Bill 1284. And let me, first of all, compliment the Bears, their staff, and Ted Phillips, specifically. They worked long and hard. They faced all four caucuses. I've been led to believe some of the caucuses twice. Took all the heat. Took all the questions and, quite frankly, did a very good job. They certainly have satisfied my curiosity and any questions that I had to ask. And, quite frankly, they were very direct and right to the point, and I give them credit for that. Let us not forget that this -- the big part of this is the Bears. There's no question about that. But let's not forget the

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White Sox. They're remodeling the White Sox Park. Also, nineteen new acres of park on the lakeshore for everybody in Illinois to enjoy. And then, of course, last but not least, our beautiful, wonderful Field Museum, which will be sharing underground parking with the Bears. Also, I -- I've been led to believe additional storage facilities for -- for the Field Museum. So I -- I don't think that we ought to forget those things that we're doing, with no liability to the State of Illinois at all. And that was the biggest complaint we had on the -- when we did the White Sox. That was one of the complaints. It's been one of the complaints this time. That certainly has been satisfied to anybody's skeptical mind. There's no liability whatsoever. I'll tell you, it's good for the City, it's good for the Bears, and it's -- and it certainly is good for the State of Illinois. And I just ask the Bears one thing, one request out of this whole thing: Bring back a winner.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator Emil Jones, to close.

SENATOR E. JONES:

Yeah. Thank you, Madam President. And I want to join my colleague, Senator Philip, in this bipartisan effort. And maybe in the spirit of bipartisanship and -- and the spirit of regional support or statewide support, perhaps we can deal with the issues of the schools, as -- as Senator del Valle talked about. Perhaps when we deal with issues in Illinois, we can come together, be it upstate or downstate; it's good for Illinois. And perhaps one day in this Chamber no longer will I hear I can't vote for this because this is for downstate, or I can't vote for this because it's going to the City of Chicago. We are one State. We are one people. And I think the Bears represent all Illinoisans. Even though most of those who attend the game do not live in the City

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of Chicago, they come from suburbia, but -- and they want all the amenities of the City. They want the fine police represented by Senator Dudycz. They want the fire protection. They want all these amenities of the parks and so forth. But you say, "Well, we don't want to have anything to do with it, but we want to enjoy it." So from this day on, in the cooperation that we've had for our Bears stadium, let's have the same cooperation for the little children, the construction of new schools, the funding upstate or downstate, and then we can all at once say, once and for all, we did it for the people of Illinois. This bill deserves a Aye vote from each of you, and I urge you to do likewise.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1284 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 24 Nays, 1 voting Present. House Bill 1284, having received the required constitutional majority, is declared passed. All right. We're going to page 8 of your Calendar. This was not the last order of business, Ladies and Gentlemen. Page 8 of your Calendar, Order of Secretary's Desk, Concurrence. Senate Bill 851. Senator Dudycz. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 851.

The motion by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DONAHUE)

...could have your attendance. Take your -- your comments and things off the Floor here, Gentlemen and Ladies. Senator Dudycz, on Senate Bill 851.

SENATOR DUDYCZ:

Thank you, Madam President. House Amendment No. 2 to Senate

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Bill 851 is known as the downstate police pension package. It's an agreement between the Illinois Municipal League and the police labor unions. The league and the unions have been negotiating for a number of years and this -- this bill is a result of that negotiation. It does several things. First of all, it increases the retirement formula from two percent to two and a half percent of the salary for each year of service over twenty through thirty years of service. As you may recall, Ladies and Gentlemen, we passed the same provision for downstate firefighters last year. The police officer employees, their contribution would increase from nine percent to 9.91 percent to provide the funds for this increase. Also, it allows officers on disability to purchase up to three years of time on disability as creditable service time by making contributions. For the surviving spouses of a police officer killed from a sickness, accident, or injury incurred during duty performance that had begun receiving a pension or disability, the pension would not be less than one hundred percent of the salary of the last day of the deceased officer. In addition of heart -- to heart attack, it includes stroke as a condition that, if suffered in the line of duty, qualifies an officer for injury in the line of duty. And it provides for an employee self-managed pension plan option. The language of -- of which is still to be determined at a later date by the League, in conjunction with the police unions and the approval and the action of the General Assembly. Again, this is an agreed bill, and I would -- I know of no opposition. Ladies and Gentlemen, I would move that the Senate concur to House Amendment No. 2 to Senate Bill 851.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, this is -- oh, excuse me. I apologize, Senator Madigan. Senator Madigan.

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SENATOR R. MADIGAN:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Madigan.

SENATOR R. MADIGAN:

Senator Dudycz, you may have mentioned this in your presentation, but let me -- let me ask a question, if -- if you have stated it, just for emphasis. Is there language in this bill that provides for the recalculation of annuities for persons that might already have retired, so as to reflect these new benefits?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

That answer is yes, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Dudycz, to close? This is final action. And the question is, shall the Senate concur in House Amendment No. 1 -- No. 2 to Senate Bill 851. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 851, and having received the required three-fifths majority, is declared passed. Now, for the purposes of the information of the Body, we have probably eight other items that we need to deal with before we go. So just stand tight. Sit in your seats, and we'll move as quickly as possible. To the bottom part of page 8 of your Calendar is Senate Bill 168, on the Order of Conference Committee Reports. Senator Rauschenberger. Mr. Secretary -- Madam Secretary, do you have on file a conference committee report on Senate Bill 168?

ACTING SECRETARY HAWKER:

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Yes. First Conference Committee Report on Senate Bill 168.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This Conference Committee Report clarifies one single, simple provision. I will read you in entirety the new language: The board of trustees of a fire protection district shall appoint the Chief of the fire department, who shall serve at the pleasure of the board, and may enter into multi- -- into a multi-year contract not exceeding three years with the Chief. There was some question in the past whether, upon appointment, a fire protection district could enter into a contract. This simply clarifies it. There's nothing else in the Conference Committee Report. I would appreciate a -- a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Larry Walsh.

SENATOR L. WALSH:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Walsh.

SENATOR L. WALSH:

Senator Rauschenberger, the Conference Committee Report, I was wondering why it wasn't brought to our attention on our side of the aisle for signatures?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Walsh, thank you for asking that question, because I myself was a conferee and was not permitted to sign. In -- in the rush to get this important Conference Committee Report done, the -- the people in support of the fire protection districts rushed

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it through, and I, like yourself, never got a chance to see this Conference Report. But inasmuch as it's a single sentence, I hope you have time to review it here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Larry Walsh.

SENATOR L. WALSH:

Thank you for that answer. If -- it's my understanding this -- this bill does not take effect until June 1st of next year. Why is the hurry that we have to rush this through without even going through committee or giving us the opportunity to sign the Conference Report?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Walsh, thank you for answering {sic} that question, as well. I'm usually not sure why things have to be done quickly at the end of Session, in Veto, but I am reliably informed by the fire protection advocates that they've been working for more than two years to get this one sentence changed. When they were told of the opportunity that the Speaker of the House was willing to consider this Conference Report, they were just quite excited and enthusiastic. I -- I apologize to you and ask for your indulgence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill -- Senate -- Senate Bill 168. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 168, and the bill, having received

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the required constitutional majority, is declared passed. We're going to the middle of page 8, or the top of page 8, it's Secretary's Desk, Resolutions. Senate Resolution 214. Out of the record. Senate Resolution 436. Senator Rauschenberger, do you wish to have this resolution considered? Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 436, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. As kind of the windup conclusion to my legislative agenda for the Veto Session, I have a resolution that I would hope for favorable consideration by the Body. When we did the electric deregulation law, one of the charges that we gave to both DCCA and to the ICC was to make preparations for transition to a competitive marketplace. Clearly, based on the experience we've been able to observe in California and elsewhere, the part of the market that has developed most slowly and with the most disruption has been the residential part of the marketplace. This resolution calls on DCCA, the ICC, the Illinois Commerce Commission, and the Department of Natural Resources to -- to jointly prepare a report based on study information that's available, making recommendations to us, as soon as possible, on innovative strategies that we can maybe implement to encourage residential aggregation, residential peak load management in the -- in the metropolitan area and elsewhere in the State, and energy efficiency improvements. There's also some hope that as, currently, the trustees of the Commonwealth -- Commonwealth Edison three-hundred-and-fifty-million-dollar trust fund are developing their criterion, we may be able to influence them to support some

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of these initiatives. For the record, I want to read two sentences that -- that proponents are concerned that we understand. First is, this study and report is not intended to lead to mandatory customer aggregation of any kind or customer load auctions, or to invite general exploration of those kind of mechanisms. And this is not intended to be a throwback to least-cost planning, not intended to lead to mandatory consumer aggregation or consumer load auctions, or invite general explorations to those concepts. It's really to request that DCCA, the ICC, and DNR, begin to bring policy -- policy recommendations together to the General Assembly so that we can prepare the residential part of the market for transition to a free market in about three years.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Rauschenberger moves the adoption of Senate Resolution 436. Those in favor will vote Aye. Those opposed will vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt Senate Resolution 436. Senator Klemm, do you wish to have Senate Joint Resolution 77 called? Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 77, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Madam President. This resolution affects something, I think, of interest to this Body. And that -- back on June 13th, 2000, the Illinois Commerce Commission adopted emergency rules concerning our enhanced 9-1-1 for local government. Those emergency rules were adopted by the Commission

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for both schools, local governments, and non-profit organizations. Okay? These were adopted to the Commission, and they had a hearing that was filed and voted on on April 28th -- that was voted on April 28th, saying that they would withdraw, on the 13th, those rules because of the modifications that JCAR had asked for. When they ended up withdrawing those, they ended up instilling -- or, installing, if you will, emergency rules, again putting on the very same thing that JCAR unanimously had objected to. Those emergency rulemaking on -- on June 13th contained the very same provisions that were applicable to the schools and governments that we said was not the intent of the General Assembly. Well, JCAR during their rulemaking said it was contrary to the statutes and constituted a serious threat to the public interest and welfare. Now, JCAR based that determination that the emergency rulemaking adopted by the Commission was contrary to legislative intent. Strict adherence to the legislative intent as expressed through the statute and the concerns for the well-being and welfare for Illinois children and citizens were elements that JCAR looked into. Based on that determination, the Joint Committee on Administrative Rules suspended that rulemaking emergency determination that ICC did. Now, because we have a hundred and eighty days from that ruling that the ICC has tried to impose upon us against JCAR and this Body's will, that will go in effect on December 9th. That's the reason we must take action today. And what we do and what this resolution says, that the Senate and the House concurring, that the General Assembly hereby continues that suspension issued by the Joint Committee on Administrative Rules on June 13th, 2000, of the Illinois Commerce Commission's emergency rulemaking titled Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System (Act). That's what it does. This is what everybody agrees to. I do ask for your support. And I'll answer

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any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Klemm moves the adoption of Senate Joint Resolution 77. Those in favor will vote Aye. Those opposed will vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the resolution is adopted. Senate Calendar -- Supplemental Calendar No. 1 has been distributed. It is on your desks. We will be going to the Order of Conference Committee Reports on House Bill 557. Senator Viverito. Madam Secretary, do you have a conference committee report on file for House Bill 557?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 557.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam Chairman. House Bill 557 amends the Metropolitan Water Reclamation District Act by adding a new Section to extend the corporate limits of the sanitary district to include approximately sixty-eight acres in the southeastern Cook County. This parcel is in the unincorporated area. Municipalities are Chicago Heights and Glenwood. There is no opposition, and the sanitary district is one hundred percent behind it. And I have the support of Senator Halvorson, County Commissioner Simpson {sic}, and the local mayors, as well. Your consideration would deeply be appreciated.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President, Members of the Senate. I stand in

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support of this bill. It does affect my district, and just to set the record straight, everybody is in support of it. It -- there -- it had public hearings. Nobody was at the public hearings to say no. We currently have a sanitary district in that area that cannot handle this project. And so we would like to be -- have it annexed into the MWRD. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Walsh.

SENATOR T. WALSH:

I was just wondering, Senator Viverito, why -- why, on the Calendar here, it says that this is relating to the appointment of a deputy attorney?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Viverito.

SENATOR VIVERITO:

The deputy attorney -- the reason that they want to be able to do that -- they would have to go out and solicit, when they have very competent attorneys that are already there presently serving. It would cost the district hundreds or thousands of dollars to advertise.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR T. WALSH:

Is the land that's going to be annexed in here in Cook County?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Viverito.

SENATOR VIVERITO:

I -- I didn't get that, please.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh, repeat your question.

SENATOR T. WALSH:

Is the land that's going to be annexed in in Cook County?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Viverito.

SENATOR VIVERITO:

Yes, it is, Senator Walsh. It was -- thank you for your questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? The question is, shall the Senate adopt the Conference Committee Report on House Bill 557. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt Conference Committee Report on House Bill 557. And the bill, having received the required three-fifths majority, is declared passed. Senator Syverson, do you wish to have Senate Bill 487? Madam Secretary, do you have on file a conference committee report on Senate Bill 487?

ACTING SECRETARY HAWKER:

Yes. Second Conference Committee Report on Senate Bill 487.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. This just amends the roofers' license Act to put some consumer protection provisions in it. So, be happy to answer any questions. Otherwise, ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the

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question is, shall the -- the Senate adopt the Second Conference Committee Report on Senate Bill 487. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt the Second Conference Committee Report on Senate Bill 487, and the bill, having received the required -- three-fifths majority vote, is declared passed. Senator Philip, for what purpose do you seek recognition?

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I'd like to make just a few comments and I want to compliment Emil Jones and the Minority for the cooperation we've had during this Veto Session. I think it's at an all-time high. Thank you very much. I think we did very, very good work. Secondly, I will bring you up to date on John Maitland. He's still in intensive care. His condition has been upgraded. Hope you'll all say a few prayers for him. Looks like he may -- may be there for awhile. And just remind you that we will be back in Session on the 8th and 9th, and wish everybody a very, very Merry Christmas and a Happy New Year's.

PRESIDING OFFICER: (SENATOR DONAHUE)

We will -- 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 368, with House Amendment No. 1.

We have a like Message on Senate Bill 1975, with House Amendment No. 2.

Both passed the House, as amended, November 30th, 2000.

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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 refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 1580, with Senate Amendment No. 1.

We have a like Message on House Bill 1581, with Senate Amendment 1, and House Bill 1598, with Senate Amendment 1.

All nonconcurrent in by the House, November 30th, 2000.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No objections filed, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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 Ayes have it. And the motion carries. The resolutions are adopted. Messages.

SECRETARY HARRY:

A Message from the President, dated November 30th, 2000.

Dear Mr. Secretary - Pursuant to Senate Rule 2-10, I hereby revise the 91st General Assembly Senate Schedule for the week of January 8th, 2001. Please be advised that the Senate will be in Session on Monday, January 8th, and Tuesday, January 9th.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 78, offered by Senator Weaver.

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(Secretary reads SJR No. 78)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 78. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Weaver now has moved the adoption of Senate Joint Resolution 78. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. If there's no further business to come before the Senate, Senator Noland moves that the Senate stand adjourned until 2 p.m. -- that's 2 p.m. on Monday, January 8th, of the year 2001. The Senate stands adjourned.

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