

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

58th Legislative Day

November 28, 2001

PRESIDING OFFICER: (SENATOR WATSON)

Regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by Reverend Gordon McLean of the First Presbyterian Church here in Springfield. Reverend McLean.

THE REVEREND GORDON McLEAN:

(Prayer by the Reverend Gordon McLean)

PRESIDING OFFICER: (SENATOR WATSON)

Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDING OFFICER: (SENATOR WATSON)

Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Tuesday, November 27th, in the year 2001, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Myers moves to postpone the reading of the -- and approval of the Journal, pending arrival of the printed transcripts. There being no objection, it is so ordered. Following organizations have requested to video the proceedings today: Illinois Information Service and WLS-TV, ABC-Channel 7, out of Chicago, also still photography by Randy Squires of the Associated Press. Is leave granted? Leave is granted. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment 1 to Senate Bill 1233 Be Approved for Consideration, Senate Amendment 1 to House Bill 2296 and Senate Amendment 3 to House Bill 2299, both Be Approved for

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Consideration.

And Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 2 to Senate Joint Resolution 42 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Introduction of Bills, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1538 is offered by Senator Molaro.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR WATSON)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 266, offered by Senator Sullivan and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar.

SECRETARY HARRY:

And Senate Resolution 267, offered by Senator Trotter.

It's substantive.

PRESIDING OFFICER: (SENATOR WATSON)

Like to welcome former Member Howard Carroll back to the Senate. Good to see you, Howard. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Thank you, Mr. President. In an attempt here to assist Senator Luechtefeld, who's not here, he has a bill that we'll be considering later. So, with leave of the Body, I move, pursuant to Senate Rule 5-1, to be added as a hyphenated cosponsor to House Bill 2528.

PRESIDING OFFICER: (SENATOR WATSON)

Leave is being considered. And all those in favor, say Aye.

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Opposed, Nay. The Ayes have it, and the motion is granted. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Sieben has filed a motion with respect to House Bill 2528.

PRESIDING OFFICER: (SENATOR WATSON)

...Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. ...the intention of the Chair to go to page 8, bottom of page 8. Motions in Writing, Override Total Vetoes. Senator Woolard, you're the leadoff hitter today. Will the Members please be in your seats? On page 8 of the Calendar is the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Woolard, on House Bill 198. Mr. Secretary, please read the motion.

SECRETARY HARRY:

I move that House Bill 198 do pass, the veto of the Governor to the contrary notwithstanding.

The motion filed by Senator Woolard.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think it's our understanding that the Governor had maybe some misinformation or didn't totally want this bill to pass because he thought it was duplication of existing law. As we have continued to research this, in the process between the time that the veto came down and now, it's without question that this is not a mandate in the existing law today, and we believe that there is always a -- a possibility that someone could be injured or seriously affected in some fashion and there are many deaths that occur in the hazardous areas of construction zones. We want to make sure that everyone who is taking driver's training today, all

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of the youth that are going through that program, are exposed to the seriousness of these areas. And if, in fact, we err, let's err in favor of saving a life, and that's what we're trying to accomplish here today with this motion to override the Governor's veto.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woolard has moved that House Bill 198 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Is there any discussion? Senator Dudycz.

SENATOR DUDYCH:

Yes. Thank you, Mr. President. I think -- I think we should just uphold the Governor's veto. This -- this language is duplicative, and it is a mandate on schools. And this is something that they are already doing, and I think this is not necessary. We should uphold the Governor.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Any further discussion? Senator Woolard, you like to close?

SENATOR WOOLARD:

I would just like to encourage everyone to support this override, because, in fact, this is not duplicative. This is adding to the language the mandate that every driver's training class in this State shall provide expertise in the area of understanding the extreme hazards that exist within construction zones on the highway. Been thirty-some-odd deaths this year already. Last year there was four thousand, almost five thousand, people injured in construction zone areas. This is unacceptable. Let's make it safer. Let's make it right. Let's err on the side of good common sense.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 198 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will

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vote Aye. Opposed, vote No. The vote -- voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there's 33 voting Yes, 17 voting No, no voting Present. And the motion fails. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, ma'am.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, first I want to tell you that LaVonne Mau and Linda Baumgartner have cake available for everyone here, in honor of my secretary, Peg Booker, in Room 317. Peg will be leaving us at the end of this week, and she will become the assistant liaison officer for the Agricultural Department. And I would like you to meet her family, who is here. Her daughter, Michelle Smith; daughter, Dawn Booker; her grandchildren, Ashley and Caleb; her mother, Orpha Krapf; her sisters, Laurel Patkes - P-A-T-K-E-S - and Judi - J-U-D-I - Keller. We are here to honor Peggy today, and I'm very sorry to see her go. She's been with me sixteen years and given me very valuable and excellent service, and I certainly wish her well in her new job and I know she'll do very, very well. I would appreciate it if -- if you'll all give her a good round of applause for a job well done.

PRESIDING OFFICER: (SENATOR WATSON)

Congratulations, Peg. Good luck and best wishes. Senator Parker, for what purpose do you rise, ma'am?

SENATOR PARKER:

Thank you, Mr. President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

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SENATOR PARKER:

I wanted to introduce constituents that I have with me here today. Up in the gallery, Bill Mirza, and his daughter, Sarah, is here with me on the Floor. And then also up in the gallery I have Ellie and Ralph and Ann, who are the parents and sister of a special young man I want to introduce to you: Neil Lichtenberger. As you'll recall, we passed legislation at a General Assembly last year that had to do with asthma inhalers, and it allowed the children to carry them in school with them, instead of having to worry about the school nurse. Neil Lichtenberger was an impetus for that bill. He is here today and he thanks you because he says it makes him feel safer in school. And so, please give him a special "hello".

PRESIDING OFFICER: (SENATOR WATSON)

Will our guests in the gallery please rise, and on the Floor here? We welcome you to Springfield and to the Illinois Senate. Glad to have you here. Senator Myers, for what purpose do you rise?

SENATOR MYERS:

Mr. Chairman -- Mr. President, for a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, ma'am.

SENATOR MYERS:

I have with me today Mr. Chris Patrick, from Paris, Illinois, one of the fine towns in my district, who is visiting with me. I'd like the Senate to recognize him, please.

PRESIDING OFFICER: (SENATOR WATSON)

Mr. Patrick, welcome to Springfield. Welcome to the Senate. Home of Ortho Tucker, if I remember right. Down on page 8, we will now go to Motions in Writing, Accept Specific Recommendations for Change. Senator Trotter. Mr. Secretary, please read the motion.

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SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 279, in manner and form as follows:

in Acceptance of the Governor's Recommendations

The motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Chamber. I do accept the Governor's recommendations. He's made two technical changes to the bill, and I believe they're appropriate and would like to vote accordingly.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Trotter has moved to accept the specific recommendations of the Governor as to House Bill 279. And if there's any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 279, in the manner and form just stated by Senator Trotter. Those in favor will please vote Aye. Opposed, vote No. 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's 56 voting Yes, no voting No, no voting Present. The -- the specific recommendations of the Governor as to House Bill 279, having received the required constitutional majority vote of Senators elected, are declared accepted. Bottom of page 8. House Bill 445. Senator Mahar? Mr. Secretary, please read the motion.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 445, in manner and form as follows:

Amendment to House Bill 445

in Acceptance of the Governor's Recommendations

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The motion, by Senator Mahar.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The original bill makes it a petty offense to possess alcohol on public school property on school days or at events where children are present with specified exception. The Governor requests two points of clarification: that the petty offense applies to people over twenty-one - and it's still a Class A misdemeanor for a person under twenty-one to possess alcohol on school property; and, number two, that the events where children are present language clearly applies to events on public school district property.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar has moved to accept the specific recommendations of the Governor as to House Bill 445. Is there any discussion? Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 445, in the manner and the form just stated by Senator Mahar. Those in favor will vote Aye. Opposed, vote No. 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's 56 voting Yes, no voting No, no voting Present. And the specific recommendations of the Governor as to House Bill 445, having received the required constitutional majority of Senators elected, are declared accepted. Moving on, to page 9. House Bill 549. Senator Cullerton. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 549, in manner and form as follows:

Amendment to House Bill 549

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in Acceptance of Governor's Recommendations

Motion filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill dealt with the State providing some assistance to the counties' budget for public defenders in certain circumstances, and the Governor asked that we change the effective date to July 1st, 2002. It's a simple matter. I agree with him, and I -- I ask that we concur with his change.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton has moved to accept the specific recommendations of the Governor as to House Bill 549. Is there any discussion? Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 549, in the manner and form just stated by Senator Cullerton. Those in favor will vote Aye. Opposed, vote No. 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's 52 voting Yes, 3 voting No, no voting Present. The specific recommendations of the Governor as to House Bill 549, having received the required constitutional majority of the Senators elected, are declared accepted. House Bill 1011. Senator Shadid. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1011, in manner and form as follows:

Amendment to House Bill 1011

in Acceptance of Governor's Recommendations

Motion filed by Senator Shadid.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. Chairman. The Governor's recommendations clarify House Bill 1011, and this is merely a technical change that was requested by the City of Peoria and Peoria County. I would be happy to answer any questions. If not, I would ask for a favorable roll call, that the Governor's recommendations be accepted.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid has moved to accept the specific recommendations of the Governor as to House Bill 1011. Is there any discussion? Is there any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1011, in the manner and the form just stated by Senator Shadid. Those in favor will vote Aye. Opposed, vote No. 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's 56 voting Yes, no voting No, no voting Present. The specific recommendations of the Governor as to House Bill 1011, having received the required constitutional majority of Senators elected, are declared accepted. House Bill 1356. Senator Myers. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1356, in manner and form as follows:

Amendment to House Bill 1356

in Acceptance of Governor's Recommendations

Motion filed by Senator Myers.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Myers.

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SENATOR MYERS:

Thank you very much, Mr. President. House Bill 1356 allows for the licensure of speech-language pathology assistants. And the Governor had some problems with the original bill, and I agree with his changes and they are as follows: He amends the bill to delete the original grandfather provision that was provided for in two places in the bill. The bill is amended to exempt speech pathology assistants approved by the State Board of Education. It amends the bill to add the approved speech-language pathology -- pathology assistants into the exemption clause. And finally, it amends the bill to add a new grandfather provision allowing persons holding bachelor degrees in communications disorders employed as speech pathology assistants, until January 1, 2004, to be granted a license after completing the prescribed forms. So, as you can see, it's now an excellent bill, and I would ask for your approval.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Myers has moved to accept the specific recommendations of the Governor as to House Bill 1356. Is there any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1356, in the manner and form just stated by Senator Myers. Those in favor will vote Aye. Opposed, vote No. 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's 54 voting Yes, no voting No, no voting Present. The specific recommendations of the Governor as to House Bill 1356, having received the required constitutional majority of Senators elected, are declared accepted. House Bill 1696. Senator Donahue. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor

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as to House Bill 1696, in manner and form as follows:

Amendment to House Bill 1696

in Acceptance of Governor's Recommendations

Motion filed by Senator Donahue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. The original bill allowed for future conservation officers -- required future conservation officers to have a four-year degree. The Governor said that that was a little too much, that we should make it the same throughout the State. So, it simply says that conservation officers would be equal to that of a State Police officer or some local law enforcement agency. So, I would move for the -- to accept the Governor's specific recommendation for change.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue has moved to accept the specific recommendations of the Governor as to House Bill 1696. Is there any discussion? Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1696, in the manner and form just stated by Senator Donahue. All those in favor, vote Aye. Opposed, vote No. 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's 56 voting Yes, no voting No, no voting Present. The specific recommendations of the Governor as to House Bill 1696, having received the required constitutional majority of the voters -- of the vote of the Senators elected, are declared accepted. House Bill 2412. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor

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as to House Bill 2412, in manner and form as follows:

Amendment to House Bill 2412

in Acceptance of Governor's Recommendations

Motion filed by Senator Weaver.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendatory veto -- veto, or change, I should say, it deals with the sale of beer at the Memorial Stadium during the Bears games. It requires that not more -- that they can sell not more than one and a half hour before the start of the game and they shall end sales at the end of the third quarter. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver has moved to accept the specific recommendations of the Governor as to House Bill 2412. Is there any discussion? Any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2412, in the manner and the form just stated by Senator Weaver. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? ...all voted who wish? Take the record. On that question, there are 54 voting Yes, 1 voting No, no voting Present. And the specific recommendations of the Governor as to House Bill 1696, having received the required -- excuse me. House Bill 2412, having received the required constitutional majority of -- of vote of Senators elected, are declared accepted. House Bill 3172. Senator Karpel. Senator Karpel, you have a motion on the Calendar on House Bill 3172. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor

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as to House Bill 3172, in manner and form as follows:

Amendment to House Bill 3172

in Acceptance of Governor's Recommendations

Motion filed by Senator Karpiel.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I'm -- I'm sorry I wasn't at my desk when you called the bill. This is really, more or less, a technical amendment. The Governor felt that the provision that this bill was addressing is -- that an assault nurse examiner is competent to collect sexual evidence could be argued -- could be done by a nurse without the presence of a doctor, and it wasn't made clear in the original bill. And so he just reworded it, and it makes it a lot clearer. So, I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel has moved to accept the specific recommendations of the Governor as to House Bill 3172. Is there any discussion? Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3172, in the manner and form just stated by Senator Karpiel. And those in favor will vote Aye. Opposed, vote No. 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's 55 voting Yes, no voting No, no voting Present. The specific recommendations of the Governor as to House Bill 3172, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Larry Walsh, for what purpose do you rise, sir?

SENATOR L. WALSH:

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

PRESIDING OFFICER: (SENATOR WATSON)

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State your point.

SENATOR L. WALSH:

Mr. President and Members of the Senate, I'm honored today to have a group of about forty from my hometown of Elwood, of seniors and retirees that made the trip down here today to see how the State Legislature works. And they just got in and were lucky enough to come on when we're -- when we're in Session. So, the group known as the Jackson Twilighter's, and the chairman is Mary Ann Morse, is in the President's Gallery behind you, and I'd like my colleagues to give them a warm welcome to the Illinois Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Will the Jackson Twilighter's, from Elwood, please rise? Welcome to the Illinois Senate? Glad to have you here. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, sir.

SENATOR HENDON:

Thank you very much, Mr. President. I wanted to point out to the Body, yesterday, as I was entering the building, one of our former colleagues and a Republican Member of the Senate, a Republican Member of Leadership team, in fact, was coming into the Capitol, former Senator Aldo DeAngelis, who was a leader in the Republican Party and a great man - not one of my favorite Republicans, but still a Senator that we should all respect. As he entered the building, he was frisked by security, up and down. They made him turn around. They knew his name. They knew who he was. He got the "wand" treatment. I think we're getting a little bit of overkill here. I know security is necessary, but I wanted to point out to my colleagues how a former Senator was treated and he hasn't been gone from this Body that long. For us, as

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Senators, to be asked by officers who know us by our first names for our ID, that's one thing; to search our briefcases and our purses, that's another thing. To go up and down a Senator with a wand in front of all of his constituents and people that he has to go to to try to make a living is overkill, and we better do something about it soon because it demeans the Office of Senator. Let's think about it.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator Hendon, but they're just doing their job. Those men down there, and women, are doing their job. That's all they're doing. We're going to go to page 7. Page 7. Secretary's Desk, Concurrence, Senate Bills. Senate Bill 113, by Senator Parker. Has filed a motion to concur with House Amendments 1 and 3 -- 1 and 5. I beg your pardon. Madam Secretary, would you please read the motion?

ACTING SECRETARY HAWKER:

I move to concur with House Amendments 1 and 5 to Senate Bill 113.

Motion filed by Senator Parker.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment provides that any motor vehicle franchiser and at least a majority of its Illinois franchisees of the same line may make an agree -- may agree in an express written contract upon a uniform warranty reimbursement policy to perform warranty repairs. This has been an issue for four or five years, and now we have an agreed-to amendment by Ford, General Motors and the Illinois Automobile Dealers Association. I would ask for concurrence with the House amendment.

PRESIDING OFFICER: (SENATOR WATSON)

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Is there any discussion? Is there any discussion? Any discussion? If not, this is final action, and the question, shall the Senate concur in House Amendments 1 and 5 to Senate Bill 113. Those in favor, vote Aye. Opposed, vote No. 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's 54 voting Yes, no voting No, no voting Present. The Senate does concur in House Amendments 1 and 5 to Senate Bill 113. And the bill, having received the required constitutional majority, is declared passed. We'll go to the top of page 2. Top of page 2. Senate Bills 3rd Reading. Senate Bill 1233. Senator Hawkinson wishes this bill returned to the Order of 2nd Reading for the purpose of amendment, and he seeks leave to do such manner. And no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1233. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson, to explain your amendment.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill deals with the Juvenile Court Act and this amendment attempts to reenact the provisions of Public Act 90-456, which -- had amended the Juvenile Court Act to allow a court, after a proceeding was commenced to -- to adjudicate abuse, neglect, or dependent minors, if necessary, to delay that hearing beyond the current limit. It passed overwhelmingly before, but it has been struck down as violative of the single subject matter, an unrelated bill. So we want to reenact those provisions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? All those

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in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Is there further amendments -- Floor amendments for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1251. Senator Walsh? Out of the record. Senate Bill 1261. Senator Dillard? Out of the record. House Bills 3rd Reading. We are at the top of page 2, House Bills 3rd Reading. House Bill 61. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 61.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Most of you have probably received mail or telephone calls from animal lovers in your district, like I have, over this idea to create a Pet Friendly license plate, which has been tried in other states. One of the huge successes has been in New Jersey, where they raised substantial dollars, for -- for programs that normally might have to be funded by public funds, through a Pet Friendly license plate. This bill would raise substantial dollars - a couple million dollars a year - and the -- the estimate and the money would go to spaying and neutering of animals by shelters. And one of the benefits to the public of spayed and neutered animals is the number of euthanasias that would have to take place of animals would drop dramatically, but it also makes the streets a lot friendlier. One of the major reasons that children are taken to emergency rooms in Illinois is

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dog bites, and if a dog or a cat or an animal is spayed or neutered, the chances of it biting a child or being vicious are a lot less. So, this is a bill that helps us raise money. It is a good idea. And as you know from animal lovers in your district, the supporters of this are pretty fanatical in their love of animals and looking for humane ways to do this. And again, the bill helps raise money for a good cause and, I believe, makes the streets, especially in some urban areas, a lot safer, as animals do not bite as often when they are spayed and neutered. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Shaw?

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Shaw.

SENATOR SHAW:

Senator, is there any money in this program for extraction of teeth of -- of the animal?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

There's the extraction of something else, but it's not teeth.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Mr. President, I stand in full support of this bill. It's an opportunity for us to make available funds to the various animal shelters throughout the State of Illinois and to protect the animals that are mistreated, and -- and -- and the burden on the population is reduced by those who prefer to buy the license plate. And I would -- I would support an affirmative vote.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President, I concur with Senator Bowles and Senator Dillard. And furthermore, New Jersey made over two million dollars, and it's a smaller state. And it doesn't cost the State the money; it comes out of the funds. And I certainly support this bill and urge its support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I -- we have a dog and a cat, and -- and I want -- go on the record as saying I'm a pet lover. But I would just caution my colleagues: If you think of where we are today and what's going on in the country and the fact that we are wrestling with substantial questions about the budget, I certainly hope this isn't the roll call that we're going to be recorded on in the Tribune and the Sun-Times and Channel 7 News. We already find it very difficult to recognize an Illinois car because we authorize more than a hundred special plates. I'm certain that the advocates for this special Pet Friendly plate are -- are well-intentioned and it's really important. Maybe we need to come up next year with some kind of decal that we can sell or maybe we can do trading cards or -- or, I don't know, maybe textbook covers. But I don't think this is a good idea, for us to be doing this bill now, when we should be about some very serious work. And I would just caution legislators to -- to be thoughtful about their roll call on this, and I would urge people to make sure this is not the last roll call that is recorded in the Senate Chamber during our Veto Session.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

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SENATOR HENDON:

Thank you, Mr. President. Very briefly, I also have a -- a dog, Oasis, and I've house-trained her and all that and love her and she's a member of the family now. Probably have to send her off to college if my wife had her -- her way. And I'm going to support this, but I do want to point out to the Body that later on there will be -- this is about two million dollars. Later on, I have amendments where we're asking for two million dollars to stop killing in the neighborhoods and stop murders of human beings, whose life I put above pets, and I've been told that those amendments are going to be killed in Rules. So, while I vote for this and while you vote for this, if you're an animal lover, later you'll have an opportunity to show that you also love human life and you put it above all life because it's supposed to be sacred, according to our God. So, let's vote this and support this, but let's also not do something different when it comes to people, a few minutes from now.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Larry Walsh.

SENATOR L. WALSH:

Thank you, Mr. President. I stand in support of this bill. In regards to one of the speakers' comments, it's the individuals that pay for this. The fee, the added charge to the license is paid by the individual that supports the issue. I don't see where there's going to be that much of a dramatic cost to the State. The initial charge pays for the plate, and then the -- the reissuing of the plates, the money goes to the organization. So I think that this gives us the opportunity, if -- if we support animals, that we can show our support by purchasing one of these license plates. Nobody's mandated to do it. So I think it's a good bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Is there any further discussion? Any further discussion?
Senator Dillard, would you like to close?

SENATOR DILLARD:

Very briefly, Mr. President. I appreciate what Senator Rauschenberger has said about why we're considering a bill like this while we have other meaty issues, much more important issues, before us. But it's interesting, The State Journal-Register newspaper here in Springfield, a Copley newspaper, editorialized two weeks ago a full page on -- on this particular bill. And while they start off by saying that the General Assembly has plenty to worry about with the economy and terrorism, it needs to follow the message of President Bush, which is we need to also move forward with our lives, and the General Assembly, in this editorial, it said, needs to get on with its other business. This makes the streets safer. It takes less vicious -- or, it takes the viciousness out of animals that are on the streets, and we need to get on with our lives and there's plenty of other things we're going to do today. But this is a good bill, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 61 pass. Those in favor, vote Aye. Opposed, vote No. 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's 53 voting Yes, 2 voting No, no voting Present. The -- House Bill 61, having received the required constitutional majority, is declared passed. House Bill 1903. Senator Dillard. Senator Dillard, on House Bill 1903? Out of the record. House Bill 2077. Senator Philip. Senator Philip. Out of the record. House Bill 2296. Senator Dillard. 2296. Madam Secretary, please read the bill. ...me. Senator Dillard wishes to return House Bill 2296 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Hearing no

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objection, leave is granted. And on the Order of 2nd Reading is House Bill 2296. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This Floor amendment came through the Judiciary Committee yesterday and is an initiative of Cook County State's Attorney Dick Devine, and the Floor amendment would reenact several provisions in the Criminal Code and Code of Civil -- Criminal Procedure, which was struck down by the Illinois Supreme Court in a case called People versus Sypien, based on a single subject violation. And we also, in here, reenact penalty provisions in the aggravated criminal sexual assault statute that were erroneously eliminated by the Governor's "15 and 20, Life" bill from a Session or two ago. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Hawkinson, on 2299. Senator Hawkinson.

SENATOR HAWKINSON:

Mr. President, may we have leave to come back to this one?

PRESIDING OFFICER: (SENATOR WATSON)

...is granted. ...Karpel, on House Bill 2535. House Bills

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3rd Reading. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 2535.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 2535 raises the renewal fees for dentists and specialists and dental hygienists. Now they -- we're raising it to a hundred dollars a year; right now they pay seventy-five dollars a year. And the hygienist renewal fee will go to fifty dollars per year; right now they pay thirty-seven fifty. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Any discussion? Senator Cronin? Senator Cronin.

SENATOR CRONIN:

What's the reason for the increase in the fee?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel yields, and glad to do it.

SENATOR KARPIEL:

The reason that -- for the increase in the fee is that -- right now it's a two-year period that they -- they pay these renewal fees for two years. And at the beginning of the two-year period, they generally have enough money to do everything they need to do, but by the end of the two-year period, they're pretty much out of money. And they are not able to fund the - let me get this right - the Professions Indirect Cost Fund, and that's a fund that provides services and -- to the dental profession and -- and also provides funds for investigators checking into malpractice type things. And they say they need the fees to keep up the

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services that this fund provides. They've already had to let go one investigator, and if their fees are not increased, they might -- they will have to cut services, maybe another investigator and maybe other types of services. This is -- these fees have been okayed by the Dental Society and the Hygienist Society.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall House Bill 2535 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. And House Bill 2535, having received the required constitutional majority, is hereby declared passed. House Bill 2665. Senator Thomas Walsh. Out of the record. House Bill 3017. Senator Watson. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 3017.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much. I'd like to thank Senator Sullivan for allowing me to take over the sponsorship of this legislation. On your Calendar, it makes reference to Department of Commerce and Community Affairs. We amended the bill in committee and stripped all the -- previous language out of it, and now it contains language dealing with Southwestern Illinois Bureau of Tourism and a problem that we're having in our area. What this would allow to do is allow for DCCA to distribute funds to the local tourism entities that would otherwise not be eligible for State funds. And what's happened in our area is several of the

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counties that make up the eight-county Bureau have decertified from the Bureau, and what we're trying to do is just maintain the cash coming into southwestern Illinois for tourism. This has no fiscal impact, but it does keep -- keeps us solvent in our -- in our area in regard to funding for our tourism.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Patrick Welch.

SENATOR WELCH:

I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Watson, doesn't the Department currently have standards before they provide grants to local tourism agencies?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes, they do, and it's matching funds and those -- those standards will prevail, will have to be met.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

I thought you said that the Director would have the discretion to award funds to entities to prevent a loss of funding from the promotion of tourism. That -- if he has the discretion, how are there still standards?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson. Senator Watson.

SENATOR WATSON:

DCCA has told us, the Director, in meeting with us and the area legislators that are all involved in this from -- from our area, what has happened is three counties, I believe - maybe it's

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four - have decertified from the Bureau due to a personality problem that they're having with the Executive Director. What happens is, then those counties will not get the funds that would be normally coming to the area. So, what this will do is just allow the Director to make those funds available to those counties, who would still, obviously, have tourism needs and would wish to promote their various events, but she still has to follow the standards by which -- that are established and the counties must follow those standards also.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, you have three directors of tourism who have personality problems with DCCA. Why do you need a permanent program? Why shouldn't it be a one-year program till you get new tourism directors? Wouldn't that solve the problem?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

It takes about two to two and a half years to certify a county to establish this program, so this would enable the money to continue to flow without any interruption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, Senator, I just brought this up because all of us have tourism, especially -- well, not just downstate. Everybody has tourism. And when we go home and find that, well, we've got a different program for a certain area, we're going to have to answer some questions. And that's why I'm wondering if there's special -- you know, special treatment for one particular area of the State, because we're going to all have to tell our tourism

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people why that is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson. Was that a question, Senator Welch? Senator Watson.

SENATOR WATSON:

Well, I guess I didn't hear the question. I thought he was -- I thought it was a comment. Excuse me.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, while I was talking, the staffer was talking to you, so I guess I'll just say what I had to say. Since we're all going to have to explain this, what would our explanation be to our local tourism departments when they say, "Why did money go downstate to the southwestern part of Illinois instead of here?" "Why did you vote to help that one area when we can't get money up here?" "What is so special about that area?" Can you tell me how we're supposed to respond to those people?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

This changes nothing as far as the dollars that are being made available. It's the same money, same dollars, no additional funding. So it isn't any change or -- we're not really benefitting -- our region isn't necessarily benefitting from this as a result of this bill. We're just trying to maintain the same dollars that were made available last year, this year. So, that's what we're trying to do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, it says here, "Notwithstanding the criteria set forth in

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this subsection..., or any rule adopted under this subsection..., the Director of the Department may provide for the award of grant funds...." Seems to me like we're changing the rules. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I rise in support of this bill. We've been faced with the -- a unique situation in -- in southwestern Illinois, and all this does is to assure that those counties that have decertified, our tourism bureau, continue to receive money, short of going through an additional process of trying to certify themselves. So, this takes no money from anywhere else. It only assures that the money that we're scheduled to receive, that we will receive, based upon our unique circumstances. This bill obviously has bipartisan support because all of the Senators and Reps, on both sides of the aisle, are in support of this -- this legislation. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator, does this, in any way, usurp the authority or the power of Director Pam McDonough over in DCCA?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Not at all.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Could you -- could you tell us DCCA's position on this legislation? Do they -- have they taken one? Have you had any discussions with Director, and what was the Director's position?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

The -- the Department supports this. We've been negotiating and talking with Director McDonough for several weeks in how to resolve the situation down there. This is just a means to try to do this. They are very much in support of the legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WATSON:

Just ask for your favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3017 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And House Bill 3017, having received the required three-fifths majority, is hereby declared passed. House Bill 3098. Senator Dillard. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 3098.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

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SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me first begin by thanking Senate Executive Chairman Dick Klemm and Amy Bunselmeyer, from our staff, for many, many hours of input in meetings over the summer, including a committee meeting on the topic of trying to tighten up the Open Meetings Act with respect to certain exemptions where local governments and school districts go behind closed doors and discuss about twenty-three different kinds of exemptions that are given under the law. And Senator Klemm came up with a very good idea, which is not to have the bill look like its form as it came over -- the House where verbatim transcripts of these closed meetings would have to be taped or have a stenographer take down verbatim minutes. But Senator Klemm came up with the idea of having a presiding officer certify that the Open Meetings Act requirements were met. And this is a compromise between the Illinois Press Association and Members of the Senate Executive Committee. I think it's a workable way to do it, and there would be a real short, one-page certification that the presiding officer believed that the Open Meetings Act exemptions were met. And again, I thank Senator Klemm for the hours that he spent thinking about this. And while the bill's under crust is still there, it tightens up the Open Meetings Act. The way we do it here in the Senate is a little bit better than it came over from the House. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Link.

SENATOR LINK:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Link.

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SENATOR LINK:

Couple questions. First of all, where's the Illinois Municipal League on this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

They continue, at least in my estimation, to be unreasonably opposed to this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Link.

SENATOR LINK:

One other question. You know, we keep talking about this violation of the Open Meetings Act and what they're doing on this. What penalty or fines do we have in place if they violate this? Because it seems right now, all we're doing is slapping 'em on the hand if they do it. If we have some penalties or something, maybe we wouldn't even need this law, that the enactment of stiffer penalties would probably prevail and -- and lessen the chances of it. So, I'd like to know, is there any penalties in place on this?

PRESIDING OFFICER: (SENATOR WATSON)

...Dillard.

SENATOR DILLARD:

Senator Link, we do not change the current penalty provisions, but the penalty provisions in the Open Meetings Act that are law today and would be law when this passes is -- it shall be a Class C misdemeanor. And it's up to the State's attorney to -- to determine what he or she, you know, wants to -- to do with respect to bringing prosecution for a violation of this. And obviously, if somebody violates this, I believe civilly they might be able to be sued by a party who feels violated as well.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Link.

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SENATOR LINK:

Yeah. One other thing. You -- you said that there would be a presiding officer. An example of a municipality: The mayor would be presiding in this closed session. If someone, one of the aldermen or trustees of the community, should inadvertently bring something up and start out and say -- you know, we're talking about a land acquisition and somebody brings up something about a personnel matter, would the presiding officer be liable, in any regard, if the presiding officer says nothing was mentioned or something else was mentioned in this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

I don't believe so, Senator Link, and hopefully the presiding officer, if a member -- a regular member of the committee started to get outside of the scope of the exemption that allowed them to meet in a closed meeting, would stop 'em. But I don't -- you know, I don't -- I don't think there'd be a problem there.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR JACOBS:

Senator, just so I get this straight, you are saying that there now will not have to be any official transcript of the meeting. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

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...think, Senator Jacobs, I think your question is, did we get rid of the requirement, as the bill came over from the House to the Senate, that they would have to have a verbatim transcript, probably a tape-recorded transcript. That is gone. And Senator Klemm has come up with the idea of just having the presiding officer certify that to the best of their knowledge, they follow the Open Meetings Act.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

I think that makes it a much better bill, and, Senator Klemm, I think that that's -- step in the right direction, because I've never been able to understand why we allow closed meetings. And then to say you have to have a transcript of it, what's the purpose of a closed meeting? So, I think it's a good compromise.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Excuse me. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR GEO-KARIS:

Under the present Open Meetings Act, the executive -- when they have an executive session in the municipality - and I've been a mayor and I believe Senator Jacobs was too - we discuss -- property for acquisition, which should not be made public because then the prices go up when people hear about it, or -- or possible litigation or what have you. Have those items been retained in your bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

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Yes, they have.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm not quite clear, from your explanation. Tell me where your bill differentiates from the present Open Meeting Act? I'm not quite clear. Could you -- restate it again, please?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Very basically, a presiding officer of a closed meeting now must fill out -- it's like a one-page form, just saying to the best of their knowledge, the Open Meetings Act was followed. So, it's a piece of paper, a certification by the chairman or presiding officer of the meeting that the Open Meetings Act, to the best of their knowledge, was -- was followed. That's the only change.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, am I to understand from you that the exceptions that are already in the Open Meetings Act are still there?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw. Senator Shaw, do you wish to question? Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, thank -- thank you, Mr. President. A lot of work went

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into this, trying to find a compromise between all the entities. And -- and it was kind of interesting that the counties agree, the townships have no problems, school board people said they can live with this, park districts. Everybody said so. Let me tell you the only concern that was left by the Illinois Municipal Association -- the Municipal League, and that was the word in the certification. Let me read the certification to you, to see if it doesn't make common sense to you. It says: I certify that I understand Section 2 of the Illinois Open Meeting Act. Now, Section 2 lists twenty-three reasons of why you would call an executive session. Okay? That's all it says. And it says: that to the best of my knowledge and belief that no other topic was discussed during the closed meeting, or the -- or the closed portion of the meeting. In other words, if you have twenty-four people in your county board and two people are whispering in the back, you don't know it, well, obviously, you know, you couldn't certify that they weren't talking about, but you didn't know that. So, we accept that. To the best of their knowledge and belief, they know that they were not deliberately violating State law. And it says that -- that during the meeting, that we were not in violation of the Open Meeting Act. Now, all the Municipal League had opposed was the word that they "understand". They thought that their mayors and city -- village presidents should not be required to "understand" what they were closing the meeting for. I said if we would strike out "I certify" and take out the words "that I understand Section 2 of the Illinois Open Meeting(s) Act", they would support everything there. Senator Molaro was -- was kind enough to say: "For crying out loud, if you don't understand what the heck you're calling a meeting for, how can you call the meeting?" I think ninety-nine percent of our mayors and village presidents are very intelligent men and women. They know what they're doing. They call this meeting specifically, we give

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twenty-three specific reasons why we allow that to happen, and they know which one they're calling. They're the ones who say which -- what Section they're there. Everybody says, "Well, of course they know that." "To the best of my knowledge and belief, I know what I'm doing." That was the only thing: If they struck that out, they'd say they'd be in favor of the bill. Everybody on the subcommittee and everybody on the committee of the Executive Committee rejected that. They should understand what you're doing. And that's the reason it passed unanimously out of the committee, because we expect the president and the village president, the village leaders, to know what they're doing. All of 'em do. When I personally called a number of different units of local government, they all said, "Of course we know what we're doing." "We -- we have no problem with this." "We didn't want that verbatim taping. We have the client -- the -- the legal counsel advising the school board or advising the city council." "We don't want that all taped. It could get in the wrong hands." And we agreed with that. We made the changes that they asked for. That was the only thing, and I think it was an unreasonable request by the Municipal League to say that we don't understand what we're doing. Everyone in the room kind of giggled at that one, so I don't know. So I do ask for your support. I think Senator Molaro hit the nail on the head when he brought that up before, and I do ask for your support. It was a compromise that everybody else agrees to. I think it goes a long way, and I commend Senator Dillard for presenting this bill to us.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Shaw.

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SENATOR SHAW:

Senator Dillard, what happens if -- if I don't sign this certification?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

I don't know what would happen. A lot would depend upon your State's attorney and whether anybody actually complained that you didn't fill out the certification. So, a lot is going to depend upon whether somebody would complain that you didn't fill it out and the temperament of your local State's attorney.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

I -- I don't just automatically go to jail because I've not signed this. What is -- what is the penalty -- what is the penalty on this provision if I don't sign it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

There's nothing that forces a presiding officer to sign this, but, ultimately, if you were guilty of violating the exemptions of the Open Meetings Act, you could, under some scenarios, be guilty of -- of a misdemeanor.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

The -- I'm not -- I'm not a lawyer. Are you saying that all municipalities -- all municipalities -- I assume that they all have lawyers. But the twenty-three Sections of the Open Meeting -- Open Meetings Act, you have to be more or less an expert in that in order not to be in violation of this Section. Is it --

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does that apply to the president of the village, mayor, or whatever the case is, or the -- the lawyer? Who -- who should be interpreting this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

It's the presiding officer who must, to the best of their knowledge, certify that there was a proper reason for the meeting to be closed, but obviously, most municipalities or local governments have legal counsel. But, again, you know, it's not the world's most ironclad certification. It's to the best of your knowledge that you had a legitimate exemption to go to a closed meeting and that nothing else illegal was discussed. But it's -- it's not the tightest in the world. I think it's reasonable.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Don't you think that every time you certify this, you are indirectly certifying that it's a closed meeting, in some form?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

You only certify for closed meetings. So, obviously, it's a closed meeting.

PRESIDING OFFICER: (SENATOR WATSON)

Further -- Senator Shaw, one final question?

SENATOR SHAW:

Yeah. That depends on the -- on the sponsor. But the -- on the penalty, I'm not clear on the penalty. Is this a Class C misdemeanor? Do I get six months in jail or do I get life? Which one do I get? And -- and -- and why I'm -- why I'm asking this, this is your amendment and you, yourself, is -- has brought forth

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this -- this amendment, or this bill, but you're not clear on what the penalty is yourself. Now, I know you're just -- I had to go back -- this is second thought, because I asked this earlier, and you expect some village president or chief executive officer at the park to go through these twenty-three Sections and know exactly what they are certifying. I think this is a little bit too much. I think it's a bad bill, and I think it should be voted down.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator Myers.

SENATOR MYERS:

Would the Senator yield for a question, please?

PRESIDING OFFICER: (SENATOR WATSON)

He certainly will.

SENATOR MYERS:

I had a question about attorney-client privilege and wondered if you could address that. There were several municipal attorneys who feel that it could jeopardize their relationship with the board if they -- face the -- or, the possibility of the minutes being made public.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Senator Myers, I think their questions were based upon the way the bill came over from the House, which would have required, essentially, a tape recording or verbatim transcripts by a stenographer. That's all gone from the bill. So this should not harm at all any attorney-client privilege. All this does is have the presiding officer sign a certificate that to the best of their knowledge, they followed the Open Meetings Act. So, I think the attorney-client privilege questions that might have been here a couple of weeks ago are taken care of because of Senator Klemm's

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suggestion on how this bill should be reshaped.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

...the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Shadid.

SENATOR SHADID:

I just have one -- one question. Under the present law, are public bodies that are appointed, are they covered under the present law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard. ...Dillard.

SENATOR DILLARD:

I believe they are, but we didn't change that part of the law.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

Would they be covered -- you don't know if they're going to be covered under the new law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

If they're currently covered, Senator Shadid, then they're covered. If they're not today, then they're not covered.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shadid.

SENATOR SHADID:

My feelings are that if they aren't covered, they should be, the same as elected officials. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka?

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SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Petka.

SENATOR PETKA:

Senator, I'd -- I'd asked the question to the staffer, but there is not going to be any requirement that this certification be under oath, is there?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

It shall be certified in writing, but not under oath.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Just for purposes of legislative intent, Senator. Perhaps a preface: A number of years back, we had a very unhappy experience in Will County where a -- a State's attorney filed felony charges for violation of the Open Meetings Act. In this particular instance, is it the intent of -- of your legislation and you, as the sponsor, that a violation of -- and -- and a presiding officer certifying that there may have been a violation of the Open Meetings Act, is it your intent, as the sponsor, that State's attorneys in this State would be given a license to file felony charges?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

No, that's not my intent, and I do want to point out, Senator Petka - and you're a former State's attorney of one of the major counties in Illinois - we do not change - and this is probably in answer to Senator Shaw's questions - we don't change any of the

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penalty provisions in this bill before us at all. So whatever the penalty provisions are of the old Act are going to continue. We don't touch the penalty provisions in this simple amendment whatsoever. But it's pretty clear, Senator Petka, that a violation of the Open Meetings Act is a Class C misdemeanor and it's a Class C misdemeanor just like any other violation that's a misdemeanor, and it's really up to some prosecutorial discretion by the local State's attorney as to what happens. But this should not be a felony. It's a misdemeanor if there's a violation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

There was a specific court finding that was made in that case that the -- the prosecutor could proceed forward in connection with the case as a felony. Since we are basically, by this amendment, reaffirming the Open Meetings Act, Senator, I would like you, for purposes of legislative intent, to state on the record that it is the intent of the sponsor that this legislation be treated merely as a misdemeanor, Class C.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

It is the intent of this sponsor that this shall be a Class C misdemeanor.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Clayborne.

SENATOR CLAYBORNE:

Senator Dillard, I -- I still do represent a municipality and

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-- and I've been in closed meetings, and the problem that I have with this -- this bill is, we assume that everybody in that closed meeting is going to treat everyone fairly. Now, what do I mean by that? I'm in -- I'm not an ally of the presiding officer, so I violate -- or I talk about a subject that's not part of why we closed the meeting, and we go on, and then I talk about that subject or another subject again, again that's not a part of the closed meeting. Then the presiding officer certifies that these are the only subjects we talked about. Then I go to the State's attorney and say that that certification is inaccurate, because I talked about or someone else in that meeting talked about various other subjects. Now, that presiding officer did not -- has -- has, basically, certified that those other subjects were not talked about. What happens when those individuals go to the State's attorney to say that this certification is inaccurate?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Again, it's the presiding officers, to the best of their knowledge or belief, that have to sign the certificate. And, you know, as Senator Klemm pointed out a minute ago, the presiding officer has to know and has to give -- clearly heard something other than what the meeting is allowed to be closed for to make them not certify, I guess. And it's to the best of the knowledge and belief of the -- you know, the certifying -- or, excuse me, of the chairman who certifies this.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Senator Dillard, but I don't think you answered my question. Senator -- Senator Klemm talked about a discussion in the back of the room that was taking place and the presiding

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officer did not know about. I'm talking about maybe a board of ten people and three of 'em are not allies with the presiding officer, and they intentionally - intentionally - talk about something else, waiting for the presiding officer to certify that the Open Meetings Act was complied with based upon one of the twenty-three reasons for closing the meeting. My question is -- these people intentionally talked about something else. Maybe the -- maybe the closed meeting lasted for an hour, and maybe out of that hour, fifteen minutes was -- was spent on the lawyer saying you cannot talk about that because that violates why we closed this meeting. So my answer is -- my -- my question to you is, one of those three -- once it's certified that these are the subjects we talked about and they don't mention anything about those three and the discussions that they had, one of those three then goes to the State's attorney and says, "The presiding officer certified this and that's not correct. I have two other witnesses who will say that other subjects were talked about." What happens, Senator Dillard?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

If the presiding officer sits there and continues to conduct the closed meeting while members of his or her committee or the board itself goes on to other topics that are not a proper exemption for a closed meeting, he or she should adjourn the meeting and not let 'em get into those kind of shenanigans. And that's illegal under today's law, as well.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

But -- but the problem is, that individual -- once it's addressed that he or she has violated this rule again, and then

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they say, "Okay, I'm going to be quiet." But then something else goes on and they may stray again, and then there -- it's brought to their attention that it's violating the reason that we adjourned to this closed session. And then, somebody else -- they -- they stray again, one more time, and then it's brought to their attention and immediately they stop and they go back to the subject. The presiding officer certifies -- and maybe the discussion, Senator Dillard, was twenty seconds, but it occurred three, four, five times within an hour. My question is -- and it's certified. My question is, what happens when one of those individuals goes to the State's attorney and said, "On four occasions," -- it may -- it may -- they may have only strayed twenty seconds, but they did it five times. What happens to that presiding officer, under those circumstances when -- when he or she certifies that everything within that meeting was... And -- and I guess I'm throwing this out here because things like this will happen, and for us to believe that they won't happen, we're really not being realistic. So -- so what happens to that presiding officer? Because I think this bill puts too much, obviously, on that presiding officer -- officer and puts him or her in a very difficult situation. So what happens to -- to that presiding officer.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Number one, they may not sign the certification, but they obviously should continue to call the meeting to order for the scope of the allowed exemption to be in a closed meeting. Maybe they want to go to a full meeting and end the closed meeting. But again, I want to point out, Senator Clayborne, these requirements are here today under the law of today, and if this kind of thing is taking place in a closed meeting somewhere in Illinois, is

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exactly why the Illinois Press Association has made this their cause celebre for needed reform, to end abuses under the Open Meetings Act. Public bodies should not be discussing in closed session things that are not on the exempted list of the Open Meetings Act. And maybe they don't sign the certification, Senator Clayborne.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

And I'll end. I assume that if they don't sign the certification, then -- then, obviously, now they're the target by the press for why they won't sign the certification. I think that this bill puts too much on the presiding officer. It places them in a very precarious situation. Obviously they're subject to penalties, they're subject to prosecution because it makes them the one who has to control what's -- what happens in the meeting. And I've been in meetings, and there are times that some individuals may, for a brief point, discuss something else. And once it's brought to their attention that that subject cannot be discussed, then they've ended and terminated that particular conversation. I do believe that the intent -- that a closed meeting should stick to that particular subject, but I think that you're putting too much pressure on the presiding officer. I don't think that you really answered the question, in terms of maybe what Senator Shaw asked. If they don't sign it, then what's going to happen? But it all falls back to the presiding officer, and I think it's unfair because of what maybe -- what two or three other individuals did. I understand the intent, and maybe we need to sit down and work on this again. But in its current form, it's just not fair, Senator Dillard, to the presiding officer, and I encourage a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Again, it amazes me. I saw this bill in committee. There were certain bills I thought we were going to talk for forty-five minutes, and we talked -- nobody even talked. There were certain bills I thought were going to be just Dillard speaking on it, Senator Dillard, and it turns out we got twenty-five speakers. This is amazing. I -- I think what -- everybody has to realize this, notwithstanding the Municipal League, because I was in committee, so I will just tell you what the Municipal League said. And if they've said otherwise since then, well, then, of course, that's their right to do so. The Press Association - there were many, many meetings going on and all these boards - they would go into closed or executive session. Now, the reason you have executive session -- there's twenty-three reasons why, and if you've read Section 2 and took ten minutes, you'd see the twenty-three reasons and they're pretty easy to understand. This is when you close down and you go in there. Things like if you're going to buy or sell property, if you're going to hire or fire an executive director. Even if the board members are going to make certain comments about the executive director - she's lazy, he's no good, I caught him, you know, drinking with Pate Philip, or whatever reason you wouldn't want to be with someone - they -- they would stand there -- they -- they would be able to -- be able to freely talk about it and do things. Well, they weren't -- their minutes became summary minutes, and at the end of the meeting, the press would come up and say, "Hey, what'd you guys do in closed session?" "Well, we're not going to talk about it, we're not going to tell you." And the meetings were maybe a -- the minutes were a half a sentence. Well, they put a bill in the House. You know what the House bill said that passed, like 100 to 8 or some enormous amount, that flew out of there? It

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said you have to have transcripts that are actually recorded. So when you go in a closed session, they're going to put a recorder on. Well, I don't have to tell you what the Municipal League thought of that. They jumped up screaming. I -- they -- they were going to lynch the chairman for even calling the bill. We're going to actually record this. And what -- what was the House - asleep at the wheel? - that we're going to record closed sessions? You're going to have -- we're going into closed session, you're going to hit the record button. No one's going to say a word 'cause who the heck wants to be on tape talking about land acquisition, whether to fire or hire someone? So they said, "That's crazy. Talk about personnel issues? No one would do that. It would be such a chilling effect that no one would go into closed sessions. And that's a violation of the Act? That's nuts." So we all killed that bill. Senator Klemm, however, knew that the Press Association isn't going to go away. We can't have it the other way, where you go into closed session and nobody knows what it's about. So, over the summer, we come up -- and Senator Klemm was instrumental, with Senator Dillard, come up with a little bit of compromise. And all these guys are saying, we don't want the backroom stuff. If you're going to talk about personnel issue, it says all you have to do is you enter the closed -- closed session, executive session, and we talked about hiring and firing an executive director, we talked about buying or selling a piece of land. That's what we talked about. And all the presiding officer has to do is say I certify and understand Section 2, meaning the exemptions, and I -- I would submit to you that if you're presiding officer of a board and you can't understand Section 2, then you shouldn't be a presiding officer. Let a lawyer explain to you. Any lawyer in this room knows that when you sign something, you say "I read and understood." If all you have to do is say "I read" but I didn't understand it, well, then, why even

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sign it? You don't have anything. So you read and understand the exemptions, and to the best of your knowledge, "We talked about these two subjects. Joe Smith, Presiding Officer." So, Senator Klemm tells me that the -- the Press Association's going to go along with that, and I said: "How'd you get 'em to go along with that? That's nothing. You're giving 'em hardly anything." He goes, "Sh, don't tell 'em that. This will be great. The Municipal League will go along with it." The Municipal League testifies and here's what the man said, on the record in committee he says: "We totally agree with this legislation. It's light-years ahead of the old legislation, but we don't like the idea that the" - this is the only thing they objected to - "We don't like the idea that a presiding officer is signing that he understands Section 2. Really, it's like it should be a lawyer." So I get up and say, "Well, did the Municipal League come up with that or was that your legal counsel?" And he smiles and said, "It was our legal counsel." I said, "Well, I submit to you that it's simple to understand Section 2." Then he goes, "Well, you're probably right", and we voted on it and it passed unanimously. All the other discussion here, we're going far away from what the bill was. This bill is much, much better than what passed the House. The Press Association is fine with it. Everybody who has a meeting should be fine with this. And if the only objection is that the -- that the presiding officer doesn't understand what the exemptions mean, then he should turn to his lawyer and understand it. So I think an Aye vote is in order.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis. Second time.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, for a second time I wanted to say I support the bill, but I want to state my conflict because I am a -- I do represent a village;

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however, I'm disclosing my conflict. And if I were to listen to some of the opponents of this bill who are representing municipalities or our mayors, then I would be supporting them. But, no, I think this is a good change and I'm supporting it, and I think it's very fair. So I urge a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm, for a second time.

SENATOR KLEMM:

Well, I just want to briefly -- for a second time, and I apologize to the Body. But to clarify a question that was raised about the problem of what does a presiding officer do if you've got three or four people that constantly want to break the law. There are three things they can do. Two are currently law. So, we're not changing them. One is that the presiding officer, as our President does, as you do as a committee chair, is say, "You're out of order, people. Let's stay on the subject. This is the reason we called the meeting. This is what it's for." Personnel, whatever it is. If they keep violating that, you say, "Wait a -- now. I've warned you before. This is what we're talking about. Now, let's stay with it. We all know what the law is. Let's stay with it." Let's say they continue. The second option is that the chairperson adjourns the meeting, goes out of executive session because nobody wants to follow the law. Okay. They do that now. Very simple. They go back to open meeting again. They can always call another executive session. And maybe they'll have to do that once in a while to correct some people who have been violating this. Fortunately, not many do, but enough do to cause this bill to be important. The third reason is what we've asked for, is to at least have them follow the law. And if you don't think you follow the law, don't sign the certificate. Simple. I mean, that -- that's all you have to do. Say "Hey, some people were doing bad things. I tried to control it. They

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want to adjourn. I -- I can't certify to it." Fine. Do that. At least we'll know, as a public, what you people -- who are doing it. You and I have chaired or been in hundreds of executive sessions in our career. We know what can be done. Everybody here knows what can be handled as you chair a meeting. There's no difference to that except that certificate. So you've got all the protection you want for that chairperson, believe me. And I think it's a good bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there further discussion? Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. We've discussed this pretty thoroughly. I want to, again, thank Senator Klemm. I want to thank, even though he's a thorn in our side from time to time, Dave Bennett from the Illinois Press Association for his work on this thing. Again, this does nothing to change the penalty provisions of the Open Meetings Act. It's a misdemeanor today. It's a misdemeanor yesterday. And this is certainly not official misconduct and it's not a felony in -- in any way. This is a workable solution to put more accountability in closed meetings by public bodies. We made this bill better by not requiring a verbatim transcript so that members of these bodies are free to speak their mind, to make the right decisions, in -- in -- in closed meetings from time to time. But the heart of the bill is still here, and we just took another avenue to do it, with Senator Klemm's hard work. And I'd urge an Aye vote. Thank you, Mr. President, for your indulgence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 3098 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 3 Nays --

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45 Ayes, 3 Nays, 5 voting Present. House Bill 3098, having received the required constitutional majority, is declared passed. Senator O'Malley, on House Bill 3162. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3162.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 3162 calls on the Illinois Law Enforcement Training Standards Board to develop a model policy and minimum training standards for -- for the compliance checks associated with enforcement of the Liquor Control Act of 1934, where governments are to establish policies and standards for conducting underage stings for alcohol and tobacco sales. It further prohibits the sale of alcohol to anyone unable to produce identification if that person is asked for identification. I'd be happy to answer any questions there may be, and I would open it up for questions at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any questions? Is there any discussion? Seeing none, the question is, shall House Bill 3162 pass. 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 55 Ayes, no Nays, none voting Present. House Bill 3162, having...(microphone cutoff)...the required three-fifths majority, is declared passed. Senator Smith, for what purpose do you seek recognition?

SENATOR SMITH:

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...President. I would like for you to make record that I -- my -- voting was -- was not done right. But anyway, I want to be counted as a Yes vote on -- thank you -- on 3098, please, the last vote, please. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect.

SENATOR SMITH:

Thank you, kindly.

PRESIDING OFFICER: (SENATOR WATSON)

We'll proceed to page 3. Top of page 3 is House Bills 2nd Reading. We have House Bill 2565. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 2565.

(Secretary reads title of bill)

3rd Reading of the bill. ...me. 2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

...could have the Body's attention. On top of page 7 is Secretary's Desk, Resolutions. Senator Cronin, do you wish to have your resolution considered? Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 42.

There are no committee amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 42 addresses the issue of mandate waivers. As all of you know the process by now, the local school districts seek waivers from various provisions of the School Code, and when they do so, it must come before the General Assembly. We have a hearing -- we host a hearing on the matter. We weigh the testimony, we work together, we present an amendment. There was an amendment, Senate Amendment No. 2. I move that it be adopted, then we can debate the content.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Now, Senator Cronin, on the resolution.

SENATOR CRONIN:

Yes. Thank you, Madam President. The sum and substance of the resolution is basically two -- the thrust is in two main areas. Number one, it is in the area of statement of affairs. That is an issue that has arisen in the Mount Prospect School District 57, represented by Senator Sullivan. In that request, the school district seeks the permission not to prepare and publish in the newspaper a statement of affairs report. We have respectfully denied that request. And secondly, in the area of substitute certificates, we have denied the request from the following school districts: Lake Bluff School District 65, Ridgewood 234, Savanna 300, Norridge 80 and East Prairie 73. The reason -- the rationale is that we passed a law just recently, in

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July, allowing certain substitute teachers to teach for more than ninety days, and this change in current law is for three years, while the waiver requests are for five years. Thus, we have denied these requests. We ask for your favorable consideration, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Madigan.

SENATOR L. MADIGAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. As Senator Cronin explained to you, and as we've gone through many times before, this waiver request is always a difficult process. And all I want to point out at this time - and sometimes it gets pointed out on the Floor and it was certainly talked about, when we had our hearing with the Education Committee, by Senator Sieben - one of the issues that we deal with are the physical education waivers. And we have chosen not to seek to deny any of those this time, but it is of grave concern, I think, to many parents, to many children, that we are allowing them, essentially, either not to participate in physical education or to participate at a much-reduced level. We have children who grow up and who become obese. We have children who don't get into the habit of exercising. We have children who have health problems, and I believe that we need to really look at our physical education waivers. Sometimes it doesn't appear to be a issue of great concern, but I think it is something that we need to take more consideration on and spend some more time on. Otherwise, I think that what we have done with the waiver requests in this resolution are all right. But I think, at some point, we probably need to look at this entire process so that we actually put in place a system that does a better job of -- of vetting which of these waivers should be allowed and which shouldn't, in spite of the fact that we all know that there are school districts

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out there who don't even bother to go through the process and are in violation of the School Code, which is a different issue. But I would urge this resolution be adopted. Thanks.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing none, Senator Cronin, to close.

SENATOR CRONIN:

Thank you, Madam President. Just a point, if I may, in -- in closing. You know, this law, with all due respect to the previous speaker, I think is working quite well, if you believe in local control, if you believe that the local school districts should be given the opportunity to waive certain burdensome mandates. And we've given ourselves the opportunity to debate the merits of those waiver requests. Certainly, at the local level, the school boards and those folks need to take responsibility, and do so. So, if you believe in local control, if you believe that those who are at the local level know best, this is the way to go. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin moves the adoption of Senate Joint Resolution 42. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Joint Resolution 42, having received the required votes, the resolution is adopted. ...could have your attention for just a minute. We're waiting on some paper and a few little technical things, so we'll be at ease for just a few minutes. But don't go anywhere.

(SENATE STANDS AT EASE/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DONAHUE)

Again, if I could have your attention. All Members within the sound of my voice, please come to the Floor. We are going to House Bills 3rd Reading. Middle of page 2, under House Bills 3rd Reading, is House Bill 2077. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2077.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2077 amends the School Code. And as you know, since September 11th, I have had numerous phone calls, E-mails and letters in regards to the Pledge of Allegiance. And quite frankly, I thought I understood the School Code and I thought that we had -- it was mandatory for elementary and secondary schools both to give the Pledge of Allegiance everyday in school. I found out that I was wrong, and only we required, under the current law, to have elementary schools, at the discretion of the school board and of the superintendents, have the Pledge of Allegiance. So I had a request from my constituents to include secondary schools. So, in other words, high schools have the same requirement as the elementary schools. That's all this amendment does. It adds two words to the statute, "and secondary". Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is a bill, Senator, not an amendment. We're -- this is 3rd Reading on the Senate bill. Is there any discussion? Any discussion? The question is, shall House Bill 2077 pass. Those

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in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2077, having received the required three-fifths majority, is declared passed. Senator Karpiel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Madam President. I rise to announce a Republican Caucus immediately in Senator Philip's Office. A Republican Caucus immediately in Senator Philip's Office. For those of you that may not be on the Floor, I hope you hear the announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Smith, for what purpose do you rise?

SENATOR SMITH:

...Chairman, I'd like to announce that there will be a Democratic Caucus in President {sic} Jones' Office right now. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

As you're going to -- our respective caucuses, know that there will be substantive voting after the caucuses. So we will do and conduct business when we return. There will be a Rules Committee meeting following your caucus. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

We -- we talking about, like, a half hour? Is that what -- did you announce that? A half-hour caucus?

PRESIDING OFFICER: (SENATOR DONAHUE)

Till the call of the Chair, sir.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DONAHUE)

...could have the Members' attention, we will be reconvening very shortly. If you'll come to the Floor, we will resume our business. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendments numbered 1 and 2 to a bill of the following title, to wit:

Senate Bill 397.

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

Action taken by the House, November 27th, 2001.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 268, offered by Senators Geo-Karis, Peterson, Philip, Link and all Members.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Leave of the Body, Eric Lansford, a photographer, the State Journal-Register, requests permission for still photography. Is leave granted? Leave is granted.

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1539, offered by Senator Molaro.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the

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Secretary. Leave is granted. Channel 3-WCIA out of Champaign requests permission. Is leave granted? Leave is granted. Channel 20, Springfield, also requests permission to videotape the proceedings. Is leave granted? Leave is granted. If I could have your attention. On page 7, in the middle of the page, is Secretary's Desk, Non-concurrence of House Bills. We have House Bill 3188, with Senator Klemm. Mr. Secretary.

SECRETARY HARRY:

I move to refuse to recede from Senate Amendments 1 and 2 to House Bill 3188, and request that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank -- thank you, Madam President. 3188 is the quick-take bill, and we have some negotiations with the House. We do ask that we go into a conference committee. So we do move to refuse to recede from Senate Amendments 1 and 2, and we'll be back to the Assembly with a new version. So I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm -- is there any discussion? Is there any discussion? Seeing none, Senator Klemm moves that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 3188. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the -- and the Secretary shall so inform the House. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures assigned: Be Approved for Consideration - Senate Amendment 3 to Senate Bill 1261, Senate Bill 1265, Senate Amendment 5 and Senate Amendment 6 to House Bill 2299, House Bill 3495, and the Motion to Concur with House

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Amendment 1 to Senate Bill 989; and referred to the Committee on Executive - Senate Amendment 1 to Senate Bill 1265 and Conference Committee Report 1 to House Bill 3247.

PRESIDING OFFICER: (SENATOR DONAHUE)

We're going to go to top of page 2 of your regular Calendar to Senate Bills 3rd Reading, to Senator Dillard, on Senate Bill 1261. Senator Dillard, do you wish to have Senate Bill 1261 returned to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, Senator Dillard seeks leave of the Body to return Senate Bill 1261 to the Order of 2nd Reading for the purposes of an amendment. On the Order of 2nd Reading is Senate Bill 1261. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, on Amendment No. 1.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This... A point of clarification for the Secretary. I'm trying to make sure and staff has just asked me to verify what Floor amendment number we're on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you. I would like to table Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

You've heard the motion. Senator Dillard moves to table Amendment No. 1. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is tabled. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 3, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, on Amendment No. 3.

SENATOR DILLARD:

Thank you, Madam President. And we can, on 3rd Reading, debate the bill in its entirety. But this is an amendment to a bill that would create a special lottery over and above -- over and above, to be determined what kind of game it is by the Lottery, with the funds going into an Anti-Terrorism Fund of the State of Illinois, and the game would have to be held before next June 1st. As you know, the Governor has proposed and we have about a seventeen-million-dollar budget for security needs of the State of Illinois, and this makes it clear that it's over and above any other lotteries that the State has so that there's no diminution in Lottery funds that go to education. And also we clarify in here that the Lottery can have this game for a week. So we use a week as the time period for marketing purposes. I'd move its adoption and then we can debate all this stuff on 3rd Reading, if we could.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator Dillard, some of the questions that I had raised in committee have been answered by virtue of Amendment No. 3, with respect to -- that this is games that will not take the place of the -- of the ordinary games that allow money to go into the Common School Fund. Let me ask you a couple questions with respect to this amendment. Why are we now going from four days to seven days? What -- what's the reason for the three extra days?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

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SENATOR DILLARD:

Senator Demuzio, it's easier to market this as a weeklong patriot week or security lottery week. The marketing folks think it should be a week, as opposed to just four days. So, a weeklong special game.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, then I -- I guess the question I would ask, and that is that if -- I was concerned, and still am concerned, about the fact that originally this was four days. The fact is, is that originally it was -- didn't -- and it appeared to us that it -- that it superseded the other usual, ordinary and customary games. Now it's going to be in competition with the regular games that afford money to go into the Common School Fund. Do you have any idea if this terrorism lottery for seven days, how much money that that could generate and if that would bring about any harm to other games that might be conducted that -- that week and therefore penalize or shorten the amount of net proceeds that might go into the -- into the Common School Fund for schools?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you. It's an excellent question, Senator Demuzio, and we don't believe that this new patriot game would at all cannibalize any of the existing games. In fact, it's our hope that we would have a entire group of new players of the State lottery. People who normally don't play that for security monies and patriotic reasons, might play the lottery. Somebody like Senator Philip, who doesn't play the State lottery, would probably - because he's a former United States Marine and patriot and concerned about security in the State of Illinois - might take twenty dollars, go

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to his local gas station or local convenience store and play this game. So, we don't think this is going to diminish, one iota, education. And I want to point out that if we don't do this, or have some money, we're going to have pressures for security spending, and this is an attempt to keep education and other worthy programs from being cut by the necessary changes we're going to have to do over the next month or so in the Legislature.

PRESIDING OFFICER: (SENATOR DONAHUE)

Can I have everybody's attention a minute? Let's get in our seats. Take your business off the Floor. There's a lot happening, I understand that, but we've got some new things being debated here, and we're having a very difficult time hearing. Senator Demuzio.

SENATOR DEMUZIO:

Couple of other questions. On your Amendment No. 3, it says on each of seven days before June 1st. Is that consecutive? And while I'm on the subject, if you look at page 2, it says that this money goes into the Anti-Terrorism Fund. I assume that that money gets appropriated out by the General Assembly. And if it gets appropriated out, who's eligible to get it and what's the order of priority for the -- for the money?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

The answer to the first question is, while it says seven days, it's up to the Lottery to determine what days those will be, but I believe you'll find out that the Lottery marketing individuals believe it needs to be a consecutive week to get the maximum number of players. With respect to whatever is raised here, it goes in the newly created Anti-Terrorism Fund and it's all subject to appropriation. So the Legislature can -- can -- can have the final say, with the Governor's approval, of where the money goes,

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except that in the -- the language, the -- saying that we're going to appropriate this, it says the "Fund may be used only for paying or reimbursing costs incurred by the State for overtime salaries of emergency and security personnel related to anti-terrorism and for associated anti-terrorism expenses." So I would assume it's up to the General Assembly to figure out, along with the Governor, what an associated antiterrorism expense is.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I have to assume, then, that each of the seven days, according to your marketing scheme, has to be conducted in the immediate seven days before June 1st. Otherwise, we lose that patriotism week model that you've been talking about. And number two, again, if we're paying and reimbursing the State, who's first in the pecking order? I mean, who -- is it the Secretary of State's Office? Is it downstate for the Capitol, or is it State buildings in Chicago, or is it protecting water projects in Cairo, or what's the pecking order?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

That's a decision for the House and Senate Appropriations Committees.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio. Further discussion?

SENATOR DEMUZIO:

No, I'll wait.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield for a

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question?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Dillard, could you tell us how much money we're -- have been projected to raise in these seven days with this special lottery sale?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

It really depends on how good the marketing is with respect to this game, but it could be anywhere from one to fifty million dollars. It's just unknown. But anything we collect here, Senator Hendon, is less money that we will have to reduce education, hospitals, nursing homes, Medicaid and other worthy statewide programs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Would you agree that a decrease in violence that is being perpetrated against innocent citizens of Illinois is a worthy cause?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Absolutely.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Well, as you know, I had Senate Amendment No. 4, which would deal with murder, violence, terrorism that the people of Illinois are facing every day right here in Illinois. And can you tell us

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the fate of Amendment No. 4?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Amendment No. 4 was held in the Rules Committee because - Senator Hendon, you know, you're a Member of the Senate and you're a pretty savvy guy - you know, we're hoping that you can go before the Senate and House Appropriations Committees after we, hopefully, collect several million dollars from this onetime, one-week lottery, and you can convince them that what you want to do actually has to do with antiterrorism and to make the streets safer, and maybe -- they'll appropriate you some of this money.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Well, my -- my friend, you know I am supporting 1261 and the -- the other antiterrorism legislation that is coming forth, but I have to ask you one final question, then I'll surmise. Can you tell me how many people in Illinois have been killed by Bin Laden or the Taliban so far?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Not specifically, but I will tell you, Senator Hendon, I live in a town of fifteen thousand people called Hinsdale, and we had two people die on September 11th.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

I also have and know people who died September 11th in New York, and I have a great sympathy for them. However, I represent Chicago, which is within Illinois, the west side, and in less than

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one week, and I said yesterday in front of this Body, we have had five people killed, fourteen people shot, in less than one week. That is terrorism, right here at home. And all I have asked this General Assembly for, this august Body of Senators, is two million dollars - one for a "scared straight" program, one for a decoy vehicle bill -- program - that would stop this senseless killing within Illinois that is killing Illinois citizens right now. We have church choir leaders being killed in front of the church while protecting their children, but yet, we don't want to deal with it. Not too long ago we passed a bill to give two million dollars or so to protect pets - dogs, cats, turtles, birds. I voted for it. I have a pet at home. I'm a pet lover. But I'm not going to put human life above that of pets. But we did it this morning, and now a bill that makes sense, that's going to save some lives, that's going to stop terrorism within Illinois, we can't get it out of Rules. No one will fight for it, no one cares about it, and you tell me to wait till later. Well, I'm looking at the Sun-Times today, and we have Reverend Jesse Jackson and Reverend Al Sharpton coming all the way from New York saying that we have terrorism going on right now on the west side of the City of Chicago, on the south side of the City of Chicago and in these small municipalities, such as the one that you live in, but no one wants to deal with it. When we try to deal with it, you say it's some more of that liberal muckety-muck, you're just talking for nothing. But it's not. We must deal with the terrorism right here at home that our citizens have to deal with every day. September 11th was one day, but every day in my community we are burying people. And Mayor Daley said it right today: We can't wait until some more people are killed or raped within the City of Chicago. We need to act now. I am asking all of you who are Senators to act responsibly and help me fight to get this little bitty two million dollars out of this fifty

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million dollars to get our children before they end up murderers. We can make them -- we can decide whether they're mathematicians or murderers, whether they're college students or killers. Let's do it now while we're addressing the issue of terrorism. Let's also address the issue of terrorism right here in Illinois that occurs every day.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR DILLARD:

Put it on.

PRESIDING OFFICER: (SENATOR DONAHUE)

It is the amendment. We are voting on the amendment, folks, not on the bill. So, all those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now we will proceed further down on page 2. Oh! Senator Klemm, for what purpose do you seek recognition?

SENATOR KLEMM:

For the purposes of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR KLEMM:

The Senate Executive Committee will meet at 4:30 in Room 212. 4:30, at 212, Senate Executive. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Now we will proceed further down the page of page 2 to House Bills 3rd Reading to House Bill 2299. Senator Hawkinson seeks leave of the Body to return to -- House Bill 2299 to the Order of

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2nd Reading for the purposes of amendment. Do I hear any objection? Leave is granted. On the Order of 2nd Reading is House Bill 2299. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, on Amendment No. 3.

SENATOR HAWKINSON:

Thank you, Madam President. Amendment No. 3 -- Floor Amendment No. 3 was the subject of a Judiciary Committee meeting last night and unanimously approved for consideration by the full Senate. It does several things. This is the Attorney General, Jim Ryan's, terrorism package. And Amendment No. 3, first of all, in dealing with the seizure of assets, to freeze assets, changes the standard from reasonable suspicion to probable cause. Dealing with a situation that happened at O'Hare Airport a couple of weeks ago when someone boarded with a gun, we have made it a Class 4 felony, rather than a -- currently a misdemeanor to board an aircraft with a weapon. This is agreed by all parties. There was no opposition to this -- this amendment. It makes some other technical changes, and -- and adds language to clarify that nothing in this bill is designed to, in any way, impinge upon anyone's First Amendment rights. I'd be happy to answer any questions about Senate Floor Amendment No. 3, otherwise ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

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Amendment No. 5, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. A number -- Amendment No. 5 is the result of suggestions made at our Judiciary Committee hearing last evening by the Illinois State Bar Association and some Members of the committee. It does a couple of things. One, when assets are frozen, under the original bill there was no provision for any of those assets to be released to pay for attorney's fees, and it was felt that, absent that, there might not be any funds available for a person to hire an attorney in the civil proceeding to defend themselves and to defend their property. So this -- this amendment will provide that upon the request of the defendant, the court may release frozen or -- seized assets sufficient to pay attorney's fees for representation of the defendant at a hearing conducted under this Section. And finally, it clarifies, which we feel was the -- the intent of the bill in any event, but this makes clear, that the only property frozen will be that that is connected -- or, ultimately forfeited will be that that is connected to the terrorist activities. Would ask for the adoption of Amendment No. 5.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Shaw.

SENATOR SHAW:

Yeah. I believe that Amendment No. 4 was my amendment, Senator. Do you -- I know that you are speaking on Amendment No. 6 now -- or, 5.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR SHAW:

Do you know what happened to Amendment No. 4?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

I have not seen an Amendment No. 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Amendment No. 4, it's -- it's my understanding -- I introduced it yesterday, and it was in Rules, I understand. And it was a good amendment, and I was wondering why you didn't support this. You seem to be the bill sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

I have not seen Amendment No. 4. My staff tells me it would have added drug dealers to the list of terrorist activities. I'm not on the Rules Committee. My own view, however, Senator, would be this isn't the proper bill for such an amendment. Probably nobody here has supported measures to crack down harder on drug dealing, whether on the penalty provisions or otherwise, than I have. I'd be happy to work with you. I think that's a serious problem, not just in your part of the State, but in all parts of the State. But respectfully, I don't think this is the proper bill to deal with it. I think this is dealing with a different kind of threat. I understand -- I'm not trying to demean or diminish, in any way, the threat that we face from -- from the epidemic of drugs in this State.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Shaw, do you have questions on Amendment No. 5?

SENATOR SHAW:

Yes. On -- on Amendment No. 5, I don't see why Amendment No. 4 wasn't incorporated in Amendment No. 5.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw, ask questions in regard to the amendment we are on.

SENATOR SHAW:

The -- the -- to the -- to the amendment itself. The -- the thing that I -- the problem that I have, terrorism, that's what we're talking about in this Amendment No. 5 here, and that's what my amendment addressed. And if you're talking about terrorism, I don't see any difference between whether it's Bin Laden or a drug dealer -- blowing up buildings or a drug dealer shooting people -- innocent people on the street, innocent children on the street. But we are so -- we are great civil libertarians, and I -- I understand that. I respect people's rights, and I don't believe that we should infringe on people's rights. But what about when the -- the -- the terrorists is -- is infringing on our rights? That's what they did in New York: infringed upon five thousand people's rights. Well, we have had more people in our community killed in the last two years and across this nation than all of the people put together in New York. But no one want to deal with that problem, because we say, "Well, we're worried about our rights, and the First Amendment rights." This is -- this is a democracy here. We live in a democracy and we should not be taking anyone's rights. But if we -- if we can do this as a legislative Body - and I don't have any sympathy for the people who blew up the towers in New York; I don't have any sympathy for the people who shoot innocent people with a gun and semiautomatic rifles and all of that - but it seems as though, to me, this is not the bill. But those youngsters -- and now let me say

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something to all Members of this Body. If you, as a white American, come to my community and kill half the many -- as -- half as many people as the drug dealers have killed, you would have total chaos, you would have National Guards on every corner. But somehow or another we feel as though it's all right for African-Americans to kill African-Americans. That don't make good sense to me. And we defend it under the First Amendment right. I don't see how you can do this and be a civil human being. Maybe it don't belong in this bill, but you are a person, and you know what I'm saying is a fact. If you go out there and do it -- you could accidentally run over somebody in my community - a kid - and there would be all kind of riots, probably, let alone talking about shooting at people every day and every night. But you don't want to deal with that problem because it's African-American. And a few people on our side of the aisle said, "Well, wait a minute. We don't want to do that because it's infringing upon people's rights. It'd give the police the right to stop me and search me." Well, I'm glad to see the guards downstairs have you-all with your hands up, because you know what African-Americans been going through a long time. That's the thing that I'm talking about. We have to deal with this problem. And Mayor Daley of Chicago was right. If we can spend billions of dollars over there looking for Bin Laden, we should certainly be able to train those satellites on the drug dealers that are bringing the drugs into this country and know who they are and put 'em in jail. But I don't see any -- any difference in 'em, because they are poisoning young people of our State. They're poisoning 'em, killing 'em. And when they get through with the crack cocaine, that youngster is not worth a dime. The mind is gone. And certainly it could affect your children, my children, my grandchildren. And we all should be concerned about that, but we're not. We're going to pass this off as nothing but some people getting killed over there in the

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neighborhood. They'll decide when they're going to stop killing. And, "Senator Shaw, you introduced some legislation. This is not the bill. It could be the next bill, too. But you deal with the next bill. This is not the right bill." If the Attorney General want to do the people of this State a favor, he should go after those drug dealers. A few years ago we gave them the right to -- to bug people's telephones and so forth, but nothing has happened. And I've stood here and watched all types of legislation go through this Body. And every one -- it's a -- it's a big thing when it's trying to get somebody elected. I'm trying to save some lives of innocent people, innocent children. And I don't see -- what's the difference if you shoot me with a needle, inject a needle in me by giving me the crack cocaine, than what they are doing -- the -- Bin Laden is doing? What's the difference? They're just as dead. I ask you to take a look at that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. I want to thank Senator Hawkinson for offering the amendment. It was at our request yesterday that Judiciary Committee met. Primarily, the Democratic Members suggested that these two corrections be made. Number one, the first paragraph to -- to make it clear that if -- if there's any assets that are frozen, that those only be the assets that the court has determined have been used in the commission of an offense. And the second provision dealt with the concern we had about having all your assets frozen, wanting to go into court to try to defend yourself and not having any -- any money to pay a lawyer. So, we asked Senator Hawkinson if he would amend his bill, and -- and that's what the second part of the amendment does. Perhaps, Senator, though, I might want to clarify from you at the -- in your amendment you say that the court may

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release assets sufficient to pay attorney's fees for representation of the defendant at a hearing conducted under this Section. What hearings under this Section are contemplated where you can use the attorney's fees -- money for attorney's fees?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. That would be the entire Section - freezing, forfeiture, all of them dealing with assets.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

Madam President, I -- I did not rise for a second time. This is a -- a different piece of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

I stand corrected, Senator Hendon. Forgive me.

SENATOR HENDON:

Because I hate for the Members to think that I like to talk too much. You-all would never think that about me. But will the sponsor yield for a question? Thank you. Now, Senator Hawkinson, you know we sat next to each other for years. You're one of my favorite people on that side of the aisle and I know you're an honorable man, but I have to ask you this: Why should we care if Bin Laden or any of his guys can hire a lawyer? I don't care. If they can't hire a lawyer - they have bombed America, the World Trade Center, or killed some people in Illinois - we're going to be more concerned about their ability to hire a lawyer and defend themselves and maybe wiggle off the hook than we are what Senator Shaw was talking about, which is stopping violence within our community. I don't understand that. Secondly, I heard that the crop of choice in Afghanistan is heroin and that heroin -- the poppy that they're growing in Afghanistan makes it over here to

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the west side and causes this violence. So don't you consider the -- the heroin and the narcotics that's coming from Afghanistan, making its way to Illinois, as part of the terrorists' threat? Would you agree with that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Yes. And those assets could be seized under this bill if that connection was made.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Well -- well, to Amendment No. 5, and this is why I have a problem with us worrying about a terrorist being able to hire a lawyer: We should seize all the assets of all the terrorists, give it to me so I could take it to the west side, give it to Shaw so he could take it to the south side, and we could solve some of the violence and the terror that's taking place in our community right now. But yet, because the attorneys want to make sure that -- that somebody could get paid, we're going to free up their access so they could -- so they -- their assets so they can hire a lawyer, but yet we will not put money into the community to stop the violence that's taking place every day in our community. Something is wrong with that picture, Ladies and Gentlemen of the Senate. I don't care if none of 'em can hire a damned lawyer. We ought to lock 'em all up and keep 'em out of here if they're bombing this country. Let's seize their assets and give it to programs that change the lives of people in Illinois. That's what we need to be doing. And I have to ask you, because on the federal legislation, it was bipartisan. Do you want bipartisan support or not? It amazes me that if you want bipartisan support, why are all the amendments that have been put in by

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African-American legislators in this Body being shot down and held in Rules, but yet you want bipartisan support? The way you get bipartisan support is taking our suggestions and our recommendations, and we will take your suggestions and your recommendations, and meld them together and then we could come up with proper legislation. But you never do. You want to pass what you want, ignore our problems. You even -- most of the Members were even talking while Senator Shaw was speaking about a very serious problem right here in Illinois. And not one -- not one Illinois resident has died within our borders from Osama bin Laden or the Taliban. Within Illinois, not one. But children are dying, babies are dying, choir teachers are dying every day within Illinois because of the drugs that are coming from Afghanistan. It's part of the problem and we need to deal with it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator Hawkinson, to close.

SENATOR HAWKINSON:

Just ask that the Amendment No. 5 be adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 6, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, on Amendment No. 6.

SENATOR HAWKINSON:

Thank you, Madam President. Amendment No. 6 also comes from discussions that we've had with Senator Cullerton and also with House Democrats. This -- this deals with the provision on the one-party overhear -- consent to overhear. Illinois is a

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two-party consent State. We have a criminal statute against eavesdropping. Forty other states have no such requirement, and as long as one person wants to record a conversation in their party, they can. The federal government has no such provision. But we in Illinois have always been a two-party consent State to overhears, and that's a provision that I have supported and continue to support, have worked with Senator Cullerton over the years to support. This bill has made a small exception to that two-party overhear provision and that exception is in the investigation of terrorism. But after discussions with the House and with Senator Cullerton, we offer Amendment No. 6 to tighten up that exception to this provision, and it would do two things. First of all, it would require the approval of the State's attorney in the county before the overhear takes place; and secondly, within forty-eight hours of the commencement of such use, an application for an order to a court approving such continued use must be made. I think these are reasonable limitations on the provision that we're asking for in this bill, and I would be happy to answer any questions, otherwise ask for the adoption of Amendment No. 6.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. Not a question, but just a brief comment, because there have been discussions about a range of these amendments. I just do want to indicate - and I will save my broader commentary for when we actually speak to the bill on 3rd Reading - that a number of these changes were prompted by suggestions that were made by Members of this side of the aisle. And so, although I have some concerns about the bill, they aren't concerns about these amendments, which I do think improve the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now on the Order of 3rd Reading is House Bill 2299. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2299.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. House Bill 2299, as amended, is Attorney General Jim Ryan's antiterrorist legislation. I think the process that we've undergone, negotiations with Senate Democrats, as well as House Democrats, has made this a better bill. I think we have a tight definition of terrorism in this bill. I think all the concerns about infringing upon anybody's rights under the First Amendment or anybody's rights to protest or any of -- other groups have been satisfied by the definition, which has been narrowed to those who have the intent to intimidate or coerce a substantial portion of the civilian population. This is designed to get at those terrorist acts with which we're involved and potentially involved in the current state of war in the United States of America. There's no question but that what some of those terrorists who acted on September the 11th were living among us in the United States. There were active cells of terrorism in the United States. They are still a risk to all of

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our cities, to all of our electrical grid or our power companies, our water supplies. We are in the middle of a war. We need to give law enforcement the proper tools to protect the security of the citizens of this State, in cooperation with the federal government. The reason we need a State bill is because the FBI and the federal government can't be everywhere. If in a small county you learn of a credible threat to a power plant or a water supply, you have to be able to act quickly. This bill will give local law enforcement and State law enforcement the tools to complement the tools that our federal government has. We give them certain tools with expanded wiretap capabilities, expanded overhears, but we have done it in such a way as to carefully limit it so that no one's rights, no American citizen's rights, are trampled on. First of all, we have sunsetted each of those provisions with a three-year sunset. Each of them now requires court approval, having just added, in Amendment No. 6, the forty-eight-hour approval for the one-party overhear. We provide for seizure and forfeiture of assets from terrorists. As has been correctly pointed out, these assets are many. The drug traffic coming from Afghanistan has funded a large part of the al-Qaeda financial network. There are many other resources that have funded the terrorist network, and we need to make sure that when those are discovered, they can be seized so they cannot be used to carry out terrorist acts against our citizens. I want to compliment Attorney General Jim Ryan for initiating this proposal, for working diligently with Members of both sides of the aisle and with staffs in both houses -- of this Chamber. And I think we've crafted a good bill, a carefully crafted bill that gives law enforcement the tools we need but does not, in any way, impinge upon our rights as citizens of this great country. I want to thank Senator Cullerton for his cosponsorship and the hours that he's put in on this bill, Senator Obama and other Members of the

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Judiciary Committee. I would ask for your approval, and be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. I think when we witnessed the attack on our country on September 11th, a lot of us felt that things would never be the same. And I knew that it would be appropriate for us - our constituents expect us - to come down here and to do, in a responsible way, whatever it takes to make sure that anyone who would be a terrorist in our country and our State would be -- would be prosecuted properly. And so, with that, we are doing something that's a little extraordinary. We're passing a criminal law with an immediate effective date. We're doing it during the Veto Session. But when I was asked by Senator Hawkinson to be a cosponsor, I decided that even though there's provisions in here which, perhaps, otherwise I might not want to vote for, the best thing to do would be to cooperate and be bipartisan. Just as in Congress, both parties cooperated in a bipartisan fashion to pass an antiterrorism bill. And in working with Senator Hawkinson and -- and the Attorney General, we have improved the bill. We have made changes that are -- are reasonable and rational. In fact, there's -- there's probably been concessions on both sides. I think many people are -- in my district anyway, asked me what I was going to do about people out at O'Hare Airport trying to get on a plane with a gun. Well, there's a provision in here that makes that a felony when, otherwise, right now it's -- it's a misdemeanor. I think that is important. I think it's a concession, but it's in there. There's been other measures which the ACLU was against, the Bar Association was against. We worked with the Attorney General and with Senator Hawkinson to adopt these amendments that -- that we

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have adopted. I think, as a result, it's something that we should support, and it's something that if, indeed, we have gone too far, we will have an opportunity, in a few years, to come back and revisit them. But for now, it's something we ought to do and hope to God that no one is ever charged with these offenses because these offenses are never committed. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I'm -- there's -- there's going to be a little bit of a continuation on what Senator Cullerton said. Number one, I want to compliment Senator Hawkinson, as usual, for his diligent and thorough approach to working with this bill. I will say that initially, as originally proposed, I thought this was a poor bill. I thought it was -- had some significant problems to it. I will say, though, that Senator Hawkinson was open to making a wide range of changes. It was a work of progress, and I just want to list, for our Members, some of the changes that were prompted as a consequence of negotiations. We included sunset provisions with respect to wiretaps and overhear provisions. I think that was not originally in the bill. It is now. I think that's important. I -- we -- we clarified, with respect to the seizure of assets, what assets were to be clarified -- what -- what assets could be seized. We included a knowledge requirement with respect to the freezing of assets. We did provide a provision for attorney's fees, and I respectfully have to disagree with a comment made earlier. This isn't, I don't think, going to be something that lawyers get rich on. I think that if you are having your property seized for suspected terrorism, without having been convicted, and you have no assets and you have to prepare in ten days to prove that, in fact, you were not involved in terrorism, that the due

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process clause of the Constitution probably requires that you are able to hire an attorney to make that presentation. If it turns out that you are, in fact, a terrorist, then your assets will be frozen. It also made sure that in those seizures, that the burden of proof remained on the State. Under the original bill, the burden of proof would have been on the defendant. Again, I think that would have been a violation of basic due process. We also added judicial review in a number of particular instances, as Senator Cullerton indicated. We added a provision with relate -- with respect to guns on planes. We added protection for First Amendment activities. We narrowed the definition of terrorism to make it a little bit tighter. And we deleted a provision that -- with respect to ex parte overhears for any felonies. Now that only applies to terrorists. So, here -- here's the upshot: My perspective is, in fact, that probably most of the offenses that occur - and heaven forbid that they occur here in Illinois - will be dealt with primarily at the federal level. I don't think that the State is going to be the primary force behind these -- behind the prevention of terrorism or the prosecution of terrorism. I do see the possible need for quick responses in very narrow and limited instances. In those particular situations, I think that this provides some additional tools to prosecutors with respect to dealing with terrorism. Ultimately, I think this bill is probably not as useful to preventing terrorism as the proponents are alleging. I also think it is not as much of a danger to civil liberties as some of the opponents have asserted. It is a modest attempt to deal with some of -- some of these issues. I think, actually, the more important issues that we're going to have to deal with, with respect to terrorism, has to do with preparedness and making sure that we've properly funded our public health infrastructure, our quick response times with respect to hospitals. I know there are going to be some Appropriations bills

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dealing with that. That being said, just for purposes of legislative intent and clarification, I do want to ask two particular questions with respect to Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Obama.

SENATOR OBAMA:

Senator Hawkinson, we had a discussion in committee with respect to the -- the asset seizure provisions, and I just wanted to make clear that it is my understanding that currently, as drafted, your intention would be that initially someone suspected of terrorism where there's probable cause could have their assets frozen and they would then receive notice that their assets had been frozen. They would be able, potentially, under judicial supervision, to have a small portion of those assets released only for payment of an attorney in preparation for a hearing that would take place ten days from the time that the assets were seized. Do I have it accurately up until that point?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

Now, after the -- at the hearing, the State, by a preponderance of the evidence, must prove that in -- in fact some of these assets or a certain portion of these assets were knowingly intended to be utilized to further certain terrorist acts under the definition contained in this statute. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

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SENATOR HAWKINSON:

That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

And so this is the point where I want to make sure that we understand our legislative intent, 'cause there were some disputes with respect to drafting in committee. It is your intention that if, let's say, a portion of the assets but not all the assets that were frozen were shown to be intended for use in a terrorist act, it is that portion of those assets that were so intended to be used that would still be frozen and, potentially, then, other assets that were not so intended to be used would not be frozen. Is that an accurate assessment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. That's correct, Senator. And that was handled in Amendment No. 5 by the change of the word "the" to the word "such" to refer back to the standard of proof. I think you may have cited the standard of proof a bit narrowly, because it's narrowly used, directly or indirectly. But it is only intended to be those -- that knowledgeable use of assets, directly or indirectly, to further or assist the -- the terrorist acts or terrorism.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

I appreciate that correction. I -- I understand that it's directly or indirectly. I think the main intent that I want to establish is, is that it is assets that are intended to be used in that fashion that are going to be subject to being frozen.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

A final comment. There is a provision -- there was one area where we attempted to negotiate and I think ultimately, from my perspective, were unsuccessful, and that is with respect to the death penalty provision in there. This bill still contains a death penalty provision for terrorism. Now, I will say that I have no problem applying the death penalty to somebody who -- who kills three thousand people. So -- so that is -- is not the point that, I guess, I'm concerned about. What I am concerned about are the fact that it was my belief, and I think a number of commentators probably shared this belief, that under the existing aggravating factors, it is almost inconceivable that any terrorist act that resulted in death would not be eligible for the death penalty under the existing death penalty statutes. And it is -- given the fact that many of us, including myself, are strongly supportive of the Governor's moratorium of the death penalty until we can make sure that it works properly for everybody, the fact that we're adding another aggravating factor that, frankly, to my mind is redundant, I think was unnecessary. I say that as a commentary, Senator Hawkinson. You -- you can choose to respond or not respond. But I do want to point out that for many of us, if we support this bill, it in no way diminishes our support of the moratorium, and I hope that it's not read as such by anybody on that side of the aisle or anybody in the press. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Weaver.

SENATOR WEAVER:

I would move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

I have one, two, three, four, five speakers. Senator Hendon.

SENATOR HENDON:

Thank you, Madam -- I don't care how much you moan and groan. I really don't care. All right? So you can moan and groan some more. I have people dying in my neighborhood and you want to keep ignoring it. So you can moan and groan all you want. I'm going to say what I have to say. I represent the people over there, and this is important to them. Senator Hawkinson, I'm reading in the paper right now, it said so far this year in the City of Chicago, there have been six hundred and nine homicides, over half of those gang- and drug-related. Those are killings, those are funerals that have taken place within our City, within our State. I ask you, how many terrorist attacks have taken place in Illinois, within our borders, and how many lives have been lost to that attack?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Thankfully, none so far, but I must join Senator Dillard and yourself in noting that a -- a good number, including some from my area, were killed in New York in those terrorist attacks.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

And I -- and I sympathize with you, with the people of New York as well, and with the people from Illinois who were there. But I do want to reiterate - and I'll be finished - that there

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have been six hundred and nine killings, terrorism within the City of Chicago alone, not even just the total number for the State of Illinois. That is a terrorist threat. It is real. It is in direct relationship to the drugs that come into our communities from Afghanistan. Every time we -- get up and talk about prevention and that kind of thing, it's always, "This is not the bill, this is not the bill, this is..." I've been here nine years. And for nine years I've been hearing, "We'll deal with it later, we'll deal with it later, we'll deal with it later." The time for us to deal with it is now. We may never be able to get this money if we don't get it now. And I ask you-all to at least take into consideration the violence and the killings that's taking place right now. These are citizens of Illinois whose safety is threatened, who can't go to work and go to school and feel safe. These are citizens of Illinois. They have a right to be protected. If you are conservative, you should be feeling the same way I am, that they have a right to be protected and we should protect them. I'm going to vote for this bill, but we should not ignore the violence that's taking place right now, that's being perpetrated; the terrorists and the assassins that are making lives of people in Illinois miserable right now. Today, tomorrow, right now in Illinois. But we never want to deal with it. It's always "deal with it later". When is "later" ever going to come?

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, I want to commend Senator Hawkinson and Senator Cullerton and our respective Members of the Judiciary Committee and our staff for working so hard and diligently to prepare a bill to give more -- a more equitable time to the terrorists than they would have given us in

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their countries. And I can honestly tell you that the loss of lives that we have had elsewhere, we don't want to see it repeated here. We did not perpetrate these mass murders. They were perpetrated on us. And therefore, the fact that we can prepare a bill that is good and -- as good as this one, which I think is, frankly, better than the federal bill, as far as human rights are concerned, I think that we ought to be glad that it was done, and I urge everyone to vote for it, because it's necessary. We don't have to wait for another crisis to come to Illinois, like it happened in New York, before we have this bill. It's time that we prepared.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. Senator Hawkinson, what I am going to do is just ask whether you would not like to put some legislative intent into this bill. You may not want to, but I'm going to ask -- ask you anyway and tell you why -- why I bring this up. I'm obviously going to vote Yes for the bill, because sometimes my courage isn't as strong as my principle. So, I'm obviously going to vote Yes, even though I don't like a lot of this bill. But the reason I'm bringing this up is this: As we all know - and Senator Petka and anybody else could speak to this who's been around awhile - back in the late sixties, sometimes in the seventies, Congress passed bills that had to do -- and -- and enhanced criminal penalties, and we got the RICO statute, conspiracy statutes, racketeering, money laundering, and they carry with them ten-, twenty-, thirty-year and even life sentences. And the reason Congress passed them overwhelmingly is because they targeted drug kingpins, drug overlords and organized crime. If you look in any of the legislative intent, everybody was talking about, on the Floor of Congress, just what we're

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talking about here. There was a war on drugs. It was extraordinary times. We had to get 'em done. Now, you could look at any docket in any federal courthouse and you'll see that they're charging money laundering and racketeering to a guy who's -- reselling in a grocery store lottery tickets that shouldn't be resold, or food stamps. Now, the prosecutors will say, "Well, it falls in the narrow definition." They have -- when -- when they have judicial seminars, the judges in the federal court will say, "This is ridiculous, but since it follows the law, only Congress could change it." Congress isn't about to change it. That takes more -- you know, there's just no political will to do it. So, therefore, to bring it to this bill and what worries me a little bit -- it's certainly as Senator Geo-Karis says: We have a need for this. This isn't knee-jerk. This is important. Okay? You've worked hard, Senator Cullerton, the Attorney General. This isn't knee-jerk. This is important. However, even though there's a sunset, not every provision sunsets. Okay. You can make a case, and I'm not going to give you eight examples that I think -- on non-terrorist act, that if you looked at it, a prosecutor, could fall within it. This thing that we just heard on the news about the kids that they arrested for wanting to plan a -- an attack on a school, I think they just arrested some seventeen-year-old - not in this State - and two fifteen-year-olds. Okay. You can see, from what they did, they're planning to kill a lot of people, they're doing it to say school stinks or whatever it may be. You might, under this definition, be able to charge them under the new Terrorism Act. It may be able to be done. Certain -- don't want to argue with it, because obviously the Attorney General or some prosecutor could bring it. I just want some -- something on the record that says that we're not doing this so prosecutors or some zealous prosecutor could say, "Well, here's what I'm going to do." We have some Little League coach that didn't get to be president

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of the Little League and he tears something down and then takes a baseball bat and hurts a couple of people and say, "I'm going to charge him under the Terrorist Act." There's a reason for this bill, but I want to make sure that we don't go too far, that it's narrowly defined to fight terrorists and terrorism, not to fight other crimes. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Malley. Oh! I'm sorry, Senator. Senator Hawkinson.

SENATOR HAWKINSON:

I -- I thought there was a question there, Senator, and -- and -- I think we have done that with this bill. Each of the provisions that expands the law enforcement capabilities on wiretapping or on overhears are sunsetted, number one. Number two, they are directly tied to the definition of -- of terrorism. And thirdly, in the initial draft -- and the Attorney General recognized in the initial draft of the definition of terrorism, Jim Ryan recognized that was too broad. We all did. We worked on it. We eliminated from that definition the influence to change or to protest acts of government, either State, national or local. So anything in terms of a protest of policy is not intent under the current definition of this bill, which is limited to that scenario where you have intended to intimidate or coerce a substantial portion of the civilian population. So, I think we have addressed your concern, and in addition, we've put in, in one of the amendments yesterday, I believe Amendment No. 3, the general language which -- which your side asked for, which is currently in the Illinois statute on international terrorism, that First Amendment language protection. So I think we have done, in this bill, what perhaps was not done in RICO.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Malley.

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SENATOR O'MALLEY:

...you -- thank you, Madam President. And to the sponsor, I just want to compliment you for all the efforts and time that you have put in, along with Senator Cullerton and, frankly, other Members of the Judiciary Committee who have been discussing this both in committee and -- and with you and through staff and so forth. And I want to especially compliment the staff, because they -- I can't tell you how many -- you know that as well as I do, how many hours they have put into it. But I want to also say that in addition to working hard on this, I think you have made a magnificent effort to make sure that we are preserving our liberties in the process of doing this. You know, the message this bill sends is that Illinois, like the rest of our nation, at a time when we are engaged literally in a new kind of a war against transnational terrorists, are stepping up to assist our federal government accomplish its objective to provide a common defense for our nation. At the same time, and as complimentary as I can be, unlike comments from a previous speaker about some reticence or concern that they may have about the fact that there's another aggravating factor for the death penalty associated with this legislation, I am concerned - I know we talked about this in committee and we've talked about it personally - I am concerned that in a State where we have a moratorium on the death penalty - something that I consider to be an -- unenforceable Executive action - that the -- are we sending as strong a message as we can? And I'm saying this rhetorically and it doesn't require a response from you, unless you wish to do it. But are we truly sending the message we need to send to the Osama bin Ladens of this world that if they do this in Illinois and we should be called on to use our new laws in this State to combat terrorism and to send a message that it will not be permitted in Illinois, are we really sending as strong a message

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as we can if we allow this moratorium to continue to limit the ability to send a message - a clear and convincing message - that the deterrence that we want from this to say "Don't do this in Illinois" is really being as effective as we possibly can be? And again, Senator, I compliment you for all the efforts you and Senator Cullerton have made here. I, for one, would prefer that we did not have this moratorium lifted over our head, but the legislation that you have in front of us is a -- a truly wonderful effort at sending a very strong message, and I thank you for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Last speaker, Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. I join almost every other previous speaker in paying compliment to the Chairman of the Judiciary Committee. For those of us who have had an opportunity to participate in the debate in the Judiciary Committee on this piece of legislation, we know that that is really the way a committee is supposed to operate, that we get ideas from -- from all different philosophies, digest those ideas and come out with a product. I think it bears repetition that we, as a nation, are in a state of war right now, and as President Bush pointed out in his message before the Joint Session of Congress, those who choose to take the action that was taken September 11th, are actually on a mission to destroy what we hold dear. When this legislation was first proposed, the first draft of it, Senator Hawkinson called my office and asked me if I'd reviewed it, and I told him that in its -- in the state that it was found, that I would not support it because I did not think that we had to torch the Bill of Rights because we wanted to do something to a -- a bunch of subhuman crusaders. But what I have -- what we have done in this piece of legislation is to strike a very careful balance to ensure that individuals who are -- who

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truly are necessary to be targeted are only those that are going to be targeted and that we are only going to do this for a limited period of time while this state of war that exists between us and a terrorist organization truly exists. And I think that a very critical component of this legislation is that in those instances where this -- this Body, in the past, has rejected the attempts to be -- become a Big Brother, that we have said in this very narrow circumstance, we are going to permit that. I -- I truly believe that this type of -- this type of legislation and the manner in which it's crafted is truly necessary at this time. I also join Senator O'Malley in -- in expressing the -- the message that we truly do need to send, that those who would even consider the possibility of a mass terrorist act that will kill wholesale numbers of our citizens should be subjected to the death penalty, and that any statement or any feeling that they may have, as far as a moratorium from the Governor - a moratorium which I believe is an ultra vires act - that, in fact, they will face the full extent and brunt of the law in this State. So, once again, I -- I stand in support of this legislation. I truly do believe that we have arrived at a -- a compromise as a result of meaningful input from all sides, and I -- I expect this bill to pass. I hope it is signed, and I hope, very candidly, that it is never used.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, to close.

SENATOR HAWKINSON:

Thank you, Madam President. And to all the Members, particularly of the Senate Judiciary Committee, to our staff, to Members of the House, who have been involved in this negotiating proceedings, thank you for your -- your hard work. I want to thank Attorney General Jim Ryan for bringing this legislation to us. We are at war. We hope it's never used. We hope we never have to use the expanded police powers in this bill because we don't find

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a credible threat of terrorism in Illinois, but that may be naive. And we need to be ready. We need to do the things Senator Obama talked about in terms of preparedness in our public health system and others. But we do need, with this bill, to give law enforcement the tools to do the job that they need to do to make our citizens secure, and that's if they get probable cause or a tip that there's going to be a terrorist act or that assets in some bank or in some charity in Illinois are going to be used or are being used or have -- being used to advance terrorism, that we can seize those assets, that we can come before the terrorists commit their act and stop it. And in the awful event that we don't, we want to make sure that we can properly punish them. There were those, as you've heard in this debate, who would have liked us to have removed the death penalty provision from this bill. And there is an argument that many, if not most, of those who might be killed in such a terrorist act might fall within one of the other exceptions in the rule and the standards that allow the death penalty, but not all. But more importantly to that, Attorney General Jim Ryan felt that as a matter of public policy, we needed to send the message that if you commit a terrorist act in Illinois, you will be subject to the death penalty, and that's why it remains in this bill. Again, thank you to all who have offered suggestions and made this a better bill. I would ask for your favorable vote on House Bill 2299, as amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 2299 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. House Bill 2299, having received the required constitutional majority, is declared passed. One more order of business. We will be going to page 7. Consideration

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Postponed. Senator Dillard. Mr. Secretary.

SECRETARY HARRY:

House Bill 1829.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. We've seen this bill before, so I won't debate its context, but I just want to remind you it is a -- it allows county boards to set the appropriate filing fees for support of the Judiciary and the court system in their counties. To refresh your recollection, this only deals with the largest four counties in Illinois. They have not had an increase in filing fees for litigants in more than a decade. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Link.

SENATOR LINK:

Thank you, Madam President. Will the sponsor yield for a couple questions?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Link.

SENATOR LINK:

One of my first questions on this, Senator Dillard: You indicate that this is a user fee, is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

That is how I characterize this. Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Link.

SENATOR LINK:

Okay. My question is, will all this money that will be achieved from this increase, which we already discussed many a times as a hundred-and-fifty-percent increase in some cases, will this money all be used for the courts of the respective counties?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

I don't know, Senator Link. I do know that the Chairman of the Will County -- or, the Will County Executive said that it would all go for judiciary concerns in Will County. I've talked to the county board chairman, since we last debated this bill, in my own County of DuPage, who said he's going to use some of the -- these monies to reduce real estate taxes, which gets to a lot of the crux to this: What's the proper balance between those who use the courts and real estate taxpayers, who fit most of the bill for the court system? But it really depends on each county board, where they would use these increased fees, other than Will County, which we know is all going to go to the court system.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Link.

SENATOR LINK:

Well, to quote a -- an article that you were quoted in, my circuit clerk in Lake County indicates she didn't even know anything about this bill at all. She found out when the county chairman happened to be -- county board chairman happened to be down in Lake County and she's -- and her quote is, "All I know is this is going to bring in more money for the county but not necessarily for the court system." You keep indicating that this is something that we -- you know, we don't want -- we -- the court system needs more money; it -- it hasn't had this increase. But

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yet, we're talking about possibly diverting all of this money of a user fee, and my interpretation of a user fee is like on -- on our harbors. When we -- you know, people pay for boat slips, all that money is used for the harbor, or -- or the -- the airports, like in DuPage County or Lake County, that the money is reused into those. Well, by this indication of the circuit clerk - and I'm sure the opinion is of every circuit clerk - that this money could never see the court system possibly, that this money could be used for transportation, it could be used for salary increases. It could be used for everything but the court system. But those in the court system that are filing would be -- end up paying for it. Is this correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Well, Senator Link, the people who file these actions in court and pay a small percentage of what it costs the court system to handle their litigation, don't begin to cover the cost of what it takes the case -- take their case through the four circuit courts in these four counties. So, I continue to call this a user fee. And, you know, I will admit to you that perhaps not all of this is going to go to the Judiciary, but if it doesn't come from the litigants, it's going to come from, sadly, real estate taxpayers and sales taxpayers in these counties.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Link.

SENATOR LINK:

Well -- well, I know -- you know, as your famous quote in here, I -- I don't want this to go onto the property tax because I don't want your -- your grandmother to be paying those big-time Chicago lawyers, as you indicated. But, you know, when we use this -- if we're going to use this argument as a user fee, or use

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this, it should be going to the court system. I mean, it's basically, when we talk about property tax, should we then turn around and start doing our school systems as a user fee and only those who use the school systems pay for the schools? I mean, we could go on as -- on and on about this. One other question I have on -- a couple other questions. Is there anything in this to provision for those who are in the poor for any litigation reduction or any rates for those who can ill afford it? Can -- is there any types of reduction for them?

PRESIDING OFFICER: (SENATOR DONAHUE)

...voices down. It rises every now and then here. Senator Dillard.

SENATOR DILLARD:

Well, indigent people in the criminal courts obviously get representation and other -- I don't want to use the word "breaks", but "assistance" is the better word. But, no, the only good saving thing I can tell you here, Senator Link, is, for example, traffic fees and fines don't go up.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Link.

SENATOR LINK:

Okay. And one other -- just a comment, maybe, on -- on this. I -- I know the odds are stacked against me, because I know this bill has been worked very hard by both Leaders on both sides. And, you know, I -- I -- I know when a fight is lost sometimes, but actually let's put it this way: I wouldn't be standing here if I gave up too much. One of the problems I think we're facing on this is we understand, and I think you will agree, Cook County is -- has the highest fees in the nation right now and DuPage is in the top five. I represent part of Cook County, but I represent most of Lake County. And the thing that I just think that we -- we have to look at in this, as we're talking about budget cuts,

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we're talking about other things that are going on of trying to balance budget, I think this is a bill that at the end of the last Session, in May, received fifteen votes. A month -- or a couple weeks ago it received twenty-nine votes. I think the best thing we could do for the people of these counties is to make sure this bill does not receive more than twenty-nine votes, and we surely do not want to have Lake in the top five or Will in the top five in the nation in court fees. And I respectfully ask for a No vote from all of my colleagues.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. I've been persuaded to move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

That's in order. Senator Philip -- hang on. Senator Molaro.

SENATOR MOLARO:

Is it the practice or the rule about a postponed consideration only having one proponent and one opponent? Is that a practice or a rule?

PRESIDING OFFICER: (SENATOR DONAHUE)

That's the tradition, Senator. We have our proponent. Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in support of House Bill 1829. As you know, it includes Cook, DuPage, Lake and Will, the four largest counties. It's up to the county board to decide to increase these fees. And I can remember now, we haven't had a fee increase in DuPage County for over twelve years. Twelve years ago we didn't have a metal detector in DuPage County. We didn't have an armed deputy sheriff in DuPage County. Today you can go to my courthouse, my jail, my

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administration building and you will find metal detectors and armed deputy sheriffs. That's the reason we need a little extra money, to help those people to -- to provide some protection for people who are judges, for people who are in the sheriff's department. This is a good idea. It's long overdue, and I'd like to see a lot of green votes up there.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, to close.

SENATOR DILLARD:

Thank you. Every decade or so I think we need to rebalance how we fund our courts between the burden of real estate taxpayers and lawyers and litigants, and it's just that simple. We need an adjustment here. It's up to the local county boards whether they'll even impose these fee increases or how they'll use 'em. I believe in local control. This is the way to go. I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 1829 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Take the record. On that question, there are 33 Ayes, 21 Nays, none voting Present. House Bill 1829, having received the required constitutional majority, is declared passed. Senator Link.

SENATOR LINK:

I'd like to have a verification on the vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

That's always in order, Senator. Senator Link has requested a verification. Will all Senators please be in their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

The following Members voted in the affirmative: Bomke,

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Burzynski, Cronin, DeLeo, Demuzio, Dillard, Dudycz, Halvorson, Hendon, Karpel, Klemm, Lightford, Mahar, Molaro, Munoz, Myers, Radogno, Rauschenberger, Ronen, Roskam, Shadid, Shaw, Sieben, Smith, Stone, Syverson, Viverito, Lawrence Walsh, Thomas Walsh, Watson, Weaver, Woolard and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Link, do you question the presence of any Member?

SENATOR LINK:

Senator Ronen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Ronen. Senator Ronen on the Floor? She's in the back of the Chamber. On a verified roll call, the Ayes are 33, the -- 21 -- Nays are 21, none voting Present. House Bill 1829, having received the request {sic}, is -- declared passed. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Woolard has filed a motion with respect to House Bill 198. And Senator Petka has filed a motion with respect to House Bill 1840.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. Mr. Secretary, the Chair requests that those motions be printed on the Calendar. So ordered. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

For the purpose of announcement, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR KLEMM:

And -- and -- and it's really not an announcement, that Senator Luechtefeld is still at home tending to his father. He is absent today, and I want the record to show that he is being not with us because of medical problem with his family. So I know

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you'd understand. I want the record to show that. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RAUSCHENBERGER:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your announcement.

SENATOR RAUSCHENBERGER:

There -- there were some scurrilous rumors started, I think by my myself, that Appropriation was likely to meet tonight. It turns out that Appropriation will meet in the morning. We expect our amendments to be filed first thing in the morning and our meeting will probably take place in the neighborhood of 10 o'clock. So, Appropriation Members do not need to stand ready to meet tonight.

PRESIDING OFFICER: (SENATOR DONAHUE)

Again, Senator Klemm, for what purpose do you seek recognition?

SENATOR KLEMM:

Announcement that the Executive will meet immediately, in Room 212. Immediately. It'll be a short meeting. Please be there.

PRESIDING OFFICER: (SENATOR DONAHUE)

Executive, in 212. Resolutions.

SECRETARY HARRY:

Senate Resolution 269, offered by Senator Clayborne. It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar.

SECRETARY HARRY:

And Senate Resolution 270, by Senator Ronen.

And Senate Resolution 271, by Senator Molaro.

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They're both substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any -- Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. Let the record -- record reflect that Senator Jones is absent again today due to the illness of his wife, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Record will so reflect, Senator Demuzio. Is there any further business to come before the Senate? If not, Senator Weaver moves that the Senate stand adjourned until the hour of 9 a.m. - 9 o'clock in the morning - Thursday, November 29th. Senate is adjourned.