

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

107th Legislative Day

April 20, 1994

PRESIDENT PHILIP:

The hour of noon having arrived, the regular Session of the 88th General Assembly will please come to order. Will the Members please be at their desks. Will our guests in the galleries please rise. Our prayer today will be given by the Reverend Joseph Eby, Westminster Presbyterian Church, Springfield, Illinois. Reverend Eby.

REVEREND EBY:

(Prayer by the Reverend Joseph Eby)

PRESIDENT PHILIP:

Reading of the Journal. Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Mr. President, I move that reading and approval of the Journals of Wednesday, April 13th; Thursday, April 14th; Friday, April 15th; and Tuesday, April 19th in the year 1994, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Dudycz moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. I will turn over the -- the Podium to Senator Dunn for the purpose of an introduction. Senator Dunn.

SENATOR R. DUNN:

Thank you, Senator Philip -- Mr. President. I have a group from -- here from Pinckneyville - the Pinckneyville Panthers. I'd like to get them all out here. And I want Brad Burzynski to come up here. Where's Brad? Brad, the cosponsor of this, used to teach at Pinckneyville High School. Now he's a Senator. I don't know if he's in the sound of my voice. He better get up here, or we may not keep him on the amendment -- on the resolution. We have the Pinckneyville Panthers' first team; they're the Class A Champions. They have a record of 33-2. We also have the

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cheerleaders and the coaches, and I want to read just a little bit of the resolution that we adopted yesterday. Some of you can come down here. Jay, if they... Yeah. Come -- go on down on the front here; if you'd like. Right. Around in here. How about -- get the team down there. Yeah. You tall boys. I want to read just a little bit of the resolution that we adopted yesterday. It's Senate -- Joint Senate and House Resolution.

WHEREAS, The Pinckneyville Panther Varsity team can be very proud of their championship season; therefore, be it

RESOLVED, BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we congratulate the Pinckneyville Panther varsity basketball team for winning the 1994 Class A State Champion Basketball title, commend the team members and coaches for their talent and sportsmanship, and wish all of them the best in the coming years; and be it further

RESOLVED, That a suitable copy of this preamble and resolution will be presented to each team member, the coaches, and the others mentioned in the resolution.

Representative Hawkins introduced them over in the House a little while ago, and we're proud to introduce them here. I'd like for Coach Corn to come up and say a few words, and then let's give them all a nice round of applause. Thank you.

COACH CORN:

(Remarks by Coach Corn)

SENATOR R. DUNN:

I just -- let's just take another minute here while Jay's getting ready to take our picture, and I want to introduce Senator Brad Burzynski, who taught in Pinckneyville High School. That might have something to do with this championship team. Brad.

SENATOR BURZYNSKI:

Thank you. I'm here because I did teach in Pinckneyville, and obviously many of these young people -- I had their parents in school, believe it or not. So I'd like to congratulate them today. Congratulations.

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SENATOR R. DUNN:

Thank you. We'll get our picture taken here, and then we're going to go down in the Rathskellar and have lunch. Incidentally, I graduated from Pinckneyville High School in 1933. That'd be sixty-one years ago. I don't think any of them are still there. Thank you, Mr. President, for allowing us to do this, and we appreciate all of you young people coming and we're going -- if you just go out to the left here -- or to my left, and go right to the elevator and we'll go downstairs. Thank you.

PRESIDENT PHILIP:

The Chair would now like to yield to Senator Donahue for the purpose of introduction. Senator Donahue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1283, offered by Senator Donahue and all Members.

(Secretary reads SR No. 1283)

PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...really honored to have the opportunity to present to you our State Fair Queen. Every year at this time we have this opportunity to meet one, and I'm sure each of you have had the -- the pleasure to be in my place at one time or another. No, I was not a State Fair Queen, John. I think all of us know what the duties are of our State Fair Queen and what she does and what a -- a wonderful year she has, but she is the hostess for the Springfield Fair, as well as the DuQuoin Fair. She spends many hours and many days throughout the summer visiting each of our county fairs. The State Fair Queen is a wonderful ambassador for agriculture and for everything agriculture means to this State. And it's my pleasure to introduce to you Amy Rose Maguire, who is from Adams County and this year's State Fair

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Queen, to say a few words. Thank you.

AMY ROSE MAGUIRE:

(Remarks by Amy Rose Maguire)

PRESIDING OFFICER: (SENATOR DONAHUE)

We also have Senator Maitland, who was one of the judges. And, John, thank you for your vote of confidence for Amy Rose. Senator -- on that behalf, Senator Maitland moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 1283. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator -- or, Senator Maitland has moved the adoption of Senate Resolution 1283. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. Thank you all, and God bless. Committee Reports.

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Local Government and Elections, reports Senate Amendments No. 4 and 5 to Senate Bill 1263 Be Tabled by the sponsor; Senate Amendment 6 to Senate Bill 1263 Be Adopted; Senate Amendment 2 to Senate Bill 1491 Be Adopted.

Senator Ralph Dunn, Chair of the Committee on State Government Operations and Executive Appointments, reports Senate Amendment 6 to Senate Bill 1715 Be Adopted.

Senator Fawell, Chair of the Committee on Transportation, reports Senate Amendment 1 to Senate Bill 1200 Be Adopted; and Amendment 2 to Senate Bill 1819 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendments No. 2 and 3 to Senate Bill 1172 tabled by sponsor; Senate Amendment 4 to Senate Bill 1172 Be Adopted; Amendment 2 to Senate Bill 1649 Be Adopted; and Amendment 3 to Senate Bill 1724 Be Adopted.

Senator DeAngelis, Chair of the Committee on Revenue, reports

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Amendment 2 to Senate Bill 1336 Be Adopted; and Senate Amendment No. 10 -- or, Senate Bill 1037 the motion to concur with House Amendments numbered 1, 11, 12, 13, 14, 15, 16, 17 and 18 Be Adopted.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Amendment 1 to Senate Bill 1229 Be Adopted.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Amendment 2 to Senate Bill 481 Be Adopted.

Senator Karpziel, Chair of the Committee on Executive, reports Senate Resolutions numbered 999, 1012, 1111, 1112, 1113, 1116, 1117, 1164 and 1262 Be Adopted; Senate Joint Resolutions 115, 133 and 138 Be Adopted; House Joint Resolutions 98 and 116 Be Adopted; and Senate Joint Resolutions 100, 113 and 122 Be Adopted, as Amended; and House Joint Resolution 94 Be Adopted, as Amended.

Senator Watson, Chair of the Committee on Education, reports Amendment 1 to Senate Bill 1186 Be Adopted; Amendment 3 to Senate Bill 1323 Be Adopted; Senate Amendments 1 and 2 to Senate Bill 1324 Be Adopted; and Amendment 1 to Senate Bill 1716 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Amendment 2 to Senate Bill 1253 Be Adopted; Amendment 4 to Senate Bill 1299 Be Tabled; Amendment 1 to Senate Bill 1352 Be Tabled; Amendment 1 to Senate Bill 1447 Be Adopted; Amendment 2 to Senate Bill 1516 Be Tabled; Amendment 3 to Senate Bill 1516 Be Adopted; Amendment 2 to Senate Bill 1694 Be Adopted; Amendment 2 to Senate Bill 1698 Be Tabled; and Amendment 3 to Senate Bill 1698 Be Adopted.

Senator Maitland, Chair of the Committee on Appropriations, reports Amendment 2 to Senate Bill 1258 Be Adopted; Amendment 1 to Senate Bill 1754 Be Adopted; Amendment 1 to Senate Bill 1756 Be Adopted; Amendment 5 to Senate Bill 1758 Be Adopted; Amendment 3 to Senate Bill 1759 Be Adopted; Amendment 1 to Senate Bill 1760 Be

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Adopted; Amendment 5 to Senate Bill 1761 Be Adopted; Amendment 1 to Senate Bill 1763 Be Adopted; Amendment 1 to Senate Bill 1764 Be Adopted; Amendment 1 to Senate Bill 1765 Be Adopted; Amendment 2 to Senate Bill 1768 Be Adopted; Amendment 2 to Senate Bill 1770 Be Adopted; Amendment 1 to 1771 Be Adopted; Amendment 2 to Senate Bill 1772 Be Adopted; Amendment 2 to Senate Bill 1774 Be Adopted; and Amendment 4 to Senate Bill 1775 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a House Joint Resolution Constitutional Amendment of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution Constitutional Amendment 35.  
Passed the House, April -- or, April 19, 1994, by a three-fifths vote.

PRESIDENT PHILIP:

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Mr. President, Senator Molaro has filed a motion with respect to Senate Bill 1641.

PRESIDENT PHILIP:

Mr. Secretary, the Chair requests that motion be printed on the Calendar. So ordered.

PRESIDING OFFICER: (SENATOR MAITLAND)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1284 is offered by Senator DeLeo, as is Senate Resolution 1285.

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Senator DeAngelis offers Senate Resolution 1286 and 1287.

And Senator Dudycz offers Senate Resolution 1288.

They're all congratulatory or death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 144,  
offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, it is the intent of the  
Chair to go to Senate Bills 2nd Reading, and we'll deal with  
those, and then we will move into Senate Bills 3rd Reading. Top  
of page -- Senator O'Daniel, for what purpose do you arise, sir?

SENATOR O'DANIEL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR O'DANIEL:

We have eleven exceptional young ladies here in -- in our  
presence today. About half of them are Pages now, and the other  
five or six with their chaperones are in the President's Gallery  
on the Democrat side. And these eleven junior high school girls  
won the eleventh place in the National Cheerleading Competition  
last December in Nashville, Tennessee. And they're very  
exceptional girls and they're from down at the Oblong High School,  
along with their Principal, Allen Price, and their sponsors, Karen  
Sweat and Donna Henry. Let's -- let's welcome them to the  
Illinois Senate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be recognized.  
And congratulations. Welcome to Springfield. Senator Demuzio,  
for what purpose do you rise, sir?

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SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On that same order, I had the eighth grade girls' champions from Christian County, who were here today, but because of the lateness of the Session, had to return. I would like to acknowledge that they were, in fact, here. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Demuzio. All right. On -- on the Order of Senate Bills 2nd Reading, top of page 2, is Senate Bill 1133. Senator Cullerton. Mr. Secretary, read the bill, sir.

SECRETARY HARRY:

Senate Bill 1133.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments that have been approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1168. Senator... Senate Bill 1129 -- Senate Bill 1229. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1229.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:



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Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an amendment that has been worked on and -- with both the Bar Association and the Collectors' Association. It is basically a rewrite of the bill for licensing. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? Senator Fawell has moved the adoption of Amendment No. 1 to Senate Bill 1229. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1311. Senator Molaro. Senate Bill 1318. Senator DeLeo. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1318.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1715. Senator Ralph Dunn. Senator Ralph Dunn. Senate Bill 1746. Senator Donahue. Read the bill,

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Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1746.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. Ladies and Gentlemen, we'll now move to the Order of -- of Senate Bills 3rd Reading. Middle of page 2. Senate Bill 481. Senator Butler. Senate Bill 1110. Senator Shadid. Senator Shadid. On -- on Senate Bill 1110, sir? Senate Bill 1146. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1146.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1146 does two things. One, it continues what we did when we passed, unanimously, last Session on the solicitation of a child - a minor child - for sexual activities. And this -- what it does is, creates a penalty for indecent solicitation of a child for any person who arranges a situation where a sexual offense can be committed with a child under thirteen years of age. This bill allows that the charge would lie with where the defendant solicits an adult to arrange for a -- a

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sexual intercourse, if you will, with a child under thirteen years of age. We had a case recently where a school superintendent was found innocent because he had not made the direct arrangements with the minor itself, and had solicited with - I think there was a parent -- who was a -- a sting operation. This would close that loophole on the first part of the provision of the bill. The second provision is an attempt to make two simple and logical changes to the Criminal Code. One is that it would add concealment of a homicidal death, as well as aggravated arson, to the list of felonies that are exempted from the three-year statute of limitations. It would go to unlimited limitations. There have been examples in Cook County where the State's attorney was prevented from charging aggravated arson because of the statute of limitations. Even though the more -- the more -- the less serious charge of arson has no statute of limitations, and it would just seem logical that a more severe crime should be included also. Another example of the concealment of a homicidal death situation occurred in Cook County again where a woman was murdered, and her -- the -- the husband was murdered and the woman and her boyfriend had dumped the body in Lake Michigan. The body surfaced about seven years later, and when it was identified, the wife confessed to the murder and was charged, but the boyfriend, who helped conceal and do it -- and helped in that crime, had the statute of limitations of three years, had expired, and could not be charged, and walked away from it. So that's the reason these are added to that. I think they are logical and I would answer any questions, and do ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1146 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all -- had all voted who -- have all voted who wish? Have all voted who wish? Take

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the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 1146, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you arise, sir? Senator Berman. All right. Senate Bill 1146 <sic> (1147). Hawkinson. Senate Bill 1172. Senator Raica. Read the bill, Mr. Secretary. Senator -- Senator Raica, do you -- do you wish Senate Bill 1172 returned to the Order of 2nd Reading for the purpose of an amendment? Senator Raica seeks leave of the Body to return Senate Bill 1172 to the Order of 2nd Reading for purpose of amendment. Hearing no objection, -- is leave granted? Leave is granted. On the Order of 2nd Reading is Senate Bill 1172. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 4 to Senate Bill 1172 contains compromise language between Commonwealth Edison...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica, I'm sorry. Just a moment, please. Thank you, Senator Raica. Would you proceed, sir?

SENATOR RAICA:

I will. Thank you. There was just a question from the -- regarding tabling Amendment No. 2 -- 2 -- 1 and 2, and we did that in committee, Mr. President. Amendment No. 4 is -- is just compromise language between Commonwealth Edison, Peoples Gas and CUB over the use of the word "prove". The parties had a problem with that, and what we decided to do is put the definition of "prove" within the -- within the bill. And this language defines

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the word "prove" as to verify that the claimant was a customer of the utility's during the period of overcharges, and requires that claims for refunds be made in writing, forms provided by the utilities. There was a mechanism at one time to refund customers, but it was just on the books and actually no procedure. And what this does is add the procedure, and I just ask for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there -- is there discussion? Is there discussion? Senator Raica has moved the adoption of Floor Amendment No. 4 to Senate Bill 1172. Those in favor, say Aye. Those opposed, Nay. And the motion is adopted. Are there any further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1175. Senator O'Malley. Senate Bill 1181. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1181.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 1181, as -- as amended, permits interfund loans, but requires them to be paid back with one -- within one year, and also allows downstate school districts to make interfund transfers. There are restrictions on the transfers. There was an Amendment No. 2 offered, which authorizes any school district to abolish its fund for leasing educational facilities, and -- and transfer or abate any balance in such funds to other school district funds. If

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there's any questions of the Body, I'd be pleased to answer them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1181 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 1181, having received the required constitutional majority, is declared passed. Senate Bill 1186. Senator O'Malley. Senator O'Malley, do you wish that -- you wish Senate Bill 1186 returned to the Order of 2nd Reading for the purpose of an amendment?

SENATOR O'MALLEY:

I do, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley seeks leave of the Body to return Senate Bill 1186 to the Order of 2nd Reading for the purpose of amendment. Hearing -- is there leave granted? Leave is granted. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1186. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4 <sic> (1), offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, again, Mr. President, Members of the Senate. The original bill, as introduced, creates a new fund in the State Treasury for deposit of all funds under control of the Cook County Regional Superintendent. The amendment that's before us add references to additional items that must be transferred to the State Board for -- for deposit in this fund when it -- when the

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State Board takes over the duties of the Cook County Regional Superintendent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Does this deal with the issue of the GED classes?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Perhaps the Senator could clarify the question. Is he referring to GED deposits? Yes. Those funds would be deposited there, as I understand it. This would be for that interim period of time, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia. All right. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Just to elaborate on Senator Cullerton's question and Senator O'Malley's response: In committee today, the question was raised as to how the -- the issue of the GED examinations will be addressed. There is going to be a hearing -- a hearing Monday in the Cook County Board chambers called by Commissioner Steele, at which the regional -- the acting superintendent is going to testify; State Board is going to testify. They're going to address this issue, and we've been told in committee that the State Board will -- and others, will report back to us regarding the issuance -- the issue of the coverage of GED examinations. This amendment really doesn't

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address that issue at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Further discussion? Senator O'Malley has moved the adoption of Floor Amendment No. 4 <sic> to Senate Bill 1186. Those in favor -- they -- Aye. Those opposed, vote Nay -- or, Nay. The -- the motion -- the amendment is adopted. Have there been any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1200. Senator Klemm, do you wish that -- do you wish Senate Bill 1200 to be returned to the Order of 2nd Reading for the purpose of amendment? Senator Klemm seeks leave of the Body to return Senate Bill 1200 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1200. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I -- Amendment No. 1 tries to clarify the questions that the committee asked on the original bill. What it does is allow the township road commissioner to assist subdivisions, but only on nondedicated roads that were incorporated prior to July 23rd, 1959. Otherwise, the provisions remain the same as what the original bill was, and I do ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)



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Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill's been heard in committee. It's been discussed quite a bit. I just do want to remind this side of the aisle, even though I'm going to be voting for it, that it is a change in procedure, and I think that it's fair that we note that - that we are going to be using tax funds from property tax to be utilized for road projects in that particular designated road. It will be turned over to the city at that time, though. And it -- it is a good project, but -- a good proposal. I just want you to know it is a change in procedure.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm has moved the adoption of Floor Amendment No. 1 to Senate Bill 1200. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further amendments, Mr. -- Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1207. Senator Watson. Senate Bill 1223. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1223.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1223 would restore Code of Civil Procedure as it deals with sexual abuse victims to a statute of limitations which was

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passed by the General Assembly in 1990. This deals with what is commonly referred to as the Repressed Memory Syndrome. Now, Members of the General Assembly, reasonable people can certainly disagree on the validity of this express memory. There has been a -- ever since last fall, there has been a lot of information which has been disseminated...

PRESIDING OFFICER: (SENATOR MAITLAND)

Excuse me, Senator Petka. There's just simply too much noise on the Floor, and -- and some Members are having a difficult time hearing Senator Petka. Please give him your attention. Senator Petka.

SENATOR PETKA:

The Chicago Tribune ran a series of articles after the charges were filed against Joseph -- Cardinal Bernardin, called "After the Fall", which dealt specifically with the controversy in the medical profession on this issue. Just Sunday, 60 Minutes ran a story about this. Public Broadcasting System has covered this issue also. And I might add, not in a favorable light. There is apparently no consensus within professions that are involved as far as the validity of this, but the purpose of my bill and -- and the Amendment No. 1, which was adopted, has little to do with that. That's simply not the issue. What we are dealing with was a fundamental change in policy of the State of Illinois. That is, for the first time that I can recall, we have a civil Statute - in other words, a -- a -- something which is governed by the Code of Civil Procedure in which we have no statute of limitations whatsoever. Now, there is a very fundamental policy which is at issue here, and that deals with why we have a statute of limitations. Statutes of limitations are something that we've had with us for a long time, and the rationale for those -- for the statute is that all litigation must have some certainty of termination so that controversies can end and the business of the

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people in courts can ensue in an orderly process and permit society to go on. If you want to simplify that, it's a public policy statement, which basically ensures the continued successful operation of a system of justice. Let me just give you another example. In criminal law, one who is accused of a crime has an opportunity to defend himself in a timely manner. And here in the State of Illinois, for most crimes, the statute of limitations is three years. We do that because we are going to have reliable evidence that is trustworthy to ensure concepts of fundamental fairness. In my opinion, what this General Assembly did last year - we contravened that very basic policy that we've had, policy dealing with fundamental fairness of people who may be accused of wrongdoing. Back home we had a very celebrated case of a priest in Senator Tom Dunn's district named Father Stalzer, who was accused - with the underlying basis being this repressed memory - by a faceless accuser who filed a John Doe complaint. And after months of sensational headlines and press, the charge was quietly dropped. In my opinion, not having statute of limitations, for this or any other wrong, contravenes basic public policy and is fundamentally unfair. I believe it is an invitation for chaos within the system, and I just believe that what we should do is return to what this General Assembly did four years ago - just four years ago - and that is to set a reasonable standard for a statute of limitations of twelve years beyond the age of attaining the age of majority -- or -- or, the right to vote in this State, that -- thirty years of age or two years after discovery, whichever is later. And, Mr. President and Members of the Senate, I urge adoption of this -- of this legislation, and will answer questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Stern.

SENATOR STERN:

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Mr. President and Members of the Senate, this is an extremely sensitive subject, and I'm not going to tell you that I know that this is a bad bill. I don't know that. Psychiatry is certainly one of the least exact sciences that we know of. Children undergoing sexual abuse are able, thank God, to remove themselves from the situation going on around them at the moment, and to put into a kind of memory limbo the experience they are undergoing. This is something we don't know a whole lot about. I understand Senator Petka's position, and I don't disagree with it, but I -- I don't think that we should be legislating in this area right now. It was only last year that we passed this bill extending the statute of limitations in the first instance, and we may decide in five or eight years that that was ill-advised. But right now I don't think we know that it was ill-advised, and I would urge you to vote No on this bill until we can get some kind of more precise information on what happens inside the human mind. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Before your bill, if I understand the law correctly - and please correct me if I'm wrong - the law that we have now extends the statute to two years after the -- the person discovers the abuse. Is that what the law is now?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, the law currently is two years after the discovery of the abuse, whenever that may be.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Under your bill, will you tell me exactly how yours contrasts, because I'm not quite sure I understand it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you, Senator. That's an excellent question. What we -- we're doing here is basically returning the statute of limitations, or repose, if you will, back to where it existed and was set by the General Assembly four years ago. That is that the personal injury action based upon childhood sexual abuse may be commenced not more than twelve years after the person attains the age of eighteen years, or within two years after the discovery of the abuse.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, the prior law of four years ago. Is that right?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR GEO-KARIS:

If a person reached the age of thirty years, let's say, or even thirty-five years, and didn't really discover it until he was thirty-five years of age, would that person, he or she, be able to have an action for the abuse?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I -- with all deference, I simply did not hear the

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last part of your question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, the former bill, about four years ago, said that there was a twelve-year statute of limitation after a person reached the age of eighteen. Now, what if a person reaches the age of thirty-two, which is fourteen years past age eighteen, and discovers the abuse within himself - how would your bill change that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, the -- it would operate as a statute of limitations. The statute of limitations would run at thirty years of age. I might add, that is not uncommon. In fact, you'll find it throughout the Code of Civil Procedure. We have statutes of limitations in most instances which do not exceed five years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand that, Senator Petka. And I know that there's statute of limitation twenty-five years for radiation injuries and so forth. However, what I'm concerned about, if we were to vote for your bill, then what we would be doing is that if anyone reaches the age of eighteen under your bill, they cannot -- they cannot do anything about this if they discover it three years after the age of eighteen. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Well, through all the noise, I believe that what you've asked

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is whether or not if they turn eighteen they only have two more years, and if that was your question, the answer is Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate...

PRESIDING OFFICER: (SENATOR MAITLAND)

I'm sorry, Senator Severns. Senator Petka.

SENATOR PETKA:

I would like to correct an answer. It was pointed out by my staff - the person would have to age thirty to be able to file that lawsuit.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Severns.

SENATOR SEVERNS:

The law we worked so hard to pass that -- to remove the age cap of thirty years old for adult survivors of childhood sexual abuse, which became effective on January 1st of this year, by this proposed legislation, would be in jeopardy. The sponsor and supporters of Senate Bill 1223 believe that the status of one potential defendant is more important than the rights of any adult survivor older than thirty. The assumption is adults over thirty are subject to psychological quackery if they haven't filed their lawsuit and are not believable as adult survivors of childhood sexual assault. This reasoning not only fails to incorporate the dynamics of childhood sexual abuse and the amount of injury it causes to its victims. Sexual assault is a devastating, violent crime and a major public safety and public health issue. When the child is the victim, the trauma is compounded. I would hope that Members of the Senate let the legislation that we passed, that has only taken effect January 1st of this year, a chance to work, and I would urge a No vote on Senate Bill 1223.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, having sat through this discussion in the Judiciary Committee when we did do it last year, and subsequently trying to follow this issue through the lay media and trying to do a little bit of reading on it, I would stand in support of Senator Petka's measure. And the reason being is, is that the minute we did, indeed, pass this bill, a flood of cases started hitting the courts. Many of them came out of work with therapists who may or may not have been qualified to have made these determinations. As was pointed out earlier by Senator Stern, psychiatry - the study of the mind attitudes - is, at best, an inexact science. Left in the hands of those who may not be qualified, it becomes an even lesser inexact science. Unfortunately, we deal with suggestions to very suggestible people that can sometimes turn into perceptions, and perceptions then into realities, which, in reality, are not. I think we risk, by virtue of having this law now so broadly written, that we put really decent people, families, all sorts of human beings, at risk of their reputation, in risk of having a successful family life, in risk of being able to do their daily work. It has been extremely destructive, and in fact, much of this cannot be proven. It is -- it is so inexact that to leave this open for prosecution in such a broad, broad way, I think causes more grief to the public than what we were trying to do in the first place. So I think Senator Petka comes at an appropriate time with his repeal of what we may have acted too hastily on last year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:



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Mr. President and Members of the Body, while you can hear that the rhetorical question that's being asked here today is, why are we here and why are we revisiting this very difficult issue, I'll tell you why I think we're here. We're here because we have learned a lot about repressed memory in the last year. And unfortunately, some of the victims of this repressed memory have been prominent people. Cardinal Bernardin is certainly an example. And the example that Senator Petka mentioned about a Father Stalzer in our districts, was a pillar of the community who was labeled as a -- a molester of a boy, and when it came time for trial, the plaintiff could not be found. The John Doe could not be found, and left of course in his wake the damage done to -- to a good, religious person. The other example, of course, is -- is Roseanne. I don't know if you saw on TV the other night, but Roseanne has accused her - both parents - of -- of molesting her, and on the show was her parents and her siblings. And I will tell you that my experience as a guardian ad litem appointed by the court to represent children that have been molested in an incest situation, is that a parent does not just molest one child. It starts with the oldest girl, and then it goes to the next girl, and it goes on and on and on in the family. It's not a case of just one person picking out. Well, these other children in that family totally denied that there was any type of conduct like this by her parents. So I think we've learned that repressed memory has become a psychiatric game with people who are somewhat off -- off -- they got their wheels off the track, and they go into a psychiatrist's office, and pretty soon they're believing there are UFOs, and that they've been molested, and everything else you can think of, and as a result, we have a lot of characters that are damaged, and there ought to be a limit to this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Barkhausen.

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SENATOR BARKHAUSEN:

Thank you, Mr. President. At the risk of drawing out this debate excessively long, I think that this issue does involve a balancing test, and having been last year the Senate sponsor of the House bill by which we -- we lengthened this statute of repose considerably, even though I may be said to have a vested interest in its -- in its authorship, I express a reluctance to undo so quickly that which we only brought about last year. We passed the bill that we did last year after listening to what I thought was the courageous testimony of some victims of childhood sexual abuse that had happened a number of years ago that were willing to come forward before our Senate Judiciary Committee and testify as to their -- to their experiences and to the fact that -- that they had suffered from this Repressed Memory Syndrome, and that is why they hadn't come forth earlier to tell -- to tell the tale of what had happened to them. So I think that there are -- are certainly going to be some painful and fraudulent claims out there, of which we've seen obviously a celebrated one within the last year. I would hasten to add, however, that that -- that those allegations weren't made under any -- any Illinois law. So there's no -- no particular reason to be changing Illinois law on -- as a result of what happened in the Cardinal Bernardin case, but rather would say that we are -- we are attempting to afford a remedy to those who would otherwise be denied it in a situation where I feel it -- it needs to exist and needs some time to work. And so I would urge opposition to this measure.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Petka, to close.

SENATOR PETKA:

Well, thank you again, Mr. President and Members of the Senate. Any time we hear words dealing with childhood sexual

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abuse, rights being violated, other types of words which carry considerable political baggage, there is a reluctance. There is a reluctance to perhaps discuss these in -- in the manner in which they should be dealt with. Just four years ago, one of the speakers on the other side of the aisle sponsored legislation which set in place the fact that the statute of limitations should be thirty years of age. We changed that last year in a presentation in the Judiciary Committee in which we had a one-sided presentation. And I agree with Senator Barkhausen. A very -- some very courageous people came before that committee and testified as to trauma that they believe they had experienced in their life, but what I'm suggesting to the Body is that that is not the point that is under discussion today. We're not talking about taking away people's rights. The statute that we put in place four years ago on a consent -- or, on an agreed bill list provided a remedy to adults up to the age of thirty years. Thirty years old to file lawsuits. Less than three years later, the same people who came in and thought that thirty years old -- that thirty years of age was sufficient, came back and said, "No, we want to have no statute of limitations." And that's what we have right now. None. You could be eighty years old and accused of wrongdoing on something that occurred seventy years ago. And how in the world, on the planet -- how can you possibly defend against something that occurred seventy years ago? And that is the underlying policy of the statute of limitations that we have in this State, whether it's criminal or civil. That justice cuts both ways. All I'm asking is -- is -- and what other Members have -- have stated here is to return what we put in place just four years ago. We're not going to be short-circuiting the process. We're not debating the ups or downs of the repressed memory. I may have strong feelings one way or another, but that's irrelevant to the central issue here of the statute of limitations. We

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should not -- it is poor public policy to have no statute of limitations on any offense, other than murder, in this State. And for those reasons, I would urge your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1223 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 33 Ayes, 18 Nays, 4 Members voting Present. Senate Bill 1223, having received the required constitutional majority, is declared passed. Senate Bill 1228. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, on a point of personal privilege. Today we've been celebrating in the rotunda the various high schools and the productions in Tech 2000, and I'm very privileged to introduce for this Body's commendation Mr. and Mrs. Ruth Davis -- Jay Davis - they're teachers; Stephanie Richards, Jackie Cartwright, Dawn Smith - students who participated from Zion -- Zion/Benton area. And I'd like you to welcome them. They're sitting in our President's Gallery.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be welcomed by the Senators. Welcome to Springfield. Senator Cronin, on 1228. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1228 was a bill that Senator Topinka had been carrying, and I assumed the responsibility of the chief sponsor. This bill amends the Drug Paraphernalia Control Act to prohibit possession of drug paraphernalia with the intent to use it as such. The penalty is a Class A misdemeanor with a minimum fine of seven hundred and fifty dollars. Important point here is that this bill does not change the definition of drug paraphernalia. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, with the -- the understanding that there might be a constitutional challenge to this bill, I wondered if you could just give me a little background on the -- on the bill. Right now we have a Statute dealing with drug paraphernalia that prohibits the sale or delivery of drug paraphernalia, as I understand it. Is that your understanding?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

So, I guess the -- the issue is, if we're going to make it against the law to possess something with an intent to use it, we have to -- something which in and of itself is not against the

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law. In other words, you could have a spoon that -- which can have dual functions. One, it could be a drug -- used as drug paraphernalia; another, it could be used for a legal purpose. So I guess the -- the question's going to be whether or not this bill is too vague, and does it give a member of the public a notice as to what is -- what is the criminal offense. So if you could just give me an indication as to what would be utilized by the judge in determining what the intent or the future intent of the possessor of the item -- what indicia would the judge look to in trying to determine this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you. Senator Cullerton, first, in response to your -- your questions: As you well know, there are other criminal Statutes that prohibit possession with intent, and in this case, I think the intent of the legislation is to look at drug paraphernalia that may have residue. There may be residue present, or the drug paraphernalia may be located in close proximity to the drug itself. I think that the intent must be clearly established. And as you know, there would be a burden to prove what that intent is, and the defendant, of course, would have the opportunity to show that there was an intent for some other purpose. But that -- that's -- that's my intent with respect to this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

And the bill would be using the current definition of drug paraphernalia as we find it in the Criminal Code?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

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SENATOR CRONIN:

Yes. Absolutely.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Yes. I just ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1228 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 1228, having received the required constitutional majority, is declared passed. Senator Carroll, on... Yes. Senator Carroll, do you wish Senate Bill 1253 returned to the Order of 2nd Reading for the purpose of amendment? Senator Carroll seeks leave of the Body to return Senate Bill 1253 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1253. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. The Judiciary Committee today unanimously approved an amendment that clarified two things. One is, in the existence of a hate crime for which community service is the appropriate remedy, that it shall be the -- the court shall order community service if there is an established program in that community. Secondly, that if we

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are going to deny the ability to get parole or probation on a second felony offense, it will only happen if the institutional vandalism of the underlying crime exceeded three hundred dollars, and I would move adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? Senator Carroll has moved the adoption of Floor Amendment No. 2 to Senate Bill 1253. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Mr. Secretary, are there any further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Okay. Senate Bill 1274. Senator Watson. Senator Watson, do you wish to return Senate Bill 1274 to the Order of 2nd Reading for the purpose of amendment? Senator Watson seeks leave of the Body to return Senate Bill 1274 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1274. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Watson, O'Malley and Berman.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is the legislation we were debating yesterday. Senator Berman asked me to take this out of the record so that some of the Members could read the amendment and get an idea of really what -- the content of the amendment. So we concurred with that, and now we are here once again debating



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the amendment. This is the Chicago Learning Zone Commission and the task force that we established last year to submit recommendations to the General Assembly in regard to the Chicago Learning Zone concept. These -- this amendment on Senate Bill 1274 contains those recommendations. This creates the -- Chicago's Learning Zone Commission, which will review petitions for learning zone status. They will approve those petitions and would report any statutory waivers requested in the petition. The Commission would consist of seventeen members: the Governor; the State Superintendent; the President of the Chicago School Board; the Mayor; nine gubernatorial appointees, with the advice and consent of the Senate, and of those nine, two would be from the Chicago Teachers Union, two from the Chicago school unions -- other Chicago school unions, one principal from Chicago, two members from the local school councils, and two from community organizations; and then one member each appointed by the four legislative leaders. The criteria is spelled out in the amendment for becoming a learning zone school. I won't necessarily go through all of the criteria, but it is established by the amendment. There are certain limitations. There's some non-waivable mandates, which include student civil rights, collective bargaining agreements, Freedom of Information Act, Open Meetings Act and other provisions. The Commission then would report on the -- with the General Assembly on May 1st and October 1st, the description of the various waivers. There would be budgetary practices established. And the bill would become effective immediately. Be glad to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Watson moves the adoption of Floor Amendment No. 1 to Senate Bill 1274. Those in favor, vote Aye. Opposed, Nay. The Ayes have it. The

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amendment is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator Trotter, for what purpose do you arise, sir?

SENATOR TROTTER:

Good afternoon, sir. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR TROTTER:

I would like to take this opportunity to just present to the Body the class -- the sixth grade class from Schmidt Elementary School, who are down here visiting us today in Springfield. We have with them their instructors, Mr. Colvin and Mr. Hardaway. And we would like for everyone to say hello to them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Our guests in -- our guests in the gallery please rise and be recognized. Welcome to Springfield. Thank you, Senator. Senate Bill 1299. Senator O'Malley. Senator O'Malley, on Senate Bill 1299? Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1299.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. There's an existing law that provides that a person who possesses an instrument or device designed to open, break into, tamper with or

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otherwise damage a coin-operated machine will be guilty of a Class A misdemeanor. What this bill does is create a civil cause of action in the owner, and permits them to bring a civil cause of action against anyone who is -- is convicted of violating that Section, and -- and in doing so may recover treble damages, reasonable attorney's fees, and costs.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1299 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 1299, having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill 1223? Senator Watson, do you wish Senate Bill -- I'm sorry, Senate Bill 1323 returned to the Order of 2nd Reading for the purpose of an amendment? Senator Watson seeks leave of the Body to return Senate Bill 1323 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1323. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 3, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This now becomes the -- the bill. This was the legislation dealing with technology grants and capital improvement grants. We had a bonding authority here for about two billion dollars; one billion of it would have gone into capital improvements, one billion into technology. That is no

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longer a part of this legislation. We still want to move forward with that kind of a concept, and that kind of thinking, but we realize that the economic conditions don't dictate at this particular time. If, at a future date, there's a revenue source that makes itself available to be able to retire those bonds, then we want to revisit this issue. But this amendment, then, now guts the legislation and now becomes the bill. It establishes a priority of school construction projects for the State Board of Education, and creates language by which those priorities would be established. And it -- there's six different priorities. It would be, one, replacement or construction of a school building destroyed by damage by flood, tornado, fire, earthquake or other disasters, either man-made or produced by nature. And it would -- second priority would establish the districts experiencing a short -- shortage of classrooms due to population growth. The third would be one which involved districts -- reorganization of districts. Four is the compliance with possible ADA mandates. Five is replacement or construction of school facilities which are determined to be severe, or continuing health safety hazards. And then other -- number six would be other unique solutions to facility needs. This now becomes the bill, and I would ask for the Membership's approval.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I think the list of priorities is a good one, but I have a question about the first priority category. And my -- my question is, we have had several instances where we have had

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disasters strike schools, and either through tornado or otherwise, that school is destroyed. When we have given aid to rebuild those schools, many of us have urged that that's okay the first time, but there ought to be insurance coverage for the replacement the next time. And I'm concerned that you -- perhaps in setting these categories, have not taken into account the fact that for category number one you can obtain insurance that -- that ought to provide for the replacement coverage, and for the other categories maybe ought to be higher up the list, and it ought to be really a last resort that a school comes down here asking us to bail them out where there's been a fire or a natural disaster which could have been insured against. And I think our public policy ought to be to encourage all schools to have adequate replacement insurance for their buildings.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. That's a point well-taken. I would assume - and certainly prudent management would dictate - that local school boards would insure their property. I'm not sure how we would establish that in the -- the legislation, but we -- what we're doing here -- and I -- I would agree; I have problems even sometimes when people come in and ask us to replace facilities due to a natural disaster. But surely insurance would -- certainly ought to be a requirement.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I just want to share with the Members on the Floor the discussion that we had in committee. I think Senator -- Senator Hawkinson's point is a good one, and I was also having discussions and may file an amendment to do what

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we have traditionally done on -- if and when there's money available for the construction, that'd be seventy-five/twenty-five split between downstate and Chicago. We'll be carrying on discussions about that issue, and we'll be back to the Floor. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Watson moves the adoption of Floor Amendment No. 3 to Senate Bill 1323. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1324. Senator DeAngelis. Do you wish that -- do you wish Senate Bill 1324 returned to the Order of 2nd Reading for the purpose of amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 1324 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1324. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 1 to Senate Bill 1324 is the bill that allows school districts that are financially distressed to issue bonds under certain conditions. First of all, the district must have had a referenda that was rejected in the last election; the debt of the district exceeds the statutory

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rate; the State aid has had to decline by twenty percent over the last three years; and the district has levied at the maximum rate. But in order to do so, the district must agree that for every dollar of bonding, they must, in fact, reduce the budget by -- for a dollar. And they must also accept a wage and salary freeze -- wage and salary expense freeze for the entire period of time in which they are in the deficit position. Now, I'd like to put this amendment on. There is a technical amendment that clarifies legislative intent that will be following, but this is the amendment we adopted in committee this morning. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator DeAngelis moves the adoption of Floor Amendment No. 1 to Senate Bill 1324. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, on Amendment No. 2.

SENATOR DeANGELIS:

Amendment No. 2 is -- was requested by the State Board. This bill -- the substantive part of the bill, prior to being amended, deals with the transfers of dollars from the State Board. This bill satisfies -- satisfies the paranoid concerns of the regional superintendents.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator DeAngelis moves the adoption of Floor Amendment No. 2 to Senate Bill 1324. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there further Floor

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amendments for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

Senator Maitland, I'd like to leave this on 2nd so I could put the technical amendment on. No?

PRESIDING OFFICER: (SENATOR MAITLAND)

No. No. 3rd Reading, Senator. Senate Bill 1336. Senator DeAngelis, do you wish Senate Bill 1336 returned to the Order of 2nd Reading for the purpose of amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 1336 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1336. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. If you recall, the other day Senator DeAngelis was kind enough to pull this back from 2nd Reading, I think -- or, 3rd Reading -- 2nd Reading, because of an error in drafting of an amendment. This is the corrected amendment, and what we do on assessed -- on appeals regarding real estate tax assessments under this amendment, we indicate that the taxpayer has the burden of proving by clear and convincing evidence a gross overassessment as set out in the previous Section. So that what we have done here is to spell out the -- the burden of proof and the standard that must be proven in these



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appeals processes. There have been questions raised, by Senator Hawkinson in particular, regarding the applicability of this language. And we get into a very detailed and -- and technical discussion regarding evidence and burdens of proof. And let me indicate that we are going to be talking further with the experts, if this bill moves to the House. It -- even this language is substantially better than the -- the facts and the burden and the proof that's involved under a recent court decision dealing with Ford Motor Company. The Ford Motor Company case puts the law in a posture that no taxpayer is going to be able to prove that the assessment is wrong. But the -- this will alleviate that burden that cannot be overcome, and I think it's an improvement. I would be glad to respond to any questions.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR MAITLAND)

...(machine cutoff)...discussion? Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dudycz.

SENATOR DUDYCH:

Senator, could you just explain one more time: Currently we -- the -- in the appeal, the taxpayer must show constructive fraud. Is that correct? And under Senator DeAngelis' original legislation, it would be based upon a preponderance of the evidence. How are you changing it from preponderance of the

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evidence, and what's the language again?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you. The -- the taxpayer -- preponderance of the evidence - that amendment was taken out. That -- that's not in the bill anymore. This says that the taxpayer -- I'm -- I'll quote it. Quote: "The taxpayer has the burden of proving, by clear and convincing evidence, gross overassessment..."

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

I guess my -- my problem is, how would you define "gross overassessment"? Are we talking about percentages, or how would someone know what gross overassessment means?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

One of my colleagues says overassessment is always gross. That's not -- that's not the definition. For the record, that's not the definition. Let me give you an answer this way: You'll never prove, or virtually never prove, constructive fraud. This language that's been developed with the Assessor of Cook County and our staff - your staff and our staff - establishes a gross overassessment as the standard for lowering your assessment. What is gross? I can't tell you. If it's five percent, probably not. Two hundred and fifty percent? Certainly. Something in between? The courts will determine. I -- I can't give you a more -- more specific response.

PRESIDING OFFICER: (SENATOR MAITLAND)

Just to interrupt debate for a moment. Illinois Information Services request permission to videotape April 20th, 1994. Is

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leave granted? Leave is granted. Further discussion? Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. In my opinion, the previous exchange illustrates the deficiency that still exists in this amendment. I don't quarrel that this is an improvement over the language that we talked about before. I think it is. But the reason that the deficiency exists is I think we're looking at the wrong kind of burden of proof, and I've discussed this with Senator Berman, and I agree that there will probably be further discussions and further amendments on this bill if it proceeds to the House. The courts are ill-equipped, as are we, to answer the question of whether there is a, quote, "gross disparity or an overassessment". The determination properly belongs, for downstaters, with the State Property Tax Appeal Board as the final arbiter over the boards of review and the assessor, who are the experts who handle these things all the time. I concur with the thrust of the bill. I agree that we need to make it more possible for a taxpayer to challenge - for want of a better term - a gross overassessment; however, I don't want to turn the courts into a venue of first resort where every time you lose, you take your case to court and you try it all over again and you really burden the State's attorneys and the circuit court with this process that properly belongs with the system. So I -- I continue to -- to urge that a further amendment or a future amendment adopt the standard that we use elsewhere in the Administrative Review Act, whether it's the review of the Industrial Commission decisions or the review of most other administrative decisions, which is really what we're talking about here. And that would be the standard of -- that the decision was either arbitrary and capricious, or it was against the -- the manifest weight of the evidence, which gives a strong presumption to the -- the hearing of the experts,

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but that in some cases, can get them overturned. So I think the amendment goes part of the way, but I still think it doesn't solve the problems of this bill. And I would hope that before this reaches the end game, that we deal with the question of the proper deference to the administrative body.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. I think Senator Hawkinson certainly expressed what I was going to say. But why, Senator Berman, did we use the word "gross" overassessment? Then obviously that -- that confuses the issue, it seems to me. For the -- for the homeowner or the property owner who is trying to prove its case, I think we've created another barrier for -- for our taxpayer to -- to appeal that. Why -- why can't we change that in the amendment? Why must we even use that word, "gross" overassessment?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Keep in mind that what we're dealing with here... Senator Klemm. Keep in mind that what we're dealing with here is the third or fourth stage of an appeal process, and this -- this language -- and I don't disagree with what Senator Hawkinson said, but the -- the point is, this language is probably easier for a taxpayer to prevail with than what Senator Hawkinson is suggesting. What -- what we are saying is that when you get down to the third or fourth level, there should be a big issue involved - a big dollar amount involved, not a nickel-and-dime item. It should be that you've really been grossly overassessed, not just any overassessment. So that this is -- this is resolved at the earlier levels - the assessor's level, the board of appeals, the

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Property Tax Appeal Board - not in the courts. And this is why we've used the word "gross".

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, it's -- it's kind of ironic, though, that we in the General Assembly -- kind of indicates that we should have equalization factors when we find unfair assessments between counties in the State of Illinois. We don't say that counties have to be grossly under or overassessed before we apply a multiplier or an equalizer. And we also allow counties to do that assessment equalization between townships, and again, we don't say that it must be grossly or -- or ungrossly, if you will, under or overassessed before we apply a standard of equality. So I -- I guess I disagree, and say that it must be such a hardship. Finally we'll give the taxpayer some relief, but in the meantime it's too bad, taxpayer, if it wasn't a gross overassessment. I would think our -- Mr. President, our -- our Chamber should look at the fairness and equity, irrespective, I guess, of a certain amount of percentage of -- of human error of assessments, 'cause it is a subjective practice, at best. But I think to have it grossly overassessed and if it's a little bit less than grossly or obscene, then go ahead and pay it, even though it's unfair. So, I do have questions about that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Berman, you wish to close on the amendment?

SENATOR BERMAN:

Thank you. I will make a gross understatement. This language isn't perfect, but I think it's -- it's better than what we have. Let's move it along, and I think we will be able to improve it as we -- as we move it along. I move the adoption of Amendment No.

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2.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman has moved the adoption of Floor Amendment No. 2 to Senate Bill 1336. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there further Floor amendments to be approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1344. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1344.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Just a minute, Senator Sieben. The -- the Freeport Journal-Standard has request leave of the Body to -- permission of the Body to -- to photograph. Is leave granted? Leave is granted. Senator Sieben, on Senate Bill 1344.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1344 creates the Gambling Right to Vote Act, and it places on -- the following statewide advisory referendum on the ballot in the 1994 general election asking this question: "Should the General Assembly give the voters of the State of Illinois the right to vote by statewide referendum before the introduction or expansion of gambling within this State, including gambling riverboats, betting parlors, slot machines, video lottery terminals, and land-based casinos?" In 1986, the people of Chicago voted on the question: Should legalized gambling be permitted in nonresidential areas of the City of Chicago? Over

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fifty-seven percent of the people in Chicago said No. In 1992, in Jo Daviess County, three -- three questions on the primary ballot were asked about gambling. Eighty percent of those voting opposed the expansion of gambling in Jo Daviess County. In 1992, in Henry County - my home county - the citizens were given the right to vote on the question of gambling, and eighty-five percent of the people of Henry County voted that the citizens should be given the right to vote on the question. On March 15th, this year's primary, in eleven communities and three counties voted eighty percent "Yes" when asked the question: Should the citizens be given the right to vote prior to the introduction or expansion of gambling? So, Mr. President and Ladies and Gentlemen of the Senate, in view of the current discussion about increasing the number of gaming licenses in Illinois, I believe it is appropriate to give our citizens the right to vote on the issue, and invite the public into the process. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. One question of the sponsor, and then a statement, if -- if I may. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Senator Sieben, on behalf of the Lottery portion of the bill - and you talk of expansion of the Lottery - are we talking in that case of new Lottery sites, new -- new Lotto sites and also from the standpoint of new Lotto games, or is this just some other sort of expansion? Could you explain that portion? And then I just have a statement thereafter.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Sieben.

SENATOR SIEBEN:

It would not apply to the current Lottery ticket sales that we're using in the State where various games are changed to promote the sales of Lottery tickets. But if your question refers to the expansion into video lottery games or different types of gaming, then the referendum question would apply.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Let me ask that in another way. Currently, as an example, we may have a game that calls for three sevens; we're going to change that to a tic-tac-toe game. Under your legislation, would that still be -- would the -- would the Lottery Department still have the ability to do that, or would they not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes, the Lottery Department would have the ability to do that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Thank you. Just to the bill, I guess: I've talked to Senator Sieben; I appreciate the efforts that he's trying to do. I, for one, will either vote No or Present on this bill for two reasons. Number one, I think that if we do this in November, most of our expansion will be done, if there is to be any expansion. So we'll be talking about some moot points. But on the other hand, I, for one, just happen to be -- when it comes to these type issues, a true constitutionalist, and believe that we're a representative form of government. I don't believe in government by referendum. I have indicated that to Senator Sieben. He indicated it may be



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economical; it may be good politics; and it may be good government; and I agree with him on everything, except I don't think it's good government. But whatever this Body decides to do, I just wanted to get that on the record. And if -- if it does pass, then the people will have their say; if it doesn't, then I think government will be restored. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Raica.

SENATOR RAICA:

Senator Sieben, are we saying here that -- let's just say a specific community. Let's just say, like, in my area, two of my communities have put in application for riverboats, one of which was Willow Springs and the second, which was Palos. Now would this referendum be locally or would they be voting on it statewide? In other words, let's just say they wanted to place a riverboat in my specific district. You're telling me that the people from Charleston and everywhere else would be able to vote on whether that would happen or not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes. Under the proposal on this legislation, it would require a statewide referendum before we could expand any more gaming licenses for boats or to add any other types of -- of legalized State-sanctioned gambling.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

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Senator, does this -- are churches included in this, as far as bingo and -- and - what's the other thing that they play - the Las Vegas nights?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

First, let me add that this -- this referendum is advisory only. It's not a binding referendum. And secondly, the churches already have authority under our current Statute to have games of chance and bingo nights currently.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

I know, Senator, but, you know, I guess I'm just trying to get to a point here. In other words, the -- when it came to -- to bingo or Las Vegas nights, which is technically gambling, per se, as far as the churches are concerned, that would not be included in this, but just if the State decided to adopt gambling or expand on gambling statewide, the -- this would be on the -- on a referendum. Correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben. Further discussion? Senator Jones. I'm sorry, Senator -- I'm sorry, Senator Raica. I thought you were finished. Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Then just to the bill, if I may, Mr. President: This is obviously a pretty tough vote for any Member that sits on either side of the aisle here, because a lot of the Members here, such as myself and maybe a few others, and Denny Jacobs, will say I was one of the deciding votes when riverboat gambling first came up, because I thought it was a very good idea. And a lot of these boats bring in fourteen million dollars a

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month. Another one brings home about ten, maybe about eight million a month to the State and to local communities. And my gut issue says it's -- it's not a bad idea. It's good money to the State on a statewide level, and it's very good locally. However, this bill here is actually going to be a no-win situation for -- for anyone who decides to vote for it or against us -- I mean, against it. If you vote against it, you're almost like allowing people from your community the opportunity to have a voice in -- in -- in what goes on daily in the State of Illinois. And if you do vote for it, you're almost telling your fellow colleagues that if this were actually a binding referendum, that there'd probably be no possibility, possibly, of gambling in the State of Illinois. So purely on a political basis, this is a pretty one -- tough -- you know, pretty tough bill to vote against, and unfortunately, I'm going to have to be voting Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Sieben, in the communities of Joliet, Alton, Rockford, will they be voting on this referendum as relate to the expansion of gaming in Illinois?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes, the legislation calls for a statewide referendum, so those people that vote in the November election will have an opportunity to vote on the question.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Jones.

SENATOR JONES:

Isn't it conceivable for those communities who have -- currently have riverboats -- isn't it conceivable that they would like to keep the limit at ten so that no expansion is necessary, and they, in turn, will continue to enjoy the economic benefits of gaming in their community?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes, it would be possible that that would be a reason for their vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well, for that reason -- I was one of those persons who recognized the profitability of gaming, and I was one of those persons who voted for it, when it originally passed. And I voted for it, even though I did recognize that Cook County was excluded, even though I wanted Cook County included. Now, to -- to bring this type of referendum before the Body and try to -- under one guise, say -- saying that the people should vote. Now, if this referendum were to be one way in, it would repeal the existing riverboat license, then I could see you pushing that. But to have communities, be it Alton, be it St. Louis, be it -- be it Rockford, be it -- not Rockford, Rock Island, be it Peoria and Joliet, vote on a referendum to deny the City of Chicago, to deny the County of Cook, the opportunity to have gaming, I think it's a very, very selfish and a cleverly designed move to keep riverboats from the County of Cook. And as it relate to the constituents, I think in a representative form of government, the people elect us to make decisions. This is not California. This is Illinois. And

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I feel, in fact, quite confident it's not a political issue. I feel that the people have elected us to make a intelligent decision on this issue. But if you're going to play silly State politics and try to deny the people of Cook County what the rest of the State already has, then I don't think this -- this measure should pass. And in a representative form of government -- the issue came up in my district, and I told the people in my district, before the primary, that I was in favor of expansion of gaming to Cook County. And I got one hundred percent of the vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis. I'm sorry, Senator Geo-Karis. Senator Sieben.

SENATOR SIEBEN:

I'd like to respond to the previous speaker, just briefly, on the issue of referendum. And I did serve in the House for six years prior to coming to the Senate, and I did not support the gaming legislation that was in the House at that time. And the issue of referendum was discussed, and by those of us who opposed the introduction of gaming legislation in Illinois. We fought hard for the question of local referendum being included. We worked with Senator Jacobs, and there were several things that we felt should have been included in those, similar to provisions that were in -- in the Iowa gaming law. And the good sponsor and whatever happened in the final stages of that legislation, as he said in his own remarks, inadvertently - inadvertently - left certain things out of that gaming legislation. So we have been fighting, Senator Jones, trying to have a referendum provision in Illinois' gaming laws since it was ever introduced in the late 1989.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President and Ladies and Gentlemen of the Senate, will the -- the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

My understanding is that your bill says that the General Assembly should give voters the right to vote by statewide referendum before the introduction or expansion of gambling within the State. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes, it is.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And you say that's an advisory referendum. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

...(microphone cutoff)...it is -- yes, it is advisory.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, when the Village of Antioch decided whether or not to have a riverboat in its area - and it's in my district - they had an advisory referendum within the village. I said at that time that if the referendum says No, I will abide by their decision. The Village of Antioch had the referendum, and it -- the riverboat question was defeated. I think that this bill goes too far. I represent the Chain 'O Lakes area, which is the west end of my district, and

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half of Waukegan Township, which is the east end of my district. Both areas would like the right to fight for a riverboat, and both need it badly. I voted for the Riverboat Act because it was supposed to help the areas that have suffered financially - economically suffered. I think it is wrong to pass a statewide referendum affecting the needs of my district, my areas, when other areas are not affected. And that's why I have said to the sponsor, if this were a bill saying that the various municipalities could have a referendum - an advisory referendum - to decide whether they wanted a riverboat or other gambling, I could understand it, because at least I feel the voters in that particular area should have the option - not the voters from Chicago having the right to vote for people affected in downstate Illinois, or vice versa. And therefore, I don't feel that this is a good bill under the circumstances, because what you're doing is making an advisory referendum of the whole State, but there's various parts of the State that do not want to have to suffer with that, and part of it is in my county, in my district. Therefore, I speak against this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hall. Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hall.

SENATOR HALL:

Senator Sieben, have you heard of Mount Morris School?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I sure have.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Hall.

SENATOR HALL:

What did we do for you when all this was up? Now here you come along now, that you want to cut out the other people from -- from having a riverboat. This should be open. I don't know why you would go to put that on. That's not right. I just want to remember. Keep in mind: we supported you. Okay? That would be wrong. We've got a boat in -- in East St. Louis, but I've got a lot of territory. I have almost two hundred thousand people, like all of you, and nobody's benefitting for it but just that little community. We've got to give other opportunities to other people. And Chicago's entitled to have this, because Chicago people voted so that we could have this. And for you to get up now and want to put this on, after you've gotten what you want in your school -- suppose everybody did that when that school was up? You're wrong.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President, Members of the Senate. Let me first say, having read the proposed language, Senator Raica, I think, was right on point, that if you had a church or other charity in your district who did not currently have a license for a Las Vegas night or bingo, and went to the Department of Revenue and asked for a license, that would be the introduction of gambling into that establishment and they would not be allowed, if this advisory referendum passed and then law implementing it were successful, that church - that public group - would not be allowed a license for Las Vegas nights, bingo or anything else currently allowed to others elsewhere in the State. Secondly, there'd be a question on the Elgin license. The Elgin boat is not open. It would not open till, according to our information, sometime after this advisory referendum and maybe implementing legislation. That



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would be the introduction of gambling. Even though the Gaming Board had already authorized them to go ahead with the boat, they have not yet authorized them to conduct gambling. So all of the monies expended in Elgin to create the boat for that tenth license would be for naught. And I guess that may be the intent of the sponsor. If I may finish by asking a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Carroll.

SENATOR CARROLL:

Senator Sieben, do you have a boat in your area?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

In my district, there is an operating boat in East Dubuque.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Then, Mr. President, if I could ask Senator Sieben, would you be willing to amend this to say, if the statewide advisory referendum is against gambling in every -- in every form, that in fact all existing licenses would have to be rescinded and abolished and there would be no riverboat gambling anywhere in Illinois, period? Would you accept that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, Members of the Senate, I rise in very strong support of this bill. I am very pleased to support Senator

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Sieben. When Senator Jacobs says that he believes in representative government, Senator Jacobs, so do I and so do the other Members of this Body. But when you talk about profoundly changing the way of life in this State, maybe it's time to invite the people of Illinois in to participate in the debate, and that's all this does. This is purely advisory. My good friends on the other side of the aisle - they know this doesn't affect bingo or -- or anything else. This is an advisory referendum. And when we talk about expansion of gambling into Cook County, that is going to have a profound effect in our -- in our State. And I'll tell you what: I think all the voters in this State should have something to say about that, because this is not going to be decided by votes in the ten communities that happen to have riverboats. It's going to be decided by communities like the one I live in - Palos Heights, Palos Park. In the community I live in, when they asked the people this question, they voted overwhelmingly in Cook County, fifteen to one, they don't want it. And I strongly support them. I think it's high time we advise the people of this State into this debate. Here's an opportunity to do it. All we're doing is asking their opinion. I ask you to vote, I urge you to vote Yes for this important legislation. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. This -- this bill and -- and the issue that we're trying to address, basically the ship pulled out about four years ago, Senator Sieben, when we should have been discussing this, and this was in 1989 when we passed the first riverboat bill. At that time, perhaps this would have been the right way to go, to get a sense of what Illinoisans thought about riverboat gambling, but we didn't do it. And maybe at that time,

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four years ago, we should have done what Indiana just did, which requires each community to vote if they wish to have riverboat gambling or not. But we didn't. So right now, we have a halfhearted attempt to try to decide if we should have riverboat gambling in Illinois or not, but it's okay where it's currently going on, whatever the result of this referendum would be, but it won't be okay for future licenses. So I would say that if we're going to have a fair referendum, let's just put it up on the board and let the Cook County voters and Chicago voters decide if we should close it down in East Dubuque. Maybe we should close that boat down in your Senate district, but your referendum says, "No more anywhere else; let's see what the voters say, but East Dubuque keeps going." That's unfair to Chicago; it's unfair to Lake County; it's unfair to other communities. This ship pulled out four years ago, and you're four years late.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, you can see this is a nonpartisan question. I find myself identifying more with Senator O'Malley than with Senator LaPaille. That's staggering. Yes, indeed, we did watch the ship pull away four years ago, and some of us were there trying to drag it back to the pier. I spoke then strongly and speak again today strongly against turning the State of Illinois, with its marvelous diversity, into the gaming capital of the United States. I think there is no question of our interconnectedness with Chicago and with the communities that want to add boats to their ways of bringing in revenue. We say all the time down here, or at least I say all the time in Lake County, we are connected to the City of Chicago. What affects them, affects us. What affects us, affects them. We care about what is happening down there, and I think we should watch very carefully

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about encouraging this proliferation of games of chance as a way of funding the government of Illinois and its municipalities. I would point out to you that this bill that we are talking about right now automatically repeals itself on January 1st, '95. So if this advisory referendum does not happen in November, it ain't going to happen. But I think we should think very hard about the change in character that is going to happen to us, how seriously important this is, and how important it is for individuals to have some kind of insight, input and responsibility for what may or may not happen here. I certainly support Senator Sieben's bill, and I urge you to vote Aye to permit people to think about this issue and to speak upon it in November. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I'd like to say that, yes, this is a question of public policy, and yes, this probably should have been done four years ago. But I really think that it's too -- I really think it's sorry that we're sitting here condemning Senator Sieben for not offering something like this four years ago. Senator Sieben has historically been against anything that would expand gambling within the State of Illinois. As a cosponsor of this particular piece of legislation, I can tell you that I too am supportive of the Gambling Right to Vote Act, and I think it's very important to point out: I don't have a riverboat in my district. And the citizens within my district, in the last -- in the spring election in two of my communities voted overwhelmingly, 5 to 1, that they wanted to have a say in what would occur down the road in their communities, as well as in the State as a whole. So I rise to support this bill, and would encourage a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Sieben, I want to see if I can get the philosophy of this -- of this bill. This would require an advisory question. If it became law, then the people would vote in November and they would give some advice. Now, to whom would this advice be directed?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

To whoever wanted to interpret the results of that vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, I understood it to be advice to us, because we are the ones that have the authority to expand gambling in Illinois. We are the only ones - that is the General Assembly. So isn't this an advisory referendum to give us advice?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

It certainly would be my hope that the Members of the General Assembly would look at the results of the election and heed the wishes of the voters of the State.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Heed the wishes of the voters of the State. Now, you've

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indicated you're an opponent to an expansion of gambling. Would you say that if this got on the ballot and it passed, that the people in the State voted to expand gambling, would you then heed that advice and vote to expand gambling in Cook County?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I probably would not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

I see. So, we have advice that we can choose to take or not to take, depending upon the outcome of the -- of the election. So we can listen to the people, and if we don't agree with the people, then we don't take their advice. If we agree with them, then we use it as a tool to accomplish what we wanted to accomplish. I would suggest that there's a much more direct way of doing this. You know, the Governor said when he campaigned for Governor that if he had been the Governor and the riverboat gambling bill had come to his desk, he would have vetoed it. No Republicans voted for the bill in the -- in the House, when it first -- in the House when it first passed; only four voted for it in the Senate, of Republicans. There's been more Republicans now in the Senate. I think that if -- if the Governor still holds that belief, if there's still that much opposition to gambling in the -- on the Republican side of the aisle, why doesn't somebody put a bill in to abolish riverboat gambling in Illinois? The Governor indicated he wouldn't have signed it in the first place. These guys have made all their money; you know, they're not going to -- they're not going to be hurting - the ones that have made the money. Why don't we just abolish this riverboat gambling throughout the entire State? Put a bill in. I bet you can get it

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out of the Rules Committee, at least in the Senate. I bet you would get a -- a good hearing in one of the committees in the Senate. We don't need an advisory referendum that we're not going to listen to if we don't agree with the outcome. Let's just take this issue and -- and say we'll abolish riverboat gambling. We don't have to abolish bingo or -- or Las Vegas nights, or horse tracks. Let's just take this issue that we're trying to address with this advisory referendum and be more direct. Now, clearly, if you don't want to expand the gambling to Cook County, there will be a bill, presumably, that we can vote No on. That's what -- that's what you can do with regard to the expansion. And if -- and if you're so concerned about the fact that we have riverboat gambling in Illinois, let's just abolish it. But to say that we should have an advisory referendum that we're not going to take the advice if we don't agree with it, is really being very hypocritical. And for that reason, I don't think we ought to do it. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Well, quickly: I -- I really don't understand why this is -- has to be on a referendum. As important an issue as it is, there are things that come before us which are more important. And if we're over there saying, "Hold it. We're not intelligent enough, nor well-versed enough", or it's a bigger issue, bigger than this Body, that we have to go to the people of the State of Illinois, then why don't we go to them for welfare bills, abortion? Why don't we go to them for education? Why don't we go to them for tort reform, removing the Scaffolding Act, putting the caps on it? I mean, why don't -- why would we even have this Body to begin with if every time that there's a tough question, we say, let's put it on a referendum; let the people

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decide? I mean, riverboat gambling, first of all, is here. We're talking about a few extra cities which are certainly important, but I don't think it's the big issue of the day, considering all these other issues would affect every single person in the State of Illinois. And if it's just going to be advisory, and we're going to mandate these counties to put it on the ballot at their cost, we don't even know who's going to vote. It's actually going to be bottom of the ballot. You're going to have an unbelievable drop-off. All you're going to do is you're going to have gambling interests versus churches spending their money, go hiring PR firms to get out the vote, so you're not going to have a true indication. Probably the best thing to do is to hire Yankovich or Gallup and do a poll, which is probably more indicative of how people feel than some advisory referendum, and all you're going to do is make PR firms money, and we're not going to follow it anyway. So, the point of it is that I just think that if we're going to have issues that we're going to -- we're going to go out and have referendums on, I could give you a list of -- of things that are two to ten times more important than riverboat gambling. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. A question of the Chair. How many votes will it take for this bill? Since it's a -- a referendum, will it take three-fifths? Simple majority?

PRESIDING OFFICER: (SENATOR MAITLAND)

Thirty votes.

SENATOR HENDON:

Okay. That's all I needed to know, Mr. Chairman.

PRESIDING OFFICER: (SENATOR MAITLAND)

And the final speaker, for a second time, Senator Geo-Karis.



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SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I apologize for speaking a second time, but you know what strikes me? The stock market is the biggest gambling, I've been advised, of anything. Now we're getting very sanctimonious and we want an advisory referendum, statewide. Why not make it a bill where you give the local municipalities the right? They already have the right to -- to have the referendum. Waukegan tried to get petitions signed against the possible riverboat for Waukegan. They couldn't get enough signatures. I think it's up to the local option, to the local community, to decide it, not a statewide referendum. And I respect the sponsor tremendously. In fact, this is the first time, I think, I'm voting against any of his bills, but I cannot feel justified voting for something that will just be a -- a window dressing for the whole State to make everybody sound good and yet affect my area very adversely.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Not speaking for a second time, but I would question again that the ruling of the Chair -- if the ruling of the Chair to decide the number of votes has taken into the consideration that this is a local government mandate, by virtue of the fact that the cost necessitated in this election will be borne by the local governments, and without an appropriation accompanying this bill, I -- I think that it would fall under the State Mandates Act, and necessitate a -- a two-thirds majority. And I -- or four-fifths, under the new law. No, an extraordinary majority, and I would appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs, the Chair would rule that this doesn't impose any mandate upon anybody. It's an advisory referendum, and

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therefore, my ruling stands. Senator Jacobs.

SENATOR JACOBS:

I move that we appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator -- Senator Jacobs has moved -- the ruling of the Chair -- the question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the ruling, vote Aye. All those opposed to sustaining the ruling, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 36 Ayes, 20 Nays, no Members voting Present. The ruling of the Chair --- having failed to receive the necessary -- having -- having failed to receive the necessary three-fifths negative votes, the appeal fails, and the ruling of the Chair is sustained. Further discussion? Further discussion? Senator Sieben, to close.

SENATOR SIEBEN:

Well, thank you, Mr. President and Members of the Senate. Obviously there's a diversity of opinions on this issue, as we've heard in the debate. And I guess I would say, for four years, I have watched the ship pull away from the dock, and I wish that the gaming legislation would have been passed in a different form, with some different limits and some different restrictions, and that we did have a referendum included in there. And my personal preference would be that we not have State-sanctioned casino gambling anywhere in the State of Illinois, be it East Dubuque, or Peoria, or Rock Island, or wherever. But unfortunately, the State of Illinois is very dependent on the fool's gold of gambling revenue, and now faces an addiction problem as serious as that of any compulsive gambler. So let the people vote. I believe it's wrong for the State to further exploit the weaknesses of its citizens without giving them the right to vote on this issue. Why

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not let the people vote? Riverboat gambling legislation was passed in 1989 to rekindle tourism and to provide economic development outside of Chicago. Now if we're going to change that approach, then let's let the people vote. Illinois -- Illinois has legalized six types of wagering: horse racing in 1927, bingo in '71, lottery in '74, charitable games in '87, pull tabs and jar games in '88, riverboats in '90. I think enough is enough. Let's let the people vote. The future of our State should not be decided by a few people putting a deal together or by a risky roll of the dice, but rather by letting the people vote. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1344 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 41 Ayes, 15 Nays, 1 Member voting Present. Senate Bill 1344, having received the required constitutional majority, is declared passed. With leave of the Body, we're going to stop just for a moment and go to Committee Reports. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: To the Committee on Education - Senate Amendment 1 to Senate Bill 1388 <sic> (1381), Amendment 2 to Senate Bill 1678, and Amendment 2 to Senate Bill 1716; to the Committee on Environment and Energy - Conference Committee Report No. 2 to Senate Bill 405; to the Committee on Executive - Amendment 3 to Senate Bill 1318, Amendment 1 -- or Amendments 1, 2 and 3 to Senate Bill 1364; to the Committee on Insurance, Pensions and Licensed Activities - Amendment 2 to Senate Bill 1421, Amendment 4

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to Senate Bill 1435, Amendments 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 to Senate Bill 1709, and Amendment 3 to Senate Bill 1728; to the Committee on Judiciary - Amendment 2 to Senate Bill 1133; to the Committee on Public Health and Welfare - Amendment 2 to Senate Bill 1746; to the Transportation Committee - Amendment 4 to Senate Bill 1730, and Amendment 3 to Senate Bill 1733; and Be Approved for Consideration - Amendment 7 to Senate Bill 1263, Amendment 3 to Senate Bill 1324, and Amendment 2 to Senate Bill 1479.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell, for what purpose do you arise, ma'am?

SENATOR FAWELL:

Just -- just to remind the Transportation Committee that we will convene at 8 o'clock tomorrow morning in Room 400 - 8 o'clock. We've just got two or three amendments to look at.

PRESIDING OFFICER: (SENATOR MAITLAND)

...(microphone cutoff)...Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, yesterday we passed a resolution here unanimously, approved by all Senators, to memorialize the death of a real, wonderful patriot by the name of Thomas J. Stack. Tom Stack was a Vietnam veteran. He served in the Ninth Infantry Division in Vietnam in 1968 and 1969. He was awarded two Silver Stars and three Bronze Stars, and was a champion of veterans' rights and patriotism. Tom Stack was the one who organized the parade in Chicago, in 1986, for the Vietnam veterans, where there were more than two hundred and fifty thousand people who were there who were veterans or families of veterans, aside from another six hundred thousand people who watched that parade. That was the parade that was the healing measure for the Vietnam veterans. When he returned from Vietnam,

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Tom Stack served as a Chicago police officer for nearly nine years, and he left that profession to become a professor of criminal justice at Daley College. And he was active in a number of veterans' organizations, including the Windy City Veterans Association. He died Saturday from cancer. His wife died two years ago from cancer. His one child was born with one kidney, I believe it was, and he was concerned it might have been because of Agent Orange, in which Tom was involved in Vietnam. He organized that 1986 Vietnam Veterans Welcome Home Parade in Chicago, which was really the most outstanding catalyst for healing the country's wounds. He was a gentleman who also organized a parade welcoming home the parade -- the Persian Gulf -- War Veterans, rather. He was a great American. Two articles about Tom Stack appeared in the paper. In the Tribune of Monday, April 18, there was a fine article written by Sara Talalay. And yesterday, in the Sun-Times, there was a fine article written by Steve Neal, restoring -- telling that Tom J. Stack restored pride for Vietnam veterans. It's a sad situation. He was only fifty years old. He served his country very well. The only higher honor than Silver Star is the medal -- Congressional Medal of Honor, and this man really did his duty by his country without a complaint. And he was sick with cancer about seventeen years. He never complained to anyone about it. And all I can say is that his death is a great loss to all of us. Those of us who particularly are veterans, we know the great job that Tom J. Stack did, not only for his Army service, but as an American. And I would like to ask this Assembly if we could just stand for one minute in silence in memory of Thomas J. Stack.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Geo-Karis. Would the Body please rise?  
Thank you. Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Mr. President and all you Health Committee Members, we're

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going to still meet at 4 o'clock today in Room A-1 of the Stratton Building. Four amendments. Three are very calm. We should be quite expeditious.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I'd like to go back to Tom Stack for a moment, if we could. He, unfortunately, died a horrible death from Agent Orange on Saturday, leaving three orphans. We see many people down here who always are asking for things for themselves, but that really wasn't Tom Stack. He was always asking in the name of others. There are a lot of people that will call Tom Stack a hero because he won two Silver Stars in Vietnam, but the truth of the matter is that Tom was a regular guy who was the son of an immigrant and who believed in America, as immigrants do. His creed was truly duty, honor and country. And on one of those blisteringly hot days in Vietnam, Tom Stack put his money where his mouth was, and he lived up to duty, honor and country. It's -- it's an occasion that fortunately we aren't presented with and only few people are. He really wasn't a hero. He was just that simple kid that happened to grow up in Chicago, working class, son of an immigrant, who made America what it is today. It was his kind of patriotism that was present at the formation of this country, and hopefully will last through the duration of this country.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Senator Dudycz, before I recognize you, let me just indicate that we are -- we plan to stay here and work 3rd Readings until at least four o'clock. So for Members who have moved off the Floor, just a reminder. And further, let me recognize -- the Chair will recognize the Honorable Mayor from the City of Peoria, Mayor Jim Maloof. Jim, welcome. Senator Dudycz,

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for what purpose do you rise, sir?

SENATOR DUDYCZ:

Well, thank you, Mr. President. I -- I too would like to just briefly add my comments regarding Tom Stack. Those of us who knew Tom Stack, who worked with him on matters regarding veterans in Illinois, know that Tom Stack was the veterans' voice of -- of Chicago and of the State of Illinois. He was known throughout the entire country as one who worked selflessly on behalf of not only Vietnam veterans, but all veterans of all conflicts that our country was involved in. He was also the conscience of the veterans in Illinois, and I'd just like to say that he was a true American hero. He was a -- a friend. He was a real American patriot, and he will be sorely missed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you very much, Senator Dudycz. Let's now, Ladies and Gentlemen, return to the Order of 3rd Reading. Senate Bill 1357. Senator Hawkinson. Senator Hawkinson? Yes. Read the bill, Madam Secretary. Senate Bill 1357.

ACTING SECRETARY HAWKER:

Senate Bill 1357.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is still a shell bill. Senator Dunn and myself are the cosponsors of this legislation, and we are the -- the designees for Senator Jones and Senator Philip on the council involving the four Legislative Leaders, the President of the Cook County Board, and the Governor of the State of Illinois. And we are working presently on the task force on some recommendations to reform our Juvenile Code, and as a matter

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of fact, a meeting is in progress right now to try and come up with some recommendations that hopefully we can enact this spring. But given our deadline of Friday, I think we ought to move this bill over to the House, where we will again have bipartisan sponsorship, and it can await the results of that task force. And so I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? The question is, shall Senate Bill 1357 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, Madam Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 1357, having received the required constitutional majority, is declared passed. And, Senator Hawkinson, on Senate Bill 1358? Senator Klemm, on 1364? Senator O'Malley, on 1366? Senator Klemm, on 1381. Senator Fitzgerald, on 1421? With leave of the Body, we'll turn -- return to Senate Bill 1366. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1366.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. My apologies for not being here timely. What Senate Bill 1366 does is state legislative intent and authorize municipalities to impose impact fees on developers. Specifically, it includes for capital costs of school districts, park districts, libraries and fire districts, when computing the proportionate share of new



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construction. Requires that the fees collected be deposited into an interest-bearing account designated for capital improvements. The bill is -- is an effort to address a lingering problem we have in the State and -- and the impact of new development on our existing service providers - public service providers. This legislation would be merely permissive, and it does this by -- it accomplishes its purpose in theory by introducing accountability into the process. First of all, it's my intent to set up a -- a methodology for determining what the impact fee would be. It's intended to apply only to capital costs, and those capital expenditures -- or those capital funds, when collected as impact fees, would be placed in a dedicated fund and used for only that purpose for which that it was intended. The bill in its present form is not everything we would like it to be. In fact, it will not, in fact, do much at all. The -- the negotiations between the parties are continuing. The negotiations will continue. What I would ask the Senate to do is pass this bill today, send it to the House, and allow those negotiations to continue. This legislation will be back here in the Senate for you to look at again, and I would ask your -- your support of it. If there are any questions, I'd be pleased to answer them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Stern.

SENATOR STERN:

Mr. President and Senator O'Malley, I just wanted to verify, actually, what you said; that this -- these are ongoing negotiations; that there will be a more detailed product before us on which we can debate and vote. As the "Big Mother" of impact fee legislation, I feel it incumbent upon me to have that on the record. Thank you, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

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SENATOR PALMER:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, according to our analysis, Chicago opposes this. Do you know why?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, as explained to me, primarily by Senator Hendon in committee, there are some concerns about - his, in particular - about having it come to Chicago. Whether that means Chicago is opposed to it, I don't know. But the only opposition I have heard to this concept has been specifically that. And I think Senator Hendon - I don't see him in the Chamber right now - but would probably say that he's concerned about impact fees affecting economic development in his community. My reaction to him was that I would be happy to take Chicago out. This is merely intended to be permissive. It does not require the City of Chicago to impose impact fees. And incidentally, the legislation, as it's drafted, really doesn't allow that to happen anyway. It's just really - I hate to use the word "shell" bill, but it does -- it's just an instrument by which we could accomplish these negotiations.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you. Just real quick, Mr. President, Ladies and Gentlemen of the Senate. I'm willing, Senator, to abide by your words. I happen to be one of those who oppose impact fees, but I'd like to see what the final package is, and I think it's fair

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that we give the Senator at least that opportunity to move this along and give us something that makes sense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Malley, you wish to close?

SENATOR O'MALLEY:

I would just ask for favorable support on this. I will be bringing this back to the Senate. As Senator Jacobs suggested, it will -- will have more detail then.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1366 pass. Those in favor will vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 52 Ayes, 2 Nays, no Members voting Present. Senate Bill 1366, having received the required constitutional majority, is declared passed. Senator Fitzgerald, on 1421. Senator Peterson, on Senate Bill 1435? Senator Peterson? All right. Senator -- Senator Cronin, on 1447? Senator Cronin? Senator Barkhausen, on Senate Bill 1456. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1456.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. We had some discussion of Senate Bill 1456 the other day. As I mentioned at that time, I took over sponsorship of the bill at the request of Senator Palmer. Both she and I had been asked to handle this bill in our capacity as board members of the Legislative Reference Bureau. The Legislative Reference Bureau brought this bill to us, pursuant to

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Section 29.6 of the Legislative Reference Bureau Act, which calls upon the Bureau to draft revisory laws - in this case to comply with the reorganizations that have taken place of State government and State agencies by means of Executive Branch Orders. The Governor, under the Article -- or Section 11 of the Executive Article of the State Constitution, of course, is empowered to recommend, or to make, or to issue Executive Orders, and -- but those Executive Orders may be disapproved by a majority vote of only one House of the Legislature, provided that disapproval is registered within sixty days of the Executive Order being delivered to the Legislature, or within sixty days of our coming back into Session. In this particular case, this Executive Order affecting the Department of State Police was not disapproved by one -- either House of the Legislature, and so it is -- today has taken effect and subsequent appropriations have been made, of course, by the General Assembly, in effect, carrying out the details of the Executive Order. So this is merely, as I say, a revisory bill to tidy up our Statutes to reflect the fact that this reorganization has taken place, and that by the appropriations process, we have, in essence, approved it. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This appears to be a little confusing, and I just want to get some answers, I guess, to a couple of questions. Number one, according to our analysis, it said that the effect of allowing early retirement of State troopers has not been addressed. And for FY '92 and '93, there were no cadet classes conducted. Then in Fiscal Year '94, the class was reduced from a hundred and ten cadets to fifty-five - and fifty-five cadets to replace the two

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hundred and thirty lost since this Governor's first year. It appears -- it appears there's an attempt in this legislation to take the desk guys, as I would call them - the detectives - who have very important jobs to do, and to put them in a uniform one day a week and call them troopers. That, I think, is -- and I know it's not your intent, Senator Barkhausen. I know -- I know you better than that, but it appears to be a little bit of a sham; that what we're, in effect, trying to do is to reduce the head count and yet, at the same time, be able to tell the general population out there that we have not reduced the people on the road when, in fact, we have. And I think that that's a real danger. And I would like to at least have the Senator, Barkhausen, if you would, respond to -- to the question as to whether or not there will be actually more people on the road that are not being taken from other jobs, or whether there will be at least as many troopers on the -- on the road in this fiscal year as there was, say, in last fiscal year or the year before.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Responding as specifically as I can, Senator Jacobs, I'm told that there will be fifty-five new troopers on the road, to be hired by June; that there has been a three-year reorganization and revitalization of the Department that has -- is and has been taking place, that -- that began before the Executive Order was issued, and that, of course, was -- was last year. Other than that, I can only offer the general comment that -- that the questions that have arisen on this bill are -- are those that maybe are being made also but should more properly be made in the context of the review that normally takes place in the appropriations process. I'm not on the Appropriations Committee and, you know, have never handled a bill -- appropriations bill

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for the State Police, so I'm not intimately familiar with the workings of that agency otherwise.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Just in closing on the issue, Mr. President. It appears, however, that we are not replacing two hundred and thirty troopers on the road. And if we are replacing those, we're replacing them with fifty-five cadets and desk jockeys, so to speak. It appears to me that the Governor, as I understand it, did this by Executive Order. It's already in place. Are we then just confirming what the Governor did by Executive Order, and if so, why is it even necessary to have this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Because we are just changing the Statutes to do away with references to divisions within the Department that no longer exists and to have them reflect their current titles.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

I guess the question still remains then: Are we, in effect, going to have less troopers on the road, or are we going to have the detectives take one day a week and go on the road? I think there's a tremendous difference between a part-time trooper and a trooper, and I think it's one that the people of this State should understand whenever we have people in government and in the political realm espousing strong measures to get tough on crime, but then are not giving us the tools and the wherewithal in order to help fight that crime. We all talk here about drugs. I'm from an area which you're all very much aware looks at Iowa, and our

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Iowa state troopers are consistently making arrests on the highways for tremendous amounts of cocaine, tremendous amounts of marijuana. And we see some in Illinois, but not as much, and I know it isn't because they're catching them all in Iowa before they get to Illinois. A lot of it is, is that we don't have the troopers on the road necessary to do that. That's my concern with your legislation. I know what your intent is. I agree with the intent to -- to put things together and to merge departments that may or may not be responsible to the overall good, but I think here's a case where we may be penny-wise and pound-foolish, and would ask for a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator -- Senator Dudycz.

SENATOR DUDYCZ:

I don't think I look like Senator Demuzio, Mr. President. I -- I stand in support of Senate Bill 1456. Senator Jacobs, as you know, as a former mayor of a -- of a city, you know that municipal, as well as the State, police departments constantly reorganize and -- and shift personnel around to be more efficient. They -- they do this to save some overhead, and they shift their commands. And I think that basically what Senator Barkhausen is trying to do with -- with Senate Bill 1456 is that. They're not going to diminish the effectiveness of the State Police. They're not going to reduce the amount of -- of law enforcement personnel out there. What they're doing is reorganizing it simply for -- to make it more efficient, and I think we all should support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

In closing, Mr. President, in -- in -- and further responding to Senator Jacobs' concerns, I should also have pointed out, even though this coming about by Executive Order and appropriations,

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rather than a result of this piece of legislation, that the Department is and has taken steps -- taking steps to eliminate eighty-nine duplicative command positions by the merger of these two divisions within the Department. And overall, there is and will be a tendency to -- to reduce office overhead and to take that same amount of money, provided it's still made available to the Department, and to increase the number of troopers that we will all see out on the roads. So that is -- that is a positive development and it's up to the appropriations process to make sure that -- that we appropriate the money so that we do have the on-line officers that we're looking for. I otherwise urge your support for what, as I say, is simply a measure that comes to us as part of the revisory process from the Legislative Reference Bureau.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1456 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? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 29 Ayes, 24 Nays, 2 Members voting Present. Senate Bill 1456, having not received the required constitutional majority, is declared failed. Senate Bill 1473. Senator Butler. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1473.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. Chairman. The -- Ladies and Gentlemen of the Senate, Senate Bill 1473 creates, for the first



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time, a Roller Skating Rink Safety Act, and it details the responsibilities of the rink operator and, of course, of the roller skaters themselves. It outlines for the first time, as I said, the very -- it outlines, for the first time, some very specific responsibilities a rink operator has to provide a -- a safe arena. And of course, at the same time, it outlines some conditions which the skaters themselves must observe. Actually, it didn't dawn on me before, but this bill echoes the conditions under which all park districts are enabled to provide facilities for sports which have some risk. For example, if a -- if a player is injured in the course of a football game, and if the park district has provided a safe -- safe conditions, certainly they -- they - the park district - does not become liable for the activities of that -- of that individual. Now, the roller rink operator must be responsible for every accident, no matter what caused it and under what conditions the skater might have been operating on -- on the -- on the floor. This is not - and I emphasize this - this does not dissolve the liability of the rink operator. He is still liable if he does not conform to the basic standards which have been outlined -- have been outlined in this bill. I think -- the basic idea, I think - the basic thrust, from my standpoint - is to keep these rinks in operation. We have very few left. They've been driven out of business by the cost of their insurance, and I think we should do what we possibly can to keep them in business. I'd like -- I'd -- I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Fawell.

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SENATOR FAWELL:

Senator, I -- I like the idea -- the -- the basic philosophy of this bill. I certainly think if somebody goes roller-skating, they -- they should assume a certain amount of risk, but I -- I notice that you have a -- a caveat in here that says that they must have -- the roller rink must provide someone every two hundred skaters. My question to you is: Will there be any kind of rule or reg that -- that somewhat defines who that person will be? I mean, one of the things that I was questioned about when this bill was talked about in -- in my district office was, you know, does this mean anybody can be that guard? Can it be a drunk who's a child molester, running around, you know, having fun? Or is -- is there going to be some kind of standard that must be set?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Senator, I think you've hit the nail on the head. When we insist that the operator provide a floor guard for every two hundred skaters, it behooves that operator to be certain that that floor guard is qualified, knows what to do, obviously can skate backwards. I can remember that part of it. And -- and so, it is kind of a built-in safeguard. He'd better hire people who know what they're doing, or his liability increases.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

...(microphone cutoff)...so for legislative intent, there will be -- we -- we will expect these operators indeed to -- to be careful of the -- of the character of the person they allow on this rink to -- and to know, in effect, what he's doing, so that this is not just going to be somebody that he hauls off the street, but indeed will be somebody that he looks at very

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carefully and -- and knows -- and does have certain -- will meet certain standards.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Yes. Again, the intent is to be certain that the operator understands what his obligations are, what his responsibilities are, or else he can be sued and driven out of business, as so many of them have been.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Butler, what percentage of the skaters who use roller rinks are under age sixteen - do you have any idea?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

I have no idea.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Well, would you disagree with the figure of about seventy-five percent?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

For purposes of discussion, I'd agree.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Welch.

SENATOR WELCH:

Well, your bill requires children, then, to read these signs that say "You're responsible for liability," and they're supposed to heed the signs, even those skaters -- I don't know if you've been to skating rinks lately, but they start at about age four, work their way up, usually to about age eighteen, then there's a few adults out there - not a lot of them. So you expect them to be able to read these signs and be aware of -- of the negligence possibilities that they may be responsible for by not following some rules that they probably don't understand?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Well, I wouldn't exactly expect them to read and understand signs, but I'd certainly assume some parental responsibility to be certain they're skating in a -- in a proper manner and are able to stand on their -- on their own two feet, so to speak. Certainly there is an element of risk in all of this, and all we're doing is saying, let's be certain that the rink is operating in a safe manner, as a -- as a condition - as a primary condition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

But I think the question is: Who provides the -- who's responsible for providing somebody to make sure that there's order maintained on the rink? parents drop the kids off to go skating; they don't stay there and skate with them. Many parents aren't very good skaters. On the skating rink are a lot of kids, some going a lot faster than others, some knowing how to skate better than others. So what you're doing is shifting the responsibility for monitoring the situation from the rink to the individuals --

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to the kids who are out there skating. I don't think that makes a lot of sense. It seems to me that the rink should provide supervision more than one every two hundred skaters, because that one person cannot watch two hundred skaters. It's absolutely impossible. But you're shifting the responsibility from the rink to the kids. And why these kids should be responsible when they're knocked down by other kids - that doesn't make sense to me.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. I would agree with the purpose as stated by the sponsor today; however, I think there's probably some misinformation in the exchange between Senator Butler and Senator Fawell, because the bill, as currently drafted, does not provide the protections that Senator Butler would espouse. Because right now, if a drunk is hired as a floor guard and if that drunk has buddies out there running over small children, under this bill as presently drafted, there'd be no liability for the rink. We have suggested that this bill needs an amendment to make sure that there are safeguards so that, number one, the owner is not negligent in hiring somebody like that as a floor guard; but, number two - and this addresses the concerns, I think, expressed by Senator Welch - that if that floor guard is on duty, and he sees somebody running down small children, it's his responsibility to stop that. That's what a floor guard's supposed to do. And if that floor guard does not do that, the rink ought to be responsible. This bill, as currently drafted, does not do that, and that's -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

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Senator, in speaking with the group that's promoting this legislation, and I -- I applaud your motives, because we have some rinks in trouble, but in speaking with them, I understand that we have a commitment that this bill will not be moved in the House until we address the area of concerns that I've just raised.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

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SENATOR BUTLER:

Thank you. I was going to make that point, but that is true.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. I would call to the attention of my colleagues on this Floor that many of us feel that there is excess regulation by government of private industry. And I'm shocked that one of our most outspoken advocates for less government imposition in private enterprise is the sponsor of this bill. Why in the world should we, the Illinois General Assembly, set -- start setting forth the rules for people that run roller-skating rinks and people that use roller-skating rinks? I would presume, therefore, that the next five thousand bills introduced will be introduced by Senator Butler to tell us how grocery stores should be operated, and how we should -- how we should conduct ourselves in grocery stores, how the bowling alley

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should be regulated, and how we should operate ourselves when we enter a bowling alley. The -- the theaters, everything that we do -- exempt my bathroom in my own home, would you, Senator Butler? I don't want all of you guys sticking your nose in there. But I'll tell you, you know, whether these rules are within reason or not, I'd suggest to you, you take a look at this bill. Does this bill make sense from a point of view of a privately run business? Do I know if one guard can supervise two hundred skaters? I'm not a roller skater. I have no idea whether that's true, and I'm not sure that Senator Butler does. What are we doing here? Let's not get into the roller-skating business. Let's vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. Well, we've arrived at a perfect compromise over here. We decided that if these skaters wear helmets, painted orange, with yellow rings on the top for those that are skating with a falcon, that there's no liability, but if, in fact, they decide to skate with no helmets, then -- I mean, then there's responsibility on the part of the kid skating. Otherwise, if they've got the helmets, then the roller rinks are without liability. That's what all this comes down to. The roller rinks are going out of business. As one of my colleagues here said, "Americana. Let's have a vote for Americana." These rinks have been closing. I sponsored this bill several years ago, and since then, that rink has gone out of business, and it's because of the cost of their liability insurance. And it's really amazing to hear all the lawyers in this -- in this Chamber getting up and opposing this bill, and that makes me a little suspicious as just what it is that they're so concerned about. Is it the kids? I think maybe they've got other concerns. I think we should support this bill and let the roller-skating rinks continue

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to provide entertainment and pleasure for our -- our citizens, and let it get worked on in the House to take care of some of the problems that have been addressed. We have a commitment by the sponsor to do that, and I urge a Yes vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Butler, to close.

SENATOR BUTLER:

Well, I guess this might be labeled as -- as a trial lawyer's dilemma, or at least a trial lawyer's nemesis, but I should point out that at the rate the roller rinks are going out of business because of the cost of the insurance, that this may be a market that the trial lawyers will no longer enjoy. Senator Berman, I don't think we ought to ever stick our nose into -- into grocery stores; however, I've seen some excessive legislation around here, and we may come up with something about how to push a cart. In the meantime, though, I think we ought to be cognizant of the fact that roller rinks now are operating without any regulation whatsoever. This establishes, for the first time, a basic set of responsibilities for them. At the same time, admittedly, it says, if you're a skater, you -- you can't act stupid, and if you act stupid, you can't sue. Now again, I'm sure that brings tears to the eyes of every lawyer in the Chamber, but that is a matter of fact. If you act stupid, you're going to get -- you can't sue. I think we ought to do what we possibly can to at least - and I hate this word - level the skating rink floor, but this is exactly what we're trying to do. I would hope that you would help to keep this industry, or this business, in business.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1473 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, Madam Secretary. On that question, there are 34



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Ayes, 23 Nays, 1 Member voting Present. Senate Bill 1473, having received the required constitutional majority, is declared passed. Senate Bill 1476. Senator Syverson. Senate Bill 1477. Senator Raica. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1477.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1477 was introduced basically because it was my understanding, through a lot of discussion, that police officers throughout the State, once they go through their training program - the original training program - they receive CPR but are never recertified in CPR. And I was merely attempting to have them recertified because of the different requirements that are mandated almost by the American Red Cross on a yearly basis, and hopefully bring to light a lot of these serious bone -- or, I'm sorry, blood-borne disease that can be passed around while performing CPR. First of all, I'd like to thank everybody on the committee that voted Aye, but at this time, Mr. President, I would ask that this bill be passed over to the House and come back to the Senate. This is not the way that we will see it in its final form. I am working with the Red Cross, with the Police Training Board, and possibly introducing a pilot program for maybe one county or two counties, in attempt to hold the cost down, because there is some question now on whether there is a cost or not. There was mention of federal funds, and Dawn, who has done a spectacular job as far as attempting to acquire federal funds on this, states that there just may not be. And rather than do that,

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I have a -- I will make a commitment to the Members on this Floor that this is not the way that it will return to this House. We will definitely see it a second time. And all I am attempting to do is have the police officers retrained and recertified in CPR. I know there was a lot of concern about it, but you have my word that I will work on it as hard as I can.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Just a question, if I may, of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Topinka.

SENATOR TOPINKA:

Senator Raica, and I suppose this is because I talked to the Illinois Police Association today, and they would suggest, at least in its current form, this is an unfunded mandate. Now in your work that you have suggested you're going to be doing, is that what you're trying to get at, and will we not see this in any alleged form of it being an unfunded mandate on -- on local government?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

No. We're -- there's -- Senator Topinka, there's no -- we're not -- attempting to make this an unfunded mandate whatsoever. That's -- that's why I'm trying to work it out so it would come out and everybody would just think it was a great bill once it happens.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator Raica, you wish to close?

SENATOR RAICA:

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I would just ask for your indulgence and allow me to have a chance at it at the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1477 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, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 1477, having received the required constitutional majority, is declared passed. Senate Bill 1479. Senator Madigan. Senate Bill 1491. Senator Farley. Senate Bill 1516. Senator Tom Dunn. Read the bill, Madam Secretary. Senator Dunn, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Dunn seeks leave of the Body to return Senate Bill 1516 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1516. Read the bill -- I'm sorry. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Shaw.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Amendment No. 3 is an amendment that would deal with a gang-free school zone, and it would make organizing of gang activities a -- if found guilty, a Class 2 felony and a ten-thousand-dollar fine.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Shaw moves the adoption of Floor Amendment No. 3 to Senate Bill 1516. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the

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amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1522. Senator Watson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1522.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. Senate Bill 1522 is part of the package - the welfare reform package - that we discussed yesterday. Three of the bills passed out; this one had an amendment, which we adopted, and now becomes the bill, or adds to the bill. This provides that if a AFDC parent under the age of seventeen - and seventeen was part of the amendment - must live with his or her parent or guardian, or other adult relatives, or lose their AFDC grant. The amendment, which was negotiated with myself and the Legal Service Support Center of Illinois, provides that if -- the AFDC parent has the right to choose what type of adult supervision that they would like. It also provides that if a minor of a AFDC parent or guardian will not allow them to live with them, that the -- AFDC grant is not eliminated. It changes the language from the age from eighteen to seventeen, which I mentioned earlier. And it also gives the Department of Public Aid good cause, which would -- which might waive the requirements of this Act. There's also three other exceptions, and that is if the mother's parents or guardian are dead, or their whereabouts are

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unknown - and it also says that if the Department of Public Aid determines that the physical health and safety of the mother or child would be jeopardized; - that's another exception - and finally, the mother has lived apart from her parents or guardian for at least one year prior to the birth of her child. Be glad to answer any questions. Wisconsin passed similar legislation and other states have done the same.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I merely want -- as cosponsor of Senate Bill 1522, I merely want to commend Senator Watson for working with the welfare reform advocate groups to significantly improve this bill. And I would ask all of my colleagues on this side of the aisle to support us in this measure. For the record, some Members of the Senate Democratic Caucus had a bill similar to this bill in Senate Bill 1392, which is sponsored by Senator Shadid, and it is currently in subcommittee in the Senate Public <sic> Committee. I want to again thank you, Senator Watson, and I again ask all of our colleagues to please support us in this piece of legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Further discussion? Further discussion? Senator Watson, you wish to close?

SENATOR WATSON:

I appreciate the remarks of Senator Smith, and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1522 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, Madam Secretary. On that question, there are 56

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Ayes, no Nays, no Members voting Present. Senate Bill 1522, having received the required constitutional majority, is declared passed. Top of page 5, Senate Bill 1528. Senator Karpziel. Senate Bill 1567. Senator Geo-Karis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill creates the Campus Security Act. Requires all institutions of higher education that are State institutions and junior colleges, not -- just public institutions, one, to identify security-sensitive positions and then conduct criminal background checks prior to hiring any person to fill such positions; and, two, create by December 1, 1996, community task forces to prevent sexual assaults and ensure coordinated responses to such attacks. Might tell you that the Assistant Director of Security for the University of Illinois came and testified for this bill and supports it wholeheartedly, and I ask your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator, does this include professors and teaching assistants in those who have to have the background checks?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I think if they've -- I don't know, but I do know that before we have any sensitive positions such as janitors and what have you, maintenance men in women's dormitories, I think they'll be more conclusive of that; however, if there are such professors, and you know who they are, just tell me, and I'll take care of them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Do you have a further question, Senator Welch?

SENATOR WELCH:

Maybe we could fix that in the House, Senator. I was -- what I was thinking was that since many of these professors on several campuses have been accused of trading grades for something or other from some of the students, maybe you should have some background checks on that.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there further discussion? Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, to further answer Senator Welch's comment, each institution will set up its own rules. I urge a favorable consideration of this bill because we've had too many cases go unchecked in the way they should be checked, and I think it's time we look for the safety of our students. I...(microphone cutoff)...vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1567 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, Madam Secretary. On that question, there are 55

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Ayes, no Nays, 1 Member voting Present. Senate Bill 1567, having received the required constitutional majority, is declared passed. Senate Bill 1594. Senator Watson. Senate Bill 1598. Senator Tom Dunn. Senator 1620 -- Senate -- 1620. Senator Fitzgerald. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1620.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 1620 requires the distributor or importing distributor of beer to -- to devote reasonable efforts and resources to sales, distribution, and marketing of beer and to service all retail outlets without discrimination in their area. The wine and spirit distributors do not oppose this bill. And to my knowledge there is no opposition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1620 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 -- 57 Ayes, no Nays, no Members voting Present. Senate Bill 1620, having received the required constitutional majority, is declared passed. Senate Bill 1624. Senator Madigan. Senate Bill 1628. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1628.

(Secretary reads title of bill)

3rd Reading of the bill.



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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1628 amends the School Code, makes various changes in provisions concerning the issuance of bonds by the governing boards of special education cooperatives. The language comes to us at the request of the Ogle County special education cooperative and is recommended by Chapman & Cutler to improve the marketability of those bonds. I know of no opposition, and I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Is there a -- have an inquiry. How many votes does this bill take to pass?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton, what was the question?

SENATOR CULLERTON:

How many votes would it take to pass this bill? I think there's a question as to whether or not we're increasing bonding authority.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton, can I -- can I hold that question just for a moment and move -- recognize you a bit later? Is that all right? All right. Indicates -- indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Yeah. Would this bill...(microphone cutoff)...would this bill allow a tax increase without a referendum?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

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SENATOR SIEBEN:

No, it would not. The amendment that we put on the bill in -- in committee clearly rewrites that Section of the original bill, and the amendment makes it very clear that the rates are actually capped and controlled by the tax limitations that are provided for in the education fund, transportation fund, operation, maintenance. So there is no authorization for a tax increase.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hall.

SENATOR HALL:

Our record shows that -- that this is different. That's the reason I was interested in seeing what his -- what his answer was on this. It says that this bill would permit a tax increase without a referendum. And I'm wondering what our lawyer friends are saying over here, and that's the reason I was trying to be sure that I was straight on that.

PRESIDING OFFICER: (SENATOR MAITLAND)

I think -- Senator Sieben, you want to respond to that question again? I think there's been a change.

SENATOR SIEBEN:

Yes. I think Senator Hall is correct. On the original analysis of the bill, by both Republican and Democrat staffers, indicated that it would have provided for that, but the amendment that was adopted in committee specifically caps the rate at fifteen cents for a dual district, thirty cents for a unit district, and further provides that this limitation on taxing authority is expressly applicable to taxing authority provided under Section 17-9, which limits that within the existing rates that they can use to pay for these bonds. So that -- that -- your concern is correct, and it has been addressed by the amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator

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Cullerton, we'll be back with you in just a moment. Senator Cullerton, the Chair would rule that it -- that it -- that it takes thirty votes to pass. Senator Cullerton.

SENATOR CULLERTON:

Yes. I apologize for questioning the sponsor a second time, but I -- I just want to make sure that I understand his answer. I specifically asked him that even with the amendment, does -- is there a possibility that there could be a tax increase without a referendum. I understand that he has an amendment that attempts to put a fifteen-percent cap and a thirty-percent cap on certain taxes, but I think there's a question still remaining as to whether or not there might still be a property tax increase without a referendum in other areas. And that's -- I'd like to ask that question a second time.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Indicates he will yield. Senator Sieben.

SENATOR SIEBEN:

The intent of the amendment is to clear that -- clear that question up and make it very clear that there's no authorization in the bill, as amended, to allow for a tax increase without referendum, and that we are not doing anything to change the current tax limitations that exist in Section 17-9 of the Statutes referring to education fund rates, transportation fund rates, operation and maintenance fund rates; that if a district chooses to use this taxing authority to pay off the bonds, they must do it out of the existing levy authority that they have. So there is no authorization for a tax increase without referendum.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Sieben, to close.

SENATOR SIEBEN:

I think this is addressing an important issue between -- or to

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the sixteen educational cooperative districts around the State. Many of you have special ed cooperatives in your district. The language is necessary to allow Chapman & Cutler to -- to market these bonds and proceed, and many special ed cooperatives are already moving along the line to implement the provisions of the law that we passed a year ago to allow for this, and I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. The question is, shall Senate Bill 1628 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, Madam Secretary. On that question, there are 33 Ayes, 15 Nays, 7 Members voting Present. Senate Bill 1628, having received the required constitutional majority, is declared passed. All right. Senate Bill 1649. Senator Mahar, you wish to have Senate Bill 1649 returned to the Order of 2nd Reading for the purpose of amendment? Senator Mahar has -- seeks leave of the Body to return Senate Bill 1649 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1649. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. Speaker -- Mr. President. Since this amendment hasn't been adopted by the Senate, I'd like to withdraw it, if I may.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senate -- Senator Dunn withdraws Amendment No. --

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Senate Amendment No. 2 to Senate Bill 1649. Senator Dunn.

SENATOR R. DUNN:

The amendment was not quite correct, and we -- we just thought we'd better withdraw it. We're going to proceed another way. So, I'd ask for leave to withdraw this amendment. Table it.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Okay. Senator Dunn, would you move to table that amendment, please?

SENATOR R. DUNN:

I -- I do move to...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn has moved to table Senate Amendment No. 2 to Senate Bill 1649. Is leave granted? Leave is granted. Are there any further Floor amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1678. Senator O'Malley. Senate Bill 1682. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1682.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Bill 1682 repeals the Chicago School Board Nominating Commission and calls for the direct mayoral appointment of Chicago School Board members, with the consent of the Chicago City Council. There was an amendment offered that reduces the size of the Board of the Chicago Board of Education from fifteen to eleven members.

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This is accomplished by abolishing the office of the four Board members whose terms expired on May 15th, 1993, and who still, as of yet, have not been replaced. Be pleased to answer any questions Members of the Body have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. Chairman. I stand in strong opposition to this bill. There has been a lot of criticism of the Nominating Commission, but if you look at what has transpired, you will find that the criticism should not be of the Nominating Commission; the criticism should be of the Mayor of the City of Chicago. The Mayor of the City of Chicago has sat on recommendations made by the Commission. The Statute required action within thirty days. The Mayor has failed to act, and because the Mayor has failed to act, the Commission has been unable to even attract candidates - individuals who would qualify and who would probably do an excellent job on the Board, but are reluctant to even apply, because of the treatment that the recommendations have received from the Mayor. The Mayor's inaction is the problem here, not the Nominating Commission. We established the Nominating Commission to ensure local control, to ensure grassroots involvement, to ensure parental involvement. We did all this in the name of school reform. We did the right thing, and now we want to undo what we did, which was correct, because the Mayor has not done his job. On top of that, we want to reduce the size of the Board. We want to reduce the size of the Board from fifteen members to eleven members, and certainly that may be something that we ought to talk about. And maybe what we ought to be talking about is an elected school board. Maybe that is the way to go. But this is not the way to go. This is going backwards, instead of forward, and I urge a No vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I too stand in strong opposition to this, and frankly, I am very surprised that colleagues on the other side of the aisle are supporting a bill that is directly contrary to school reform. Now, the Republicans in particular spent a great deal of time, not only to my general knowledge, but to my specific knowledge, since quite often, I supported bills that might have been contrary to positions taken by many people on this side of the aisle, in order to be supportive of school reform. And yet, here you are, getting ready to take out one of the central components of school reform. We just passed a bill, with help from this side of the aisle, under the slogan, "Let the People Decide". This is the only means by which Chicago has to let people participate in choosing members of the School Board. If you look at the list of those on the Chicago Nominating Commission, you will find the names of many of Chicago's prominent citizens. To remove that process and replace it by allowing one person, the Mayor of the City of Chicago, who has not abided by any of the rules that we have set forward, who has not even followed the process up to this point, I think is unconscionable. And I am just very surprised that you would participate in this, when you have participated so strongly on the other side up to this point, and I really don't understand what your interest is in this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Fitzgerald.

SENATOR FITZGERALD:

Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Fitzgerald.

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SENATOR FITZGERALD:

Senator, I was just wondering why you want to abolish the Nominating Committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Fitzgerald, for me, this is an issue of accountability. We have a process now in the Chicago Public School System where we decide who is going to be sitting on the Chicago Board of Education, but there is no accountability, and the reason I say that is very simple: We have two bodies, basically, involved in the process. We have the Mayor, with the consent of the Chicago City Council, and we have the Chicago School Nominating Commission. Right now, either one can blame the other if the Chicago Board of Education is not doing a good job. So that's what this is about. This is why I'm involved in it, and I -- I hope that answers your question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Do you have any idea why the Chicago Teachers' Union is in favor of this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

I guess lightning strikes once. I honestly do not know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I rise in opposition to this bill. It amazes me that the Gentleman from the south suburbs of the City of Chicago talk about accountability and who is responsible. The



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whole thrust behind school reform was to get parents and taxpayers and community people involved in the operations of their school. This is why you have a Nominating Commission - to get recommendations from the people of the community and have their input as it relate to -- to the type of persons who are to serve on the School Board. And for you to talk about accountability for a system that -- that is not in the area that you directly represent, runs contrary - contrary - if you will, of a representative form of government. The people of the City of Chicago: those parents with children in the school system, those parents who don't have children in the school system but are involved in the everyday support of that system, supported this type of operation. And the reason why it was given that way, because studies have indicated the more parental involvement you have with the children, the better children will perform in school. Now you come along with a bill to knock them out, because you -- you talk about, they aren't accountable. Well, they are the taxpayers of the city; they are the parents of the children; and they are the ones who have been attempting to do a job. If you -- if people are not coming forward, they are not coming forward because their recommendations have been consistently turned down. I think the Nominating Commission has done a great job. But for you to sit on the outside and try to dictate what's on the inside of the City of Chicago is not good government. So I -- again, this bill should be defeated, because it goes contrary to what we attempted to do to resolve the dilemma that we have, and that dilemma is having the community have an interest in their schools. And I urge this bill to be defeated.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. You know, I -- I'm amazed by this

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-- this bill, not because I am totally against the concept of making the Board smaller or coming up with other kind of reforms. And I talked to my friend about this bill and about his other fine ideas in the area of school reform. And you would think that if you had the opportunity to get a bipartisan agreement, that someone would take advantage of that opportunity. But I guess my friend chose not to do that. We just passed a bill not too long ago, sponsored by the honorable Senator, Senator Sieben, on referendums for expansion and new operations of gambling in the -- throughout the State, because he said -- and I know my good friend, Senator O'Malley, that sponsored this bill, voted for it, and the argument was to get the people involved, to allow the people the opportunity to participate. And it sounded so good. Rang all through this Chamber, of getting the people involved. Now, here's a bill that's going to get the people uninvolved. It's going to take the people out of the process. It's going to eliminate the Nominating Commission, and just tell the Mayor of the City of Chicago -- and my statements are not against the Mayor of the City of Chicago, because one day Senator Dudycz might be the mayor of the City of Chicago, or I might be the mayor of the City of Chicago. You never know. Stranger things have happened. Stranger things have happened, especially in this Body. I just want to say, so it's not against the -- the who, but it's -- it's against the what, the theory and the practice of allowing the Mayor, without any community input whatsoever, to just name the Board. It is wrong. And I'm certainly disturbed, since my very learned friend is critical of the operation of the Chicago public schools. Well, if you're critical of the Chicago public schools and you need to fix it, this is a way to make sure that you make sure that more damage is done and that it is not corrected. Now, I am a supporter of the elected school board. I've made it clear. I made it clear to the sponsor, and I -- and have a bill myself

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for an elected school board, and I'd have no problem with it being a smaller school board. But to allow the Mayor of the City of Chicago total autonomy, just a total free hand, without any input from the community whatsoever, is a bad idea. And it will make sure that the people, the parents - of which I am one, because I have a son right now in Chicago public schools, on the west side - that they will get even less involved. Because if you have no input at all, then why get involved? And we know we cannot improve the quality of education in our schools without the parents. And I appreciate your indulgence. I have taken Senator Geo-Karis' advice, and make this short and to the point. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator LaPaille.

SENATOR LaPAILLE:

Yes. I would like to ask my friend -- tell my friend, Senator Woodyard, that if it's going to be Mayor Dudycz or Mayor Hendon, I'm coming to Chrisman, Illinois, and I'll be buying sport coats with you, Babe.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion?

SENATOR LaPAILLE:

Wait...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator LaPaille.

SENATOR LaPAILLE:

Senator O'Malley, could you tell me how many school board members belong to the Palos School District Board, as well as the

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Oak Lawn School District Board? Just a rough number. I mean, if -- if you don't know the total. Is it more than five each? More than five. Okay. So the Chicago School Board is at fifteen. Would you say that the Chicago student body is three times as big as the Palos student body, and Oak Lawn?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

It is, indeed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

...(microphone cutoff)...say that the population of the City of Chicago is three times as big as Oak Lawn and Palos School District?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

It surely is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

Well, in conclusion, we could see here that the sponsor of the bill has districts that have school boards which would seem out of line with the ratio that he's trying to draw for the Chicago School Board, and I would submit to you that to rip the Nominating Commissions out of the process and to lower the School Board where the Chicago School Board would be in lower ratio than the current boards in Oak Lawn and Palos only seems to be taking representation away. And I would submit that that is probably one of the reasons the PTA association here in Illinois is opposed to this bill, and I would ask for a No vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PALMER:

Yes, Mr. President. I apologize for rising a second time, but this is one of those bills that I feel very strongly about. It's one of those where those of you who have argued so eloquently on this Floor for local decision making, I am just -- I continue to be appalled that outside -- those outside of Chicago should be making these kinds of micromangement decisions. This is unbelievable. You do not have a right - and I'm going to very blunt about it - you do not have a right, if you are not in Chicago, to make this kind of decision. Now, if this were carried by a Chicagoan, then we could debate this matter among Chicagoans. But this is not, and so it is unbelievable to me that this is put before us who live in Chicago and who have to bear - good, bad or indifferent - what happens there. You make this vote and then "la-la", you're off and out of the situation. You don't have that right, and I resent it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. First, I would like to say to my good friend, Senator Palmer, who I know is disappointed by this: Senator, I was born and raised in Chicago, and the district I represent includes areas that I was born and raised in. So I do represent Chicago. Senator del Valle, you're very critical of your Mayor. Senator Jones, you had a bill which would have allowed Mayor -- that you introduced a bill this year that would have allowed Mayor Daley to appoint an interim board without the approval or consent - any input - from the Nominating Commission. Senator Hendon, you advocate an elected school board, and, you know, I don't have a problem with that. I think that's

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probably a good idea, because all I want to do here is see some accountability in the educational process - a little more than may be there now. This bill allows an elected mayor, with the consent of an elected city council, to make the appointment. That's how the citizens are going to have input in the process under this legislation. But I submit to you that if you don't believe that, then, Ladies and Gentlemen of the Senate, the problems in Chicago, in determining accountability, if we can't trust the Mayor and the elected aldermen in the City of Chicago to do a good job on the appointments, well, then the problems in education in Chicago go well beyond just trying to preserve Chicago school reform. All this is, is, Ladies and Gentlemen, an opportunity to make more accountability in the selection of the members of the Chicago Board of Education. That's all it is. Senator LaPaille, you would like to see maybe a larger school board. I wasn't -- really my idea was a -- numerous people who came up to me after I introduced this legislation who said, "You know, it's not workable at fifteen. Let's see if we can get it down." People asked me to go down to nine. I worked on it with people, talked to them, and they decided after -- and actually I decided that maybe eleven would work, because that would allow a smoother transition - no interim board; it wouldn't allow anybody who's -- who's sitting on the Board now to have their seats taken away from them. A smooth transition. This is a good idea. It deserves your support. I say to the other Members on the other side of the aisle, if you want to work on this in the House, you want to come up with an elected school board concept, be my guest and do it. Come back with an accountability suggestion, and I'll work with you on it. I'd ask your support today. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1682 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays and none voting Present. Senate Bill 1682, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, let's see if everybody's here.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Demuzio is seeking verification of the affirmative vote. Will all Senators be in their seats. The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Topinka, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Does Senator Demuzio question the presence of any Member voting in the affirmative?

SENATOR DEMUZIO:

Senator Maitland.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Maitland's in the -- in the Chamber.

SENATOR DEMUZIO:

I thought maybe he'd been sitting in the Chair long enough, he might have stepped out to get a Coke. Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Barkhausen's in his seat.

SENATOR DEMUZIO:

Senator Mahar.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar's in his seat.

SENATOR DEMUZIO:

Senator Peterson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson's in his seat.

SENATOR DEMUZIO:

Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson?

SENATOR DEMUZIO:

Oh. We just wanted to thank him. Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 31, the Nays are 27, and none voting Present. Having received the required constitutional majority, Senate Bill 1682 is declared passed. On the Order of 3rd Reading, Senator Philip, on Senate Bill 1685. Senate Bill 1686. Madam Chairman <sic>, read the bill. Out of the record. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Mr. President. I have 1685 through 1688 that I'd like to just skip over, and when you get to 1694, I'd like to call it, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of 3rd Reading, Senate Bill 1690. Senator Maitland. Senate Bill 1691. Senator DeAngelis. Madam Secretary, read the bill. Senator DeAngelis, do you wish this bill returned to 2nd Reading for the purposes of an amendment?

SENATOR DeANGELIS:

Absolutely.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Senator DeAngelis seeks leave of the Body to return Senate Bill 1691 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1691. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 4 is basically a technical amendment. What it does, it deletes everything in the bill and puts it back in, because of a tracking problem that occurred when we tabled Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all 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 DUDYCZ)

3rd Reading. Senate Bill 1694. Senator Philip. Senator Philip, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Philip seeks leave of the Body to return Senate Bill 1694 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1694. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the -- of the Senate. Amendment No. 2 is a committee amendment. It does two things. It provides that a State's attorney will have the option of transitional <sic> immunity or, secondly, immunity in all criminal cases. Was discussed very thoroughly in committee. It's a committee amendment. I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all 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 DUDYCZ)

3rd Reading. On the top of page 6, Senate Bill 1698. Senator Philip, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Philip seeks leave of the Body to return Senate Bill 1698 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1698. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Yes. I believe that I have a committee amendment once again. Would ask permission to put it back to 2nd Reading for the purpose of an amendment. Oh! It's there. I'm sorry. I haven't been paying attention. Amendment No. 3 does one thing, and if you violate the Firearm Owner's Identification Card, it raises the

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penalty from -- on the second offense to a Class 4 felony, one to three, or -- and a ten thousand -- up to a ten-thousand-dollar fine. It's a committee amendment. I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, those in favor, say Aye. Opposed, Nay. The... And the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1702. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Ladies and Gentlemen of the Senate, in -- in an effort to make room in the Statute books for some of Senator O'Malley's and Senator DeAngelis' work, I've -- I've worked with staff to cull through some older chapters, including the -- the Street Railroad Right of Way Act from 1899; some laws that -- that -- some laws that deal with party line violations and failure to yield party lines, which was enacted in 1959; a whole series of laws requiring reports to be submitted to the General Assembly during the seventies and the early eighties; as well as the Acts that relate to the Constitutional Convention, which took place in 1970. This is basically an effort to clean up Acts that are no longer effective or necessary in the -- in the Statutes. The bill has been around for over two months. We've responded to every

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department that had questions or concerns. We had one problem with the City of Chicago. Senator Demuzio and I worked on an amendment to make sure that -- that the Section that they were concerned about was removed from the bill, so it remains in the Statute. In the interest of getting us out of here at 4 o'clock, just like we started at 12, I would solicit a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 1702 pass. 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 37 Ayes, 15 Nays and 1 voting Present. Senate Bill 1702, having received the required constitutional majority, is declared passed. Senate Bill 1705. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR PHILIP:

I'd kind of like to bring the Members up to date - what I think the schedule's going to be. And I have talked to Senator Jones and we have come to this conclusion -- and -- and we will pass something out in writing in the next fifteen or twenty minutes. The intention today would be run till 5:30, 6 o'clock, and then have the committee hearings after we adjourn. We will have a Republican Caucus at 8 o'clock in the morning, 8 to 9. Committees will run tomorrow from 9 to 11. We would intend to come in Session at 12:30 tomorrow, after the program for the Holocaust, and -- and run late until we get everything done. And then we would adjourn and come back on May 4th at noon. So that ought to make -- and I'll tell you why we've -- we've decided to

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do this. As you know, the House has changed their rules. They extended their deadlines for two more weeks. That's fine. But we're not going to have much here to do, and there's no sense in wasting taxpayers' money down here in that week, and so our intention is to come back on May 4th.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of 3rd Reading, Senate Bill 1705. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1705.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill does two things. The first thing it does is the major portion of the bill. It adds "armed violence" to the list of offenses covered...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Dillard. One second. Senator Dillard.

SENATOR DILLARD:

...everybody's excited with that new schedule. The first thing this bill does is it adds "armed violence" to the list of offenses covered by felony murder under the Death Penalty Statute. It allows the court or jury to consider imposing the death penalty for murder committed during the commission of an armed violent offense, and armed violence is the commission of a felony while armed with a dangerous weapon. The second portion of the bill is just merely a technical change, bringing some streetgang language into compliance with other portions of the Statute, and

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it is nonsubstantive. And I believe this is another attempt to -- to give prosecutors not only the tools to -- to deal with -- with firearms offenses and other things of that nature, but also is a deterrent to the commission of -- of felony activities with a firearm or -- or some type of dangerous weapon. And I would seek its approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 1705 pass. Those in favor will vote Aye. Opposed will 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 and none voting Present. Senate Bill 1705, having received the required constitutional majority, is declared passed. Senate Bill 1706. Senator Philip. Senate Bill 1709. Senator Maitland. Senate Bill 1710. Senator Maitland. Senate Bill 1716. Senator O'Malley. Senator O'Malley, do you wish this bill returned to the -- to 2nd Reading for the purposes of an amendment? Senator O'Malley seeks leave of the Body to return Senate Bill 1716 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1716. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Amendment No. 1 merely adds some language -- it actually deletes the original bill, becomes the bill, and it -- it -- and it contains a lot of negotiated and agreed provisions that were requested by the

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committee and by others who are interested in this issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not -- Senator Cullerton.

SENATOR CULLERTON:

This just 2nd Reading? Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is -- 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 DUDYCZ)

3rd Reading. On the Order of 3rd Reading, Senate Bill 1721. Senator Karpziel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1721.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. 1721 is the replacement of Senate Bill 172 siting -- siting bill, the siting legislation for landfills, et cetera, in the State. There evidently was a -- a court case in the southern district of Illinois where the local siting process was declared unconstitutional. This bill is in response to that court case, to change the problem that the judge had with the bill, and it requires that -- a regional pollution control facility is defined as any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility or incinerator that accepts waste from and/or serves an area that exceeds or extends over the boundaries of any

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local general purpose unit of government. And that's -- that is the definition. It removes the term "regional", and other than that, it basically is the same as the original SB172.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 1721 pass. Those in favor will vote Aye. Opposed will 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 <sic> (1) voting Present. And Senate Bill 1721, having received the required constitutional majority, is declared passed. Senate Bill 1724. Senator Mahar. Madam Secretary -- Senator Mahar, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Mahar seeks leave of the Body to return Senate Bill 1724 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1724. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The original portion of the bill dealt with voluntary environmental audits and establishing a privilege. This amendment further clarifies that process, and I would move the adoption of Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question...(machine cutoff)... All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted.



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Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, Senate Bills. Senator Madigan, on Senate Bill 1728. Senate Bill 1730. Senator Hawkinson. Senate Bill 1733. Senator Maitland. Senate Bill 1747. Senator Donahue. Senate Bill 1751. Senator Barkhausen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1751.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. Senate Bill 1751 is, like some of my other bills, a recommendation of the National Conference on Uniform State Laws. It seeks to create an alternative to probate for the transfer on death of an interest that a person has in a security, stocks and bonds, or a securities account. It allows for the designation of a beneficiary on a security so that the security or securities account wouldn't have to go through probate. And in addition to providing an alternative to probate, it creates an alternative to the really unwise move that some people take with their property, which is to create joint tenancy accounts. I'd be glad to answer your questions, otherwise urge your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1751 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 31 Ayes, 26 Nays, 1 voting Present. And Senate Bill 1751, having received the required constitutional majority, is declared passed. If you turn your Calendars to the middle of page 9, on Senate Bills on the Order of 3rd Reading, we will go to Senate Bill 1819. Senator Klemm. Madam Secretary, read the bill. Senator Klemm, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Klemm seeks leave of the Body to return Senate Bill 1819 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1819. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the House. What we've done on Amendment No. 2 is delete a provision of the Secretary of State in verifying a vehicle ID number with a registration plate number, because that information is normally not available on a ticket, and this would actually reduce the amount of work that has to be done. And I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1825. Senator Lauzen. Chair is

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prepared to accommodate any Member who wishes -- who has their bill on 3rd Reading and would wish that bill to be heard this afternoon. We will go to that Order of Business. Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

Thank you, Mr. President. On page 3 is Senate Bill 1253, to which we had an agreed amendment earlier this afternoon.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll seeks leave of the Body... Senator, the Chair has been informed that amendments that have not been placed on the bills, we will not call those bills. We'll get to that Order tomorrow, Senator. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

On the bottom of page 6, Senate Bill 1747. If you would like me to move that -- call that, I would be more than happy to.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of 3rd Reading, Senate Bill 1747. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1747.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Senate Bill 1747 requires DCFS child protection investigators to complete a six-hour training course in investigative training, and it gives the date by which this needs to be completed by, and it is January 1st of 1996. The amendment takes out all the monetary stipend that we were going to provide, and so there's no fiscal impact to the State. It just simply gives a training course, and I would move for its approval.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 1747 pass. Those in favor will vote Aye. Opposed will 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 57 Ayes, no Nays, none voting Present. And Senate Bill 1747, having received the required constitutional majority, is declared passed. ...(microphone cutoff)...Bill 481. The middle of page 2. Senator Butler, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Butler seeks leave of the Body to return Senate Bill 481 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 481. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. The -- the second amendment to Senate Bill 481 amends the Prevailing Wage Act only to exclude from the definition of "public works" all fixed works constructed for use by a school district for a project that does not exceed twenty-five thousand dollars, or if the school district is listed on any financial watch list.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Middle of page 4, Senate Bill 1447. Senator Cronin. Senator Cronin, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Cronin seeks leave of the Body to return Senate Bill 1447 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1447. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment No. 1 to Senate Bill 1447 amends the Environmental Protection Act. It provides that dentists who produce potentially infectious medical waste shall not be liable for civil damages for waste once it has been transferred to a transporter who has a permit to transport and to dispose of it. The waste must be managed by the dentists in accordance with the appropriate department rules and regulations. This passed unanimously in committee. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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3rd Reading. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

For a purpose of announcement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WATSON:

Yes. Thank you, Mr. President. I'd like to make two announcements. One is that the Education Committee will be meeting at 9:30 tomorrow morning in Room A-1 in the Stratton Building. We're pretty well pushed for time, and we're only going to be there about a half hour, so we'd like for the Members to be on time and -- so we can get the order of the business of the committee completed. Also tomorrow morning at 9 o'clock, due to the concern and the questions that a lot of people have had about Senate Bill 1207 - that's the optometric licensing legislation - we will have Doctor Lopez here, who will be back in Room 317, which is right behind the -- in the President's Gallery here, to discuss the education requirements for optometrists. And I know a lot of you have got some concerns and questions, and he will be available for you to talk to about those concerns, and I would welcome all Members to come back and discuss the issue with him. And that's at 9 o'clock tomorrow morning. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

I would -- I would ask the committee chairmen to withhold any further announcements, pending the end of the activity today. We are -- we will be going now to the Order of 2nd Reading, Senate Bills, to the top of page 2. Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

...(microphone cutoff)...the Health Committee will meet as soon as we are through with Session, and we've just really got to move. Sorry.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of Senate Bills 2nd Reading, Senate Bill 1168.  
Senator Cronin. ...Bill 1311. Senator Molaro. Mr. Secretary,  
read the bill.

SECRETARY HARRY:

Senate Bill 1311.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Financial Institutions  
adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments that have been approved  
for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd -- 3rd Reading. Senate Bill 1715. Senator Ralph Dunn.  
Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1715.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government  
Operations and Executive Appointments adopted Amendments 1, 2 and  
3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments that have been approved  
for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

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

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Senate Amendment No. 4 to Senate Bill 1715 takes care of a problem that I have in my district. I have a township that has an old township hall - over a hundred years old - that it's not been used for a long time, and they would like to transfer it to the County Historical Society. Unfortunately, since the building is not being used, there is no provision under existing law to allow a township to transfer this for the public use to preserve this, I think, historic monument. So what Senate -- the Amendment No. 4 does to Senate Bill 1715 is to allow the township to provide the transfer as long as it's used for its purpose for the historical preservation, and it would allow them to make that transfer. And I do ask for your adoption of the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, Senator Klemm moves the adoption of Senate Bill No. 4 -- Senate Amendment No. 4 to Senate Bill 1715. All those in favor, say Aye. Opposed, Nay. And the Ayes have it, and the amendment is adopted. Any further amendments?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senate Amendment 5 to Senate Bill 1715 is a technical correction. It corrects an LRB typographical error. I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, Senator Dunn moves the adoption of Floor Amendment No. 5 to Senate Bill 1715. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

SECRETARY HARRY:

Amendment No. 6, offered by Senator Ralph Dunn.



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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Amendment No. -- Floor Amendment No. 6, Senate Bill 1715, provides -- it's an IDOT - Illinois Department of Transportation - amendment. Provides for three small land conveyances: two in Sangamon County and one in Grundy County. The two in Sangamon County are for six hundred and six hundred and sixty dollars respectively. The one in Grundy County just releases some land that has been used for a road for a long time. It just abandons it. The State wants to abandon it so they won't have any more liability. There's no consideration. It's not transferred to anybody; it's just an abandonment. I move for the adoption of those two amendments -- or, the other amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, Senator Dunn moves the adoption of Floor Amendment No. 6 to Senate Bill 1715. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages.

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SECRETARY HARRY:

A Message from the President.

Dear Mr. Secretary - Pursuant to Rule 2-10 of the Rules of the Illinois Senate of the 88th General Assembly, the Senate schedule should be changed to reflect these changes: The Senate will not meet in regular Session on April 26th, April 27th, April 28th and May 3rd, 1994. The Senate will meet in regular Session on May 9th, 1994. Perfunctory Sessions of the Senate are to be scheduled for April 26th, April 28th and April 29th, 1994.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Education - Senate Amendment 4 to Senate Bill 1323, and Senate Amendment 3 to Senate Bill 1716.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2612.

We have like Messages on House Bills 2635, 2639, 2642, 2645, 2924, 2931, 3081, 3108, 3128, 3192, 3197, 3244, 3258, 3273, 3328, 3407, 3485, 3487, 3518, 3551, 3561, 3582 and 3587.

All passed the House, April 20th, 1994.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Resolutions.

SECRETARY HARRY:

Senate Resolution 145 <sic> (1295), offered by Senators Cronin and Hawkinson and Topinka.

It's substantive.

Senate Resolution 1289 is offered by Senator Berman.

Senate Resolution 1290 and 1291, by Senator Rea.

Senator Dudycz offers Senate Resolution 1292 and 1293.

And Senate Resolution 1294 is offered by Senator Watson.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

For the purposes of an announcement and to remind my Republican colleagues that we have an 8 o'clock caucus. I understand that there are other activities that we will have to miss, but please, please, be prompt. 8 o'clock, Pate Philip's Office, in the morning.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

Thank you, Mr. President. Purposes of an announcement. Upon conclusion of the business -- our business here on the Floor, the Insurance Committee will convene immediately. So I would ask the Members to be prompt, in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

To correct my last announcement. The Transportation Committee will now meet at 9 o'clock - 9 o'clock - in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Karpiel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. Just to announce that the Executive Committee will meet tomorrow at 10 o'clock in Room 212. We have several amendments, and the sooner we get there, the sooner we'll get out. We all want to go home tomorrow.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

I think I'm now in order. Anyway, the Senate Health Committee - to correct - is not - not - going to meet in A-1 in the Stratton. We will meet right here on the Floor, right after Session.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Thank you, Mr. President. Purposes of an announcement. The Judiciary Committee will meet at 9:30 tomorrow morning, in Room 212. Now that's a change from our normal room, which has been 400, but I've been advised that the Judiciary Committee will meet at 9:30, in Room 212.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business to come before the Senate? If not, Senator Topinka moves the Senate stand adjourned until 12:30 p.m., Thursday, April 21st.

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