

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

61st Legislative Day

11/5/2003

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PRESIDING OFFICER: (SENATOR DeLEO)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Reverend Brandon Boyd of -- Loami Christian Church, Loami, Illinois. Reverend Boyd, please.

THE REVEREND BRANDON BOYD:

(Prayer by the Reverend Brandon Boyd)

PRESIDING OFFICER: (SENATOR DeLEO)

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

(Pledge of Allegiance, led by Senator Halvorson)

PRESIDING OFFICER: (SENATOR DeLEO)

Please be seated. Madam Secretary, Reading and Approval of the Journal. Senator Hunter. I'm sorry. Madam Secretary.

SECRETARY HAWKER:

Journal of Senate -- Senate Journal of Tuesday, November 4, 2003.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Hendon, Vice Chairperson of the Committee on Environment and Energy, reports Senate Amendment No. 2 to House Bill 2200 Be Adopted.

PRESIDING OFFICER: (SENATOR DeLEO)

Illinois Information Service and WLS-TV seeks leave to photograph and videotape the proceedings. Is there any objection? Leave is granted. At this time, I'd ask Senator Demuzio, the Majority Leader, to please come up and introduce your most esteemed guests, sir. Senator Demuzio, in the Chair.

SENATOR DEMUZIO:

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Well, Ladies and Gentlemen, if I could have your attention for a few moments. Senator Silverstein, could we have your attention for a few moments, please? Thank you. This afternoon we are joined with Our Saviour's Junior High School -- I'm sorry, Junior High's baseball team -- Our Saviour's Junior High basketball team, from Jacksonville. A few weeks ago, the Shamrocks won three exciting walk-off wins, including a thrilling 6 to 5 extra inning championship game against Wenona Fieldcrest, and they won the IESA Class A Basketball -- Baseball -- Baseball Tournament, played in East Peoria. They're here today with their Head Coach, Joe Kindred, and their parents. And, Joe, we offer you our congratulations. We have a number of certificates on behalf of the Senate that we would present to you, and we would like for you to come up and say a few words. Ladies and Gentlemen, Head Coach, Joe Kindred, Jacksonville.

HEAD COACH JOE KINDRED:

(Remarks by Head Coach Joe Kindred)

SENATOR DEMUZIO:

Representative Watson has joined us also, kind of late, from -- from the House, from Jacksonville. We're glad to have you here too. Thank you very much. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR GEO-KARIS:

Three of my former constituents...

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, ma'am?

SENATOR GEO-KARIS:

You want to get 'em quiet?

PRESIDING OFFICER: (SENATOR DeLEO)

Can you give the lady your attention, please?

SENATOR GEO-KARIS:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Mr. President, three of my former constituents now live in Libertyville, which is being served by Senator William Peterson. And I'd like you to acknowledge them, and their names are Jeffrey Lovinger, who's mother -- late mother was a great friend of mine, and his wife, Jeanette, and his son, Tom. They're up here in the first row in the -- in the gallery and I'd like you to welcome them here to Springfield.

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests -- will our guests in the galleries please rise and be recognized? And welcome to Springfield. Madam Secretary, do we have any Messages? No Messages. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 303, offered by Senator John Sullivan and all Members.

And Senate Resolution 304, offered by Senators Shadid and Risinger.

They are both death resolutions.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions Consent Calendar. Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate -- Senate Bill 2117, offered by Senator Radogno.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, has there been any motions filed?

SECRETARY HAWKER:

Yes, I have two motions filed with respect to the Governor's action on Senate Bills 639 and 563.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, just please see that they're reflected on the Calendar. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Have a -- like the record to reflect that yesterday and today and most likely tomorrow Senator Shadid will not be with

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us. There's an illness in his family. I'll leave it at that, and I would like the record to reflect that that is where -- that's where he is. That's why he's absent.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. The record will so reflect that. The Senate will stand at ease for just a couple minutes. We're waiting for some paperwork and we'll be back in one second.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, are there any further motions filed?

SECRETARY HAWKER:

Yes. I have a motion filed with respect to Senate Bill 318, filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR DeLEO)

The Calendar -- Madam Secretary, the Calendar will so reflect that. Ladies and Gentlemen, just for an announcement, a purpose of announcement. We're standing at ease for just a couple minutes. The Rules Committee will be meeting momentarily in the Anteroom. The Rules Committee will be meeting in a couple of moments and we'll be back to regular business. So, we'll stand at ease until the Rules Committee adjourns.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski, for what purpose do you rise, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. If I could have the attention, we would request a Republican Caucus immediately for about thirty minutes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski, that order is always -- that request is always in order, sir. And so the Republicans will go to -- to Leader Watson's Office and return back here to the Floor at the hour of 2:30. Thank you.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DeLEO)

Okay. WICS-Channel 20 in Springfield, Univision-Channel 66 in Chicago, Telemundo, La Ley Radio and Hoy newspaper seeks leave to photograph or videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. We'd ask all Members of the Rules Committee, all Members of the Rules Committee, please meet in the Anteroom immediately. All Members of the Senate Rules Committee, Senate Rules will meet immediately. WSIU Public Broadcasting seeks leave to videotape or photograph the proceedings. Seeing no objection, leave is granted.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Appropriations I Committee - Floor Amendment No. 2 to House Bill 2696; and Be Approved for Consideration - House Bills 610 and 700.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Mr. President, I rise on a very noble point of order, if I might.

PRESIDING OFFICER: (SENATOR DeLEO)

Point of -- state your point of order, sir.

SENATOR DEMUZIO:

If I could have the attention of the Members of the Senate, including Senator Sullivan, on the Republican side - not our guy. Ladies and Gentlemen, recently we had an extraordinary historic event in the history of the Senate Democrat side of the aisle. Our President went to China and he called me and I told him, I -- said, "As soon as you're outside the continental United States, give me a call so we can invoke that new

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constitutional provision we put in the Constitution which says that when the Senate President is out of the country, the Majority Leader becomes the President." I suspect a lot of you remember that provision. But, in vacating the State of Illinois, he very -- skillfully avoided having us to celebrate his birthday. Today there is a cake on our side. On behalf of the President of the Senate, who is ageless, had a birthday recently, we applaud him. I thought surely he'd be a Chinese prisoner making rugs by now, but unfortunately he's back. Let's welcome our Senate President, Emil Jones, on a happy birthday.

PRESIDING OFFICER: (SENATOR DeLEO)

President Jones, we wish you a very happy birthday, for a very ageless and priceless human being. Senator Jones.

SENATOR E. JONES:

Thank you, Mr. President. You know, while we were in China - Senator Cullerton, my -- myself, Senator Halvorson, Senator Hunter - and who else was on that? - and Senator Meeks. Meeks - - I had Meeks -- Senator Meeks over there, I introduced him as a reverend, he said -- he told me, he said, "Well, why'd you want to stick that 'Reverend' in here while I'm in China?" I thought he was going to be like Peter for a moment. But we did have a great trip. And I did talk to our esteemed Majority Leader and I'm so glad to welcome him back, and he's looking great, doing wonderful and everything. So, let's welcome him back. But I was born on the Chinese New Year, so it's a different calendar year. I don't know exactly how old I am but I'm old enough. Thank you and God bless.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

There -- there's -- there's no truth to the fact that he said, "Let us eat cake."

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen of the Senate, Senate -- I'm sorry. Senator Geo-Karis, what purpose do you rise ma'am?

SENATOR GEO-KARIS:

Well, thank you, Mr. President...

PRESIDING OFFICER: (SENATOR DeLEO)

I apologize.

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SENATOR GEO-KARIS:

...for finally remembering me. Mr. President and Ladies and Gentlemen of the Senate, there -- our President, Emil Jones, doesn't look his age at all and he is ageless. I'm very happy to see him enjoying his birthday today. And just remember, Mr. President, I am older than you are, which means that you have to respect my wishes every now and then. But congratulations, happy birthday and many, many more of them to a very decent and caring person, President Emil Jones.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator, for those kind remarks. Ladies and Gentlemen of the Senate, the State Journal-Register requests permission to take still photographs. Seeing no objection, leave is granted. Okay. Ladies and Gentlemen, on page 2 of the Calendar, on Order of Senate Bills 3rd Reading. This will be final action. We're going to Senate -- on the top of page 2, Senate Bill 67. Senator del Valle. Ladies and Gentlemen, in the gallery, please, we'll have no outbursts. We will let the gentleman explain his amendment. Senator del Valle, do you wish to proceed on Senate Bill 67, sir? Yes. Senator del Valle seeks leave of the Body to return Senate Bill 67 to the Order of 2nd Reading. Leave is granted. Okay. On that Order of 2nd Reading is Senate Bill 67. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle, on Amendment No. 2 to Senate Bill 67, sir.

SENATOR DEL VALLE:

Thank you, Mr. President and -- and Members of the Senate. What we're doing - just so that everyone knows because I'm -- I'm -- I'm sure that some are wondering, procedurally, how we're going about this - what I want to do is adopt this amendment, explain the amendment, and then we will need a third amendment. And so I will need to bring the bill back one more time. But I'd like to adopt this amendment, explain the amendment, debate the amendment and then be in a position to adopt Amendment No. 3 at -- at a -- at another time.

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PRESIDING OFFICER: (SENATOR DeLEO)

So, for the Members, this -- this will not be final action. It's -- it's on 2nd Reading. It -- hopefully adopt the amendment. That Amendment No. 3 will be filed in Rules and it will go back to the Executive Committee and come back to the Floor for -- for 3rd Reading, final action. So, today is only adopt the amendment. Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

Just to clarify. So, Senator, your intention is -- do -- do you want to debate Senate Bill 67 now on its merits or are you going to -- and do you -- do you intend to put it in a posture to debate that tomorrow? It seems to me, why don't we debate it on -- when it's -- when it's poised and it's ready for passage rather than having a debate now. That's the only concern or question that I have. Just a procedural question.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Senator, and -- and I -- I understand and appreciate your question. But what I'd like to do is -- is adopt this amendment, explain the amendment, because Amendment No. 2 becomes the bill. There are a couple of other provisions that I will mention that will be in Amendment No. 3 that I can share with you. So, I'll be sharing with you right now what will be the content of -- of the final bill that we will then be voting on on 3rd Reading. So, what I'd like to do is just get the explanation out so people know and understand what's in this amendment and respond to -- to questions. If Members would -- would rather wait till -- till 3rd Reading to ask questions, I would leave that up to the individual Members.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Well, let me just make this recommendation: Just for the point of being expeditious, why don't you put your bill together, you know, explain the amendment. I don't think anybody has an objection to you putting your bill in the posture in which you want it presented to present it to the Senate on

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3rd Reading. It doesn't seem helpful to have a debate, as I'm sure we will on this bill, right now, in light of the fact that there's going to be a subsequent amendment that we haven't seen yet and I don't think has -- even been filed. So, my recommendation is let's just adopt the amendment right now and put it in the posture and then -- and then let's have a debate, but let's not waste time.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle, to explain the amendment.

SENATOR DEL VALLE:

Well, I -- as you can see, Senator, there's a lot of interest in this bill, and you have staff -- your staff has been given a copy of the Amendment No. 3. I know you haven't seen it, but your staff is nodding that we did provide you with a copy of the amendment. So, you have it in -- in -- for your review -- immediate review. So, what I'd like to do, Mr. Chairman -- Mr. President, is explain Amendment No. 2 and also -- then also mention the content of what will be Amendment No. 3 very quickly here. This bill addresses a concern that we've had in the State of Illinois for many, many, many years. It is not a new issue; it's an issue that we've addressed, we've talked about. There's been legislation filed in the past, but what is different about today's bill and the amendment that is before you for adoption is that we have an amendment that is a product of discussions with many, many groups, many individuals. We've had participation in the discussions regarding the language of this amendment on the part of the Secretary of State's Office, the Attorney General's Office, the insurance industry, community organizations. Legislators on both sides of the aisle from both Chambers have been involved in these discussions. Recommendations have been made by different groups. We've attempted to incorporate those recommendations into this amendment and -- and the subsequent amendment. And, basically, what we're wanting to accomplish with this bill is to, one, increase public safety on our roads and, number two, improve our national security at the State level, and I think we're able to accomplish this. For decades the State of Illinois, because of the requirement that individuals who apply for a driver's license have a Social Security number, we have been able to --

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unable to license a lot of individuals who have been driving on our roads. It is projected that about five hundred thousand individuals reside in the State of Illinois who are not documented and we project that about a hundred and eighty-five thousand would be eligible to obtain a driver's license under this legislation. Now, as a State, we have to consider what is in the best interests of the residents of the State of Illinois and we feel that this legislation is in the best interests of all the residents in that it would ensure that individuals who have been driving on our roads without a license are able to obtain a driver's license, are able to take the Rules of the Road exam, are able to prove that they can drive a car and then, as a result of obtaining a driver's license, are able to obtain insurance - liability insurance. Over the years, I've had many people come into my district office and say, "I was involved in an automobile accident with an individual who doesn't have a driver's license and doesn't have insurance and now I'm kind of stuck." And then when you talk to the insurance industry, the insurance industry will say to you that a great percentage - and I've heard estimates as high as forty percent - of the uninsured motorists in the State of Illinois are driving without insurance because they do not have a driver's license. In Utah, for example - and we have several states in the United States that allow individuals to get a driver's license without a Social Security number; Utah is one of those - in Utah, in the year following enactment, Utah saw forty-seven thousand more licensed drivers and fifty-six thousand more vehicles insured. In North Carolina they saw two hundred and sixteen thousand new licensed drivers and a similar number of uninsured -- or, insured motorists on the road as a result of being able to obtain a driver's license. Both are among the states with the nation's lowest uninsured rates, and of course, we all know that in our insurance policies, all of us have this -- this -- this amount that says what it costs for uninsured motorists -- uninsured motorists insurance. So, we're all paying for the fact that many individuals find themselves being forced to have to drive but are not able to obtain a driver's license, individuals who otherwise would abide with all the rules that are established in order to ensure safety on our roads. So, we have, in this bill,

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a process that has been established that would ensure that individuals without a Social Security number who come forth voluntarily - come forth voluntarily - self-identify, would then be put through a process that would ensure that we would establish without question their identity and then we would be able -- be able to proceed to license them. What would be required to establish identity? They would have to have a passport and a birth certificate that are both verifiable. By verifiable, we're saying that the Secretary of State has to be able to contact the issuing source and has to verify that the document is authentic and that the individual presenting that document is who he says, or she says, he is. The individuals would also have to include an individual tax identification number. So we're talking about individuals who will be paying taxes. They'd have to have the ITIN number. The ITIN number is not the main identifier, as has been talked about in the past. In this bill, the ITIN is required but it is not the main identifier. In addition to that, by administrative rule, the Secretary of State would require other forms of identification, other proof to show that the individuals reside where they say they reside. So there would be a number of documents required. And of course, we all know that now in the State of Illinois - and -- and some people have not been aware of this - that we do have facial recognition technology. And so, within a very short period of time, everyone who gets a driver's license will have the photograph and that photograph will be computerized. And so it will be impossible, in -- in the near future, for anyone to come in and try to get a second driver's license under a different name because of this technology that we are now using in the State of Illinois. Now, one of the things that we're able to do with this bill as a result of requiring these documents and as a result of being able to issue those driver's licenses is that we are going to cut into the fraudulent document market in the State of Illinois and we are going to be able to take some individuals who may have obtained a driver's license the way they shouldn't have obtained it and those individuals will be able to turn in those driver's licenses to the Secretary of State who will confiscate those, take those and then put the individuals through a process where their identity will be

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established and they will have a legitimate document, therefore taking a fraudulent document off the street. That is extremely important. There are items in the bill that clearly spell out that these documents accepted should be difficult to duplicate and verifiable, an important component of this. The other thing that individuals will do is that they will sign an affidavit indicating that as soon as is -- as it is possible, they will proceed to become U.S. citizens, they will begin the process of becoming citizens. Folks, the people we're talking about are individuals who are willing to come forth voluntarily, who are willing to risk, through self-identification, becoming part of a database, a database that the Justice Department will have access to anytime they want to have access to. I think that says a lot about the individuals who will be stepping forth, who feel so strongly about being in this country, who feel so positive about being in this country, who want to contribute and want to make a livelihood in this country, which is the main reason why they came here to begin with, because their labor is needed to keep our economy rolling. And certainly, all of us, either directly or indirectly, have benefited from the work of these many individuals that are here, and these individuals come forth and say, "Yes, I know what the risk is, but I feel so strongly, that I'm willing to do this." And besides, there's federal legislation pending that President Bush -- that President Bush... There's federal legislation pending that President Bush supports that would establish a legalization program that in some cases requires individuals, in order to become eligible for that legalization program, requires them to prove that they have paid taxes over a period of years. What this does is that it puts these individuals on that track so that when the day comes - and it will come; I tell you, mark my word, the day will come - when the days comes, Illinois will have individuals ready and qualified to apply. And so, there are other provisions in this bill. We specifically state that none of the changes made affect commercial driver's licenses, school bus drivers, permits or issuance of I.D. cards. We establish a fee. There's a differential in the fee in order to cover the cost. So this is a revenue-neutral bill. We're not going to have to increase the budget of the Secretary of State. These are

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individuals who are willing to pay for this service. They're not looking for a freebie here. They're willing to pay the additional fee that it costs to do this processing in order to get this driver's license. And we don't affect the General Revenue Fund because ten dollars out of the sixty-dollar fees, which is what it costs to get a driver's license, still go into the General Fund. And so, it won't affect the General Fund. Now, we are also going to adopt an amendment that addresses a couple of issues that have been raised and that amendment will be Amendment No. 3, and this has been requested by several. The amendment will indicate that the Secretary of State shall provide that there shall be a clear and distinct visual difference between the driver's licenses issued to individuals without a Social Security number; also that the Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and identifying ineligible Firearm Owner's Identification Card applicants through information provided to the Secretary of State through the driver's license application process to ensure compliance with Firearm Owner's Identification Card. That fact has come up. For the life of me, I can't understand why someone would even go through all that trouble of -- of getting a driver's license then to -- for the purpose of getting a Firearm Owner's Identification Card when we all know how freely firearms flow in the State of Illinois. And so I hope that the -- the NRA, who's recommended that we have a provision in the bill, will also work with us to address the larger issue of the free flow of firearms in the State of Illinois, especially given that I understand you don't even need a license to be a firearms salesperson in the State of Illinois. So, having said all that, I -- I want to say that I appreciate your patience with this. I appreciate the contributions that have been made by many. I want to add that the Governor indicated today that he is in support. He...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

The Governor has indicated that he has more recommendations, and I want to say, for the record here, that we

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will adopt every recommendation that the Governor makes. We're also attempting to -- to take care of all the other recommendations that are being made. We obviously are not trying to -- to ram this down anyone's throat. We understand -- and I'll close with this: We understand that this is a tough vote for -- for many individuals. I understand that. I'm not going to pretend that it's not. It's reality. But I ask you to do this: I ask you to weigh things. I think that the arguments in favor of a bill that enhances security is a valid, strong argument, especially from a national security standpoint. I think that the argument in favor of a bill that enhances public safety on our roads is a strong, strong argument. But if you -- if you feel - and I'm sure there are some that feel that way and I respect it; I will not criticize you if that's your position - if you feel that everything, everything that we've said must be discounted because the only thing that counts is whether or not we in the State of Illinois will issue a document to an undocumented person, if that is the only issue and for ideological and philosophical and political reasons you feel that that is the case, I understand that. But I submit to you this afternoon that when you hold those two up and you put 'em on a scale and you balance, the scale is tilted greatly towards public safety and national security. And I cannot change your mind if you feel that the only thing is important -- that is important is the issue of granting a document to an undocumented person as being wrong, but that would not be in the best interests of the majority -- of all, I should say, the residents of the State of Illinois. And for that reason, I hope that you will give serious consideration when this bill comes up for a vote on 3rd Reading. Thank you for your patience, Mr. Chair.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle -- Ladies and Gentlemen, please, please. Is there any further discussion? Is there any further discussion? Senator Rauschenberger, for what purpose do you rise, sir? Senator Rauschenberger, one moment please. Ladies and Gentlemen, please let me explain to you: The rules of the Illinois Senate do not provide for participation. It's here that -- you're here to listen to debate. Please respect our rules so the speakers have full cooperation with everybody. Thank you

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very much. Senator Rauschenberger, for what purpose do you rise, sir?

SENATOR RAUSCHENBERGER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

State your point, sir.

SENATOR RAUSCHENBERGER:

I would just like to rise and compliment Senator del Valle for his patience and the hard work, as one of the people who's been working with him on the bill. I know we all know how passionate this issue is among different constituencies across the State. Senator del Valle's just in a -- done a fantastic job of being patient and thoughtful about this whole process. We hope that we can together kind of find our way through this, and I just want to commend him for the time he's put on -- in on this and the -- the patience he's shown.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you for your remarks, Senator. Any further discussion? Seeing no further discussion, so the gentleman asks on Senate Amendment No. 2 to Senate Bill 67. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Okay. Ladies and Gentlemen, on -- on page 7 of the Calendar is the Order of Motions in Writing to Override the Total Veto of the Governor. This is final action. On page 7. Top of page -- excuse me. Middle of page 7, we'll be going to Senate Bill 83. Senator Link. Senator Link, do you wish to proceed? Yes. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 83 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Link.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Link.

SENATOR LINK:

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Thank you, Mr. President. Although I see the wisdom somewhat in what the -- what the Governor did, I really want to override this for many of reasons. What this bill did when we passed it and it passed the House is simply correcting a problem when we had sixteen park districts in the State of Illinois who by referendum passed a bill and did not levy to their fullest amount and at the time the tax caps went into effect were inadvertently punished for being very fiscally prudent.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, would you please give the speaker your attention, please? Ladies and Gentlemen, could you please give the speaker your attention. Thank you. Senator Link.

SENATOR LINK:

Thank you, Mr. President. With this, this would have been a local issue for local park districts, Cook County Forest Preserve, to act on. This is not any money out of the General Revenue Fund. My disagreement with the Governor on this is that then he would allow a grant program to take place which then would be a tax on everyone in the State of Illinois. I would like you to total override and I would be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Just to comment on the bill if it's okay.

PRESIDING OFFICER: (SENATOR DeLEO)

On -- on the bill. Senator Link. Senator Lauzen. I'm sorry.

SENATOR LAUZEN:

I would just like to point out to the Ladies and Gentlemen of the Senate that this is an -- an exception to the tax cap. If we support tax caps to hold down property taxes in Illinois, then we want to have a No vote on this. I understand that -- from our analysis, that for every hundred thousand dollars of value, the property taxes of a typical homeowner will go up between seven and fifty-two dollars. So let's assume that that's about thirty dollars. And then a typical home of three-hundred-thousand-dollar value would be about a hundred-dollar property

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tax increase for this bill alone. The second point that I would want to make is that the -- there were organization problems at the Cook County Forest Preserve that were editorialized in the Tribune and Sun-Times shortly after we adjourned from the Spring Session, and I would think that we would not want to fund more money into a -- a organization that needs to clear that up before we give 'em more authority. And then finally I would -- number three is I would refer you to the -- the Veto Message where the Governor says that he will therefore create a grant program within the State's bonding capital program. The grant program will provide a match to amounts local park districts make available under terms of the grant and will make grant funds available for eligible forest preserves. So, the Governor has another way that he wants to take care of this. I would urge a No vote on the motion to override.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any further discussion? Any further discussion?
Senator Geo-Karis.

SENATOR GEO-KARIS:

Ladies and Gentlemen of the Senate, I voted for this bill and I was skinned alive, so to speak, by some of the ardent people who are absolutely not in favor of a lot of things. But these park districts -- Gurnee is my -- in my park district. Grayslake is in my park district. Waukegan is in my park district. Zion is in my park district and Grayslake is my park district. And let me tell you, these are the park districts that were very prudent and they did not try and increase their bondage at the time that they could have done it, and then this bill passed. That stopped them. I'm in favor of the tax caps but I think this is one case where I think we should have an exception in order to be fair to the fifteen park districts out of the three hundred and some that were caught short, and therefore I rise in favor of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Any further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: Ladies and Gentlemen, you know, I think this is actually a -- a big, big

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moment. In my view, and I've said this over the past few years on the Senate Floor, we as the Senate can be really proud of several things that -- that have been accomplished as of late. One of the things that we look at was the truth-in-sentencing law, which people came together and amended the Criminal Code to bring clarity to what's going on and take away any ambiguity. Another thing that we all worked on was the welfare reform program which, in Illinois, had a huge impact on the economy if you think of people waking up every day and moving off of welfare and into work and the -- the -- the driving economic engine that that had. And the other thing was tax caps. Tax caps had a restraining influence over the past ten years on the growth of local government. I remember before I was in the State Legislature, I went to a hearing that was sponsored by then State Representative Dan Cronin in my area. And Senator, then Representative, Cronin hosted a hearing along with Representative Vince Persico. And I was private citizen interested in politics and I went to the hearing. It was at the Hadley Junior High in Glen Ellyn, Illinois, and he remembers it. To go in and to have listened to that hearing that day, you would have thought that western civilization itself was in jeopardy if the tax caps got passed. You would have thought that it was going to be the end of the world as we know it if tax caps were enacted. And you know what? There was compelling testimony, and the legislature wrestled with that and dealt with that and listened to all the various factors and then ultimately rejected the hysteria and said, "We're going to enact tax caps." We have all walked door to door, those of us who live in tax caps communities, and have talked to senior citizens who are in the situation where they have been on the brink of having to leave their homes because of the tax burden. The tax cap has had a restraining influence and has kept many seniors in their home that otherwise would have been forced to leave. I would submit to you that as well-intentioned as the Senator is on this, this is the wrong move at the wrong time. The Governor is dead-on right by hanging onto this tax cap, to maintaining the integrity of the tax cap. Because I will make this prediction: If we start and we make this amendment and this change to the tax -- tax cap, no matter how well-intentioned, there's going to be

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another one and another one and another one and another one and another one, and after a period of time that's not short on the horizon, we will have a tax cap no more. So, I would urge you to do the right thing. Stand up and say the solution to this problem is not to amend the tax cap; the solution is to seek funding from other sources, but don't pierce the tax cap. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Seeing no further discussion, Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. Just a short closing. I hear my colleagues and that's why President Jones, with his leadership, had the Revenue Committee have hearings on tax caps this summer. We went to different areas to listen about the concerns of tax caps and hear the pros and cons from people on tax caps. And in no way -- when I started every one of those hearings as Chairman of Revenue, I made it very, very clear there was going to be no elimination of the tax cap, there was going to be no raising of the five-percent level. If they thought that was what these hearings were, they were in the wrong hearing. We made it very clear the way we stood on the issue. We believe in tax caps. But inadvertently, even with the wisdom of this Body, we do make mistakes now and then and one of the mistakes was sixteen park districts inadvertently got caught -- by being fiscally prudent, caught in a trap and they are paying the penalty for this. Their local taxing bodies okayed the referendum. They already told them what they could vote for. They already told them what they could levy for, but they, on their own, were being fiscally prudent. And one final thing in correction: The Tribune and the Sun-Times encouraged the Governor to sign this piece of legislation into law. I encourage my colleagues to override this and make the Tribune and the Sun-times correct on their editorial. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Thank you, Senator. The question is, shall Senate Bill 83 pass, notwithstanding the veto of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the

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record. On that question, there are 36 Ayes, 19 Nays, 2 voting Present, 2 not voting. Senate Bill 83, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Okay. Ladies and Gentlemen, continuing on page 7 of the Calendar, Motions in Writing. I'm sorry. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Thank you, Mr. President. I had put my button on to ask for a verification of the previous vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Yes. That -- Madam Secretary, the gentleman is requesting a verification. Will the Members be in their seats? Madam Secretary will read the roll of those voting in the affirmative. Madam Secretary.

SECRETARY HAWKER:

The following Members voted in the affirmative: Althoff, Clayborne, Collins, Crotty, Cullerton, DeLeo, del Valle, Demuzio, Dillard, Garrett, Geo-Karis, Haine, Halvorson, Harmon, Hendon, Hunter, Jacobs, Wendell Jones, Lightford, Link, Maloney, Martinez, Meeks, Munoz, Obama, Risinger, Ronen, Sandoval, Schoenberg, Silverstein, Soden, Trotter, Viverito, Walsh, Welch, and Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, what purpose do you rise, sir?

SENATOR HENDON:

Parliamentary inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Yes. State -- state your inquiry, sir.

SENATOR HENDON:

On this -- on this verification, how many votes are -- are needed to pass this override? Is -- is it the normal thirty-six or...

PRESIDING OFFICER: (SENATOR DeLEO)

It's a three-fifths majority, sir. Does Senator Lauzen question the presence of any Member? I'm sorry. Senator Lauzen, one moment. I'm sorry, Senator Hendon. Do you have another -- what...

SENATOR HENDON:

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Yes, Mr. President. I thought this only took thirty votes because of the nature of the -- of the bond issue. That's not correct? Could you check with the Parliamentarian and -- and see if that's correct? Please check for me.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, could you give me one moment, please, to check with the Parliamentarian? Senator Hendon, the Parliamentarian has ruled that because this is a veto override, it does take the necessary three-fifths majority, sir. Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. President, I -- for your indulgence and for all the Members of the Senate. I just wasn't certain, and I'm certain now because the Parliamentarian knows, of course, what he's doing. I appreciate your indulgence.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Lauzen, do you question the presence of any Member that was voting in the affirmative, sir?

SENATOR LAUZEN:

Senator del Valle.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle. Senator del Valle. Senator del Valle in the Chamber? Is Senator del Valle in the Chamber? Senator Miguel del Valle. If not, Madam Secretary -- Madam Secretary. I'm sorry. Senator del Valle is on the Floor in the middle -- center aisle, Senator. Senator Lauzen, do you question the presence of any other Member voting in the affirmative, sir?

SENATOR LAUZEN:

Senator Sandoval.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Marty Sandoval is right next to Senator -- I know they look alike. He's right next to Senator del Valle. Senator Lauzen, do you question the presence of any other Member, sir?

SENATOR LAUZEN:

Senator Althoff.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Pam Althoff. Senator Althoff. Is Senator Althoff in the Chamber? If not, Madam Secretary, strike the name from the roll. Senator Lauzen, any further? Okay. Madam Secretary,

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on a -- on a verified roll call, there are 35 Ayes, 19 Nays, 2 voting Present, 3 voting -- 3 not voting. The -- the motion fails. Senator Link, do you have a request, sir?

SENATOR LINK:

Yes, Mr. President. I ask this be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Link requests that Senate Bill 83 be postponed. The bill will be -- be placed on the Order of Postponed Consideration. Senator -- Senator Watson, for what purpose do you rise, sir?

SENATOR WATSON:

Yes. Thank you, Mr. President. A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR WATSON:

Yes. In the gallery here on the right side in the President's Gallery, on our side, we have twelve exchange students from Kazakhstan. And would they please stand up? They're here from Triad High School, in Troy, in my district. Mrs. Kelly Barbour is the sponsor and we'd like to welcome them here to Springfield.

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests in the galleries please rise and will the Illinois Senate please recognize our guests today? Welcome to Springfield. Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

Parliamentary inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

State your inquiry, sir.

SENATOR ROSKAM:

Mr. President, it's my understanding generally that -- and if you can just cite the rule and correct me, but it's my understanding generally that -- that a bill that has failed under a motion to override is dead and that you've got to refile the motion as opposed to just putting something on Postponed Consideration. Could you -- could you just direct my attention to the rule that...

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam, on -- on -- under our rules on Postponed Consideration, if a bill received twenty-four or more votes, the -- the Senator that -- the Senate sponsor can request that that bill be put on Postponed Consideration if the bill receives twenty-four or -- more votes. Senator Roskam.

SENATOR ROSKAM:

Mr. President, maybe for the Parliamentarian's benefit, this is not a bill that we just dealt with; it's a motion, so that rule wouldn't apply. I think the way to do this procedurally -- and you can win. Here's how you win. You've got to file the motion but you -- there is not an Order of Postponed Consideration on failed motions to veto -- to override a veto. So I think the proper ruling would be the motion fails and then to refile the motion, but there is no animal as Postponed Consideration right now.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam, it's been the past practice of this Illinois Senate to do exactly what we did on this past bill, on Senate Bill 83, on Postponed Consideration. There's never been a different procedure. Been the same procedure that we've followed throughout the history of -- of this Chamber. We've treated it like a bill receiving twenty-four or more votes to be put on that order. And it's always been the practice of this Body to do that, sir. Senator Roskam.

SENATOR ROSKAM:

Well, I haven't been around long enough to be able to reflect on whether...

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome -- welcome to the Illinois Senate.

SENATOR ROSKAM:

...whether that's been the long -- the longstanding practice. Here's all I know is: The -- the -- the card that the Parliamentarian gave you is the wrong card basically. So I want to make sure that we're -- we're doing it right. 'Cause it simply is -- we just didn't deal with a bill; we dealt with a motion.

PRESIDING OFFICER: (SENATOR DeLEO)

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As you can see on page 31 of the Calendar, the motion was a legislative matter. So if you look at Senate Rule 7-12, on page 31 of the Rules of the Senate, the bottom of page 31, it explicitly explains what -- what we just did. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Well, thank you. I'm -- I'm hastily, myself, trying to find the proper rule. That 7-12 on page 31 probably is the one that's dominant in this, although I haven't read the section with respect to -- to vetoes. We have normally always handled these in a number of ways; one, that which you've cited, and that is, a motion to postpone is a prerogative of the Member. You take it out of the record, and if, in fact, it goes to the Order of -- of Postponed Consideration or the motion on the -- on the veto of -- on the override can fail and the motion can be refiled again. So, I mean, we're looking at two different aspects here. I think we're spending a lot of time about nothing, but I think either way -- or, even -- even at that, a person could move to reconsider who voted on the prevailing side. So I think that all of these are the prerogative of the Member, making sure that there is safeguards to protect the Member and his legislation, and I think the rules provide for that.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Senator Forby, for what purpose do you rise, sir?

SENATOR FORBY:

I move to reconsider my vote from a No to a Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator, we -- we need to do that in writing and we'll have that filed with the Clerk's Office.

SENATOR FORBY:

Motion to -- reconsider the vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. I -- I stand corrected, sir. The Parliamentarian -- on a motion to reconsider. So, having voting on the prevailing side, Senator Forby moves to reconsider the vote by which Senate Bill 83 failed. All those in favor will vote Aye. All those opposed will vote Nay. Madam Secretary, the voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 33 Ayes, 19 Nays, 1 voting Present. And the motion. Okay. This having -- carries -- thirty votes or more will carry on the question before the Senate on this motion. The motion is passed. Okay. As you -- Senator Roskam.

SENATOR ROSKAM:

Thanks, Mr. President. A couple of minutes ago you -- you said that a motion had to be made in writing in order to accomplish the task that was just accomplished.

PRESIDING OFFICER: (SENATOR DeLEO)

And I -- and I -- right and I clarified and I said I made a mistake. And the Parliamentarian told me on a reconsider, we did not have to file a written motion.

SENATOR ROSKAM:

Even though the sign says "Motion in Writing"?

PRESIDING OFFICER: (SENATOR DeLEO)

That's correct. So that last motion, Senator Roskam, was on the motion for reconsideration. The next vote will be the vote on the actual bill...

SENATOR ROSKAM:

Okay. Now -- now -- now let me ask you this: If this motion goes down, this third motion on this bill...

PRESIDING OFFICER: (SENATOR DeLEO)

We're going to try to find another way.

SENATOR ROSKAM:

Another way. Can that happen...

PRESIDING OFFICER: (SENATOR DeLEO)

And another one.

SENATOR ROSKAM:

Listen, I -- I get the program. I just want to know the roadmap. Is there -- will that be done today? Will that be done tomorrow? Does it have to be a motion in writing? Does this have to be a hand signal given to you? Because so far, we're not sure if we need motions in writing or if the motion is just kind of one of these. Which is it? How do you have to do it?

PRESIDING OFFICER: (SENATOR DeLEO)

The third motion will be in smoke signals.

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SENATOR ROSKAM:

All right.

PRESIDING OFFICER: (SENATOR DeLEO)

So, the question is -- okay. We had the vote on the motion. This will be the vote on the bill. Senator Link, to close. Gentleman waives his closing. The question is, shall Senate Bill 83 pass, notwithstanding the veto of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 36 Ayes, 20 Nays, 1 voting Present. Senate Bill 83, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Okay. Back on page 7, Motions in Writing. Senate Bill 318. Madam Secretary, take that out of the record. Senate Bill 408. With leave of the Body, I'd like to come back to that later. Senate Bill 594. Senator Clayborne. Senator Clayborne, do you wish to proceed, sir? No, he does not. Madam Secretary, take it out of the record. Senate Bill 1085. Senator Winkel. Senator Winkel, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 1085 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Winkel.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. Senate Bill 1085 provides for a study. It authorizes...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel. Senator Winkel, one moment. Ladies and Gentlemen, could you give the speaker your attention, please? Senator Winkel, please proceed.

SENATOR WINKEL:

Thank you, Mr. President. Senate Bill 1085 provides for a study. Authorizes the Department of Natural Resources to conduct a study to figure out how much groundwater we've got in the State of Illinois. The aquifer system, or the groundwater,

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is a source of water for millions throughout the State, and what 1085 does is it authorizes the study to not only look at the quality of the water, but also the quantity. The big question, which everybody supported unanimously in the Senate and in the House last spring, was to authorize this study by DNR to find out how much water is there, to find out if we're withdrawing too much water, if we're withdrawing water that's rightfully belonging to future generations. As we have more factories, more residents and more people -- or, using water, it's -- it's the responsible thing for us to do to conduct this study to find out how much groundwater is there. This is a big issue certainly for areas that withdraw from aquifers, certainly in the northeastern part of the State and in central Illinois and elsewhere. It's the responsible thing to do. I urge that we adopt this law, notwithstanding the Governor's veto, and I ask for your support.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch, for what purpose do you rise, sir?

SENATOR WELCH:

I rise to speak in favor of this proposal.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR WELCH:

I don't think anything is more important to our constituents than clean water and clean air. This bill is going to make sure we have adequate supplies of water, going to make sure we have aquifers that have water that isn't contaminated, make sure that wells aren't dug so deep that they contaminate our aquifers and find out exactly if we have enough water to sustain the State of Illinois, its farm community and its cities for the next twenty, fifty, hundred years. We used to have a water survey committee here in Illinois. I served on that when I first got here. It was abolished after about ten years. We don't know what's going on specifically with the water in the State of Illinois, but I can tell you this: Your constituents are concerned. Everyone is worried about where their water comes from. We can't keep taking water out of Lake Michigan, which is pretty much polluted and you can't eat more than one fish a year

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out of that lake. This is a good idea. I think we should vote with Senator Winkel to override the Governor's veto.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Lauzen.

SENATOR LAUZEN:

Thank you. Several questions for the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LAUZEN:

Senator, why did the Governor veto this bill?

SENATOR WINKEL:

Senator, the Senator -- excuse me, the Governor said, "While I support the study of the State's groundwater supply as a comprehensive and long-term approach to water supply management in Illinois, due to the State's diminishing revenues, we do not have the money available to fund the study at this time."

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

The second question is, how much -- can you give us the dollar amount of the study? How much will this study cost?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

An effective study of the State's groundwater supply could be done by the Geologic and the Water Surveys. Given the current personnel, they could effectively study this and provide us an answer for future generations for about a million dollars a year over ten years.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

So, Senator, are you saying that the cost of this analysis is ten million dollars?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

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The fiscal impact for the fiscal year would be one million dollars. What I said, Senator, was that the Geologic survey and the Water Survey, given the current personnel, could conduct a very effective survey that could provide us the answers to how much water is in the ground for future generations for one million dollars in each year and the study would take about ten years.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Okay. I -- our analysis says that the cost of this is two million dollars, and I assume, from what you're saying, that if we start a study at one million dollars next year and doing it the approach that you're telling us here in the Senate, over ten years, that once we start a study, we have to complete it. So, it's somewhere between two million, in our analysis, and ten million. Have there been any similar -- have there been any similar studies done on the water supply in the State of Illinois, any similar studies?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

This study would be unique. There are no comprehensive studies of the groundwater. This study would be an extremely important thing for us to tell how much water we've got for our factories, our residences, for agriculture, to know if we're withdrawing too much -- too much now and taking away from future generations. And the estimates from the surveys is they could spend as much as five hundred thousand dollars on the study per year to as much as two million. But given the number of personnel that the Geologic Survey and the Water Survey has, they can complete the study in as little as ten years and it would take about a million dollars per year.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Final question.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you.

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SENATOR LAUZEN:

In the past twenty years, there's been no study done, a comprehensive study of the water supply in Illinois? So, let me ask you, are there any other groups that could do this study, other than the State taxpayers paying for it?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

Well, certainly, in the State of Illinois, we have a rich, long tradition of having scientific surveys. We've had scientific surveys in this State for well over one hundred and fifty years. The Water Survey and the Natural History Survey has scientists of world-renown who study this sort of thing year in and year out. They're ideally situated. They're ideally trained and skilled to do this sort of unique, comprehensive statewide study and get answers to questions that we need, to find out if we're withdrawing too much -- too much water now. The problem with it is, what really got our interest in this about three years ago - and we've been working on this for about three years - is that there was, at the time, the idea of bringing in peaker power plants which would withdraw about five hundred thousand gallons per day from the aquifers. We've withdrawn a great deal of water out of Lake Michigan for northeastern part of this State. We cannot continue to withdraw that water nor can we continue, in many people's opinions, to continue to withdraw that -- kind of water in northwest -- northeastern Illinois. We're withdrawing our groundwater for new residences, for new factories, for agriculture at record-breaking paces. We cannot afford to continue to delay to be able to answer the simple question: How much water do we have in Illinois in the ground? Are we using too much? Are we using our children's water? Are we using our grandchildren's water? We need to pass this law. This study needs to be done. For a million dollars each year for ten years, we can answer a very fundamental, critical question for the State of Illinois. I'd appreciate your support.

PRESIDING OFFICER: (SENATOR DeLEO)

For what purpose does the esteemed Majority Leader rise, sir?

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SENATOR DEMUZIO:

I'm sorry. Was he closing?

PRESIDING OFFICER: (SENATOR DeLEO)

I believe so, but if you have a question, the sponsor would certainly yield to you, sir.

SENATOR DEMUZIO:

Well, I just had my light on, but I just rise in strong support of this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Okay. The question is, shall Senate Bill 1085 pass, notwithstanding the veto of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 Ayes, 0 Nays, 1 voting Present. Senate Bill 1085, having received the constitutional majority, notwithstanding the Governor's veto, receiving the three-fifths majority, is declared passed. Ladies and Gentlemen, back on page -- bottom of page 7, Motions in Writing. Senate -- Senate Bill 1765. Senator Obama. Senator Obama, do you wish to proceed with 1765? Out of the record. On top of page 8, turning to page 8, Motions in Writing, Override Total Vetoes. Senate Bill 1881. Senator Harmon. Senator Harmon, do you wish to proceed, sir. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 1881 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Harmon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senate Bill 1881 passed out of both the Senate and the House with broad bipartisan support. Despite what some have said, this is not a tax increase. We are simply providing surgical relief to park districts and municipalities participating in special recreation associations subject to a hard statutory cap that will not be broken by this legislation. This is a situation, as you know, special recreation associations are consortiums of six or eight or

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twelve or sixteen park districts or municipalities. Going to referendum is practically impossible. These are programs of great worth and they are in great need. I ask you to vote Aye to override the veto.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill provides the -- the transportation for the disabled children and I'm all for it.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Just for a comment on the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR LAUZEN:

I would like to point out to the Members of the Senate that this is an exception to the tax cap. Many of us campaigned back home with especially our elderly neighbors, pledging to them that we will try our best to hold down the cost of property taxes in their -- this area. I certainly trust the sponsor's good intentions. I would also like to congratulate Senator Link on his good work on his task force on the tax caps. I know a lot of hard work went into that. But this is an example of death by a thousand small cuts. The accumulation of all these exceptions will lead to higher tax bills. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Wojcik, for what purpose do you rise, ma'am?

SENATOR WOJCIK:

Thank you, Mr. President. I rise to speak to the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill.

SENATOR WOJCIK:

I don't believe a person can understand what these wonderful group of people do unless you have a disabled child or you know of someone who has a disabled child. I happen to have

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a granddaughter who has cerebral palsy. This group of people have done wonders for my granddaughter. She couldn't walk until she was five years old. Do you know what they did? They found therapists for her. They brought her out. She's now walking. She's riding a horse. She's a perfectly normal ten-year-old girl. And you know what? There's not that much money that is going to be taken out of the property tax for this. It comes out to about a dollar fifty cents a month. Now, if we can't do that to help these children who did not ask to be born like this, then there's something wrong with us. Once in awhile we have to overlook issues in this State and begin to work for what is right, and this is right. I ask you all to vote Yes, please.

PRESIDING OFFICER: (SENATOR DeLEO)

I'd like to introduce a constitutional officer joining us on the Floor this afternoon. Ladies and Gentlemen of the Senate, let's welcome the Secretary of State, Jesse White. Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

I'm sorry I'm rising for a second time.

PRESIDING OFFICER: (SENATOR DeLEO)

That's quite all right.

SENATOR GEO-KARIS:

I want everyone to know that I voted for the tax cap bills all along, but this bill is an exception just like the last one was and these -- and I'm still in favor of tax caps. However, like Senator Wojcik told us very eloquently, there are times that we have to go a little bit different because there's special needs. I certainly support this bill and urge everyone to vote for it.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you for those kind remarks. Okay. The question is, shall Senate Bill 1881 pass, notwithstanding the veto of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 38 Ayes, 17 voting Nay, 0 voting Present, 4 not voting. Senate Bill 1881, having received the required three-fifths majority, is declared passed, notwithstanding the Governor's veto. On...

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Okay. On -- still on page 8, Ladies and Gentlemen, of the -- on your Calendar is the Order of Motions in Writing to Restore the Item Reduction of the Governor. We will go to Senate Bill 1239. Senator Welch, do you wish to proceed, sir? Madam Secretary, Senator indicates he wishes to proceed. Would you read the motion?

SECRETARY HAWKER:

I move that the item on page 226, line 23 of Senate Bill 1239 be restored, notwithstanding the item reduction of the Governor.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This motion is to restore money to the Department of Natural Resources that was, due to mathematical error, taken out of their budget. More was taken out than should have been. We're not restoring the entire thirty-one million dollars that was removed. We are restoring seventeen million fifty-nine thousand dollars. I'm sorry. It's nineteen million five hundred and twenty thousand dollars. The Governor's veto reduced the particular appropriation to Department of Natural Resources from other State funds to five million dollars of the thirty-six million reappropriated for the Illinois Open Lands Trust Program. Reappropriation mistakenly reduced it to five million dollars instead of what it should have been reduced to, the end-of-Session balance on June 30, 2003, of nineteen million five hundred and twenty thousand point six dollars. Restoration of this is necessary to sufficiently fund seventeen million fifty-nine thousand dollars obligated for sixteen open land trust grants awarded in Fiscal Year '03, and two million four hundred and sixty-one thousand for DNR land acquisitions. There is a chart I think was passed out showing where the open land trust and land acquisitions are going to be acquired, and be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Senator Luechtefeld, for what purpose do you rise, sir?

SENATOR LUECHTEFELD:

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Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LUECHTEFELD:

I may have been given that. I don't have it in front of me. Would you read a couple of those projects, or do you have those, Senator?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Certainly, Senator. Let me read the Senate district they're in as well: Senator Sieben's, Nardi Hills, the -- the Byron Fire and Police Department - I believe is what it is - eight hundred ninety-two thousand five hundred dollars; Senator Lauzen, the Mill Creek Corridor/Hawkins Farm, seven hundred and seventy-one million {sic} dollars; Senator Trotter, Hegewisch Marsh, 1.9 million; Senator Lauzen, Nollman Woods, two hundred and seventy-six thousand; Senator Lauzen, Raceway Woods, seven - - one million seven hundred and fifty-two thousand; Senator Lauzen, Peck Farm, seven hundred and forty-one thousand; Senator Soden, two hundred and fifty-two thousand, River Walk in Itasca; Senator Lauzen, Bugna Farm, six hundred and seventy-six thousand; Senator Lauzen, Mill Creek Corridor-Nelson's Farm, seven hundred and fifty-three thousand; Senator Geo-Karis, Grant Woods Addition, Lake County, 1.6 million dollars; Senator Geo-Karis, an addition to Raven Glen, in Lake County, two million dollars...

PRESIDING OFFICER: (SENATOR DeLEO)

Excuse me, Senator. Senator...

SENATOR WELCH:

Is that enough?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld, do you want him to continue reading the two pages of -- or would you like a copy of it? That's -- that's enough. Senator Hendon. Senator Hendon, what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. I was wondering if it was appropriate to separate the question because clearly Senator

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Lauzen does not want all this pork in his district. I've heard him stand up and rant and rave against pork time after time after time again, and I'm certain he would have no objection to separating the question, taking his pork, his fat out of this motion. I could support Senator Welch on the rest of it, but I'm certain Senator Lauzen would not, being the fiscal conservative that he is, want this pork in his district.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Hendon, would you put that motion in writing, please? Senator Rauschenberger, for what..

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. In answer to -- to -- to -- in partial answer, anyway, to Senator Hendon's inquiry, I just need to make a confession. As -- as former Appropriations Chairman, I was always slow getting my projects done because it seemed like it didn't matter who was in the Executive Mansion. They didn't like me much. So, in fact, two of the things that are being blamed on poor Senator Lauzen actually were in my district before the cartographers from Chicago changed my district. So I really should be responsible for most of those. So, if you separate the question, Rickey, you're really hurting your good buddy Steve.

PRESIDING OFFICER: (SENATOR DeLEO)

May I please inform the Body and all people observing, under the Senate rules, cell phones are prohibited. Cell phones are prohibited. So, please, who's ever ringing. Senator Hendon, for the second time, sir.

SENATOR HENDON:

Thank you, Mr. President. I -- I apologize for rising a second time. But if I could recognize Senator Rauschenberger, then I wouldn't do anything to hurt him, but I -- I haven't recognized him since he decided to run for the U.S. Senate. I don't know who that is in his seat.

PRESIDING OFFICER: (SENATOR DeLEO)

Very handsome, distinguished Senator Rauschenberger, from the western suburbs. Senator Welch, to close, sir.

SENATOR WELCH:

Yes. I didn't get to read the Syverson project but I'll pass that by. I would -- the -- these are -- these weren't

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Member projects; these were projects picked by the Open Lands Trust after having many, many submitted, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Okay. The question is, Senate Bill - 1239 -- the question is, shall the item on page 8 -- page 226, line 23 of the Senate Bill 1239 be restored, notwithstanding the item reduction by the Governor. All those in favor will vote Aye. All those opposed will vote Nay. Ladies and Gentlemen, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 vote Nay and 0 voting Present. The item on page -- on page 226, line 23 of the Senate -- of Senate Bill 1239 has been -- received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor. Okay. We're continuing on this Calendar. On page 8 of the Calendar is the Order of Motions in Writing to Accept the Specific Recommendations of the Governor. So, continuing there will be Senate Bill 1754. Senator John Sullivan. Senator Sullivan, do you wish to proceed, sir? Out of the record. Continuing on page 8 of the Calendar, on Orders of Motion in Writing to Override Specific Recommendations of the Governor, we will move down to the middle of page 8 on the Calendar. Senate Bill -- House Bill 3412. Senator Garrett, do you wish to proceed, ma'am? Madam Secretary, Senator indicates she wishes to proceed -- does not wish to proceed. Senator Garrett.

SENATOR GARRETT:

Point of personal privilege. I would like to...

PRESIDING OFFICER: (SENATOR DeLEO)

On a point of personal privilege, state your point, ma'am.

SENATOR GARRETT:

I'm not doing that bill right now, but I am proud to welcome the Lake Forest Montessori School, as well as Linda Davis, who is their teacher. They are here in the gallery, up there. So...

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests in the gallery please rise to be recognized, the students from Lake Forest. Welcome to

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Springfield, Illinois. Continuing on Motions in Writing, Override Specific Recommendations of the Governor. On page 8 is Senate Bill 212. Senator Clayborne. Senator Clayborne, do you wish to proceed, sir? Senator Clayborne wishes to proceed. Madam Secretary, would you read the motion?

SECRETARY HAWKER:

I move that Senate Bill 212 do pass, notwithstanding the specific recommendations of the Governor.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Basically, Senate Bill 212 deals with quick-take as far as Southwestern Illinois Development Authority is concerned. It also includes the Palatine area. I -- I want to say that in the Governor's amendatory veto, he took Palatine out. So what I'm trying to say to my friends on the other side of the aisle, I made a motion to override the veto because of Senator Wendell Jones and the area he represents. So this is not a partisan; this is a bipartisan effort. And I urge all of your support.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. Senator Clayborne is absolutely correct. We requested this after trying to convince the Governor's Office that his -- that his Veto Message basically was the bill. I mean, the bill is the bill and it defines a TIF area, it defines an area of quick-take within two TIF areas. So, there is a boundary definition. I think most of you I've discussed it with. I would appreciate override votes on both sides of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. The question is, shall -- sorry. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

I'm sorry for the delay, Mr. President. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

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Sponsor indicates he'll yield for a question.

SENATOR LAUZEN:

Is the property that's going to be quick-take -- or, where the property is going to be transferred, is this the case where it's a -- a private enterprise or are -- is everybody involved here a public organization?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. SWIDA is a -- is a quasigovernmental agency that before any -- any quick-take is taken in a municipality, they have to get the approval of the municipality. For instance, if you've been to the race track in our area that's on national television in May, part of that was involved with quick-take. It was old land that wasn't used, the same with where the Casino Queen was -- where the -- where the Casino Queen is and other sites where we've used quick-take. There's a housing development. The first time in, I don't know, maybe forty, fifty years, one hundred and seventy-four units were built in East St. Louis and part of that process was through quick-take of old abandoned sites.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen. Senator Lauzen.

SENATOR LAUZEN:

I'm sorry, Senator. My question is, are any of these properties either coming from or going to private enterprises? Is there -- is there -- are any of the -- either where it's coming from or going to, in the development process, a private enterprise?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne.

SENATOR CLAYBORNE:

As far as SWIDA is concerned -- I'll let Wendell talk about Palatine -- Senator Jones talk about Palatine. But as far as SWIDA is concerned, right now there's no project that's being taken -- or property being taken under quick-take, so as the courts have deemed, it has to be taken by public for a public purpose -- public entity for a public purpose.

PRESIDING OFFICER: (SENATOR DeLEO)

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Okay. Seeing no further discussion, back to where we were at. The question is, shall Senate Bill 212 pass, notwithstanding the specific -- recommendations of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 43 Ayes, 10 voting Nay, 1 voting Present. Senate Bill 212, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. Continuing on page 8 of the Calendar, Senate Bill 216. Senator Clayborne, do you wish to proceed, sir? Madam Secretary, he indicates he wishes to proceed. Read the motion.

SECRETARY HAWKER:

I move that Senate Bill 216 do pass, notwithstanding the specific recommendations of the Governor.

Motion filed by Senator Clayborne.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Clayborne, on Senate Bill 216, sir.

SENATOR CLAYBORNE:

Yes. This is quick-take for our Bi-State Development Agency that's similar to the CTA. We continue to expand our -- our rail line and we ask for your support. And even your -- your great leader on the other side, Senator Watson's in favor of this as well.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no -- discussion, the question is, shall Senate Bill 216 pass, notwithstanding the specific recommendations of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 42 Ayes, 11 Nays, 0 voting Present. Senate Bill 216, having received the required three-fifths majority, is declared passed, notwithstanding specific recommendations of the Governor. Moving down on the middle of page 8, Senate Bill 272. Senator Walsh. Larry Walsh. Senator Walsh, do you wish to proceed, sir? Indicates he'd like to proceed. Madam Secretary, read the motion.

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SECRETARY HAWKER:

I move that Senate Bill 272 do pass, notwithstanding the specific recommendations of the Governor.

Motion filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 272 amends the Illinois Vehicle Code in regards to unsafe grade crossings. What the bill did was, when the Illinois Commerce Commission has ordered the installation of automatic warning devices at a railroad grade crossing, the bill says the ICC "shall" order the installation of a temporary stop sign at the highway intersection with the grade crossing. Adds that the stop sign must remain in place until the automatic warning devices have been installed. Adds that the rail carrier is responsible for the cost of the installation and subsequent maintenance of temporary signs. The Governor's recommendation was that the ICC, instead of being "shall", "may" order the installation of the temporary signs. I find that unacceptable. It -- our intent was to -- to make these -- or, make these crossings after the ICC has already admitted that they needed to be improved with installation of automatic warning devices, that they "shall" have a stop sign erected. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LAUZEN:

Senator, was this the bill where you extended it by about a year, some study that was being done, and -- and the compromise that you came to with a lot of hard work was that it be, like, extended a year? Is that this bill?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh.

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SENATOR WALSH:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Seeing no further discussion? The question is, shall Senate Bill 272 pass, notwithstanding specific recommendations of the Governor. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 58 Ayes, 0 Nays, 0 voting Present. Senate Bill 272, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. Bottom of page 8. Senator Cullerton, on Senate Bill 472. Senator, do you wish to proceed, sir? Indicates he'd like to proceed. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 472 do pass, notwithstanding the specific recommendations of the Governor.

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton, on Senate Bill 472, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is the death penalty reform bill. As most of you already know, we -- there was an amendatory veto of this bill dealing with the issue of police decertification. We met with the police representatives and we've come up with a compromise that is -- found itself in a trailer bill. That trailer bill was passed out of Judiciary Committee last night. There's no opposition to it. And we will pass that bill today as well. And that bill, then, will replace the language in this bill dealing with decertification. So, since it's been awhile since we've talked about the -- this particular bill, I might want to just refresh -- you on the highlights - again, virtually unanimous in the Senate, as well as the House. One of the things that this bill does is to codify a Supreme Court decision with regard to the imposition of the death penalty for people who are mentally retarded. Sets a standard of seventy-five IQ with a presumption that that would be -- anything lower than that, that the person

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is mentally retarded, which is rebuttable. That, I think, is a very progressive method by which we codify that Supreme Court decision. Another provision here deals with the issue of the reliability of informant testimony and it requires the court to conduct a hearing before the trial to determine the reliability of that informant testimony. Another provision deals with the issue of eligibility factors. While there's actually a provision in the bill that expands one of the eligibility factors, another provision deals with the issue of felony murder. The Governor's Task Force on Death Penalty Reform had indicated that they wanted -- actually wanted to eliminate felony murder as an eligibility factor. We did not do that, but we did look again at the issue of felony murder and we modified some of the felonies for which it would become eligible. We actually put a provision in the bill that wasn't even a recommendation of the Governor's Task Force, that when Senator Roskam and -- and other Members of the -- Senator Roskam chaired a committee that traveled around the State to -- to -- to get -- get testimony on this issue. We had a law professor, I believe from the University of Indiana, Professor Hoffman, that came up with a provision that both sides liked and we put this in the provision, and it deals with allowing the Supreme Court to overturn a death penalty if they feel that it's fundamentally unjust to have that death penalty, even though there wasn't error in the record in the actual trial court. This has an advantage for both sides, because now the Supreme Court doesn't have to go through legal gymnastics to try to find error where there wasn't error to overturn a death penalty 'cause when they do that, every person on death row throughout America wants to then use that case as a precedent. At the same time, if there's a disproportionality issue with regard to the death penalty being administered in one part of the State but not in another for the same actions, the Supreme Court can rectify that problem. Another provision in this bill deals with the issue of allowing a court, after hearing testimony and after the death penalty would be imposed, if they determine that the sole evidence against the defendant is a single I.D., the -- the trial court can decertify this as a death penalty case. Also, if the trial court disagrees with the jury's verdict of death penalty, they can in writing indicate

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their -- their reasons why they would not think the death penalty would be appropriate. In the case of post-conviction petitions, after a person's been convicted, if they believe that they've got newly discovered evidence that shows a substantial basis the defendant might actually be innocent, they would have an opportunity to present that within a reasonable period of time. There's new procedures for lineups. Lineups will be photographed and the person who's viewing a lineup will be told that not necessarily -- the suspect is not necessarily in the lineup and that the person who's conducting the lineup doesn't necessarily even know who the person is that -- that is a suspect. You'll also recall that another bill that Senator Obama sponsored was videotaping of confessions. That doesn't take place for a couple of years, so we have a pilot program dealing with videotaping in this bill that will provide for an opportunity to work out the kinks in that system. We have a Capital (Punishment) Reform Study Committee that was a recommendation of the House that we can kind of evaluate how all of these reforms taken together will -- will work. There's even more provisions. I'm going to stop right there. Be happy to answer any questions and ask for an override of the Governor's veto.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Is there any discussion? Any discussion? Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator indicates he'll yield for a question, ma'am.

SENATOR GEO-KARIS:

I understand that you have the glitches fixed up in the trailer bill. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

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Yes. The issue of decertification will be replaced by the trailer bill which, as I said, has been agreed to by the -- all the police organizations, the Governor and -- and Members of the Judiciary Committee that approved it last night.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Geo-Karis.

SENATOR GEO-KARIS:

When are -- when do you propose to bring the trailer bill through?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton. Time frame of the trailer bill, sir.

SENATOR CULLERTON:

There's a technical amendment being prepared for it right now. We'll file it. We'll send it to the Floor, and we'll pass it in a few minutes, as far as I'm concerned. It's -- it's going to happen today. It's something that both sides feel is an improvement over the current law.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I have your assurance then that if I vote for this bill, that you will bring the trailer bill up today?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, Senator. There's not any question that the way to proceed to get the agreement is to first pass this bill as an override and then pass the trailer bill, which everybody's agreed to and I promise you will be called and passed as soon as possible.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't mean soon as possible; I want to know whether it's going to be done today or not. Don't play games with me, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

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Yes. I've been informed that we are going to pass the trailer bill today. We're not going to go home here without passing that trailer bill. And if that trailer bill doesn't pass, I'll move to reconsider the vote by which we passed this override.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I have your word on that?

PRESIDING OFFICER: (SENATOR DeLEO)

I -- Senator Cullerton, could you repeat your last statement, sir? I don't think Senator Geo-Karis heard you.

SENATOR CULLERTON:

I think -- you know, trust is very important in the Legislature. I hope you trust me. I will not let this bill -- this override pass without also passing the trailer bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Halvorson, in the Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I rise in support of this bill and want to remind the Membership that, coupled with laws passed the last few years like the Capital Litigation Trust Fund, mandatory videotaping and DNA testing, this bill goes a long, long way to repairing Illinois' broken and shameful death penalty system. This process started a number of years back under Senator Carl Hawkinson, who was the outstanding Chairman of the Judiciary Committee, and the process has continued very well under Senator Cullerton. I want to thank Senators Petka and Roskam and Obama for all of their input over the last few years on this particular issue and our hardworking staff, who have put in long and laborious hours for more than a couple of years on this topic. And my hats off to Senator Cullerton for his great work on this, and this is a work that the General Assembly can be proud of.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

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Thank you, Madam President. I -- I want to rise to tell my good friend and sweetheart, Senator Geo-Karis, I'll give you something much better than Senator Cullerton's word. I'd give you my word that this is a -- the trailer bill will come. This is a great compromise and I also wanted to thank President Jones and the Black Caucus and all the Members on the other side, especially Senator Dillard, for the great work that he did, and Carl Hawkinson, before he moved on to -- bigger and better things, for the work that they did on this criminal justice reform. We really appreciate it in my community, and we just want to thank everyone and thank John on his hard work, and President Jones.

PRESIDING OFFICER: (SENATOR HALVORSON)

If there's no further discussion, Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. I just wanted to emphasize that this bill, along with the trailer, taken as a package has been supported by all the police organizations who were concerned about this amendatory veto. The Governor's on board, and I hope that everybody here would join me in overriding this veto and passing death penalty reform.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall Senate Bill 472 pass, notwithstanding the specific recommendations of the Governor. All those in favor will vote Aye. 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, there are 58 Yeas, no Nays, none voting Present. Senate Bill 472, having received the required three-fifths majority, is declared passed, notwithstanding the specific recommendations of the Governor. Top of page 9, Motions in Writing, Senate Bill 629. Senator Walsh. Senate Bill 1364. Senator del Valle. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Yes. On Senate Bill 639, I'm the cosponsor and...

PRESIDING OFFICER: (SENATOR HALVORSON)

Oh! Okay.

SENATOR JACOBS:

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Senator Shadid is gone.

PRESIDING OFFICER: (SENATOR HALVORSON)

I apologize.

SENATOR JACOBS:

And with leave of the Body, I would like to handle that override for him.

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay. With leave of the Body, Senator Jacobs will proceed on Senate Bill 639. Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Oh, I apologize, Senator Jacobs. Mr. Secretary, read the motion.

ACTING SECRETARY HARRY:

I move that Senate Bill 639 do pass, notwithstanding the specific recommendations of the Governor.

The motion filed by Senator Shadid.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. This is a bill that come about because of the closing of Zeller. It passed this Body 59 to nothing, and what it did, it allowed for the Department of Human Services to either provide transportation itself or contract with an outside entity to provide transportation for mental health patients. What this bill does with the Governor's veto is transfers the cost from the State to the county and Peoria, and it actually is -- the way he has changed the legislation, it makes it special legislation because Peoria is the only one that is covered by this particular action.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing -- oh. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I'd like to ask my esteemed colleague, Senator Jacobs, if he would take this out of the record for the moment. We're trying to work on it and work something out. I didn't know no one has spoken with him. I

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thought we were going to wait till Senator Shadid returned so we could talk with -- with -- with -- with George about it. Denny, I would appreciate it personally if you would give us a minute to work on this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Senator Jacobs.

SENATOR JACOBS:

Only problem is with that, Senator - and I have no qualms in doing that - but I do want to remind you that this week is the week we have to do the override. If there's any changes to be made, you know, we can do that. But I would pull it out of the record for the interim 'cause Senator Shadid will not be back the remainder of this week. So, it's an issue that becomes a little difficult.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Take it out of the record. We can revisit it whenever...

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay.

SENATOR JACOBS:

...I find out what the hell's really going on.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Thank you, Senator Jacobs. Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

Thank you, Madam President. I rise for a point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR COLLINS:

I have the honor and privilege of welcoming to the Floor of the General Assembly a constituent of mine. His name is Mr. Paul Stewart and he happens to be a graduate of Morehouse College, if that means anything. That's the alma mater of Dr. Martin Luther King. And he wanted to just have the experience of sitting in during the Veto Session. So, I'd like for all of my colleagues to give him a hardy welcome to the Senate Floor.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Welcome to the Senate. Senate Bill 1364. Senator del Valle. Senator del Valle, do you wish to proceed on Senate Bill 1364? Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2118, offered by Senator Sieben.

(Secretary reads title of bill)

And Senate Bill 2119, offered by Senator Dillard.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR HARMON:

Thank you, Madam President. One of our hardworking Senate interns, Matt Titus, has some honored guests here today and I'd like the Senate to join me in welcoming his parents, Lynne and Dennis Titus; their son, Myles; and friends, Lynden and Marge Henning, who are here with us in the gallery, I understand.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests rise and be welcomed by the Senate? Welcome to Springfield. Madam Secretary, have there been any motions filed?

SECRETARY HAWKER:

Yes. I have a motion on file regarding Amendment No. 3 to Senate Bill 759.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

That will be reflected on the Calendar, Madam Secretary. There's going to be a Rules meeting in five minutes in the Anteroom. With leave of the Body, we're going to return to page 7 on the Calendar and do Senate Bill 408 for Senator DeLeo. Senator DeLeo, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 408 do pass, notwithstanding the veto of the Governor.

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Motion filed by Senator DeLeo.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. As some -- some may remember this bill, we passed it out of here last spring in the Senate, Senate Bill 408. Our language was deleted in the House. It came back. We accepted the House's version of it. It set the salaries for the Water Reclamation District people -- members that were elected to the Water Reclamation District. It was effective January 2005. As you know, so many members -- they're six-year terms. There hasn't been any pay adjustments in -- in twelve -- some members, twelve or fourteen or sixteen years. And move to override this veto and ask for its immediate consideration.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR ROSKAM:

Senator DeLeo, how ferociously high are these pay raises?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

I can quote you what was put in the House version of the bill. The Senate {sic} president is currently sixty thousand. It would go to -- it would go up six thousand in -- in -- in January of 2005 to sixty-six thousand. The vice president of the District would go up fifty-five hundred dollars. The chairman of finance would go up fifty-five hundred dollars and all other members would go up five thousand dollars. Effective, again, January 2005.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator DeLeo, do you wish to close? The question is, shall Senate Bill 408 pass, notwithstanding the veto of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Yeas, 22 Nays, none voting Present. And Senate Bill 408, not having received the three-fifths majority, is -- has failed. I think those five minutes are up. So, Rules will be meeting right now.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Insurance and Pensions Committee - Floor Amendment No. 1 to House Bill 610; refer to State Government Committee - Floor Amendment No. 5 to House Bill 700; and Be Approved for Consideration - Floor Amendment No. 1 to Senate Joint Resolution 39, Floor Amendment 3 to Senate Bill 67, Floor Amendment 2 to House Bill 576, Senate Joint Resolution 40, House Joint Resolution 36 and Senate Resolution 274.

PRESIDING OFFICER: (SENATOR HALVORSON)

On page 2 of the Calendar is the Order of Senate Bills 3rd Reading. Everybody turn to page 2. Okay. Correction: We're going to start on the House Bills 3rd Reading. Page 2 on the Calendar. House Bills 3rd Reading. This is final action. Sort of. House Bill 576. Senator Cullerton, do you seek leave of the Body to return House Bill 576 to the Order of 2nd Reading? Leave is granted. On the Order of 2nd Reading is House Bill 576. Madam Secretary, are there any Floor amendments to be approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

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Yes. Thank you, Madam President. Wish to adopt this amendment, which was adopted by the Judiciary Committee last night, dealing with the issue of decertification.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would you explain your bill? What do you mean? Decertification of what?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Well, Madam, I thought I'd do that on 3rd Reading. This is only 2nd Reading. I just want to adopt the amendment. If it's okay with you, I can adopt this amendment plus the second amendment and explain the whole bill as a whole, if that's all right with you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

That would be fine with me, Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President. This is a technical amendment which corrects one word in Amendment No. 1 and it changes some dates of a sequential lineup pilot project by moving it back by six months as a result of the delay in -- in passing this bill. It's not controversial and ask for its adoption.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted.

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Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. On the Order of 3rd Reading is House Bill 576. Senator Cullerton, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you. As promised, this is the trailer bill for the death penalty reform. This is a measure that we negotiated with the police organizations. It deals with the issue of the - - the eventual decertification of a police officer for committing perjury. The nature of the compromise is, the police officers compromised on the issue so that we can still have a decertification even though there's not a perjury conviction -- a criminal conviction of that police officer. At the same time, we've improved the provision because we have fine-tuned the screening process whereby claims are to be aired out as to whether or not they're legitimate or not. So, in -- in a case of a conviction, we utilize the post-conviction process where a defendant has an attorney. If they can find evidence of police perjury and they get the right to a hearing ordered by a court, then, of course, they'd also have a right to a hearing for the decertification. In the case of an acquittal, if a defendant is acquitted of murder and they want to charge the police officer with perjury, they can file a complaint. Police Training Standards Board would conduct an investigation and forward that -- results to the State Labor Relations Board. If the State Labor Relations Board feels that there's a need for a hearing, there'd be a hearing and the same process would take place; that is, a hearing in front of the State Labor Relations Board. If they agree by a majority vote to decertify the police officer,

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they can so vote. Police officer can appeal that to court. And if they vote to not decertify, the defendant could appeal it to court. And as a result, we have an agreement. I would ask for an Aye vote. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I just want to, once again, thank Senator Cullerton from saving us from having to take sides on this particular issue between the Chicago Tribune editorial board, the Governor and very -- various law enforcement groups. This is a good change and we should all be for it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will.

SENATOR RIGHTER:

Senator Cullerton, I want to ask a couple questions, not about the -- the agreement that you've worked out with regards to the decertification itself - and I join Senator Dillard in thanking you for the work that you've done on it - but with regards to the fact that the -- who's doing the investigation of the potential perjury. It's my understanding...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator...

SENATOR RIGHTER:

...under the original bill, that the Law Enforcement Training and Standards Board was to do that. Is that still the case?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

The investigation, if I understand your question, that we're talking about only occurs in a case of an acquittal of a defendant in a murder case, which is, as you can imagine, very rare. If there's an acquittal and the defendant wishes to bring forward a charge of -- of -- that the police officer committed

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perjury, the Police Training Standards Board puts together a task force and that task force consists of eight sworn officers. The statute lays out who they are. It's in the nature of, like, an internal affairs investigation. If they choose, they would do that investigation. They would then give that report to the State -- Executive Director of the State Labor Relations Board. If he wishes to have a hearing, then he can so order a hearing, and then you proceed with that hearing and the recommendation of the administrative law judge. In the case of a conviction, you already have the investigation, in effect, being done by the -- by the defendant and his counsel. He's trying to get out of jail or she's trying to get out of jail, trying to get a new trial, and they're already doing all that work. So, we're piggybacking on that process in determining whether or not we should have a hearing for the decertification. And if a court has ruled that there's an issue about the credibility of a police officer and they order that hearing, then obviously we're going to have a hearing as well on the decertification issue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Senator, how much money will it cost the Board to do this? Here's why I ask this: Because I was approached last week by some people in my district who work for the Training and Standards Board, who basically administer programs through -- through their budget monies to put on seminars for police officers on all kinds of different law enforcement techniques, update on case law and things like that, and their concern is, is that there's no money out there to pick up this duty and therefore the money that they have to do their programs and that pays their salaries and runs their office is going to get pulled into this. And, I mean, is that a legitimate concern or -- or not?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Well, the -- the whole point of this amendment is to take all of the responsibilities that we initially had given to the Police Training Standards Board and shift it to the State Labor

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Relations Board. The only time the Police Training Standards Board would come into play would be in this extremely rare case of a murder case that results in an acquittal where the defendant wishes to raise the issue of police perjury, and even then, if the Executive Director of the Police Training Standards Board doesn't think -- thinks it's a frivolous case, he doesn't even have to order this task force to go into effect. So, it would be such a rarity that it would be something which -- it would be so unlikely to happen in the first place that they shouldn't be worried about the -- the cost.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

That's it, Senator. Thank you very much. I appreciate your answers.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, I understand that this is the bill in full on the death penalty. Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

This is the trailer bill on the death penalty, that's correct, dealing with decertification.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

This is the whole bill now, is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. With the passage of this trailer bill, now we have one whole bill read together which constitutes the -- the reform package.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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Madam President, Ladies and Gentlemen of the Senate, I believe that Senator Cullerton and his associate, Senator Dillard, and the other Members of the Senate that worked on it finally came to a good bill with the addition they put in -- they put on in this trailer, and I rise and speak in favor of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, Senator Cullerton, would you like to close? The question is, shall House Bill 576 pass. All those in favor will vote Aye. 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, there are 58 Yeas, none Nays, and none voting Present. House Bill 576, having received the required constitutional majority, is declared passed. On page 2 of the Calendar is the Order of Senate Bills 3rd Reading. On Senate Bill 67, Senator del Valle? Do you wish to proceed? Senator del Valle seeks leave of the Body to return Senate Bill 67 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 67. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 3, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. This is the amendment that I referred to earlier and what I'd like to do is adopt it so that then we can have a vote on the bill tomorrow.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he will. Senator del Valle. I mean, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Sorry.

SENATOR BURZYNSKI:

Just kind of curious, Senator. I know you talked a little bit about this in your presentation earlier, but will this be going back to committee for further discussion before we have a Floor vote?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator...

SENATOR BURZYNSKI:

Because this amendment, as I understand it, hasn't been to committee, has it?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

No, this amendment was filed a few hours ago. I made reference to it in the -- in the Floor debate before discussion on Amendment No. 2. And so, this amendment was let out of the Rules Committee to the Floor, and so I'm moving to adopt it. But we certainly can debate the content of the amendment tomorrow.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, you know, thank you very much. But if my recollection serves me right, we had a problem with a lot of things being sprung during the last minutes of the Spring Session. We don't know what's in this amendment - at least I don't - and I guess I'll be getting a copy of it fairly soon. Okay. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Senator, a copy of the amendment was provided some time ago. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

ACTING SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

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3rd Reading. Mr. Secretary, have any motions been received?

ACTING SECRETARY HARRY:

Yes, Madam President. Senator Garrett has filed a motion.

I request to withdraw the Motion to Concur on Amendment No. 3 to Senate Bill 759.

Dated 11/5/2003.

PRESIDING OFFICER: (SENATOR HALVORSON)

On Supplemental Calendar No. 1, on the Order of Secretary's Desk, Resolutions. House Joint Resolution 36. Mr. -- Mr. Secretary, read the resolution.

ACTING SECRETARY HARRY:

House Joint Resolution 36, offered by Senator Jacobs. There are no committee or Floor amendments, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Joint Resolution 36 renames part of Route 88/I5 in Rock Island County to honor our veterans - past, present and future - and especially those who made the ultimate sacrifice with a hundred and forty-five of them in World War I, four hundred and seventy-two in World War II, sixty-eight in the Korean War, seventy-five in the Vietnam War, one in the Panama War, one in the Persian Gulf War, and those now in the Iraqi War. Probably not a more appropriate time for this resolution to come before us 'cause one of the people who -- who was killed was just in the helicopter that went down the other day, and it just renames that Veterans Parkway. And I ask for your support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Jacobs, there's no discussion. Do you care to close? The question is, shall House Joint Resolution 36 pass. All those in favor will vote Aye. 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, there are 58 Ayes, no -- none Nays, none voting Present. House Joint Resolution 36, having received the required constitutional majority, is declared adopted.

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Senate Joint Resolution 40. Senator Hunter, do you wish to proceed? Mr. Secretary, read the resolution.

ACTING SECRETARY HARRY:

Senate Joint Resolution 40, offered by Senator Hunter.
No committee or Floor amendments, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

Thank you, Madam President. Senate Joint Resolution 40 creates the Illinois Commission on the Fiftieth Anniversary of Brown versus Board of Education. The objectives of the Commission are to identify human and documentary resources, generally available, for use by educational, civic, social and other organizations and institutions such as that that the Commission may effectively share in the -- in the spread of democracy -- democratic principles as part of the Commission's ongoing activities in 2004; it also -- to encourage direct participation through essays, creative arts, lectures, original research and writing, community projects and other activities to foster personal commitment to democracy; to assist by providing adoptable program models for use -- for local use statewide; and, finally, to mark the anniversary of Brown versus Board of Education with an appropriate ceremony. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, the question is, shall Senate Joint Resolution 40 pass. All those in favor will vote Aye. 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, there are 58 Yeas, no Nays, and none voting Present. Senate Joint Resolution 40, having received the required constitutional majority, is declared adopted. Senate Resolution 274. Senator Watson. Out of the record. Returning to the Order of Resolutions, with leave of the Body, we'll have Senator Geo-Karis take care of Senate Resolution 274 for Senator Watson. Mr. Secretary, read the resolution.

ACTING SECRETARY HARRY:

Senate Resolution 274, offered by Senator Watson.

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No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, as we know, all of us need good pharmacies and this Resolution 274 names the week of October 19-25 as National Pharmacy Week, and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Geo-Karis, do you wish to close? The question is, shall Joint Resolution -- Senate Resolution -- 274 pass. All those in favor will vote Aye. Opposed, Nay. The Ayes have it and Senate Joint Resolution -- Senate Resolution 274 is adopted. Senator Trotter, for what purpose you rise?

SENATOR TROTTER:

Purpose of announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR TROTTER:

Thank you. Tomorrow morning, at 10 a.m., Appropriations I will meet in Room 212.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Matter of announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR JACOBS:

The Insurance and Pensions Committee will be meeting tomorrow morning at 9:30 in Room 212. And don't blame me. Blame DeLeo.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg, for what purpose you rise?

SENATOR SCHOENBERG:

For purposes of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR SCHOENBERG:

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The State Government Committee will meet tomorrow morning at 9 a.m. in Room A-1 of the Stratton Building for the purposes of considering an amendment to House Bill 700.

PRESIDING OFFICER: (SENATOR HALVORSON)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 11 o'clock on Thursday, November 6, 2003. The Senate stands adjourned.