

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

4/9/2003

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and Gentlemen, it's my understanding that Democrats are still in caucus and it's my understanding that the Republicans are going to caucus as well, but we want to go ahead and -- and get opened up. So, the hour of 10 having -- 10:30 having arrived, the Senate will come to order. Members will be at their desks. Our guests in the gallery will please rise. Prayer today will be given by the Reverend Jeff Chitwood of the South Side Christian Church, Springfield, Illinois. Reverend Chitwood.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pledge of Allegiance. Please remain standing. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading and Approval of the Journal, Madam Secretary. Senator Radogno moves to postpone the reading of the Journal and the -- of the Journal, pending arrival of the printed transcripts. There being no objections, so ordered. House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 209, offered by Senators Halvorson and Welch.

(Secretary reads title of bill)

House Bill 235, offered by Senators -- Senator Clayborne.

(Secretary reads title of bill)

House Bill 237, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 305, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 416, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 565, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 710, offered by Senator Emil Jones.

(Secretary reads title of bill)

House Bill 842, offered by Senator Clayborne.

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(Secretary reads title of bill)

House Bill 1091, offered by Senators DeLeo and Maloney.

(Secretary reads title of bill)

House Bill 1180, offered by Senator Woolard.

(Secretary reads title of bill)

House Bill 1249, offered by Senator Wendell Jones.

(Secretary reads title of bill)

House Bill 1459, offered by Senators Demuzio and Schoenberg.

(Secretary reads title of bill)

House Bill 1475, offered by Senator Shadid.

(Secretary reads title of bill)

House Bill 1809, offered by Senator DeLeo.

(Secretary reads title of bill)

House Bill 2134, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 2135, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 2187, offered by Senator Dave Sullivan.

(Secretary reads title of bill)

House Bill 2200, offered by Senators Clayborne and Welch.

(Secretary reads title of bill)

House Bill 2201, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 2215, offered by Senator Collins.

(Secretary reads title of bill)

House Bill 2221, offered by Senator Ronen.

(Secretary reads title of bill)

House Bill 2317, offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2480, offered by Senator Radogno.

(Secretary reads title of bill)

House Bill 2514, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 2618, offered by Senator Harmon.

(Secretary reads title of bill)

House Bill 2778, offered by Senator Munoz.

(Secretary reads title of bill)

House Bill 2840, offered by Senator Link.

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(Secretary reads title of bill)

House Bill 2870, offered by Senator Dave Sullivan.

(Secretary reads title of bill)

House Bill 3088, offered by Senator Woolard.

(Secretary reads title of bill)

House Bill 3191, offered by Senator Risinger.

(Secretary reads title of bill)

House Bill 3321, offered by Senator Welch.

(Secretary reads title of bill)

House Bill 3401, offered by Senators Harmon and Cronin.

(Secretary reads title of bill)

House Bill 3402, offered by Senators Harmon and Cronin.

(Secretary reads title of bill)

House Bill 3608, offered by Senator Obama.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Risinger, for what purpose you rise?

SENATOR RISINGER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR RISINGER:

I'd like to recognize, in the gallery above, the Peoria Educational Region for -- Employment and Career Training and their system director, Carol Leach. If they'll please stand?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Our guests in the gallery please rise. Welcome to Springfield. Senator Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, if you could help me welcome my two Pages today, Rachel and Erin Barbonelle, and their aunt and uncle are in the gallery, Adam and Sam Chasen.

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Welcome to Springfield. In the gallery, please rise.
Senator Burzynski, what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. We'd like to request a caucus immediately, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

A Republican Caucus immediately. We will come back at 11:45 'cause we have to adopt the -- the joint resolution. Is that all right? All right. Republican Caucus immediately, and the Senate will stand in recess until the hour of 11:45.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour -- hour of 11:45 having arrived, the Senate will come to order. Madam Secretary, Resolutions.

SECRETARY HAWKER:

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

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

House Joint Resolution 31.

(Secretary reads HJR No. 31)

Adopted by the House, April 8, 2003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Mr. President, the House Joint Resolution requires us to be over in the House at noon. I would move for adoption of the amendment {sic}.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch has moved to suspend the rules for the immediate consideration and adoption of Senate -- House Joint Resolution 31. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. House Joint Resolution 31 is adopted. The Chair would like to recognize the presence of someone who's kind of familiar to all of us, been around awhile and, oh, yes, it's the Attorney General, Lisa Madigan, in the --

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delighted for you to be here. All right. Ladies and Gentlemen, let the Chair say that I would like to announce the Committee of Five Senators who have been appointed to escort the Governor to -- to the House of Representatives: Senator Jacobs, Senator Schoenberg, Senator Collins, Senator Risinger and Senator Althoff. Ladies and Gentlemen, the Senate will now recess and we'll reconvene after the Joint Session at the call of the Chair. I don't want to set a specific time limit because we don't know how long the Message will be. So, when the Message is over, we ask for you to -- to wander back. So, we will recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, the Senate will reconvene. It is the intention of the Chair, we have some housekeeping matters to -- to take care of now that we're on our way back, and if the Members would -- in your offices, within the sound of my voice, would come back to the Floor, we'll be starting here shortly. Then we will be going to the Order of 3rd Reading, and anybody who has a bill on 3rd Reading that wants to have it called ought to let us know; otherwise, we will not be here very long. But knowing the Members, we will be here for quite awhile. ..Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR GEO-KARIS:

Excuse me. Mr. President, today in the President's Gallery, there are three young people who are doing very good work and also their director of vocational education, Barbara Oilschlager, from Lake County, Illinois; and Eric Patin, P-A-T-I-N, of Antioch High School, who is specializing in -- culinary arts and is a great chef; and Jennifer Stachera, S-T-A-C-H-E-R-A, from Antioch High School, who's going to be going into health care; and Marie Salene Harerra, from Spring Grove, McHenry County, who's represented by Senator Pam Althoff, is going in

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for cosmetology. And these are young people who are great in vocational education. And I hope that even though the Governor cut down the budget for vocational education, he restores it, because that's so critical and so important. So, I'd like you all to welcome these fine people who are there in the President's Gallery, and get their names on the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be recognized by the Senate? Welcome. Resolutions.

SECRETARY HAWKER:

Senate Resolution 116, offered by Senator Dillard and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Resolutions Consent Calendar. Ladies and Gentlemen, we're going to be starting here momentarily, so please come to the Floor. Ladies and Gentlemen, Senate will come to order. Again, we will go to the Order of 3rd Reading. If any Member wishes to have a bill called on the Order of 3rd Reading, please notify the Presiding Officer so that we might move to that order of business; otherwise, we'll simply go down the Calendar and when we're done, we're done. ...started. With leave of the Body, let's go over to page 7. Page 7 on your Calendar, on the Order of 3rd Reading, is Senate Bill 280. Madam Secretary, read the bill. 280.

SECRETARY HAWKER:

Senate Bill 280.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This was a shell bill and it's now being filled in by a -- through a request of the Illinois Department of Corrections and the Illinois State Police, who just handed me what will be the substance of the bill. It is a package of changes to the statute concerning DNA, and these changes to the statute have been requested by the authorities of the United

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States to bring Illinois' DNA statute into a uniform nature with other states. For example, the proposed change to existing law does designate collection agencies, that they may contract with third parties to provide collection and analysis - for example, laboratories. It provides for freedom from a lawsuit based upon someone being aggrieved at a DNA result. It also provides for administrative rules for the use of genetic markers. And it also, last of all, the Department of Corrections had a problem: The statute which the General Assembly passed two years ago contained a provision that all prisoners being released from prison must give a DNA sample and it failed to mandate that those in prison on a life term had to give a DNA sample, and now those prisoners are now -- refusing to give a DNA sample, which means that other states and authorities in Illinois cannot obtain their DNA sample to investigate crimes that the person may be suspected of committing. So, this is a proposal from the Illinois State Police and the Department of Corrections, and I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Righter.

SENATOR RIGHTER:

Good afternoon, Mr. President. Point of inquiry, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your inquiry.

SENATOR RIGHTER:

I -- I notice from the board, we're on 3rd Readings. I'm assuming that we are not in the process of adopting an amendment now; the sponsor's just describing what the amendment, at some point, will be when it's added in the other Chamber?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter, you're -- you've described that accurately, and I'm -- I'm glad you were here on time to -- to listen to that part. Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

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Thank you, Mr. President. Senator, this is language -- I take it what you're telling us is that it's arrived too late to put on the bill here in this Chamber, so it's going to -- your anticipation is it would pass out of the house here. The exact language that you've got right here is going to be placed on the bill. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

That is correct, Senator. This is the sum total of what this bill would be when it's amended in the House, and then it would be back here on Concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Righter.

SENATOR RIGHTER:

Senator, you said this is at the prompting of the Department of Corrections and the State Police. Can you tell us if there's any other entities that have been involved in the discussion? I mean, this is something, obviously, that we haven't seen right now. If you can give us some idea of what this might be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Haine.

SENATOR HAINE:

Mr. President and Senator Righter, no, this is a -- a request of the State Police and the Department of Corrections. It's primarily the State Police because of the request of the United States authorities to have a uniform DNA collection and data bank nationwide. The DOC had the problem with the lifers not wanting to give their DNA, so they're in it for that purpose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, question is, shall Senate Bill 280 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 280, having received the required

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constitutional majority, is declared passed. Senator Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR D. SULLIVAN:

Ladies and Gentlemen of the Senate, if you could please join me in welcoming the students from Saint Paul Lutheran School in Mt. Prospect who are just entering the gallery on the Democrat side.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Mt. Prospect, congratulations. Welcome to the Senate. Please rise, please. Nice to have you here. All right. Again, for those of you that haven't heard the announcement, 3rd Reading: If you have a bill that you wish to have called, this is the day. With leave of the Body, we'll go to page 21. Page 21, Ladies and Gentlemen, is Senate Bill -- I'm sorry, 1476. 1476, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 1476.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. Senate Bill 1476 eliminates the three-percent pre-retirement annual increases for future General Assembly Retirement System members who have attained the age of fifty-five and served at least twenty years, therefore reaching their maximum annuity of eighty-five percent of their final salary. Ask for an Aye vote and be welcome to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Brady.

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Brady.

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SENATOR BRADY:

Senator Sullivan, first, the Pension Committee had an agreement with Senator Jacobs and myself that all pension bills - and I think he'll verify that - that all pension bills would not advance until they went through the Pension Laws Commission. We -- we passed the vehicles and the other pension bills out of the committee under that agreement, our Members and -- and others, and we have held back on calling any of our bills on 3rd Reading. And I -- I just, first of all, want to question why you are violating that agreement that we had and not allowing it to do the process that this Chamber has seen over the last several years and be heard by the Pension Laws Commission, a commission made up of Members of the Assembly and private members.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

First of all, I'm not a -- a Member of the Insurance and Pensions Committee, and Senator Jacobs wants to answer that question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. And you are absolutely correct, Senator. That was the agreement. I was going to get up and speak on this also, that that was our agreement; however, the -- the Pension Laws is not meeting and, as it looks, it will not meet, number one; and number two, as we do in this Body, sometimes too often, pressures from above made decisions other than ours.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Senator Jacobs, I respect your opinion and I -- understand. I just think it's -- it's disappointing to Members of this side of the aisle, certainly, and I think some of your Members who didn't advance their legislation, that one special Member violates that agreement that we had. And I -- I think it's disappointing. It's not the

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way I -- I believe this Chamber should operate or does. A question of the sponsor. Senator, I sponsored legislation which took a look at this, and I think we all know that the voters of Illinois are sick and tired of what is perceived an actually very rich program for members of the Judiciary and Constitutional Officers and -- and Members of this Body. And we all know that we can only deal with that prospectively. The Constitution protects everyone in the State of Illinois on a -- on pension issues. But I sponsored legislation which I think would have gone a long way in removing that distrust on the public's part. And I would ask, would you support a friendly amendment in the House bill which would place us all in with the State Employees' Retirement System?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Senator Brady, your legislation does go further than this legislation, and I understand that, and I think that my legislation has a lot better chance of getting through this Body and also through the House. And I would -- I asked -- as you're well aware of, I asked if you'd like to cosponsor this legislation, my bill, and I still welcome you on that bill. And I think it's a good bill and it actually, as you're aware of, decreases the liability to the State, and I think, considering the Budget Address today, I think it's a small step in that direction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

Senator, I understand your rationale, but I happen to believe that -- that my bill, in a friendly amendment on this, supported by you, would pass in the House, would put all of us in the same system that's every bit as good for every State employee we have. And my simple question is to you, will you -- will you support me in that effort and would you support that friendly amendment in the House?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

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Senator, I -- I like my bill. I think it goes -- makes steps in the direction that we need to be headed. And again, I ask, if you'd like to support my bill, I'd be more than happy to have you on as a sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brady.

SENATOR BRADY:

I'm not saying I -- I don't like your bill. I just don't think it goes far enough. And I -- simply, would you join me in support of my bill if we could get it to pass the House? Yes or no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Senator, I'm -- I'm going to go with my bill. I like my bill and that's the one we're going to try to get through.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Roskam.

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Roskam.

SENATOR ROSKAM:

Senator Sullivan, you like your bill 'cause it doesn't affect you, isn't that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

The bill does not affect current Members.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Doesn't it make sense, Senator, if we're going to be standing up and telling the public, in press releases and meetings and -- and forums and so forth, that we've fixed the pension system, don't you think we should lead by example?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam. I'm sorry. Senator Sullivan.

SENATOR J. SULLIVAN:

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I don't think that we've fixed the pension system with this legislation. It's a step in the right direction, and as I'm sure that you know, current Members -- we cannot -- does not or we cannot do legislation to -- to affect current Members because of the Constitution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Well, Senator, if -- if -- the good news is that if that's the only objection you have to this, we can remedy that, because you can put -- you can put an opt-out clause into this bill so that those Members like you who are compelled and say that the pension system is unraveling and -- and you want to make a change, you have the opportunity and all the Members here who want to do that have that opportunity to make that change for themselves. Would you agree to that amendment that would allow you to opt out?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

I don't -- I don't think we ought to be changing the Constitution, first of all. So, you know, that -- that I don't -- I would not be in favor of and, plus, an amendment like that would obviously hurt current Members. And this is a bill -- again, it goes -- it's not -- it's a step in the right direction and I think it's a bill that we can get passed, and I think that's important.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam.

SENATOR ROSKAM:

Senator, you're not limited to the Constitution. The Constitution does not prohibit this. I'm not saying to take Members and push 'em under the bus. I'm not saying to take Members and not let them have the money if they want the money. I'll wait, if you need counsel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait. Senator Roskam.

SENATOR ROSKAM:

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Well, I just want to make sure he's listening. Senator, the Constitution doesn't prohibit you from doing this, so let's take that argument and put that aside. What I'm saying is that you can have an amendment to this bill that simply has an opt-out clause, that a Senator or a Representative says, "You know what? I want to be in till twenty, and after twenty, I'm going to opt out and I'm not going to participate any further." That's a good idea. Will you agree to that amendment, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

That -- that was an amendment to an -- another pension bill that I had and we'll -- it's not a part of this bill. This is the bill that I want to go with, but possibly we can look at that in the future.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Roskam.

SENATOR ROSKAM:

Well, Senator, I would just point out that I asked a simple question, and the simple question was: Would you agree to have this amendment that I just described, and that you've advocated, apparently, in other pieces of legislation, onto this legislation? You yourself have described this bill as the only bill that's moving. Senator Jacobs reluctantly got up and said the -- the -- that, you know, there was powers from above and -- and the powers moved forward and this is going to be the be-all, end-all and do-all. This is the big pension bill. Since that's true, why won't you agree to your own amendment, which is a good idea, which is supported by Senator Brady, which calls this what it is. This says -- this amendment says we will bring upon ourselves, the people in this Chamber, the very standard that we're trying to impose on future legislators. That's a good idea, isn't it, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

This bill takes a step in the right direction. It doesn't correct, perhaps, all the flaws that are out there with the pension system. So, I think it's a step in the right direction

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and I certainly ask all the Members here to support it. And, you know, maybe in the future, we can work on some additional pension -- pension legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, thank you, Mr. President. I stand in strong support of this. You know, there's a method here in Springfield, in the Legislature over the years, to kill a bill and the way you do it is you strengthen it to death. You make it so strong, so appealing that nobody can vote for the thing. That's what would happen with Senator Sullivan's bill. He's counted noses. The proposals from the other side of the aisle would not pass, would not get through the House, wouldn't get out of the House Rules Committee, and you all know it. It's just an attempt to attack a freshman that you've targeted for defeat. I've been there myself. I know the game. You know the game. This is all for the guys in the press box. Fortunately, they've got a bigger story to write today. So, you're all going to vote for this bill. I'd like to see some No votes over there so you can put your money where your mouth is. Both the Senators who spoke, vote No. Go ahead. Because this is just a political argument and we all know it. It's a good bill. It's a good step in the right direction. It responds to some of the problems that we've had in Springfield and it's, at last, taking a step to end the problems we've been criticized for, for many years. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator Sullivan, I certainly support your bill, as far as it goes, but I think that some of the things that have been mentioned here on the Floor, it doesn't go far enough. We've heard, over the last month or so, that there's a new way of

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doing business in Springfield and this really is a new way. This really is a new way of doing business in Springfield. Just because a Leader says that we're going to break a commitment and just because you and I are not Members of the Insurance Committee - I also had a bill in front of Insurance; I didn't call that bill out of respect for that commitment - just because a Leader says that you can go forward doesn't mean that you should go forward. It's a -- the commitment is being broken by your action today. I think that that's important. Secondly, when you answer a question on the Senate Floor, and I -- I -- you and I try and everybody in this Chamber tries to pay close attention, but when you say, "I like my bill", and then, "I like my bill", in response to -- or, try -- and attempt response to his bill, it's not responsive and I don't think that it advances for those of us who even support your concept to go forward. The third thing is, as far the new way of doing business, you're strong enough to lead by example and that's why Senator Roskam's idea is so good and why you and I -- I know that I would support it. Senator Roskam says he would support it. I -- I wish that you would have that in your bill. But, finally, I would ask you to put an amendment on, and -- and now that the commitments are no longer restricting any of us, I'll have a bill later on today where we put a cap on public pensions. And I think that the figure was seventy-five thousand dollars. Is there any cap to how high these pensions can go other than the hundred -- one hundred percent of what they were earning? Is there any cap on your proposal?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Sullivan.

SENATOR J. SULLIVAN:

Senator, all this bill does is eliminates the three-percent pre-retirement increases. As far as if we take away the three-percent, are you talking about taking away the three-percent after retirement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

My -- my question is, is there any dollar cap on the pensions in your bill?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

It's my understanding it's eighty-five percent of what you earn. That's the max. That's the salary -- eighty-five percent of your salary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

Okay. So, what you're saying is that if -- and you probably saw the articles in the Sun-Times and the Tribune over the last two weeks about even people from this Chamber taking jobs in other areas where it pumps up their earnings, so then they would get eighty-five percent of their earnings. Isn't -- is there any cap on something like that being done?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Senator, those abuses that were outlined, in the Sun-Time articles for example, my understanding is that this Body already took care of some of those problems previously. This legislation simply deals with that three-percent pre-retirement -- take -- it's taking away that three-percent retirement -- pre-retirement. Excuse me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lauzen, you're close. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President, for your indulgence. And this will be just the last comment. You -- you and I, Senator, come from real straightforward backgrounds. I know I don't have the legal training that some of the good folks in this Chamber have. If we really want to do something about this pension problem that we have, we put a cap on it and a cap across all the pensions so that the people who we serve understand that we're not walking away with their goodies.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. I just rise in strong support of this legislation and I am certain that Senator Sullivan will stand strong and firm to his commitment with this legislation as drafted. And it's clear that, as Senator Welch said, you can weigh a bill down and not pass it. You know you're going to vote for it. Let's vote Aye on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

Well, thank you very much, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Sieben.

SENATOR SIEBEN:

Senator Sullivan, do you believe that part of the problem we have in the State today with the public confidence in our government has to do with our public pension systems?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

I'd say that there probably has been some discussion about that, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sieben.

SENATOR SIEBEN:

Would you also agree that one of our major fiscal problems in the State right now has to do with the funding of our public pension systems?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Has -- doesn't address -- that has nothing to do with this bill, but yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sieben.

SENATOR SIEBEN:

To the bill: I guess the disappointment here, Senator, is, repeatedly, Senator Brady offered, in a gesture of bipartisanship, the opportunity to take your idea, which is

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basically good, but to make it better, to work through the process. We're only halfway through the process of this Session. We've still got all the House bills to do, House work. Offered repeatedly, in a gesture of -- of bipartisanship, to make your bill better, to deal with the public, I think, concern over the public pension system. A bill passed here last week for the bonding of the pension obligation clearly indicates it's part of our fiscal responsibility, and you repeatedly denied his offer to work on this. We just listened for an hour and a half to a Governor talk to us about opportunities here and about the magnitude of our problems, and that Governor just told us that the problems and challenges we confront are way too big to be stuck in the old paradigm of Democrats versus Republicans. Turning this fiscal crisis into the opportunity to regain the public confidence means all of us working together, both Chambers of the Legislature, both sides of the aisle. The stakes are too high to do anything less. Senator, I ask you to reconsider the request from Senator Brady to at least consider working on improving this bill when it gets over to the House, the possibility of at least looking at some additional amendments to deal with the problem of our public pension systems.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. To the bill: Two points I'd like to make. Number one, I don't think that we should make the best of the enemy the good. This is a modest first step in the right direction. I don't see how we could object to it. Obviously, there are a number of changes that are going to need to be made to the pension system, but it strikes me that better for us to take this first step than to try to wait for the perfect bill. Second point, with respect to some of the issues that were raised earlier about other proposals that might impact legislators currently, I -- my suspicion is -- and I -- I'm not a -- a legal expert in pensions but I do know that there are some basic reliance interests and contractual interests having to do with the pension system that makes it very difficult to unwind existing pension commitments. And I just think that

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that's something that we have to be mindful of as we go forward. We may have locked ourselves into some bad deals previously. Unwinding them may necessarily have to be prospective as opposed to retrospective. But I congratulate Senator Sullivan for putting together a terrific first step and I'd urge strong support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. I rise in support of Senate Bill 1476. And this has been a most interesting discussion, as I listen to the Members from the other side of the aisle. One Member talking about the Governor's talking about bipartisan support, but when the bipartisanship was called upon, you sat there and voted No. And when I listen to individuals talk about making this bill a better bill, sometime Members must tell the truth. The truth is that General Assembly Members pay eleven percent of their salary into a pension fund. State -- other State employees do not pay that amount into a pension fund. So, what the Senator's talking about, dumping this into the State Employees' Pension System, I'll be opposed to it. The newspapers never said that Members contribute twenty -- I mean, eleven percent of their salary into a pension fund. That's why it's eighty-five percent. The other loophole that you're speaking of have already been closed. I watched the vote on the judges' COLA pay raise. When you talk about the Constitution saying pension benefits cannot be diminished -- and I saw one of the speakers over there talk about this bill, yet they voted for Senate Bill 100. Just yesterday. Because that bill said that we could not constitutionally -- we could not pass legislation to deny pay raises. So, you cannot have it both ways. You cannot play to the cheers of the crowd. And sometimes things change, why Senator Sullivan's bill is out on the Calendar today. I wish all of you last year, the year before and the year before that would have stood up and said those same, identical things. You -- you sat over there and kept your mouths shut. So, don't holler about the process. I don't know who that person from above that informed Senator Denny Jacobs about these bills, but decisions have to be made. And I'm quite

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certain he made the right decision. But don't talk about trying to take away something that the Constitution forbids us from doing. You recognized that when you voted on Senate Bill 100 yesterday. So, don't ask the sponsor of this bill to do something that I can't support, you cannot support because you voted just in the opposite yesterday. Current Members' benefits cannot be diminished. I'm not ashamed to say I pay eleven percent of my salary into a pension fund. Other State employees do not pay that amount, but you want to take that away from me. So, let's stop playing games. This is a good bill. You don't want to vote for it, vote No. But it takes away from any future Member coming into the General Assembly. You cannot take it away from a -- a Member who is currently seated in the General Assembly. The Constitution says you cannot diminish one's pension benefit rights. So, let's stop playing games and vote Yes on this bill, which I know you're going to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? A new light. Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator Sullivan, I really wasn't going to rise to speak to this bill, but just one question. Do you know when the three-percent adjustment was enacted into law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Are you asking what year, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski. Senator Sullivan.

SENATOR J. SULLIVAN:

I'm told the early nineties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you. Well, it was -- it was actually the late eighties, '89. It was before I was in the General Assembly. But do you know who the sponsor of that legislation was?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

No, I do not, but I think you probably are about to tell me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, and I think the sponsor just made an eloquent speech on the Floor. Senator Jones, actually, was the sponsor of that legislation, and, obviously, he said Members change, times change, and obviously his opinion has changed relative to the need for this. And I'd just like to know. I -- I'd like the same deal that Senator Jones has because I pay eleven and half percent into my pension fund and not eleven. So, thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall Senate Bill 1476 pass. Those -- I'm sorry. Senator Jones. Senator Jones.

SENATOR E. JONES:

To the esteemed gentleman from the other side of the aisle, and sometimes half-truths are not good for the public at large. Sure, I sponsored the bill. I was a good Chairman of the Pension Committee. I recognize that after twenty years, you are vested for all that you're going to receive, but you are still contributing eleven or eleven and a half percent of your salary into something that you're not going to get anymore benefit from. That's how that provision came about. If you're not going to receive any increased benefit, why should you continue? But the law said you must still contribute. So, if you're playing to the press, tell the press the truth. I was a good Chairman. This bill that he has here takes that away from any future Member coming into the General Assembly. But I'm quite certain there'll be an amendment placed on there to allow that Member to cease making contributions to the system. I'm not ashamed of what I propose and any wise person would do likewise.

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You're not going to continue to pay into something that you're not going to receive any benefit from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further -- further discussion? Senator Burzynski, for a second time.

SENATOR BURZYNSKI:

Just -- just to set the matter straight. First of all, Senator Jones, I didn't indicate that things don't change; I indicated they do change. Secondly, it wasn't a half-truth. You were the sponsor of the bill. That's all I said. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1476 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, and none voting Present. Senate Bill 1476, having received the required constitutional majority, is declared passed. Leave of the Body now, we'll -- page 22. Top of page 22. Madam Secretary, Senate Bills 3rd Reading, Senate Bill 1535. Read the bill.

SECRETARY HAWKER:

Senate Bill 1535.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sullivan.

SENATOR J. SULLIVAN:

Thank you, Mr. President. Senate Bill 1535 creates the Rural -- Technology Development Zone Act which provides incentives for investments in high-speed Internet infrastructure in rural communities in Illinois. Three of these zones will be defined by the Department of Commerce and Economic Opportunity. Ask for an Aye vote and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Sullivan. David Sullivan. I'm sorry.

SENATOR D. SULLIVAN:

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

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator David Sullivan.

SENATOR D. SULLIVAN:

Senator Sullivan, are you aware that when we did the telecommunications rewrite a couple years ago, we had an eighty-percent deployment requirement in that legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Senator, I couldn't quite hear you. An eight-percent what?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dave Sullivan.

SENATOR D. SULLIVAN:

An eighty-percent deployment of these high-technology issues throughout the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator John Sullivan.

SENATOR J. SULLIVAN:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator David -- Sullivan. Ladies and Gentlemen, I'm doing that for the -- for the record here. I know who you are, but... Senator David Sullivan.

SENATOR D. SULLIVAN:

I'm the one with gray hair. Senator, does this legislation have -- does this legislative have any negative impact on that eighty-percent deployment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Apparently, he didn't hear the question, Senator. Senator David Sullivan, please.

SENATOR D. SULLIVAN:

Senator, does this have any negative impact on that eighty-percent deployment that we negotiated two years ago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator David Sullivan -- Senator John Sullivan.

SENATOR J. SULLIVAN:

Not that I'm aware of.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator David Sullivan.

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SENATOR D. SULLIVAN:

It would be helpful, I think, for us if we had a complete answer to that question, because that was something that was a key negotiating mechanism in that rewrite. We wanted to make sure that these telecommunications companies did their investment in this State, and I don't want to make -- I don't want us to be taking away from that effort because we want to make sure we have high technology deployment. So, I don't -- maybe Senator Jacobs can help you out with an answer on that, but I need to have an answer to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senator, I think that the -- the easiest way to explain this, I think it enhances it. As you're aware, the eighty-percent number that we're looking to -- to reach, you can do that in all the major -- major cities of the State. So, this bill enhances it and gives an opportunity to go out beyond that and hopefully get there beyond the eighty percent at a much quicker pace. That's the intent and that's something I think that we all should be voting for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Sullivan, John Sullivan, may close.

SENATOR J. SULLIVAN:

Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1535 pass. Those in favor will vote Aye. Those opposed, 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, the Ayes are 55, the Nays are 2, none voting Present. Senate Bill 1535, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, I have two additional bills that Members wish to be called, and with leave of the Body, Senate Bill 114 is on page 6. With leave of the Body, we'll go to the Order of Senate Bills 3rd Reading, page 6, Senate Bill 114. Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 114.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a shell bill and I'd like to send it over to the House just in case we need to divide up some civil procedure bills for single subject clarity. And I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill -- Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I understand yesterday, while I was not in my seat, that the -- the Presiding Officer at that time was looking for me to -- to give me some information on how many shell bills. Again, as a -- as a docile Member of the Minority in wanting to kind of move the process along, I'm concerned again that we're acting on another shell bill. Do -- do we have any idea how many shell bills we've already sent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, so far it's just one today.

SENATOR RAUSCHENBERGER:

I appreciate that and I -- I would just -- I would just think that we probably have enough tools in our little toolbox over there already. So, good luck. Thanks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 114 pass. Those in favor will vote Aye. Those opposed, 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, the Ayes are 50, the Nays are 5, none voting Present. Senate Bill 114, having received the required constitutional majority, is declared passed. Page 7. With leave of the Body, we'll go to the Order of -- page 7, Order of 3rd Reading, is Senate Bill 315. Senator Viverito? Madam Secretary, Senate Bill 315. Read the bill.

SECRETARY HAWKER:

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Senate Bill 315.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. This amends the Metropolitan Water Reclamation District, Property Tax Code. Provides a tax no greater than a quarter of a penny for the purpose of security for the district. It serves over five million people. We -- we need to protect our waterways and, obviously, they go all the way from the City of Chicago all the way down into Peoria, the Mississippi. And this is something that's really needed. It sunsets in the year 2006, and I'll ask -- I mean, I'll answer any questions I can.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Lauzen.

SENATOR LAUZEN:

Well, actually, may I start with an inquiry of the Chair? When you mentioned earlier that there were, like, two or three bills that people wanted to call, what's the procedure to have other bills that others of us want to have called to be considered in the Order?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I think we just did that. I mean, we're -- we -- we went through the process of saying that we're going to go through the Calendar one time and that -- at that point, there were two additional Members that came up and gave us bills and, at that point, you know -- I made that announcement I don't know how many times today, and so -- what's your -- what's your point? Why do you -- why do you rise? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I -- actually, the undercurrent of the comments during your answer was that it's about the election, it's about November 5th, and I understand. But I have a -- I have a couple of questions on this bill, 315, if I may proceed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen. The clock is running. Have at it.

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SENATOR LAUZEN:

Thank you. Senator Viverito, this is an exception to the tax cap legislation, isn't it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

Is it -- is it a true statement, according to Kevin Fitzpatrick, Legislative Liaison for the Metropolitan Water Reclamation District, that the District has not held a tax increase referendum in thirty years? Is that accurate, that we haven't -- they haven't even tried to ask the taxpayers in thirty years?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

I really have no knowledge of that. I know they get a great deal of federal funds. And particularly, the thing to protect our waterways, as you well know, they treat one billion four hundred million gallons of wastewater per day, serve a hundred and twenty-five municipalities. And I don't know of any referendum they've had in thirty years, no, because they're a legislative body, you know, created by us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lauzen.

SENATOR LAUZEN:

Okay. Well, first of all -- see, first of all, I -- let's see, first of all, I understand that the water that we're talking about is not the -- you know, the water that goes to the people of Chicago and Cook County, that the wastewater after treatment goes into the river. So, you know, the idea of -- you know, that this is serving these people, but not -- not drinking water, if that makes any difference. But in your testimony during -- during committee, you said that we haven't asked in thirty years. Why is it that we don't have the confidence in the good judgment of the people who want their water supply

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protected that we can't ask them before we raise the taxes? Why an end run around the tax cap?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

Senator, I think that's a very worthwhile question and I thank you for asking it, but I do feel that this is an emergency situation, since 9/11. We have an emergency situation here. If we don't protect these waterways -- in fact, Senator Risinger goes -- the river goes right in front of his house. God forbid if the pollutants ever came in there, we'd end up with cholera. Remember many years ago when they were digging the -- the I & M Canal, when all the good Irishmen came in there to dig those canals and -- and made the waterways pure and better for us, to carry things for us. We need this now. I don't like asking for this. A quarter of a penny? Eighty-five cents on a hundred-thousand-dollar home evaluation? Believe me, the public would vote for it. But God forbid if a disaster happens and we don't address the issue, I think we're -- we're not doing our job. Plus the fact, with the urging of Senator Risinger, I went over to see Senator Hawkinson to have him address this issue because I felt that he wanted to do something too. Unfortunately, he was out doing his duty, protecting many other ways, and I have not heard from him. I did follow the recommendation and I encourage you to vote for this because I think it's really needed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

And just -- just to the bill, then, Mr. President. And to the worthy sponsor, for thirty years the authority has not gone to the people for a referendum. So, to say that now -- now there's a crisis and now we don't need to go, I think is to use a -- a bad situation to pass a bad piece of legislation. Second, to say that, well, it's just a quarter of a percent, you and I both know, from the conversation that took place in committee, that the assessed valuation in Cook County is ninety billion dollars. And any number multiplied times ninety billion dollars is going to be a big number, and this one is 2.5

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million, if I'm not mistaken, and there's already a tax cap exception for the deep -- deep tunnel bonds. And so, it's just another case that we're loading on property taxes to people who are already overburdened without asking them before we spend their money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones. Senate -- Emil Jones.
Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. A couple questions of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Viverito, don't people that are connected to the Metropolitan Water Reclamation District pay usage fees? You know, if my house is connected or my business is connected, I pay a per-gallon usage fee for -- for access to the treatment services?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

I think those that live outside of the City of Chicago. I believe within the City of Chicago, they have a combined sewer system and those individuals that live out in particular areas like your own, because I believe they serve from Lake all the way out almost to Indiana, they pay a charge because they -- a lot of 'em have a separate sewer system. I'm not an engineer but I -- I think I remember some of that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. To the best of my knowledge, we actually pay -- both in the City and in the suburbs, we pay based on our water usage. It's an extraction from our water meter. They assume that ninety-eight percent of the water you use you're going to discharge so they charge you by the gallonage of water you take in. The question, I guess, I was getting to is, why don't they adjust their fees or their rates on usage rather than, you know,

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go to the trouble of -- of messing with the tax cap, if -- if you could?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Viverito.

SENATOR VIVERITO:

Again, Senator, this is an emergency situation. This is going to be used for cameras and fencing and security. This is not something that -- that Water Reclamation District wanted to do. This is something that the Water Reclamation District would be irresponsible if it didn't ask for some help in regard to security.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. Just -- just to the bill. I would just remind the Members that I think he's referring to September 11th of 2001. It's been nineteen months since September 11th, I think that's the one he's referring to, and to my best recollection, there have been three election cycles since then. So, you know, emergencies, emergencies. But it seems like kind of a slow response if -- if they're really acting in haste.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Viverito may close. I beg your pardon. Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in strong support of Senator Viverito's initiative, and I do want to point out to Senator Rauschenberger that we're -- we're at the -- in the height of a war right now and everything that's happening right now is happening after 9/11. We're still fighting, Senator, and Senator Viverito has made it clear that this is for security purposes. And if there was a -- if they were lax in securing the waterways and something happened and some terrorist group got in there through the sewer system, they could sue the District for a lot more than this small amount will raise. So, I urge an Aye vote. This is an emergency situation. Do the patriotic thing and protect the people of Cook County.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Question is, shall Senate Bill 315 pass. Those in favor will vote Aye. Those opposed, 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, the Ayes are 33, the Nays are 23, none voting Present. Senate Bill 315, having received the required constitutional majority, is declared passed. Senator Winkel, for what purpose do you rise?

SENATOR WINKEL:

Thank you, Mr. President. I would like the record to reflect that I had intended to vote Yes on Senate Bill 1476.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Record will so reflect. Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR J. JONES:

Up in the gallery, up in the President's Gallery above you, on the Democrat side, we have some of my pharmacies here from -- from my district. And this is Pharmacy Day in Springfield and there is a reception over at their building this evening. So, if you would, welcome the pharmacists to Springfield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Welcome. Please rise and be recognized by the Senate. All right. Ladies and Gentlemen, on page 60, we're going to the Order of Postponed Consideration. This is -- I'm sorry. Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. On the Floor with us today and in the gallery, we have members from the Southland Chamber of Commerce and I'd like for you to welcome Manny Hoffman, past State Rep, Cook -- past -- former Cook County Republican Chairman, as well as Chairman of the Southland Chamber of Commerce. I'd like you to welcome them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Welcome, our guests. Please rise. All right. Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Point of personal privilege.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR SILVERSTEIN:

Mr. President, on the Democratic side above me is a school from my district, St. Scholastica. I wish -- I wish we'd give them a welcome.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests please rise? Welcome to Springfield. Senator John Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR J. SULLIVAN:

I also have my pharmacist here with me today. Please welcome Mr. Garry Moreland, up in the corner, from Rushville.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Hello, Gary. Nice to have you here. All right. Ladies and Gentlemen, let's turn to page 60 on your Calendar. It's the Order of -- Consideration Postponed. This is final action. On this -- bills on this Order have already been presented. They've already been debated on the Floor. Debate on each bill will be limited to one proponent and one opponent, as previous practice is, and each speaking on the bill. All right. Page 60. Senate Bill 334. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill -- Senate Bill 334.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. Senate Bill 334 is simple. It just creates a new Act entitled Manufactured Home Installation Act and defines manufactured home, mobile home park and permanent foundation. This bill provides that a manufactured home installed on private property that is not in a mobile home park must be installed so that it rests solely on a permanent foundation. The permanent

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foundation must meet or exceed the requirements for a permanent foundation as defined in this Act. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Thank -- thank you, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I beg your pardon. Hold on a moment. Under -- under our rules, it is -- as I have indicated that it is one proponent and one opponent, and if you wish to speak in opposition, you may do so. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. I understand that, Mr. President. Thank you. Senator Clayborne, the other day when we had this bill in front of us, we debated a lot of various issues, and my question is -- and I'm going to outline some of them to you again and ask if you've had a chance to look at these, if you've had a chance to -- to possibly look at -- at changes in the legislation. As I understand the bill, it does provide just as you said, private mobile homes on private properties have to be -- manufactured homes have to be on a permanent foundation. My question to you the other day and the one that I really care the most about is, does this bill supercede any county ordinance relative to the location of manufactured homes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. That's -- that's your closing argument.

SENATOR BURZYNSKI:

Whoa, whoa, whoa. Okay then, I don't want that then. Well, thank you for the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR BURZYNSKI:

Thank you for the clarification. Thank you. Well, first of all, let me -- let me express some concerns I had the other day.

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When we take a look at this bill, we have many counties that have local ordinances that allow for the temporary placement of manufactured homes in, perhaps, rural areas, that while -- while someone's building a new home, they can put a manufactured home in for a period of time, then they have to remove that home. In addition to that, they might be able to place a home there for a temporary in-law or parental situation where they have to oversee the health and the progress of their families. My understanding is, your bill will supercede that, will take away the authority from local counties in order to regulate manufactured homes. In addition to that, it seems to me that your bill also is more far-reaching than that. I applaud your effort at -- at a -- at trying to find a way to get at some sort of -- of uniform assessment of manufactured homes. Don't really have a problem with that. But when we're talking about manufactured homes and we separate those out that are in manufactured home parks relative to those that are in rural areas, you know, it doesn't seem to make sense to me, because those manufactured homes that are in parks are creating more of a burden on the local municipalities, they're creating more of a burden on the -- on the school districts, they're creating more of a burden on the police, the fire protection districts, everything else, than those individual ones that might be out in the -- in the country. It seems to me -- and my computer went dead, so I don't have the analysis, but it does seem to me that this doesn't really address the problems that you've got. There were other inherent problems, if I remember, relative to whether or not the wheels were left on the manufactured home, whether or not the -- the tongue for -- for hauling was left on the manufactured home. There are all kinds of issues that you have yet to address with this. It really creates a concern. Just one second, please. Oh. Let me address another one, Mobile Home Assurance Quality Act, which states that if a manufactured home or mobile home is placed on a foundation -- a permanent foundation, that perhaps their warranty is voided. What does that do not only to the owner of that property, but also to the manufacturer, as well as to the dealer? All kinds of problems with your bills. I certainly applaud you for trying to address this problem; however, this doesn't get at the root of the

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problem. This addresses just a very minimal portion and, also, it's unfair, where those counties already have existing ordinances, to place a State mandate for this type of structure. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Clayborne may close.

SENATOR CLAYBORNE:

Thank -- thank you, Mr. President. And -- and, Senator Burzynski, I am more than willing to work with you on this and I told you before; however, when you vote No, I -- I assume that you don't care to work with me on this particular bill. So, to address some of your concerns, by voting Yes on this, I'm more than willing, Senator Burzynski, to sit down with you and address some of the concerns that you have regarding some county ordinances and whether this supercedes it. But if you vote No, then I -- I -- I surely don't believe that you're interested in working with me on this matter. This bill will be worked again over in the House because there's some other issues that we need to address. It's interesting to note that you're saying that this bill does not go far enough. So, I assume what you're saying is that nothing is better than something. And I totally agree with your proposition that this is the beginning, that it -- it surely needs a lot of work, but something is better than nothing any day. I would ask for your favorable vote on this matter. This has been a tough bill. All sides have come together, and at this point in time, this is the best we've been able to accomplish. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 334 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, 2 voting Present. Senate Bill 334, having received the required constitutional majority, is declared passed. Senate Bill 461. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 461...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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I'm sorry. Senator Roskam, what purpose do you rise?

SENATOR ROSKAM:

To seek a verification on the previous roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Roskam, we have already placed the bill into the record. I -- I didn't -- I didn't see nor hear you. We are no longer on that order of business from a technical standpoint. Senator Roskam.

SENATOR ROSKAM:

Well, I think we've demonstrated some technical dexterity in the past, and I'm sure that you could accommodate me if you wanted to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, again, I -- neither heard you nor saw you and we are -- we have the bill already read in as a matter of 3rd Reading. We're no longer on that order of business. Senator Roskam.

SENATOR ROSKAM:

Well, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I apologize. It was no -- it was not intentional, I can assure you.

SENATOR ROSKAM:

Well, I -- I -- I know it wasn't intentional. It just seems an easy remedy and let us verify the roll call. It doesn't seem like it's that big a deal. The other thing is, I mean, if the premise is that we've got to be heard before we're recognized -- I mean, we're trying to be sort of not jumping up and down and you've been very good about calling on us and it being in an orderly way - but if -- if that's the premise, then -- it's a different environment, Mr. President, that you're creating.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm not creating anything. We're no longer on that order of business. Madam Secretary. All right. It's Senator Trotter. Senator Roskam.

SENATOR ROSKAM:

For the record, I would request a verification on Senate Bill 461 if it gets the requisite number of votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Then -- then, that you may do. Again, it --
Senator Trotter. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 461.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. This bill was debated at some length when it was on 3rd Reading. It did not get the requisite amount of votes to pass, which is why we're here today. This Act deals with State funds that deter union organizing. What it requires is that all non-State employers that receive State funding by contract, grant or other reimbursement agreements to provide services or goods to the State, including public works, that they certify that they do not use those State funds to promote, assist or deter union organizing, not require or prohibit attendance of employees at any meeting related to union representation, allow a labor organization the same opportunity to communicate with workers about union representation that the employer uses and to keep a record of expenditures to assist, promote or deter union organizing sufficient to show that no State funds were used for those expenditures. And I'm available for questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. There's one proponent, one opponent. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know there's been a spirited debate on this. I'll just remind people a little bit of the Act that you might playfully call the Act that permits the unions to sue community provider Act. There's no defined problem. The proponents can't cite any kind of problems that -- that give rise to this bill except their desire for opportunity. Similar bills have passed in both California and New York and have resulted in extensive litigation because the -- this bill seems to interfere with the National Labor Relations Act, the federal legislation. This is a

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further burden on the community providers that we've asked for more than two years not to get -- they've -- they've gone two years without any kind of adjustment in their rates. They just heard a Governor's speech announcing a five-percent cut across the board in all grants, which is going to affect all those community providers. This Chamber yesterday passed an increase in the Minimum Wage Law which materially affects their ability to do business, and the last message that -- that some proponents of this bill propose to give them is -- is you now can -- can hire an attorney and be prepared to defend yourself against any actions if you're accepting State funds. I think the -- the sponsor is well intended, but I think the workers, in these cases, are amply protected by the National Labor Relations Act. And for us to pass this kind of provocative legislation that puts those people trying to provide human services in the State of Illinois further in -- in the breach, at a time when we're raising the minimum wage, at a time when we're not able to give them any kind of relief in their rates or any kind of support financially for the work they're doing is just not fair. And I know -- I don't -- I don't think this is the sponsor's intention, but the -- this bill clearly interrupts, interferes with their ability to manage human services in the State of Illinois. The Easter Seal directors of the State of Illinois should not be held up to AFSCME lawsuits. They shouldn't have SEIU chasing 'em down the halls if they meet with their employees. This is not the right thing for us to do. I'd appreciate people saying No this time again, and -- and maybe on an amendment, some bill will come back in a form that we can deal with it, but this is wrong for the community providers of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Trotter may close.

SENATOR TROTTER:

Thank you very much, Mr. President. Thank you very much, Senator Rauschenberger, for your thoughtful comments. There is some validity to what you said. There are going to be some agencies, in fact, who are going to be held accountable for some actions of some of their colleagues, of some of their peers. And I read that list to you before of all the infractions of the

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-- some of the home care agencies who, in fact, have used -- who get ninety percent of their dollars from this State, and yet and still, they use a -- a large portion of those dollars to send out mailings, to hire lawyers and do those things. This bill never would have come about, in fact, if it would have been -- if they would have listened to the union organizers, if they would have talked to other individuals and said, "Hey, if you're not going to cut us in, cut us out." That was not the issue. They prefer to keep people cut out of the process by holding these private meetings with taxpayer dollars paying for their lunches and paying for -- for their anti-organizing efforts. The deal is, is -- the argument is this is a fundamental right, one to union organize -- organize in this State. Illinois taxpayer dollars should not be used to undermine that basic right. It's the time for this. And just to answer one more issue that he had and that was, does this preempt the National Labor Relations Act. No, it does not. Although a State or local entity is not allowed to regulate in areas that the NLRA already regulates, it can act in a proprietary capacity to protect its interests when acting as a consumer. And I ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 461 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 24, 1 voting Present. Senate Bill 461, having received the required constitutional majority, is declared passed. 474. Senator DeLeo. On the Order of -- 474, Madam Secretary.

SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry. Hold on just a moment. Senator Risinger, for what purpose do you rise?

SENATOR RISINGER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir.

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SENATOR RISINGER:

In the gallery on the Democratic side there are two pharmacists from my district, Dave Newell and Don Gronewold. If they would please stand, we'd like to give them a warm welcome.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Please stand and be recognized by the Senate. Nice to have you here. Senator Garrett, for what purpose do you rise?

SENATOR GARRETT:

I would just like to change my vote on 461 from No to Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so reflect. The electronic marvel. All right. Senator Petka, what purpose do you -- all right. I beg your pardon. Senator Petka's going to respond. All right. Madam Secretary, Senate Bill 474. Read the bill.

SECRETARY HAWKER:

Senate Bill 474.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeLeo. ...out of the record. 682. Senator Lightford. 1023. Senator Walsh. On the Order of Senate Bills Consideration Postponed is Senate Bill 1023. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1023.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1023 just amends the Property Tax Code. Provides that the collector shall collect twelve dollars, a fee that is now ten dollars, from the proceeds of each tax sale to cover the cost of the registered or certified mailing and the cost of the advertisement and the publication with respect to the notice of the judgment of the sale. Basically what this bill does is increases the fee by two dollars, from a fee that

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was being collected at ten dollars, to cover the cost of the sale when a county treasurer has to hold the tax sale for delinquent taxes. And in -- from our indications, that currently one county informed us that it cost them eleven dollars and seventy-five cents to put all this together. So, if -- if this two-dollar increase would pass, that the -- the increase would cover their cost; otherwise, the taxpayers, the taxpayers that pay their taxes have to subsidize and provide additional revenue to cover the cost of holding the tax sale for the ones that refuse to pay their taxes. I think it's a -- a service-oriented fee, as many of our counties are fighting for additional revenue, in order for us to basically ask the people that are causing -- causing the need of this service to pay their way. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The opponent. Senator Lauzen, you're the opponent on this thing? Senator Lauzen.

SENATOR LAUZEN:

Do I understand correctly that this is a time that a statement can be made but questions cannot be asked? Or after I'm finished with my...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Again, I think we've made it clear, on Postponed Consideration, we've always done one proponent, one opponent, and we haven't allowed ourselves to go to questions, to -- to my knowledge. Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. First of all, I would like to point out to the Chamber that with this vote, you are going to be voting for another fee increase. It will be -- it says in the language "shall", not "will". It leaves no discretion to the person at the county level who would be administering it. It's also a twenty-percent increase of the fee, and then as far as who ultimately pays this fee, it's a matter that it's initially paid by the taxbuyer but ultimately by the property owner who's -- who's trying to redeem his or her property. So, I think that this is -- unless you want to increase fees at your local level, this is a No vote.

PRESIDING OFFICER: (SENATOR WELCH)

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The question is, shall Senate Bill 1023 pass. All 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 32 Members voting Yes, 25 voting No, and no Members voting Present. Senate Bill 1023, having received the required constitutional majority, is declared passed. Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

Mr. President, point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SANDOVAL:

I'd like to recognize a member of my community, the committeeman -- the Democratic committeeman for the town of Cicero, Mr. Charlie Hernandez.

PRESIDING OFFICER: (SENATOR WELCH)

Please stand, Mr. Hernandez. Welcome to the Senate. Senate Bill 1040. Senator Trotter. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1040.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Thank you, Mr. President. Okay, it's just coming up on my screen now. Thank you. Thank you very much, Mr. President, Members of the Senate. If you'll recall, Senate Bill 1040 amends the School -- School Code regarding a compilation of average daily attendance under the State aid funding formula, and it basically allows the schools to bank the minutes of their day so, in fact, when they have the Prairie State School Exam, that those days can be days in which those students can go and take those exams without any interference from other -- from other -- from other students and also -- but it does not take away from their actual attendance required by the School Code.

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And it prohibits districts from counting these pupils in the district's ADA compilation of those days.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: Ladies and Gentlemen, Senate Bill 1040 is -- is a bill that we've obviously talked about in the past, and this is the one where school districts are benefiting even though the kids aren't in school. This concept of banking time, I would suggest, is not a good idea. I think what we need to be doing, from a public policy point of view, is creating an environment where we encourage kids to be in school for extended periods of time. This sort of nickels-and-dimes the -- the procedure to death, and now school districts that are not putting their kids in all day want to sort of take ten minutes here and ten minutes there and put together, really, a hodgepodge, patchwork, quilt-like approach on this and I think it's a bad idea. I think we all understand, really, the fundamental issues that underpin this bill. It's about getting money to school districts and there's no beef about getting money to school districts, but this is not the way to do it. This bill is not about what's best for children. What's best for children is being in school for an extended period of time. This bill doesn't address that, and I urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1040 pass. All 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 31 Members voting Yes, 26 Members voting No, and 1 Member voting Present. Senate Bill 1040, having received the required constitutional majority, is declared passed. Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

I'd request a verification, please, sir.

PRESIDING OFFICER: (SENATOR WELCH)

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Senator Roskam requests a verification. That request is in order. Will all Members please be in their seats? Madam Secretary, please read the roll of the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Lightford, Link, Martinez, Meeks, Munoz, Obama, Ronen, Sandoval, Schoenberg, Shadid, Silverstein, John Sullivan, Trotter, Viverito, Walsh, Welch, Woolard and Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam, do you question the presence of any Member voting in the affirmative?

SENATOR ROSKAM:

No, I do not.

PRESIDING OFFICER: (SENATOR WELCH)

In that case then, Senate Bill 1040, having received the required constitutional -- required constitutional majority, after a verified roll call, is declared passed. Senate Bill 1105. Senator Sandoval. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1105.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Sandoval.

SENATOR SANDOVAL:

Mr. President and Ladies and Gentlemen of the Senate, this bill creates the five-member Cicero Audit Committee to review certain financial reports prepared on behalf of the Town of Cicero. This Committee will consist of five members appointed by the Governor with consent of the Senate. This bill is presented on behalf of the hardworking people of the Town of Cicero. Let's send a message of good government to the Town of Cicero. Let's end that eighty-year history of corruption and graft and playing with the town monies of the Town of Cicero. I ask a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Wendell Jones.

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SENATOR W. JONES:

Yes, I rise, again, with all due respect to my colleague, Senator Sandoval. Philosophically, I -- I think on this side we are opposed to this legislation for one reason and one reason only: It sets a precedent in Illinois and a road that we do not want to go down. This will lead -- this will lead -- Ladies and Gentlemen of the Senate, if I could have your attention. This could lead to the same kind of audit by another Governor in another day to come to your town. And I don't live in Cicero. I'm talking about President -- precedent. This could go to East St. Louis. They say they could come to Peoria. They could go to Chicago, and we're going to have an audit for every, single municipality in the State. This town is on its way out of corruption. It just elected a Republican. And just as it's getting started, we're going to do a State audit. Who's going to pay for this audit? Are we going to do an audit in every, single community in Illinois? I think you should take this out of the record. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1105 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Members voting Aye, 25 voting No, and 2 Members voting Present. Senate Bill 1105, having received the required constitutional majority, is declared passed. Senate Bill 1370. Senator James Clayborne. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. All -- all Senate Bill 1370 does is increases the -- allows the counties to increase the maximum fine from five hundred dollars to a thousand dollars. If you are in favor of people continuing to dump trash in the counties, in the municipalities and they

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could only be fined five hundred dollars instead of a thousand - we should be able to raise it to more than a thousand - but if you're in favor of that kind of activity, then you'll vote No. Now, if you believe that they should be held accountable and brought in court and receive more than a five-hundred-dollar fine for dumping trash, polluting the waters, then you'll support me and, in fact, you'll say, "Senator, we need more than a thousand dollars", but -- but I'm only at a thousand. So if you're in favor of people dumping trash, derelict cars and so forth, polluting, then you'll vote No on this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President. In -- in the 92nd General Assembly, similar legislation was introduced, Senate Bill 1121, by my distinguished colleague, Senator Clayborne, and it would have raised the maximum county fee from five hundred to seven fifty. The bill was held in Senate committee. I guess we should have let it out - it would have saved two hundred and fifty dollars - because now we're up to a thousand. I rise in opposition to this bill. I would like to have my colleagues on this side of the aisle, and maybe two or three on the other side of the aisle, vote against it. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1370 pass. All in favor, vote Aye. All 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 38 Members voting Yes, 18 voting No, and 1 Member voting Present. Senate Bill 1370, having received the required constitutional majority, is declared passed. Senate Bill 1589. Senator Hunter. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1589.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hunter.

SENATOR HUNTER:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1581 {sic} requires the Department of Public Health to sample and collect data on individual cases where obesity is being actively treated and analyze that data in order to evaluate the impact of treating obesity. This bill passed the committee unanimously, 11 to 1 {sic}. This bill also complements Senate Bill 810, sponsored by Senator Syverson, which passed out of this Body last week. This bill also establishes the Obesity Study and Prevention Fund in the State Treasurer {sic}. This bill also addresses the public health crisis on obesity and responds to a recent U.S. Surgeon General report on the problem of obesity in America. And for the second year in a row, Mr. President, Chicago was ranked as the second-fattest city in the United States. And we must address this issue now and, Mr. President, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill: Ladies and Gentlemen, we heard this debate a -- a day or two ago on this and the sponsor of the bill is correct that the legislation did pass overwhelmingly out of committee before -- before we received a fiscal note. Now, we've heard a lot about -- questions about bills that may or may not cost money, and, well, we're working with the Governor's Office. We're trying to get the money in the budget. Well, the budget has been presented, and as nearly as we can tell, the money for this study is not in the Governor's budget. So the question is -- and the Governor said it himself: If you want to spend money on something else or you want to spend money -- more money on something that's in my budget, that's fine, but you find me a dollar-for-dollar offset. And so the question now becomes, not just on this bill but the bills that we're going to debate from now on till Session's over is, if you want to spend the money and it's not in the Governor's budget, where do you find the dollars to do it? I appreciate the importance of what we're trying to do here, but as the Governor said, there are a lot of important things that are not going to get done this year and it's because of the money situation we find ourselves in. That, in addition to the

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fact - we made the point last time - the hospitals are the ones who have to do the bulk of the legwork here. They're the ones that have to go through the patient records and provide them to the Department of Public Health to do this study, the hospitals that we are already not funding enough. I would urge a No vote. This is not something that needs to be a priority for us this year with the fiscal crisis we are facing. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1589 pass. All 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 Members voting Yes, 22 Members voting No, and no Members voted Present. Senate Bill 1589, having received the required constitutional majority, is declared passed. Senate Bill 1737. Senator Wendell Jones. Senator Woolard, for what purpose do you rise?

SENATOR WOOLARD:

Mr. President, Ladies and Gentlemen of the Senate, I think I may have had a conflict of interest on that last bill, but I went ahead and voted for it anyway.

PRESIDING OFFICER: (SENATOR WELCH)

The record will so reflect. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

State your point, Senator.

SENATOR SHADID:

I have two Honorary Pages from my district here today. Ashley Bowling and also Chase Hagaman, and their parents, Jodi and Tony Hagaman and David and Susan Bowling. They're up in the gallery. Would you please..

PRESIDING OFFICER: (SENATOR WELCH)

Would the folks in the -- balcony please rise? Welcome to the Senate. They're in the gallery behind the President. Welcome to the Senate. Senator Crotty, for what purpose do you rise?

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SENATOR CROTTY:

I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR CROTTY:

I would also like to introduce to this Body, Jeremy Jones, who is a senior at Western Illinois University, will be graduating a month from today as a Political Science student. So also welcome Jeremy here.

PRESIDING OFFICER: (SENATOR WELCH)

Mr. Jones, welcome to the Senate. I was talking to you. Senator Wendell Jones. Senate Bill 1737. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1737.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones. Excuse me, Senator.

SENATOR W. JONES:

Yes, Mr. President. Have we ever had a bill get no votes on the Senate Floor? No, no, this is a bill...

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator, excuse me. Would the gentlemen behind you, if they're not necessary for the debate, please disperse? Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is the bill you've all been waiting for. This one we can all, in a bipartisan fashion, get behind and support. A true economic development tool for three of our finest cities: Crestwood, Mt. Vernon and Palatine. And these are TIF districts to be extended in all three of those communities. I must tell you for the record that the description in the bill for Crestwood is inaccurate. It TIFs the entire town, and I think we all know that we don't TIF entire towns. So the -- in the bill -- in the bill, it lists the whole town of Crestwood. That is an error. It will be corrected, I understand, when the bill -

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- it will be -- could I have a little decorum on the Republican side, Mr. President?

PRESIDING OFFICER: (SENATOR WELCH)

A little decorum for -- Senator Wendell Jones, please.

SENATOR W. JONES:

So anyway, when it gets to the House, if it should ever get that far, it will be amended and the TIF that is currently in Crestwood will be defined just to that TIF area, and of course the quick-take is in -- is in each one of these. So I would appreciate as many green buttons as we could possibly put on this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Is there any discussion?
Senator Vince Demuzio.

SENATOR DEMUZIO:

I'm supposed to be the opponent, he says. I can't do that. So, let's all vote for it. Thanks.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1737 pass. All 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 40 Members voting Yes, 15 voting No, 2 Members voting Present. Senate Bill 1737, having received the required constitutional majority, is declared passed. Senate Bill 1750. Senator Munoz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1750.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Members of the Senate. Senate Bill 1750 amends the Illinois Funeral or Burial Funds Act. Basically this is a vehicle bill. It was given to me from the Comptroller's Office. It's going to be used for administrative cleanup in the statutes. Be willing to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

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Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

No, Senator, we are only...

SENATOR BURZYNSKI:

Oh, I forget, I'm sorry. Thank you for reminding me. I -- I don't know what kind of administrative cleanup the Comptroller's Office wants. But, you know, you've had this bill over here in this Chamber for -- since January and it seems to me like he could have done about anything he wanted to do during the last two months, Senator. I would just urge a -- a No vote from our Members.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall Senate Bill 1750 pass. All 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 34 Members voting Yes, 20 Members voting No, and 1 Member voting Present. Senate Bill 1750, having received the required constitutional majority, is declared passed. Madam Secretary, Messages.

SECRETARY HAWKER:

Dear Madam Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby establish December 31, 2003, as the Senate Bill 3rd Reading deadline for the following category of bills, with specific enumerated -- specific bills enumerated therein: Appropriations - specifically, Senate Bills 1217, 1220, 1222, 1224, 1226, 1267, 1290, 1299, 1300 and 1306; Environment - specifically, Senate Bill 1060; Ethics Reform - specifically, Senate Bill 1873; Gaming Revenue - specifically, Senate Bills 328, 409, 1111, 1462, 1478, 1480 and 1515; Licensed Activities - specifically, Senate Bills 1516 and 1880; Health Care - specifically, Senate Bills 1331, 1513 and 1787; State and Local Government - specifically, Senate Bills 12, 32, 38, 63, 67, 79, 80, 101, 248, 605, 681, 707, 718, 720, 725, 727, 732, 734, 736, 743, 745, 747, 749, 752, 756, 757, 758, 765, 768, 770, 772, 775, 779, 782, 784, 786, 791, 793, 795, 801, 804, 822, 824, 826, 828, 830, 832, 836, 837, 838, 839, 845, 846, 847, 853,

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859, 860, 863, 866, 868, 870, 872, 917, 921, 923, 925, 927, 935, 937, 939, 944, 948, 950, 951, 957, 962, 966, 967, 971, 985, 986, 990, 993, 995, 996, 999, 1006, 1009 -- pardon me, 1007, 1009, 1010, 1012, 1018, 1019, 1036, 1045, 1195, 1477, 1499, 1552, 1558, 1561, 1562, 1568, 1576, 1600, 1602, 1603, 1608, 1609, 1612, 1617, 1622, 1627, 1632, 1639, 1644, 1646, 1653, 1654, 1655, 1658, 1661, 1667, 1669, 1675, 1677, 1681, 1685, 1690, 1700, 1712, 1713, 1724, 1728, 1729, 1730, 1734, 1735, 1738, 1741, 1744, 1746, 1747, 1891, 1893, 1894, 1898, 1899, 1902, 1905, 1907, 1908, 1911, 1916, 1926, 1928, 1930, 1931, 1932, 1933, 1950, 1952, 1954, 1956, 1958, 1959, 1982, 1984, 1989, 1990, 1992 and 1996; Telecommunications - specifically, Senate Bill 1518; Toll Highway Reform - specifically, Senate Bill 399.
Sincerely, Emil Jones, Jr., Senate President.

I have a similar letter from the Senate President.

Pursuant to the provisions on Senate Rule 2-10(e), I hereby establish December 31, 2003, as the Senate Bills 3rd Reading deadline for the following category of bills with specific numbers enumerated therein: Order of Postponed Consideration - Senate Bill 682.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR WELCH)

There being no further business to come before the Senate, the Senate will stand adjourned until the hour of 10 o'clock a.m. on Thursday, April 10th. The Senate stands adjourned.