

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by the Reverend Doctor Gary Rhodes, Elliott Avenue Baptist Church, Springfield, Illinois. Doctor Rhodes.

THE REVEREND DOCTOR GARY RHODES:

(Prayer by the Reverend Doctor Gary Rhodes)

PRESIDENT PHILIP:

You'll please rise for the Pledge of Allegiance, led by Senator Sieben. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the reading and approval of the Journals of Tuesday, March 21st; Wednesday, March 22nd; and Thursday, March 23rd, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bills 438, 829, 1084 and 1100 Do Pass; and Senate Bills 137, 357, 439 and 864 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

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

House Bills 23, 199, 731, 956, 1651, 1790, 1792, 1833, 2453, 2227, 41, 193, 377, 447, 548, 668, 613, 820, 913, 934, 939, 988, 1116, 1119, 1130, 1132 and 1267.

All passed the House, March 23rd, 1995.

PRESIDING OFFICER: (SENATOR WEAVER)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 549, offered by Senator Weaver.

(Secretary reads title of bill)

House Bill 686, by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 729, Senator Rauschenberger.

(Secretary reads title of bill)

Senator Hawkinson offers House Bill 780.

(Secretary reads title of bill)

House Bill 855, presented by Senator Karpziel.

(Secretary reads title of bill)

House Bill 1511, by Senator Philip.

(Secretary reads title of bill)

House Bill 1696, Senator Weaver.

(Secretary reads title of bill)

House Bill 1816 is offered by Senator Mahar.

(Secretary reads title of bill)

House Bill 1827, by Senator Hawkinson.

(Secretary reads title of bill)

Senator Dillard offers House Bill 1853.

(Secretary reads title of bill)

House Bill 1876, presented by Senator Syverson.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

(Secretary reads title of bill)

Senator O'Daniel offers House Bill 2138.

(Secretary reads title of bill)

And House Bill 2248, by Senator Donahue.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WEAVER)

On the Order of Senate Bills 2nd Reading, on page 2, I remind the Members they should be moving their bills. Senator Dudycz, on Senate Bill 100? Out of the record. Senator DeAngelis, on 204? House <sic> Bills 2nd Reading. Do you wish to move the bill? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 204.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 267? Out of the record. Senator Sieben, on 336? Out of the record. 337? Out of the record. Senator Barkhausen, on 354? Out of the record. 355? Out of the record. Senator DeAngelis, on 368? Read the bill -- hold it. Out of the record. Senator DeAngelis, on 368. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 368.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Madigan, on 398. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 398.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Sieben? 431, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 431.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen, on 433. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 433.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Klemm, on Senate Bill 441? Senator Klemm, on 441? Out of the record. Senator... Senator Thomas Dunn, on 506? Out of the record. Senator Walsh, on 533? Read

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 533.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 574? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 574.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 579. Mr. Secretary.

SECRETARY HARRY:

Senate Bill 579.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 606. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 606.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

3rd Reading. 611. Senator Donahue. Out of the record.
Senator Mahar, on 626. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 626.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 629. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 629.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy
adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 640. Senator Hasara? Out of the record.
Senator Raica, do you wish to move 645? Read the bill, Mr.
Secretary.

SECRETARY HARRY:

Senate Bill 645.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 650, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 650.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 664. Senator Dunn? Out of the record. 681. Senator Syverson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 681.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill Raica, on 689? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 689.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Shadiid on the Floor? Senator Dunn, on 703? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 703.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Woodyard, on 728? Out of the record. Senator Raica, on 746? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 746.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 758? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 758.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 772. Senator Philip? Senator Philip, 772?
Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 772.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hawkinson, on 782? Out of the record.
Senator Syverson, on 804? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 804.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 810. Senator Fitzgerald. Read the bill, Mr.
Secretary.

SECRETARY HARRY:

Senate Bill 810.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 811? Out of the record. Senator Raica, on 816?
Senator Syverson, on 821? Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senate Bill 821.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 831. Senator Fitzgerald? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 831.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Smith, on 846? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 846.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 905. Senator Walsh? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 905.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendment No. 1.

SECRETARY HARRY:

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 910. Senator Walsh? Read the bill, Mr.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Secretary.

SECRETARY HARRY:

Senate Bill 910.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 979. Senator Madigan? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 979.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 980. Senator Madigan? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 980.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendments 1 and 2.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 985. Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 985.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 991. Senator Rauschenberger? Read the bill, Mr. Secretary. Senator Rauschenberger, do you have an amendment filed on this bill in -- that's in Rules? Do you wish to keep in on 2nd Reading? ...(microphone cutoff)...991 out of the record. Senator Lauzen, on 1000? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1000.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Raica, on 1032? Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senate Bill 1032.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Madigan, on 1037? 1037. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1037.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Woodyard, on 1085? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1085.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator DeAngelis, on 1143. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1143.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1152. Senator Rauschenberger? Out of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

record.

PRESIDING OFFICER: (SENATOR WATSON)

...(microphone cutoff)...the intention of the Chair to go to page 8 and we go to Senate Bills 3rd Reading, beginning with Senate Bill 327. I do look out and see some absent chairs. So with those of you in the offices, you may want to come up to the Floor, and we are going to go to 3rd Reading in just a short moment. Senator Dunn, on -- on Senate Bill 327. I understand you want to recall that for the purpose of an amendment. Senator Dunn, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR R. DUNN:

Yeah, I do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- thank you. Senator Dunn seeks leave of the Body to return Senate Bill 327 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 327. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. This is a technical amendment that we needed to clean up the language, and I'd move its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. We are on page 8 of the Calendar, Senate Bills
3rd Reading. Senate Bill 338. Senator del Valle. Senator del
Valle on the Floor? Out of the record. Senate Bill 33 -- beg
your pardon. Senate Bill 366. Senator Petka. Madam Secretary,
please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 366.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Well, thank you very much, Mr. President, Members of the
Senate. Senate Bill 366 is being revisited. This bill was passed
as Senate Bill 1144 last year with 39 voting Aye, 8 Opposed, 7
Present. This bill would basically prohibit content-based
censorship of American history or heritage based on any religious
references contained in such documents, writings or records. This
would allow teachers and administrators to use, read from or post
all or any portion of various historically significant documents.
The -- the documents are enumerated within the legislation. They
also -- the legislation also contains a provision which basically
says that as a matter of public policy, there shall be no
content-based censorship of our American history simply because
there may be religious references contained in these historically
significant or venerated documents, writings and records which are
enumerated within the statute. Mr. President and Members of the
Senate, I -- I'll answer any questions, and I move for this bill's
adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any -- Senator Berman.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in opposition to House -- to Senate Bill 366, and I would just ask you to take a look at the bill and to see that this is a dramatic departure from what we have been doing most of the Session. What I mean by that is that we have passed legislation to give substantial authority to local-elected school boards to run their schools. We have done that based upon the theories that locally elected members of school boards are the best ones to set the policies for our children throughout the State of Illinois. We passed a bill that authorizes local school boards to determine that they can seek waiver, in effect repeal, of State statutes that have been on the books for decades regarding the requirements of the running of our local schools. That was Senate Bill 22. And the speeches in support of Senate Bill 22 were that the local school boards are elected locally; they're the closest to our -- to the voters; they know the best way to -- to educate our children. Now, if you look at Senate Bill 366, this undermines that entire concept, and the reason I say that is because the following language - the following language - is in Senate Bill 366, quote, on page 1, line 9: "No teacher or administrator in a public school shall be prohibited from using, reading from, or from posting in a public school building all or any portion of the following:" And then it lists ten different categories or titles of documentation. Now, Ladies and Gentlemen, I would suggest to you that a teacher or administrator is not the person to set local school district policy. That is to be set by the school board, by the elected members of the local board of education. Here you are putting handcuffs -- how do you like that, Mr. Sponsor? Is that a good analogy? You are putting handcuffs -- you are putting handcuffs on the elected school board members if they want to set the curriculum, the policy, the tenor, of the -- of what is to be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

taught in each local school classroom. This is a dramatic departure. I'm not even sure why, because in Illinois - in Illinois - there have been, to my knowledge, no outrageous implementation of censorship by school boards. I believe there may have been instances in -- in another state where some very conservative organization feels that this list of ten documents should not be abridged or edited or -- or minimized, but not in Illinois. So what you are doing is -- making a dramatic departure from what we've tried to do this year, of giving greater power to school boards, and you're moving that power of setting school policy to every individual teacher, regardless of how right or kooky that teacher may be. This is a very, very serious kind of authorization. I urge a very careful review of this bill, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will, Senator Cullerton.

SENATOR CULLERTON:

Senator, something tells me that the explanation of what is really behind this bill was not quite as candid as it could -- could have been. Now, is there -- is there some other agenda that's behind this? I know some people think that this is some way to bring in teaching religion into the schools. I just wondered if you could tell me what -- what's behind it.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Well, thank you, Senator. I appreciate the opportunity, and I -- and it's certainly a fair question. I believe that implicit in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

your question was, is there a so-called hidden agenda here, and the answer to that is categorically no. The -- there has been over the last decade, and especially accelerating within the last five years, a -- an attempt, in my opinion, to censor American history in the name of political correctness, to basically undo, or to edit, or delete religious references within American history textbooks. There has -- there was a study that was done on this, Senator, in 1988. Most recently, a -- a commission indicated a revisiting of American history, again with a -- from a religious-neutral point of view, while American history, whether we like it or not, reflects the trials and tribulations of people who had motives and motivations for settling the New World which, in -- in significant part, were based on spiritual or religious reasons. All this bill attempts to do, sir, is this: That if there are instances of textbooks which for whatever reason, either inadvertence or intentionally, delete certain items which contain religious expressions inside of an historically -- historical document, that under those circumstances what we're saying is that there is nothing wrong for a teacher to basically have those documents and post them. It is an anticensorship measure, and it is also a historically accurate and truthful content measure. And that's basically it, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, if what you're saying is that certain teachers now decide that they're going to not teach about certain religious historical facts because they -- they choose because of political correctness not to -- to cover those, the way this is drafted, as I read it, it just says that it doesn't prohibit certain historical documents from being presented in the classroom. So I -- I don't know that we've gone ahead and corrected the perceived

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

problem of teachers censoring certain religious historical facts, and -- and I think on the face of it, this is something which teachers can do now. And I guess the problem is is that an overzealous teacher who wants to teach religion could use religious quotes and daily bible readings that would be, perhaps, something which we -- an unintended consequence of your -- of your passing the bill. So I'm wondering if you could respond to that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, if a -- a teacher wished to violate what currently is constitutional law in this country, they could -- they could do that and possibly be placed in jeopardy by an outraged school board. The -- this bill does not authorize the teaching of religion within the public school system. What it does is teach -- or permit the teaching of accurate American history within the public school system. In the earlier portion of your -- I believe it was a two-part question, you also indicated that a teacher right now could be -- could basically post these documents. What I'm saying is, yes, they could, but what -- what this bill is saying is that in the event that they choose to do that and a school board says, "Well, hold it, no, this has some politically incorrect references to religion," what we're saying is a matter of public policy that teachers should have that right to present uncensored documents which are, in fact, authentic documents which truly reflect the entire document and not a politically correct, censored document.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Okay then, one last point. The -- the last paragraph of the bill says there shall be no content-based censorship of American

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

history. Doesn't this say that a parent can bring a lawsuit or a school board can order a teacher to -- to teach certain items that they think are important that could be religious-based? And isn't it possible that this is giving power to that school board to, in effect, micromanage the curriculum of a school?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, we still have, to -- to a large extent, academic freedom in this country, and when you talk about -- or the statement that you've made about micromanaging classroom instruction, this actually does the reverse of what you are saying. What it says is that if a teacher decides that the document -- or the history textbook or the government textbook, which has been given to them, contains deleted or excised or censored portions, that if they choose to -- to put the full documents on the bulletin board, that we, as the State, are saying that as a matter of public policy, there is nothing wrong with doing that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I certainly think there's no hidden agenda here in this legislation. We debated this legislation two years ago, and a majority of the Members here supported it at that time and it's certainly not about teaching religion in our schools. And I think we all realize that any attempt to provide religious instruction in public schools would still fall under the constitutional provisions on religious freedom and the numerous court interpretations on that. This bill simply puts a clear statement in the law that the General Assembly feels that historical

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

documents should not be excluded from the public curriculum simply because the documents contain religious references. It allows, it provides, for the teaching of the accurate history of this country, even including the religious reference contained therein.

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator Karpel.

SENATOR KARPIEL:

Yes. Thank you, Mr. President. I have a -- an article that I read in The Wall Street Journal in October of 1994 that doesn't directly bear on this bill, but it -- it does, in fact, give you an idea of some of the things that are going on in our schools. The title of the article is called "Highjacking America's History". And it's all about the National Standards for -- for United States History: Exploring the American Experience. These standards that are part of the administration's Goals 2000: Educate America Act take students through -- from grade five through twelve, and it says that they may begin learning history according to a new set of guidelines. The national standards in the Goals 2000 divides American history into ten eras and establishes two to four general standards -- general standards for each era. The Great Depression, for instance, in these standards is addressed in three standards; yet, not one -- one of these eras -- one of these standards, directly mentions the U.S. Constitution. Then it goes -- and it goes on to say that it talks about -- it analyzes the achievements of the grandeur of Mansa Musa's Court and the social customs and wealth of the kingdom of Mali, but when John Rockefeller comes up, for example, students are instructed to conduct a trial in which the famous 19th century entrepreneur is accused of unethical and amoral business behaviors -- practices. It talks about Senator Joseph McCarthy and McCarthyism nineteen times. It talks about the Ku Klux Klan

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

seventeen times. It talks about a declaration of independence for women nine times. Lincoln's Gettysburg Address gets only one mention. It talks about Harriet Tubman and the Underground Railroad. Nothing wrong with that, but it gives them six mentions. Ulysses S. Grant it talks about one time. Paul Revere and his favorite ride is never mentioned, nor is Alexander Graham Bell, Thomas Edison, Albert Einstein, Jonas Salk and the Wright brothers. And one of the few congressional leaders that is even quoted in any of these standards is Tip O'Neill, and that's only when he called Ronald -- Ronald Reagan a cheerleader for selfishness. These are our standards that are being put into the new Education Act in the federal government, Clinton's administration 2000. It is rewriting and politicizing history of the worst kind. The article ends with -- that there should be a battle against certification of these standards and the battle is worth it because we are a better people - the American people are a better people - than the National Standards implies, and our children deserve to know it. What Senator Petka is doing here with this bill is not teaching religion in the classroom, is not politicizing history, is not doing anything excepting -- allowing a teacher in a classroom to use one of our revered documents - our Mayflower compact, the Constitution, the Declaration of Independence, any of these documents which are documents in this country that our democracy, our republic, was -- was based on and allowing them to be used in their entirety. And to say that if a school board or a school district says you can't use the word "God", so you can't use them in their entirety, that frankly they can't do that, and they don't have a right to say that our documents that founded this country are wrong and that we shouldn't mention them because they have the word "God" in them. This is a good bill, and I think it should get 58 votes.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Please, please. No -- no public demonstrations. We don't allow that under our rules. Senator Palmer, for what purpose do you rise?

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. I had thought not to speak on this bill, but having listened to some of this discussion, I am deeply disturbed by the underlying implication of this bill that looks at history as mythology, as a paean, rather than as a balanced overview -- no, listen to me -- as a balanced overview of the contributions of all Americans. If we're going to do this, then let's talk about David Walker's appeal. Let's talk about Sojourner Truth, who in answer to some slaveholders said, "Ain't I a woman too." Aren't I an American too? That is what we are missing in all of this. There is nothing on this list, and I am a former teacher. I have taught all of these that cannot be taught right now in the classroom. I agree with those who are suggesting that underneath this is a hidden agenda, and that I do not like. Now let's leave this bill where it is and not keep bringing it back. It should have died a death a long time ago. This is not the appropriate way to begin messing around in trying to decide what should and should not be taught in the classroom.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka will yield, Senator Welch.

SENATOR WELCH:

Senator Petka, your bill says that it ensures a teacher or administrator in a public school could use certain documents such

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

as the Declaration of Independence or the U.S. Constitution. Can you give me a list of which school districts in Illinois are violating your list of documents right now that this is meant to remedy? Which school districts are those?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, I do not have such a list. I don't believe such a list is available.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

So in other words, there's no school district that is violating what you're proposing in this bill. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, I don't have any firsthand knowledge of -- of whether or not that is true or false. I would like to just further expand that though. What we are saying here as a matter of State policy is that in the event that there is a school board that's elected that is a -- as Senator Karpziel so eloquently stated, is married to political correctness that decides that in the name of political correctness that religious references should be deleted from their -- from textbooks, which they can order to be given to the teacher, that the teacher will not -- cannot be or will not be constrained from going back to the original documents and having those documents posted, and as a matter of State policy, we feel that historical accuracy and a -- basically that we are saying that there should not be censorship of these documents. I -- that's what I'm saying, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Further discussion? Senator Welch.

SENATOR WELCH:

Senator, name one school - not a list of schools - name one school and one instance of one school board anywhere in the State of Illinois that has prohibited the teaching of the correct version of the Mayflower Compact, the national motto, the Declaration of Independence, the Constitution, or any other of these documents. Name one instance in one school district. That's all I ask you. One.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, as I indicated before, I have no such list, and I'm -- I'm not aware of it.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

I didn't ask for a list; I asked for one, tiny, little example, and there are none. There are none. This bill comes from a think tank in Washington, D.C. called The Free Congress Research and Education Fund, a Washington, D.C.-based ultraconservative think tank. And apparently we've gotten to the point where we've had so many fast-track bills that we have nothing else to do except start taking these ideas from these right-wing think tanks. Now...

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion?

SENATOR WELCH:

Wait, Senator. I'm not -- I'm not quite through. We've been hearing speech after speech after speech about how we have to empower our local boards and our local voters. We have to trust them because we don't have all the knowledge here in Springfield;

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

that they are closer to the problem and they no better how to handle it. And here we have this bill which says that, "School boards, we don't trust you. We don't trust you to not prohibit the teaching of certain documents. We want to make sure that you listen to what we have to say because we know best. Father knows best, down in Springfield." That's what this says. This goes completely against the philosophy that we've been hearing was ushered in with the election of November 8th, 1994. This is another instance of going back on what supposedly that mandate of the last election was: turning power back to the local governments. This takes power away. This says to local people, "We don't trust you. You've got to follow these." This is another mandate. It's unfunded mandate. It tells people what to do. We eliminated the mandate that says what courses you have to teach <sic> to get into college: four years of English, three years of math. We're not worried about that. We eliminated that. But when it comes to teaching the Mayflower Compact, by gosh, don't change one word. You know, I -- I've been on this earth for forty-six years. I've never had anybody ask me a single question about the Mayflower Compact in those forty-six years. I may be here another forty, I hope, and I doubt that I get a question during those forty. But, by God, you're going to teach the correct version of that. That's -- that's really going to be beneficial. This is just a waste of time, because what has happened here is all your important bills passed and you guys have nothing to do. So now we're coming up with this stuff. You know, we should -- what we should do is adjourn and go home and save the taxpayers a lot of money. Let's pass the budget next week. Let's go home, and we won't have bills like this, because this is just an exercise in futility. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR FAWELL:

Thank you very much, Mr. President. You know, I think this is one of the dumbest arguments I've ever heard on this Floor yet. Every, single one of us have had these documents presented to us somewhere in our history lessons. I would say -- I would bet the vast majority of people sitting on this Floor are probably political science majors. You've all studied these documents, for crying out loud. All we're saying is our children and our grandchildren ought to have the same right to know the history of the country without some political-correct person coming along and saying, "You can't teach the motto of the United States because it says 'in God we trust'." Not in Washington we trust. Not in Springfield we trust. But, in God we trust. And that's politically incorrect nowadays. For crying out loud. You're right: We do have better things to do. We ought to pass this and let it go. It's not a communist plot. It's not a righteous plot. It's just using our common sense and saying let our children know what our history is and some of our great documents that the history of this country was founded on. Let's get about the business and vote for this thing and get on with the rest of the business. I want to go home.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PETKA:

Well, than you, again, Mr. President and Members of the Senate. It -- it really is sad when, as Senator Fawell very eloquently pointed out, that what we're -- we're talking about is really historical truth and the same documents that we, in fact, as children going through the system -- as a history teacher, which I was for a number of years, the documents which I taught to classes unfortunately have fallen under the purview of censors. And to defeat an idea in this Body -- we have people who resort to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

name-calling, that this is a plot hatched in Washington, D.C. to basically inject, in a direct way, religion in the schools. All I suggest is, read the bill. That's all you have to do. Just read the bill. What we're talking about here is what Senator Karpziel referred to as political-correct censorship. What we're saying, as a matter of public policy in this State, is that we feel that we should not have content-based censorship and we should have historical truth, rather than political correctness, as the test and measure for our students. With that, Mr. President, I urge adoption of this bill.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 366 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 voting Yes, 12 voting No. Senate Bill 366, having received the required constitutional majority, is declared passed. President Philip, for what reason do you rise?

SENATOR PHILIP:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR PHILIP:

Yes. Thank you. Ladies and Gentlemen of the Senate, the distinguished Senator from the southwest side of Chicago has a birthday coming up on Saturday, I believe. He's going around saying that he's thirty-nine years old. The truth is, he's about a hundred and seven and growing. Unfortunately, we will not be in Session on Saturday. We have a cake up in the front. I think it's a chocolate cake with white icing. And if anybody would like to come over and have a piece of cake and wish Aldo DeAngelis a happy birthday, a hundred and seven years old. I have been told

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

that the cake is stuffed with spaghetti. Don't believe it. It's not true. So, happy birthday, Aldo.

PRESIDING OFFICER: (SENATOR WATSON)

Happy birthday, Senator DeAngelis. I understand it's your sixty-fourth, is that correct? Sixty-four? Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator.

SENATOR DeANGELIS:

I refuse to answer that question.

PRESIDING OFFICER: (SENATOR WATSON)

Fifth Amendment. Going on the Calendar, page 8. Senate Bill 384. Senator Petka. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 384.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

I certainly hope, Mr. President, that this bill -- debate is not as long as the last. This is actually a merely bill. Under this Act, we will simply clarify what we had passed out, House Bill 2696, during the Veto Session, and that is that this will clear up a ambiguity that currently exists under our Juvenile Disclosure Law. This would basically permit not only the naming of the juvenile, but would also permit the crime for which that juvenile stands adjudicated as a delinquent. That's all the bill does. With that, Mr. President, I would entertain any questions.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

There any discussion? Any discussion? The question is, shall Senate Bill 384 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, 1 voting Present. Senate Bill 384, having received the required constitutional majority, is declared passed. Senate Bill 388. Senator DeAngelis. Senator DeAngelis, do you wish this bill to be returned to 2nd Reading for the purposes of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 388 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 388. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senators DeAngelis and Demuzio.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DEMUZIO:

Thank you, Mr. President. Senate Bill 388, as introduced and out of committee, eliminated the need for the Auditor General to do certain inspections because they were done by the Inspector General, and it required the Inspector General to do those audits, rather than the Auditor General. And somebody said, "Well what happens if the Inspector General doesn't do it?" So what this amendment says, if the Inspector General doesn't do it, the Auditor General will do it.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. As a cosponsor of this amendment,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

I'd like to announce that according to the Blue Book, Senator DeAngelis was born March the 25th of 1931.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, to respond.

SENATOR DeANGELIS:

Yes. I'd like to have leave of the Body to remove Senator Demuzio as the sponsor of this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is leave granted? Is there any further discussion on the amendment? Seeing none, all 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, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 407. Senator Fitzgerald. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 407.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 407 simply provides a statutory method for perfecting an instrument known as an assignment of rents. Right now we do have not any Illinois statute on the matter, and we simply codify common law rules in this regard. This is an initiative of the Chicago Bar Association. It has no known opponents to my -- to my knowledge. Thank you.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? The question is, shall Senate Bill 407 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, 1 -- no voting Present. Senate Bill 407, having received the required constitutional majority, is declared passed. Senate Bill 416. Senator DeAngelis. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 416.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Several years ago we passed a bill that abolished the regional superintendent for Cook County. Several years later we reinstated one for the suburbs. This bill doesn't create -- does, in fact, create a regional superintendent for the City of Chicago Board of Education. You know, when we abolished the superintendent, what we failed to do is abolish the functions of that office, so the -- those functions were turned over to the State Board. The State Board has been a very reluctant administrator of those programs, plus they feel that the costs are being borne by the rest of the State and that those regions who, in fact, need to be served ought to be served by themselves and with funds that are generated from their area. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Senator Berman.

SENATOR BERMAN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Thank you, Mr. President. I rise in strong support, as a cosponsor of this bill. In talking to my colleagues up in Chicago, it is indicated that we do need this type of service available, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator DeAngelis, in committee, and correct me if I'm wrong, please, I thought you agreed to amend this bill to deal with our concerns regarding the life and safety inspections of -- of the school facilities.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator del Valle, you are absolutely correct, and I remembered that in the middle of my presentation. If you would wish, I will withdraw it, or if you will trust me, I will put it on in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

You will amend it in the House? Okay, fine.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis responds...

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

...Yes. Senator DeAngelis, to close?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR DeANGELIS:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 416 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, 3 voting No, no voting Present. Senate Bill 416, having received the required constitutional majority, is declared passed. Senate Bill 424. Senator Philip. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 424.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 424 recreates the Pension Laws Commission. Provides for eight Legislative Members, eight public members. And let me give you a little history on it. We used to have -- when I first came here, we had a Pension Laws Commission. All of the pension laws bills would go to that Commission. They would make a recommendation to the General Assembly. And I can never remember the time that we did not take their recommendation. They had actuaries; they had professional people, and they would make recommendations to us. And what happened here, and I think Speaker Madigan was right, we decided to abolish all of our commissions, and as you know, we did abolish almost all of the commissions. But one commission we should not have abolished was the Pension Laws Commission. This recreates it again. I'll be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

happy to answer any questions. I think in the past they did a very good job, and we need somebody professionally to tell us what we ought to do on pensions and how they affect us here down in -- in the Capitol. Be happy to answer any questions. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Philip, I think we made a couple other mistakes too, when we abolished the commissions. For example, you just made reference to the fact that whenever the Members of the Pension Laws Commission get up on the Floor of the Senate, we took their word for a lot of things that were taking place. We used to have a commission called the Mental Health and Mental Disabilities that was chaired by Senator Ozinga for a number of years. Had three different subcommittees: Charitable, Corrections and one that dealt with -- with State hospitals and institutions. So at some point, I would hope that perhaps you might want to consider that recreation of that one too, because that gave us the opportunity to know firsthand what was taking place by our respective Members in corrections, in mental -- in prisons and -- and mental health institutions around Illinois. So I don't quarrel with what you're doing here. I thought maybe you might want to take a look at that other one too, before we might -- might leave here.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Sponsor will yield, Senator Welch.

SENATOR WELCH:

Senator Philip, there was a fiscal note that showed that this would cost three hundred thousand dollars a year to run this Commission. Are you planning on not funding the Citizens' Assembly, to garner the money to pay the three hundred thousand dollars a year?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

You know, at this point, we -- we will certainly work on some idea. I'm not sure where the money's going to come from at this point, but I'm willing to examine any reasonable possibility.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

One other question. Currently, the -- the pension recommendations - or a lot of them - are handled by the Economic and Fiscal Commission. Is there any example of them not doing their job, or do you think that they're overworked, or do you think that you will save money from funding that Commission? Any of those possibilities?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

You know, there's a lot of us that think that they're spread out too much now, and that because pensions are so important to us here and we're always dealing with them, that we ought to have some real expertise on that. They're plate is too full now, in a lot of people's opinion.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think this is a very good bill, because we have a number of different pensions, and I think it's high time that we do get some experts in the field to guide us and do a better job than we've ever done before. So I don't know why we're having such a consternation about it. I -- I urge favorable support of this bill. We need it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank -- thank you, Mr. President, Ladies and Gentlemen. I rise on behalf of this bill as a new Member to the Pension Committee. We -- in that committee and when laws come here, by the time it's passed from that committee, it tends to fly out of here because of the fact that it's so technical in nature. And in that Pension Committee, we could vote on certain things that come up and affect pensions in the State of Illinois that may have an impact for years and may cost something that we're not really aware of until it's too late, such as health insurance funding, all the problems that come up with it. And I think it's very, very important that we put aside a commission that would, in effect, study these things so then when it comes to committee we can properly vote on them. The only thing I do hope, that the Committee stays intact and our Chairman is the one who is going to be deciding when bills are called and how we handle this. But that aside, I think it's a great idea, and I commend the President.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I -- thank you, Mr. President, Members of the Senate. I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

just wanted to rise in support of the legislation and to compliment the sponsor in that he has decided to make this a bipartisan, equally represented commission. I think that's very important because, pensions really should be bipartisan, and whether or not we should increase benefits or -- or not is something which should be a shared responsibility. This is something which we have tried to do over the last ten years, even when the Democrats were in control of both the House and the Senate, to give Republicans an equal say. And I appreciate the fact that this commission does the same. For that reason, I rise in support.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PHILIP:

I just might -- might make this observation, and perhaps if we had had a Pensions Laws Commission, this problem with retired teachers' health insurance may not have happened. But who knows? I'd ask your -- for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 424 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 424, having received the required constitutional majority, is declared passed. Senate Bill 428. Senator Tom Dunn. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 428.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would make it a Class A misdemeanor to falsely misrepresent yourself as a veteran in seeking employment or public office. A Class A misdemeanor is a year and/or a thousand dollars fine. Urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 428 pass. All those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 428, having received the required constitutional majority, is declared passed. Senate Bill 432. Senator DeAngelis? Out of the record. Senate Bill 435. Senator Hawkinson. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 435.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill is an initiative of the Illinois Credit Union League. As amended, it became an agreed bill in committee, and it does the following: It permits federal agency employers, such as the Postal Service, to pay over deducted wages as they are withheld each payroll period without waiting for the twelve-week withholding period to expire. The Postal Service has no current means of holding deducted wages beyond a payroll period. It also authorizes the attorney for the judgment creditor

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

to hold the deducted wages subject to the order of the court and considers the federal agency employer's periodic payments to the creditor's attorney a sufficient answer to the interrogatories that are offered in these wage deduction cases. Be happy to try to answer any questions, otherwise ask for your favorable vote for Senate Bill 435, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? The question is, shall Senate Bill 435 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 435, having received the required constitutional majority, is declared passed. Illinois Public Radio requests leave to record our proceedings. Leave is granted. Senate Bill 440. Senator Tom Walsh. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 440.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Members of the Senate. Senate Bill 440 amends the Credit Union Act authorizing the election and appointment of credit union officials. The bill permits the credit union board of directors to be elected to staggered terms if authorized by the bylaws. Ask a favorable...

PRESIDING OFFICER: (SENATOR WATSON)

Are there any questions? Any discussion? Seeing none, the question is, shall Senate Bill 440 pass. All those in favor will

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

vote Aye. Those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 440, having received the required constitutional majority, is declared passed. Senate Bill 442. Senator Woodyard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 442.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senate Bill 442 was suggested by the Student Assistance Commission. Under present law, they are allowed to -- or Department of Professional Regulation can refuse to renew or -- or to -- refuse to accept a license for a professional person if there has been a delinquency or a default of a student loan. This would expand the powers of DPR and allow them to revoke a license upon delinquency or default of a student loan. In addition, it extends that same authority to the Department of Nuclear Safety, and they have about fifteen thousand licensed and registered people within the lists of Nuclear Safety. That's what the bill does. Be glad to answer any questions, or solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just have one question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

The sponsor will yield, Senator Jacobs.

SENATOR JACOBS:

I think what you're doing, Senator, is great and probably plan on voting for it, but I just have one question. Do you have a definition of delinquencies? Is that just thirty days late, or is there a -- a grace period of some sort that would allow for a definition of delinquencies? Three days late, is that a delinquency?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

I'm not absolutely sure on that. I'm told very definitely we know if it's a default, but I wanted to think if it was maybe over ninety days.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Maybe, Senator, that's one we could get a definition on. If it has to be changed, we could do it in the House; otherwise, I think it's a very good bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. While I'm paid up, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard. I believe he'll yield. Yes. Senator Woodyard <sic>.

SENATOR DILLARD:

Does this bill include lawyers and those licenses that would be granted from the Attorneys' Registration and Disciplinary Commission?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Yes. It's my understanding -- by the way, there was discussion as to whether lawyers were in or out. Under the present law, lawyers can have -- be refused renewal.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing -- excuse me. Senator Dillard.

SENATOR DILLARD:

Just so I'm clear, would the sponsor yield for one other question? And that is, does this include physicians through the Department of Professional Regulation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Yes, physicians and surgeons. So you're both on an equal playing field.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR WOODYARD:

Just a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 442 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 - 54 voting Yes, no voting No, no voting Present. Senate Bill 442, having received the required constitutional majority, is declared passed. Senate Bill 447. Senator Cullerton? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 447.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amends the Condominium Property Act. It makes various technical changes to the Act. It was drafted by the condominium subcommittee of the real estate committee of the Chicago Bar Association made up of lawyers who practice in Cook County who deal with condominiums. It makes provisions of the Condominium Property Act applicable to condominium instruments. It changes the method of filling vacancies on boards of managers. Makes changes concerning agreements made prior to the election of a majority of the board of managers and to the powers and duties of the board to make expenditures for capital additions or improvements. It adds alternative dispute resolution provisions for small disputes and amends the Code of Civil Procedure to provide requirements for service of notice of eviction on a lessee or unit owner. I believe there's nothing in here that's controversial. Be happy to answer any questions and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Walsh.

SENATOR WALSH:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, the sponsor will yield, Senator Walsh.

SENATOR WALSH:

Senator, is this a Ellis Levin initiative?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton, friend of Levin.

SENATOR CULLERTON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Well, you're referring to my former -- one of my former State Representatives who is no longer with us, in the General Assembly that is, and I believe that maybe the condominium subcommittee of the Chicago Bar Association maybe have -- is choosing now to make some changes to the statute that perhaps former Representative Levin may not have agreed with. That's -- so it's not his provision at all.

PRESIDING OFFICER: (SENATOR WATSON)

Is there further discussion? Seeing none, Senator Cullerton, to close. The question is, shall Senate Bill 447 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 447, having received the required constitutional majority, is declared passed. We have a recall on Senate Bill 457. Senator Geo-Karis seeks leave of the Body to return Senate Bill 457 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 now Senate Bill 457. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Amendment 2 is a clean-up amendment for the Governor's new Executive Order, which reorganizes some agencies in the Department of Natural Resources. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? All those in favor,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 458. Senator Sieben. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 458.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a land conveyance bill. It's new legislation. It involves a transfer of approximately fourteen parcels in various Members' districts, supported by the Department of Conservation and the Department of Transportation. I know of no opposition and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 458 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Yes, no voting No, no voting Present. Senate Bill 458, having received the required constitutional majority, is declared passed. Senator Maitland, on 465. Madam -- I beg your pardon. Out of the record. Senator Sieben, on 476. Madam Secretary, please read the bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

END OF TAPE

TAPE 2

ACTING SECRETARY HAWKER:

Senate Bill 476.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This legislation comes from the State's Attorney in Carroll County, and their county board was somewhat concerned about potential tax liability to their county over the issue of a tuberculosis tax. It was recommended by them and to provide clarity in that section of the statute. It's supported by the Illinois Taxpayers' Federation, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 476 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Yes, no voting No, no voting Present. Senate Bill 476, having received the required constitutional majority, is declared passed. Senate Bill 507. Senator Hasara. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 507.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. This bill provides that for purposes of determining the population of a county for the purpose of setting filing fees and compensation of circuit clerks, the county board may use either the last federal census or the annual estimate. This bill affects Sangamon County in that the last federal census was under a hundred and eighty, and the last year's estimate was over a hundred eighty thousand people, and the county board would like to have the authority to use the over one hundred and eighty for the purposes of setting court filing fees. It does not affect the compensation of the circuit clerk.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Hasara, let me pose this question: How many counties does this new fee -- fee now apply to?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara will yield, Senator Demuzio. Senator Hasara.

SENATOR HASARA:

It's -- a hundred and eighty is the threshold. So it's any county over a hundred and eighty thousand in population. Obviously the larger counties. Maybe ten is an estimate.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Hasara, would you like to... Beg your pardon. You ought to just punch your light. That's all you need to do. Senator Demuzio.

SENATOR DEMUZIO:

I had it punched. I was speaking.

PRESIDING OFFICER: (SENATOR WATSON)

It wasn't lit.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR DEMUZIO:

Well, talk to your clerk.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

That would mean that Sangamon County would move up to be part of the second tier immediately, and that would mean that they could raise their fees, like, for tax objections and -- that are filed by the tax objector, to about a hundred and fifty percent higher than they were previous. Is that right?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

If they -- if the county board chooses to use the annual estimate, they could do that, yes. The circuit clerk came and testified that he felt that this was certainly a better alternative than raising property taxes. And if the county board wishes to raise the fees, they would be able to do so under this legislation. I might also add that it would -- it would pertain to any county who wished to -- to change its fee structure based on an annual estimate. It's strictly voluntary by any county board.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hasara may close.

SENATOR HASARA:

This bill is being introduced at the request of the Sangamon County Board chairman and the circuit clerk, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 507 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

wish? Take the record. On that question, there are 44 voting Yes, 3 voting No, 6 voting Present. Senate Bill 507, having received the required constitutional majority, is declared passed. Senator DeLeo, on Senate Bill 509. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 509.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President, Members of the Senate. Senate Bill 509 prohibits motor vehicle dealers or their agent from removing emission control stickers from used motor vehicles. Also this bill has ten riverboat licenses for Cook County. A hundred million for Chicago public schools. I know of no known opposition to this bill and I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Maybe somebody's light's not lit. Any discussion? Seeing none, the question is, shall Senate Bill 509 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 509, having received the required constitutional majority, is declared passed. Senator Collins. Senator Collins, on Senate Bill 538. Out of the record. Out of the record on Senate Bill 542. Senate Bill 549. Out of the record. Senate Bill 573. Senator Maitland? Out of the record. Senate Bill 582. Senator Carroll. Senator Carroll on the Floor? Out of the record. Senate Bill 595. Senator Rauschenberger. Madam

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 595.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senate Bill 595 is similar or essentially the same bill that was discussed here almost two years ago. It allows for three things. First, it allows the Legislative Leaders of the General Assembly to appoint observers to the negotiations of the State of Illinois with any exclusive bargaining agents of its employees. Second, it authorizes the General Assembly, by voted joint resolution of both Chambers, to set limits or parameters on the financial negotiations with their labor unions. And third, it makes it clear that these practices are not unfair labor practices under the -- the Unfair Labor Practices Statute.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says he'll yield, Senator Jacobs.

SENATOR JACOBS:

Thank you. Senator Rauschenberger, I think what you're trying to do is to get the Legislature involved, and I think that's -- that that's a good idea. There's a part of the bill though that I think becomes a little onerous. Having, as a mayor, been involved in a number of negotiations, we did our own negotiations with three separate unions on a sometimes annual basis, until we got

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

them into three-year bases. But the problem I see is when we establish monetary guidelines, because when you get into a true involvement of negotiations, sometimes there are fringe benefits that are discussed that are not monetary, and sometimes by giving up certain fringe benefits, you can increase the monetary level and actually have a overall reduction in the long run. And I think that that terminology, however, we're going to go in with a set amount of dollars, and if there's any -- any determination to go over that, then it appears they're going to have to come back to this Body to again address that issue and to see whether or not there can be any -- any movement from us. I think it's going to make the collective bargaining system very, very cumbersome. I like what you're trying to do. If we could do something with that monetary level, it'd be awful easy for me to vote for this bill, because I think the Legislature for too long has -- has forgotten its duty in being involved in the fiscal matters of this State, 'cause we are the ones that are going to have to pass the budget. From that standpoint, I like the bill. If we could work on that and get that -- that area resolved, it would make it a lot better bill. I'm not sure what I'm going to do. I'm going to listen to the rest of the debate on this. But because of that matter, I have some concerns.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will yield.

SENATOR PALMER:

Senator Rauschenberger, is it your intention in this bill to help the Legislature have more information about the process or to participate in the process?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The -- the bill speaks to observers. Those observers, in my understanding, would not be negotiators. They would not -- they would observe the process, learn about, and try to get an understanding to come back to the General Assembly with, of the parameters of what they're negotiating.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

I can appreciate that. I certainly have wanted to have a lot more information about a lot of things, but I'm concerned that in this particular situation where negotiation is such a delicate procedure and is so particularly laid out by so many other regulations that we, even as observers, may be bringing an element into the process that may not be appropriate. And I'm wondering if we don't have other means of accomplishing the same thing, of getting more information, and therefore, making more informed decisions than by involving ourselves in collective bargaining.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I think your concern is well-founded. I -- I guess the answer I would give you is, as demonstrated by the past process here in Springfield, in my opinion, we have not had good access to the decision making and the rationale behind the way we're negotiating with our -- our labor unions. There's some concern on my part, and I think it -- it's fairly clearly stated in Senator Maitland's bill, some of the impacts that are -- that are made at the negotiating table that we're forced to vote on when we don't have a timeline or an understanding of their financial impact and --

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

and their long-term cost to the State. So I -- I wish maybe perhaps there was a better way. This is one solution. I certainly don't opine that it's the perfect one.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

Just one last comment. While I certainly, as I said before, agree I would like to have more information, this is really an executive decision, and I think it's troubling for us to engage in this process and, therefore, to collapse some of the differences between the different levels of government.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. Would the sponsor yield -- or rather, to the bill - I'll save us some time: Senator Rauschenberger I don't think intends for this bill to become a union-busting bill in any way, shape or form; however, I think that if the General Assembly, through a joint resolution, begins to set the limits of the financial terms of a collective bargaining agreement -- that a collective bargaining agreement may contain, then I think that we may, in fact, assume such a role. I think that a collective bargaining agreement is nothing if not about financial terms. A resolution could easily state that no negotiations may be conducted also on issues of salaries, benefits, overtime, et cetera. All these items involve financial considerations. The question I ask is: Why remove that tool or instrument that allows workers to bargain for decent jobs and security? I think that our intervention here in that process could be very detrimental. I also question the idea of an observer created by this bill; that any person - a legislator, a legislative staff or a private individual - could become such an

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

observer. I think that, eventually, such a person could benefit from the knowledge obtained in observing this process, and I think that this could be potentially very damaging to working men and women who work for the State. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much. Senator Rauschenberger, this idea has been around here for about the last ten years that I can remember. I remember that we used to do this on a voluntary basis. The Leaders used to appoint Members to go over, and as I recall correctly, I was one of those Members and went over there once. Why -- why in the world would we, as the Legislature, want to get involved in setting the parameters for establishing, for example, the ceilings on what the State employees might be able to bargain for? It seems to me that whatever parameters that we set, they're automatically going to go to the max. And it just seems to me, if we're going to do this, perhaps we could simply do it on a voluntary basis, and perhaps this bill isn't necessary. But I -- I see more and more and more involvement in the collective bargaining aspect here in the General Assembly. You know, we just decided who the collective bargaining group was going to be for the university system at the University of Illinois. And now we're going right back in to trying to become major participants, in some respects, of -- of, one, saying how much money is available, letting them bargain for it, and then sitting on the sidelines as the observer. It just seems to me that we ought not to be doing this. And doesn't take any comments from you, but it just seems to me that I'm not prepared to support this type of legislation this morning.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Fawell.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR FAWELL:

Thank you very much, Madam President. It -- it just seems to me, this is a good idea. You know, I -- I've sat on the Appropriation Committee for years. All of a sudden we would find out that there were things in the collective bargaining bills that -- that we received we didn't even know about. I remember a couple of years ago when we found out that we had a -- a -- something was bargained away that was literally going to cost us hundreds of thousands of dollars, and it was an accumulative type thing and -- and the bill was going to go up every single year, and nobody had bothered to mention it to us until there we were in the Appropriations Committee telling -- being told that we had to pay for it. Frankly, I not only thing we ought to be observers on -- when the -- when we are talking about collective bargaining; I think we also ought to be observers and -- and maybe tap the negotiators on the shoulder periodically when they go into the federal courts, because the federal judge is always telling us how to spend money. One of these days we might as well all just fold our tents and go away because everybody's got the budget all figured out for us. At least we ought to know what the heck is going on. I think this is a good idea, and we ought to vote for it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Rauschenberger, to close, hearing none. Sorry. Senator Butler. I'm sorry.

SENATOR BUTLER:

Thank you. I just want to make one quick observation; that is, you know, we're criticized because the State taxpayers only put thirty-two percent into the kitty to pay for the secondary -- elementary and secondary education. The problem we have is, we're putting a billion and half dollars more into that -- into that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

fund each year than we did ten years ago. The problem we have is that the school boards agree to contracts at a rate of about ten billion dollars increase -- excuse me, a total of ten billion dollars. All this bill says is, if we're going to have to come up with the money in the form of taxes, et cetera, we ought to be somewhere near the bargaining table to try and understand what is going on and to prepare ourselves. After the fact is generally the way we learn these things, which is -- I -- and therefore, I think this is a good idea.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I certainly appreciate the time and the attention of the Chamber. I realize that this is going to be a difficult vote for a lot of Members, or perhaps it's not a difficult vote at all. I'd like to point out just a few points in closing. Number one, the -- the appointment and the application of the -- of the observer is permissive. The resolution -- the joint resolution passed by a recorded vote of both Chambers would be permissive. We'd probably only invoke it in -- in times when we thought it was very important. What this is really about is -- is clearly declaring a legislative intent that we have oversight on things that -- that drive the appropriation budget of the State of Illinois. I would say that it's very -- it's likely that it'll be very infrequent that both Chambers could agree on a recorded roll call by joint resolution to set some kind of limitation on the negotiations, but I think we should have that statutory right since we're responsible for paying the due bill from the negotiations. This bill, if we pass it here, is amendable in the House. I'm certainly interested in amendments. I approached AFSCME and asked them if they had suggestions. I think their --

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

their thought is that they have a difficult time supporting this in any concept. I wouldn't lead you to believe that they're likely to negotiate this. I think for the most part they're pretty satisfied with the direction we've gone in labor arrangements. I guess my question to the Body is, are we satisfied. I would remind everybody that collective bargaining outside of government has a bottom line and a customer that creates a break on the collective bargaining system. In government, we represent - in State government - we represent the customers; we represent the bottom line. It's not unusual or unreasonable to expect the market to break and to enter into negotiations. We have to simulate that in State government. I think this is a reaction to the fact that in many cases what's negotiated by the -- the Executive Branch with probably very good intentions and aggressively by our labor unions with very good intentions become a fait accompli for us that drive other spending decisions sometimes, perhaps, not in the best interest of the State. I think this is a problematic bill. I would just ask you to think about the appropriation impact, think about the fact that this bill is far less than some of the opponents might be concerned it is, and I would request a thoughtful, favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 595 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? On this bill -- take the record, Madam Secretary. On this bill, there are 24 voting Aye, 30 voting No, none voting Present. And this bill, having failed to receive the constitutional majority, is hereby declared lost. Senate Bill 597. Senate Bill 598. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senate Bill 598.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. This bill removes the requirement of obtaining Commission approval of -- of contracts, while maintaining the requirement that such contracts be filed with the Commission. The change eliminates the Commission review of -- of contracts with affiliated interest when the contract is entered into or changed, but -- but does not change the Commission's review of the transaction. The effort here -- the purpose here is an -- an intention to reduce the level of regulatory review in order to give telecommunication carriers more flexibility and freedom, and obviously this is done so that they won't have to go in for another -- they're only reviewed when the rate increase is -- is considered. I know of no opposition, and I seek your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR WELCH:

Senator Maitland, I have a analysis here that indicates that the Commission currently can condition its approval of one of these filings in such a manner as is necessary to safeguard public interest, and it can negate a contract that they feel is not in the public interest. My understanding is this bill removes that authority from the Commission. Is that true?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

I guess, Senator, the answer to that would be -- be yes and -- and no. It would be reviewed in -- in a rate increase activity and -- and could deny it at that point.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

So then the -- the actual filing about a contract with an affiliated interest would be accepted by the Commission until that utility files for a rate increase at some future date?

SENATOR MAITLAND:

That is correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Senator Maitland, that's -- that could be an eleven -- up to or more, I guess, than an eleven-month period from the time of filing. If a utility just had a rate increase, and the next day goes in and files this affiliated contract, there would be no action by the Commission for the next eleven months. So it'd be eleven months, where possibly consumers would not be protected should that not be in their interest. Is that -- is that your reading of the bill?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Senator, currently when any of these contracts, minor as they may be, are entered into, the -- the Commission has to review the contract. It is a laborious task, probably in most cases, has no effect whatsoever upon -- on -- on the operation or -- or anything

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

like that. But obviously, as -- as utilities do from time to time file for rate increases, that -- that would be reviewed at -- at that point in time, but it is not -- the point here is to streamline the process, and -- and it was my understanding that both sides had pretty much agreed to this process.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the sponsor wishes to close? Senator Maitland. Hearing none, the question is, shall Senate Bill 598 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Had all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On this bill there are 50 voting Aye, 2 voting No, 1 voting Present. And this bill, having received the constitutional majority, is hereby declared passed. Senate Bill 619. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 619.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. Ladies and Gentlemen, Senate Bill 619 came about because of the discovery of a discrepancy in the treatment of the volunteer officers of -- and directors of religious institutions, because we have two State Statutes under which churches can incorporate. One is the -- an older Act - it's called the Religious Corporation Act - does not contain language which limits the personal liability of volunteer or unpaid officers and directors. The newer bill - the Not For Profit Corporation Act - does indeed offer protection to religious

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

corporate officers that is available and not available in the original bill. This bill was -- has been -- received a lot of support. It was brought to me by the Episcopal Church in Illinois. It's been agreed to by the Evangelical Lutheran Church, the Catholic Conference of Illinois, the United Methodist Church, the American Baptist Churches, the Chicago Presbyterian of the -- Presbyterian Church, the Illinois Conference of Churches, Christian Church and -- of Disciples of Christ, and the Church of the Brethren. I might say in closing, Ladies and Gentlemen, we kid every once in a while about a bill being our election bill. Well, I consider this bill the going-to-heaven bill, and if you need all the friends you can get in high places, particularly those with a pipeline to heaven, I would suggest you vote Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Would the sponsor yield for a couple questions, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR JACOBS:

I, of all people, don't have a lot of concern with removing people from liability, but the presentation is that this is to give -- exempts from liability those officers and directors serving without compensation, but it also includes directors earning less than five thousand per year. So we are exempting paid directors, as well as volunteers. Is that not correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

No, that is not correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Jacobs.

SENATOR JACOBS:

The second point here is that we have a category of volunteers that says this bill will exempt from liability the officers, director and those persons who render services to or for the religious organization. Does that then mean that if I provide calendars to the -- to the church for distribution that I now am immune from liability? Am I now considered a volunteer? As I read the bill, that's exactly what it does, and it appears that we need to tighten the language, Senator Butler, on the reference to the volunteers.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Senator, the intention of this bill is to cover volunteers only.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

As I -- as I see the language, it says those persons who render services.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

I think right ahead of that it says without compensation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

But again, Senator, on line 74, on page 1, it says unless the director earns in excess of five thousand dollars per year from his or her duties as directors, other than reimbursement for actual expenses. It appears to me we are mixing apples and oranges

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

in this bill, and I think it's -- the bill is actually flawed. And what you're trying to do I have no qualms with. I would like to see you take it out of the record, clean it up a little bit and make it a lot better for everybody.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler. Senator Butler.

SENATOR BUTLER:

Senator, if you look at that, section (c) covers directors and section (d) covers volunteers.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

I understand that, Senator, but when I first asked you if we are going to remove from liability those people making five thousand dollars a year, your answer was no; yet, this provision in provision (c) says making five thousand dollars a year or less they are immune from liability. That means -- and don't get me wrong because my question did go across two lines - one with the volunteers and the definition of volunteers being those who render services, and the five thousand dollars or less that a director can make and still be immune from liability. I don't consider someone making five thousand dollars a year or less to be a volunteer.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Once again, I have to point out, section (c) says director; section (d) covers volunteers.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

And again, without belaboring the issue, I -- I concur that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

there's two different sections, and as I indicated, I am mixing both. But what I am saying is, in regards to the first question I asked you was, does someone making five thousand dollars a year or less, are they immune from liability. You say, no, they are not, only volunteers. It appears to me that they are immune from liability, number one, and, number two, that the -- the language for volunteers appears to be a little loose, and I think it could be tightened up a little bit so we don't include those who give service. What do we mean by those who render service? To, or from, or within? I think it's a little vague, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR BERMAN:

Thank you. Just for the -- just for the record for the legislative intent, I see by the last section, page 2, lines 7 through 11, subsection (f), and it reads, "Nothing in this Section is intended to bar any cause of action against the corporation or to change the liability of the corporation arising out of an act or omission of any director, officer, or person exempt from liability for negligence under this Section." For the record, if a unpaid...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Go ahead, Senator.

SENATOR BERMAN:

If an unpaid director is driving the church bus and runs a red light and runs me over, under this bill I could not hold the driver personally liable, but I still could sue - and can I collect? - against the church.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

The answer is yes, and you can still sue the driver for willful and wanton, which is in that -- in section (c).

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Again, so that we keep the record clear, there is no willful and wanton; it's only straight negligence. But under agency law, respondeat superior, if I can't hold the -- generally, if I can't hold the agent liable, the principal isn't liable. But this bill makes an exception to that. Even though I couldn't hold the driver liable, the church, under my hypothetical, could be. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

I'll yield to Senator Hawkinson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I think the answer is yes, but I think you're making a faulty assumption as well. As I understand the bill, the director/driver would not be responsible for the church's debt or obligation, but you could still sue the driver for his or her own negligence. This only would absolve the driver from the church's obligation, unless he was willful or wanton, the way I understand it. If he individually was negligent, he would be responsible in his individual capacity. But I also have a question of the sponsor, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

He indicates he will yield.

SENATOR HAWKINSON:

Senator, in any kind of corporation, there can be instances where a director has a self-dealing situation or a conflict of interest. If the director causes the church to incur an obligation because of his own self-dealing that was not revealed to the other members of the board, this does not absolve that director of the -- of responsibility, does it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

No.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam Chairman -- President. To the bill: I rise in support of this bill. I think it's a good bill and anytime we can do something to help out the churches who are out there trying to steer people the right way, then -- then we should do it. And I ask support of the bill from all parties. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR TROTTER:

Senator Butler, if you could, just give me a -- a definition about on -- on line 27 it says, "No person who, without compensation other than reimbursement for actual expenses, renders

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

services to or for a corporation organized under this Act..." Specifically, just what do you mean by rendering services?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Well, I thought I answered that before. We're really talking about volunteers in this instance. So the services would be those of volunteers. Keep in mind this -- the other -- that we're merely copying the -- a law that exists right now and has for many, many years.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

But as -- as a volunteer, you can't render services, or at least that's not the way I -- I -- I interpret this, if you're volunteering.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Well -- you know, you can get a -- have a variety -- you can volunteer to paint the -- paint the chancellery. You know, there's a hundred different ways you can help a church.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

What this language should read is that you're rendering free services versus you're rendering services for compensation. So...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

...does say volunteer.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Trotter.

SENATOR TROTTER:

It doesn't say volunteering. It says you're rendering services, not -- it doesn't say you're rendering free services, which would -- would mean essentially volunteering. It doesn't have that down here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

It's -- Senator, it says without compensation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter. Any further discussion? Hearing none, Senator Butler, to close. The question is, shall Senate Bill 619 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 49 voting Aye, 3 voting No, 4 voting Present. And this bill, having received the constitutional majority, is hereby -- required constitutional majority, is hereby declared passed. WICS-TV requests permission to videotape the Senate. Is permission granted? Hearing no objection, permission is granted. Senate Bill 624. Mr. Syverson? Senator Syverson. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 624.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

Well this was once a very good bill and now it's just become a technical clean-up bill for the State Police. So all the good

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

stuff was taken out and put into Raica's bill, but -- so I know of no opposition to this, and again, it's offered by the State Police. Just technical cleanup.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Syverson, to close. Senator Syverson, to close. The question is, shall Senate Bill 624 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question -- Madam Secretary, take the record. On that -- on that question, there are 54 Ayes, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 625. Senator O'Malley. Senate Bill 635. Senator Fitzgerald. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 635.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Senate Bill 635 amends the Parental Responsibility Law and increases the maximum recovery of actual damages from one thousand dollars to ten thousand dollars. The Parental Responsibility Law is a law that allows a suit against parents of, say, a delinquent minor who damages or defaces property, such as with graffiti. The parent can be held liable for the damages under the Parental Responsibility Law. This bill is initiative of the Cook County State's Attorneys Office and simply increases the maximum recovery of actual damages from one thousand dollars, which was set, I believe, many years ago, and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

increases it to ten thousand dollars. There are no known opponents. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Senator Jacobs.

SENATOR JACOBS:

Got to -- getting up too much. I don't like this. Will the sponsor yield for a question, Madam President?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR JACOBS:

Would -- would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would you yield? Senator Fitzgerald.

SENATOR JACOBS:

Thank you. Senator Fitzgerald, it appears to me that we've done some things in this Legislature recently which I -- I happen to agree with and that is to make minors accountable, to make minors who commit murder, as an example, to be tried as a adult. This appears to rub in the face of that a little bit. By that, I mean here we have kids who are doing things and we're not going to hold the child necessarily responsible; we're going to increase the burden upon the parent. Now, don't get me wrong. You know, the parents have responsibility, too. But my problem I have with this simplicity of the bill is that we now say parents are liable up to ten thousand dollars for the actions of their children. In many cases these children are much older than you and I in maturity, but not necessarily in age. It becomes a little difficult for me to accept that the parent should replace the burden of the child. Can you respond to that, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

I -- I share your concern, and I would agree with you if the Parental Responsibility Law allowed recovery against the parents for merely the negligent acts of the children, but this is for the willful or malicious acts of such minors, and it is aimed at getting at some of the gang activity that's occurring in some of the larger cities. Particularly the Cook County State's Attorneys Office was concerned with the graffiti damage, and this is not -- this is not criminal liability. This is civil liability. Simply allows a lawsuit -- a -- a tort lawsuit against the parent, much as we have the dram shop laws which allow a suit against the tavern owner, which at common law you could not have brought. This is -- there's no criminal liability here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

I understand that. I -- I guess I -- to give you an example I can think of, they pour a new sidewalk. The city does it or somebody does it and a couple of kids come and -- dumb. They're five, six, seven, eight years old and they decide to walk down the sidewalk and it's not completely dried. That parent, for that child, is going to be responsible up to ten thousand dollars in civil action.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald...

SENATOR JACOBS:

That parent very well may be a good parent, may be in good control of that child, but it's just one of those things that kids do from time to time. Is that...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senator Jacobs, as I read the Parental Responsibility Law, it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

would only apply to the willful or malicious acts of -- of such a minor. So the example you gave, I do not think would -- would rise to that level. This is for defacement, say, with graffiti of property and pretty -- pretty outrageous stuff. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter, for further discussion.

SENATOR TROTTER:

Thank you very much, Madam President. Senator Fitzgerald, is there a formula that you were working with when you came up with ten thousand dollars?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

There's no formula, it's just that the thousand-dollar figure has not been changed since 1969, and with -- as far as I can tell. It may have been amended as late as 1980. I believe it was set in 1969 though, and just with inflation, that isn't a sufficient amount for one to even bother going to court. Your legal fees would exceed that one-thousand-dollar amount.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Trotter.

SENATOR TROTTER:

Why not twenty thousand dollars, or one hundred thousand dollars, or -- or five hundred thousand? I mean, what...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, I believe there needs to be some cap, because as Senator Jacobs pointed out, we are imposing liability, which at common law would not have existed against the parent, so that we have -- we have a limit, much like we have a thirty-thousand-dollar limit in the Dram Shop Act.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- further discussion? Senator Hendon.

SENATOR HENDON:

Thank you very much, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR HENDON:

Senator Fitzgerald, what if that child no longer lives at home with the parent? The parent had to put that child out because of acts like this. Is that parent still going to be responsible for the acts of a child that doesn't even stay there anymore?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

No. This would only apply for an unemancipated minor who lives with the parents.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

In the -- doesn't this fly in the face of tort reform where we're trying to limit the damages that people can collect because it's really out of hand? And now we're going to ten times -- increase it ten times. Doesn't that -- this, you know, fly in the face of what you have been pushing all the time here in this Chamber when it comes to liability?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald. Senator Fitzgerald.

SENATOR FITZGERALD:

No. I think this is consistent with what we're trying to do. You know, when we repealed joint and several liability, that also -- it made people more responsible for their own actions, too. And in this case, we -- we do want parents to be concerned. This

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

passed out of the Judiciary Committee unanimously. There was no opposition to this that I recall.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

To the bill: If I was on Judiciary, I would have fought against it, because I believe, as Senator Jacobs said, if a fifteen-year-old goes out there and commits murder, we're trying him as an adult. We don't try the parent. We try that -- and -- many of -- Members of this Body have really pushed that very hard, trying them as an adult. I believe that there are children out here who may not like their parents because they're trying to be tough on them, because you gave them a spanking, and they go out there and if they know that they can cause you ten thousand dollars worth of damage, a lot of children are going to go out and do that just because they know they can make mommy or daddy pay ten thousand dollars because we disciplined them. I think it does fly in the face of what we are trying to do with tort reform. And I'm just shocked, I'm amazed, that a conservative Senator such as yourself - and -- and I share many of your conservative views - would be here raising amount -- and liability. I -- I'm just -- I'm just shocked. I'm -- I'm speechless.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR PALMER:

Senator Fitzgerald, what are the ages -- when you say children, what are the age ranges?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator -- Senator Fitzgerald.

SENATOR FITZGERALD:

The Act only applies for unemancipated minors - that's someone under eighteen residing at home. And the other thing you should be aware of, the only party that can bring an action to enforce this is a municipal corporation, county, township, village or other political subdivision, or a department of the State of Illinois, or any person, partnership, corporation, association or any incorporated or unincorporated religious, educational and charitable organization.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

You partially answered my question, but what determines what is -- who determines or what is willful and malicious? You gave as one example, graffiti. What do you say is that? Is that in the bill, or is this a determination by local authorities?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

There is a large body of case law which defines willful or malicious acts, and it's -- it's far greater than mere negligent acts. There is a degree of intent that is required, and it -- and it borders on -- on criminal conduct. And I think in many of the cases, the defacement, the graffiti and so on that this is aimed at would, in fact -- could possibly be criminal conduct. And this bill is attempting to allow private actions to deter such criminal or quasi-criminal activity.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

One last question: What is the penalty to the parents if they

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

are unable to pay the fine? What is the penalty to the parents if they are unable to pay the fine?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

This -- this is not a fine. This is a bill that allows a civil action against the parent. The civil action is already allowed. Okay? We're simply raising the amount that can be recovered from one thousand to ten thousand dollars, because -- there -- it is not going to be in anyone's interest to attempt to enforce an action where their maximum recovery is only a thousand dollars, because their court costs and attorney's fees are likely to exceed that amount.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

...me rephrase my question. If it is not a fine, it is still an outlay of capital from a parent or two parents. Who determines or what are the penalties, should the parents be unable to comply with the ruling?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, first of all, anybody is -- who is going to bring a civil suit against a judgment proof debtor? I mean, that's -- no one is going to spend their attorney's fees to go after somebody who can't pay the judgment in any case. But assuming that a judgment were taken against a judgment proof debtor, the plaintiff could attempt to collect that judgment in the same manner that he or she would attempt to collect any other judgment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Fawell.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR FAWELL:

Thank you very much. For those who have been asking all this -- these questions about why we should pass this law and -- and what this law is going to do, let me clue you in. This law has been on the books for over thirty years. I happen to have a brother-in-law that sat in this same Chambers who was the sponsor of the law back in 1960. This is the law. And at a -- at that time, a thousand dollars was probably equivalent to what ten thousand dollars is now. All this bill is doing is raising the amount. If you -- if this law fails, the law is -- I mean, if this bill fails, the law is still on the books. The law has been in place for thirty years, and I happen to know of a few times -- very few, frankly, when it's been enforced. It's when a kid goes out and deliberately vandalizes a home, such as we saw not too long ago up in -- in one of our counties. I mean, those kids were sitting there in that house for about three nights. Now, don't tell me that the parents were looking out for their children if their kids were gone for three nights. They sat there and took video pictures of themselves. It just seems to me that it's about time we raise the limit. Maybe the kids might stay home and do what they're supposed to do and the parents might keep better track of them if they know darn well they're going to get hit by the costs, instead of the poor guy who had his house vandalized or the city that's had their -- their sidewalks vandalized. I -- it's a good idea. It's time we raise this limit. We ought to vote for the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs, is that for the second time?

SENATOR JACOBS:

Yes, and I apologize for that, Madam Chairman.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

I'll accept your apology.

SENATOR JACOBS:

Just a closing remark. I agree with Senator Fawell that this is a bill that's been on the books. Good book -- good bill. I have no qualms with the bill. A thousand to ten thousand dollars, that seems a little bit exorbitant to me. But there's one question that Senator Palmer brought up in regards to the civil suit, and -- and the sponsor indicated that no one in their right mind would go after someone who is in a debtor situation. So I guess my only question to you then, is this an attack upon middle-class America?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

This is a -- this is a pro middle-class-America bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Fitzgerald, to close.

SENATOR FITZGERALD:

Thank you, Madam President. This bill passed out of Judiciary Committee on the Agreed Bill List with the agreement of both the Chairman of the Committee and the Minority Spokesperson. It simply brings a thirty-year-old statute up to date to impose a -- keep it up with inflation. I would think those who live in urban areas where it's more common to have defacement of property would like to have this bill. Your constituents -- if you represent an urban area or any area where teenagers are going out defacing property, your constituents will like this bill, because it gives them a way to recover the costs of the damages to their property. And this bill can assist in deterring some of the graffiti and gang activity that's going on and plaguing our cities. I urge an Aye vote. Thank you.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 635 pass. Those in favor will vote Aye. Those opposed will vote Nay. The -- the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Secretary, take the roll. On that question, there are 51 voting Aye, 4 voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 637. Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Bill 637.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 637 passed out of the State Government Operations Committee 7 to nothing. It merely requires the State Fire Marshal's Office to make rules establishing fees for administering exams, certifying schools and certifying fire fighters. It also removes the riverboat language put in by Senator DeLeo, and it's supported by the State Fire Marshal's Office, the Illinois Fire Chiefs and Chicago Fire Fighters. And there's no known opposition.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question shall be, shall Senate Bill 637 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Secretary, take the roll. On that question, there are 55 voting Aye, none voting No, none voting

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 646. Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Bill 646.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Senate Bill 646 amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act and the Retailers' Occupation Tax Act to increase the penalties for fraudulently claiming sales tax exemptions. Under current law, a buyer who fraudulently claims to be a reseller is guilty of a Class 4 felony. Senate Bill 646 increases that to a Class 3 felony for purchases under three hundred dollars and a Class 2 felony for purchases of three hundred dollars or more. There was a technical amendment adopted in committee.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further discussion? Any further discussion? Hearing none -- Oh! Senator Berman?

SENATOR BERMAN:

Thank you, Madam President. I would just point out that under this bill, if a -- an amount of, let us say, two hundred and ninety-five dollars is owed, the penalty is a Class 3 felony. A Class 3 felony is -- let's see, how many years in -- in the penitentiary? Three to seven? I'm not sure. But it -- it just seems that you're -- you're taking a relatively nominal amount of dollars being owed and enforcing a Class 3 felony upon it. That's pretty tough stuff.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR HAWKINSON:

Senator, on the same point, really, Class 4 felony, which is the current law, would allow somebody to go to prison for up to three years. Do know if anyone has ever been sentenced to prison for this offense?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, I don't know the answer to that question. I -- I don't know the level of prosecution. What -- what has prompted the interest in this is -- is, the amount of some of the clubs that have been established around the State, where people are actually going in and claiming that they are -- are purchasing for resale, and in fact, it's for consumption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

I have no doubt that it's a problem. But I guess my point would be that a felony is pretty stiff punishment under current law, and that you -- you -- if it's not being prosecuted, you're not going to change that by -- by raising it from a 4 to a -- a 3. And I'm really not sure that -- that you're solving the problem by doing this, and -- and I -- I think we're trying to hold the line on a lot enhancements for probably a lot more serious offenses than this one this year.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Any further discussion? Hearing none, Senator O'Malley, to close.

SENATOR O'MALLEY:

Well, I appreciate the comments from Senator Berman and -- and Senator Hawkinson, and I -- I really believe that if our law -- law enforcement community and the Department of Revenue isn't enforcing the law, which I don't know to be the case, then -- then I really think that maybe we ought to be sending a very strong message to them that they should be doing that. I would request an -- an affirmative roll call. Appreciate it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 646 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Secretary, take the record. On that -- on that bill, there are 34 voting Aye, 11 voting No, 7 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 675. Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Bill 675.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 675 is a reincarnation of Senate Bill 1702 from last year - the first plank in my important reelection campaign bill. This is the repeal of archaic and -- and non -- obsolete statutes from the General Assembly books. The bill was amended six separate times last year to deal with concerns. We

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

took the information we had and re-notified all the departments and all the groups that we were re-filing the bill. We've had no opposition whatsoever. These bills and statutes are all obsolete. It will remove somewhere between four hundred and five hundred pages from the statute books relating to important things like the ability of the State of Illinois to enter into an agreement with Indiana to dig a canal between the two, relating to the registration of lobbyists for the Constitutional Convention of the State of Illinois, which took place back in 1970. This is an opportunity for me to -- to get a bill with -- with less difficult questions, unlike my last bill. So if -- I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On that question, shall Senate Bill 675 pass, those who are in favor will vote Aye. Those who are opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? On that question -- take the record, Mr. Secretary. On that question, there are 55 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 682. Senator Maitland. Senate Bill 704. Senator Bowles. Mr. Secretary, will you read the bill. 704.

SECRETARY HARRY:

Senate Bill 704.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 704 creates the Community Mental Health Center Order of Protection Act. The purpose of this is to permit the community mental health centers to secure an order of protection much more quickly and readily. It's motivated by the fact that we had a -- we have a rather unpredictable kind of clientele at these centers, and we had a -- unfortunately, a murder and a suicide which was, of course, very traumatic with the other patients, as well as with the employees. This bill was on the Agreed Bill List in the -- in the committee, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Bowles, to close. On this bill, the question is, shall Senate Bill 704 pass. Those who are voting Yes -- those who are in favor, vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Mr. Secretary, take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. 717. Senate Bill 717. Senator Dunn? I'm sorry. Ralph Dunn. 733. Senate Bill 733. Mr. O'Malley? Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Bill 733.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Thank you, Madam President. Senate Bill 733 changes the composition of the Motor Vehicle Theft Prevention Council and extends the date upon which the Act is repealed from January 1, '96, to January 1, in the year 2000. The purpose of this -- of -- of the Act is to prevent and combat theft by establishing statewide planning capabilities and coordinating financial resources. The bill does change the makeup of the Council by giving the Governor an additional appointment. It also provides that five of the Governor's appointments must be representatives of insurers who, incidentally, must be -- those -- those representatives must be domiciled in Illinois. This bill has been supported by Allstate, the State Police, Department of Insurance and the Illinois Criminal Justice Information Authority.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall Senate Bill 733 pass. Those in favor, vote Aye. Those opposed will vote Nay. And the voting's open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Secretary, take the record. On -- on that question, there are 55 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 739. Senate Bill 756. Senator Sieben. Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Bill 756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President and Members of the Senate. The -- Senate Bill 756 transfers the authority, powers and duties of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Lieutenant Governor's Commission on Community Service Act to the Department of Commerce and Community Affairs, and they willingly accept that transfer. There is no opposition. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate Bill 756 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Secretary, take the record. On that bill, there are 55 voting Aye, none voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 762. Senator Klemm. Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Bill 762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 762 permits any county to conduct programs, spend county funds, make application for grants and coordinate activities for the prevention, reduction or control of juvenile delinquency within the county. This mirrors the legislation that allows municipalities to enact such programs, and we wish the county to do the same. And I ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Madam Chairman -- Madam President, Ladies and Gentlemen of the Senate, I'm beginning to feel like a yo-yo, and on bills that really don't seem to mean much. But here again, Senator, why do we need this? Can't counties do this already? Can't they already decide how they're going to spend their funds?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm. Senator Klemm.

SENATOR KLEMM:

I'm sorry. I was listening to other discussion. Could he repeat the question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, why do we need that. Don't counties have the right to do it now. Senator Jacobs, would you like to restate your question?

SENATOR JACOBS:

Yeah. That's basically the question. You did very well, Madam President. It just simply is, why are we doing this? Don't counties have the authority and the right to -- to spend their money in any way they want to now?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

From our understanding, from McHenry County State's Attorney, is that they don't specifically have the authorization to do some of the programs. They'd like to coordinate them with the authority that we've given municipalities.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

So this authority then would be to the State's attorney, or would it be to the county board, to make that determination. It's my understanding that the county board can decide on its own

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

merits how to spend money regardless of where they want to spend it and how they want to spend it, as well as -- as long as they're willing to take the heat of their constituents back home.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Well, I would have thought so too, Senator, and I would have -- wasn't aware they weren't able to do the programs they would like to. We have a community-based organization trying to fight some crime and delinquency. The municipalities are able to join into it. Apparently, I'm advised, the counties are not; therefore, this will give them that authority. It would seem to me that if we thought they should have had it in the first place, which I agree with you, this would certainly assure that they have, and therefore, I know you would support that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Again, just in closing, as Senator Hawkinson said earlier, you know, we don't need to muddle up the record -- or the law books with a lot more legislation. I would suggest rather than passing this legislation, which I'll vote for if -- if you want to bring it to a vote, but rather than doing this, that you would enter into an intergovernmental agreement with the municipalities and do the same thing.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Klemm, to close.

SENATOR KLEMM:

Well, it seems like to curtail the counties from doing some programs to prevent juvenile delinquency and crime, to end up having to go with an intergovernmental agreement with

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

municipalities, seems like a cumbersome way. It seems like this should be a united effort by municipalities and counties, and even State, to try to solve some of the problems. Those who don't wish the county to participate certainly can have a right to vote No. I think all of us should support this legislation to give them to those tools to do that. I ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 762 pass. Those in favor, vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question, Mr. Secretary, take the record. There are 55 Ayes, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 763 is going to be recalled. Senator Dunn, did you wish to recall it to 2nd -- to 2nd Reading for purposes of amendment? Senator Ralph Dunn. Senator Ralph Dunn seeks leave of the Body to return Senate Bill 763 to the Order of 2nd Reading for purposes of amendment. Hearing no objection, leave is granted. Senator Dunn. On that Order of 2nd Reading is Senate Bill 763. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dunn, to explain your amendment.

SENATOR R. DUNN:

Thank you, Madam President. Senate Amendment 1 to Senate Bill 763 clarifies the intent of the bill and makes it an immediate effective date. I move its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none, all those in favor of the amendment, signify by saying Aye. All opposed, Nay. The Ayes.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

have it, in the opinion of the Chair. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 764. Senator Ralph Dunn. Mr. Secretary will you read the bill.

SECRETARY HARRY:

Senate Bill 764.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Madam President and Members of the Senate. This legislation is aimed at the Kincaid-Reed Street Conservancy District in Jackson County. They've been having some problems trying to develop some -- and having some difficulty developing a land -- sort of a subdivision and -- resort, and as a result, why, they've found out that -- I think that they agree they need some more members on their board. So this would add two members. Presently there are five members on the board. This would make it seven. And it would say that no more than four could be of either political party. That's the intent and whole story of the bill. I'd urge a -- be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall Senate Bill 764 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, none voting No, none voting Present. And this bill, having received

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

the required constitutional majority, is hereby declared passed.
Senate Bill 766. Senator Madigan. Senate Bill 769. Senator
Petka. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 769.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. This bill would exempt overtime provision -- pay provisions under which -- currently under the federal Labor Standards Act are exempt from overtime, to make those provisions applicable to Illinois law and to -- to conform with the federal law. This bill passed out of this Body two years ago 55 to 0. I'll entertain any questions that Members may have.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, on this bill, the question is, shall Senate Bill -- Senator Garcia, did you wish to be heard?

SENATOR GARCIA:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You almost didn't make it.

SENATOR GARCIA:

Would the sponsor yield for a brief one?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Yes, he indicates he will yield.

SENATOR GARCIA:

Thank you. Senator Petka, I didn't catch all of the discussion in committee. Why would you want to add radio or

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

television announcers, news editor or chief engineer to the class of employees who are exempt currently, which are motor vehicle salesmen and mechanics, boat and aircraft salesmen and some of the others? What's the purpose for that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Thank you. The -- the purpose is, Senator, that these employees under current federal law - a law that was passed by a Democratic Congress when they passed federal Labor Standards Act - enjoy that exemption under federal law. What we're merely doing here is permitting this exemption to be extended to -- to State law.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Petka, to close.

SENATOR PETKA:

I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 769 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, will you take the roll. ON that question, there are 39 voting Aye, 12 voting No, 3 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 774. Senate Bill 783. Senator Watson? Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 783.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This bill impacts a school district in -- in the late Kenneth Hall's district, and it provides that bonds issued by Signal Hill School District, which is located in Belleville, to replace the school building damaged by mine subsidence shall not be considered for the debt ceiling. This bill passed out unanimously out of the Education Committee. Glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall Senate Bill 783 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 52 voting Aye, none voting No, 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 789. Senator Karpziel? Madam Secretary, will you read the bill.

END OF TAPE

TAPE 3

ACTING SECRETARY HAWKER:

...(microphone cutoff)...789.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. Senate Bill 789 clarifies the definition of "storage site" and "transfer station", and defines "transfer container" in the Environmental Protection Act. Under current law, the transfer or storage of intermodal units containing waste has created confusion and controversy as to whether or not the site of the transfer of the intermodal units is a transfer station or a storage of waste, and thus subject to regulation. This bill changes the definition of the -- as I said, of the storage site transfer station to eliminate the confusion. This bill has been worked on between the Illinois EPA, the railroad -- the people of the Railroad Association, the waste people that are involved in the waste industry, and the environmental groups, and we've been working on this for about a year now. I think we have reached an agreement with Senate Bill 789. I think there may still be a little tinkering to be done, which they are willing to do in the House. But basically this is an agreed bill that has been, as I say, worked on for quite a long time, and I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Question of the sponsor. She indicates she will yield.

SENATOR WELCH:

Senator, if a railroad car contains garbage and it's sitting in a railroad yard, it has to be moved within five days, according to this bill. Can it just be moved within the yard? Can it be moved twenty-five feet or moved to another rail, or does it have to be moved out of that entire location?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpiel.

SENATOR KARPIEL:

It has to be moved out of that location.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Could you tell me what the -- how you define the location it's in. I was looking through the bill and I couldn't find it. How do you define where the area is it has to be moved from?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpiel.

SENATOR KARPIEL:

You mean in the bill? I don't think it's actually in the bill. The idea is either a -- a -- a railroad yard, or where -- or where -- sometimes it's not a yard, it's out of the yard and it's just along the track where they do transfers, you know, between the track.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further, Senator Welch? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam Chairman. Just two -- two quick questions. Does -- for the sponsor. Does this bill have any affect on solid waste transfer sites, you know, in any of our communities where the garbage trucks come in, they consolidate waste, and then put it in a form so they can ship it further?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpiel.

SENATOR KARPIEL:

This does not include any kind of a site where the waste is actually removed or exposed. It has to be in this intermodal container, which is defined in the bill, and then just put on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

another mode of transportation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Karpel, to close. Senator Karpel, to close.

SENATOR KARPIEL:

Thank you. I think it's a very -- I think it's a fairly simple bill in the sense that -- and logical. To me it makes a lot of sense that if a truck is coming from a landfill site and the garbage is on this -- in this intermodal container, which as I say, is defined in the bill and it has to be completely enclosed and -- you know, it can't be material that you can get water into or rodents, or anything, and it's taken off of that truck and put onto a train to move it out of -- out of Illinois or the area or something like that, to me it makes sense that that is not a transfer station. It is not a landfill, and it shouldn't be subject to that kind of regulation, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 789 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Madam Secretary, will you take the record? On that question, there are 41 voting Aye, 1 voting Nay, 9 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. 796. Senator Walsh. Madam Secretary, will you read Senate Bill 796.

ACTING SECRETARY HAWKER:

Senate Bill 796.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Thank you, Madam President and Members of the Senate. Senate Bill 796 amends the Banking Act provisions relating to customer financial record confidentiality. This provides that the bank is not to mail a copy of a Statewide Grand Jury subpoena issued for financial records to any person prior to complying with the subpoena. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR TROTTER:

Is there a reason why we are not warning these people or allowing these folks to know that they are being subpoenaed or their records are being subpoenaed?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Frequently agencies want to -- or -- when -- when a person is being subpoenaed or prosecuted, they want to keep it confidential for a -- for a matter of time, and -- and that's the purpose of this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Doesn't current case law demand that -- that there is a fiduciary responsibility on these banks to notify individuals that their records are being seen?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Could you repeat the question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter, would you repeat the question?

SENATOR TROTTER:

Yes. Under current case laws, as I have seen it, it says that banks have a responsibility to notify their clients, under their fiduciary responsibility, that their records are being looked at or seen by other individuals, and not to do so, if I understand -- or from the way I've read the case law, would subject them to punitive damages. So this, in itself, is going to be circumventing that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh. Senator Walsh.

SENATOR WALSH:

What -- what's happening here is the -- the banks are -- are getting two conflicting signals here. This isn't current -- current case law.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter, anything further?

SENATOR TROTTER:

Yes. Well, I understand that what you're trying to do is not current case law, but there is current case law saying that banks have this -- fiduciary responsibility to notify their -- their clients. So -- so this, in fact, will subject them -- or could subject them to punitive damages from those that -- that are actually doing business with them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

That's the purpose of the bill: not to subject the bank to punitive damages. What they're trying to do -- what they're trying to do here is when there is a subpoena, oftentimes the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

grand jury does not want the target of the subpoena to -- to know that they're being subpoenaed, and so if they're subpoena -- if the subpoena comes to the bank they -- they -- the bank, with their -- their responsibility, has to tell their customer. The purpose of this bill is not to have to tell the customer of the subpoena.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Trotter?

SENATOR TROTTER:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Yes. What -- what this is doing -- just to the bill -- to the bill: This is circumventing the responsibility that the bank has to their customers. I can understand that the various law enforcement agencies may not want other individuals to know that they are having an investigation ongoing. However, we, as citizens -- we, as citizens, do have rights. And what we're doing here is actually taking away those rights. And -- and as they've said before, if they come for me today, tomorrow they may well be coming for you. And I think that we really need to be looking at when we do these kind of things, what are we doing, especially in the face of our constitutional rights to privacy and our constitutional rights to know. Thank you very much.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm, further discussion.

SENATOR KLEMM:

Thank you, Madam President. Senator Trotter raised some good questions; however, we, I think, answered those in committee. This is limited only to a Statewide Grand Jury. Not your regular county grand juries and all the others that, perhaps, Senator

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Trotter is concerned about, and I would share that. But this is Statewide Grand Juries only. These are the grand juries that come down for drug dealers. These are the ones that we come down for the large-scope problems that the Attorney General ends up saying this is a problem that we have to investigate. And what we're doing then is saying, "Hey, people, we're going to investigate you on your drug dealings and your holdings. We'd better send you a notice so you can skedaddle out of town and take all your stuff with you." That seems pretty dumb. This is a very limited and narrow-scope provision that I think really protects the citizens, rather than takes away the rights. If it were for all grand juries I would join Senator Trotter in opposing it, but I think the answer the sponsors gave us to the questions we had in the committee alleviated our fears and we all feel comfortable this is not an abuse, and I do ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR PALMER:

Senator, isn't -- even though this is limited to Statewide Grand Juries, the fact that it goes into law, doesn't that then set a precedent on which other laws can be built?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Again, what we're -- what we're trying to do with -- with this bill - and it passed out of committee, I believe, with -- with no opposition - is make consistent the subpoena and the statute.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

The statute right now is telling the bank that they cannot -- or, that they -- that they must disclose this information. The subpoena tells them not to disclose this information. What we're going to do is make it consistent.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

Just one last question. When you say "not to disclose", I just want to make sure I understand this. The bank is subpoenaed and it -- as Senator Klemm said, it may perhaps have to do with money in the bank from illicit activities, whatever. Then you're saying that as of now, the bank must inform the person whose records are being subpoenaed, and this bill will keep that from happening?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

With a Statewide Grand Jury.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

Well, to the bill: I -- I don't agree with this, because it certainly sets a precedent. You may have the best of intentions, but you are laying a very dangerous course here and I think this is an ill-advised bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. As a cosponsor, I just wanted to point out one of the reasons you wouldn't notify a person who has a bank account is that they could immediately transfer the money to another bank. Certainly, overseas to Switzerland or some where else. So -- the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

purpose of this bill is to help prosecute individuals who have money from drug deals or other illegal activities. So I think is a good bill, which is why I added my name to Senator Walsh's bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Walsh, to close.

SENATOR WALSH:

Thank you, Madam President. I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 796 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question -- Madam Secretary, take the record. On that question, there are 46 Ayes, 3 Nays, 5 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. 796. I'm sorry. 805. Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

Thank you, Madam President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Describe your point, please.

SENATOR SEVERNS:

It's my honor to have joining us today in the Senate gallery, the Niantic-Harristown fifth-grade classes of Marcy Wood and Jeff Deremiah, and I would like the Senate to join in welcoming them today.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We certainly welcome you here. Senate Bill 814. Senator DeAngelis. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 814.

(Secretary reads title of bill)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. The bill does exactly what it says. There's been a rapid rise, at least in my area, of students going to schools that they don't -- they have -- they have no residency in, and what this bill does, it determines how residency is established and it also creates two penalties when there is a violation. One is that the student will be charged tuition, and the other one is that the person who knowingly enrolls that person may be prosecuted and charged with a Class C misdemeanor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR TROTTER:

Senator DeAngelis, I can understand, I guess, basically a statement that needs to be here. Well, let me first ask, why such harsh a penalty?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Because it seems that the lesser penalties don't work.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

And so this -- so here you have parents who -- who want nothing but the best for their children, who's working for something who -- for one, you're going to make them pay back the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

tuition that they're doing. So now, I guess, you think you need to do more than just, I guess, what you think the slapping of the hands, a hundred and ten percent. What is -- here what it says, tuition for a nonresident pupil is currently defined as an amount not exceeding one hundred ten percent of the per capita cost of maintaining the schools in the district for the preceding year. So this has already been in place, and what kind of problems have you been having? I mean, still -- there's still been a flood of individuals coming over to your school district?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Trotter, that's a good question, but if the only penalty was to pay tuition, then everyone would go, and if they get caught the pay -- they pay the tuition, and if they don't get caught, they don't pay the tuition. I mean there's no more -- it's not any penalty to do what you have to do, because if you attended the school and knowingly said that you're not a resident, you would pay the tuition. That's not a penalty. So what you do is, you go to it, take the chance they won't find out. If they do, you're not going to pay any more than what you have to pay if you confessed up front that you're a nonresident.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

To the bill: So at this point, I just think that this is partly overkill. We are making individuals pay up to a hundred and ten percent of what the tuition costs were. Now what we're doing here -- attempting with this bill is -- is we're going to send the parents to jail for thirty days. I -- I just feel that this is just a little harsh for individuals who want nothing but a good education for their children. And I think that -- that what

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

we should be doing -- of course, we -- we need to have some kind of penalties, but I think, in this case, in this particular bill, we're going overboard, and I just believe that we should not be voting for these kind of initiatives.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

Yes. Thank you, Madam President. This bill, when it was in committee, several of us opposed it. And one of the reasons is, it sends a mixed message to our constituents. We've heard so much about individuals being able to choose the school of their choice, being able to send their child to the best school they possibly can, being able to have a student enrolled in a school that is better than the -- than the ones around them, empowering local school parents to send their kids to a better school. And what this bill says is, forget what we said, look at this bill. If you do that, it's a Class C misdemeanor, and there's going to be a fine and thirty days in jail. So why -- we have all this rhetoric pouring out from Springfield and Washington, D.C. about how our schools have to be better, how parents should look after their kids and be empowered to send them to better schools and get the best education possible, when a parent or two tries to do that, they can be thrown in jail for thirty days. I think that making them pay tuition, as Senator Trotter said and we said in the committee, is sufficient. Thirty days in jail for trying to better the station in life of your child and yourself by going to a better school, that's a bit too much. A five-hundred-dollar fine on top of that for somebody who's trying to go to a better school, that's more than enough. I think that this bill had the possibility of being a decent and reasonable bill, but to criminalize trying to improve your child's education goes against everything we've talked about in this Body, and everything that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

most of us believe. I think we should have a No vote on this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Madam President. Senator Welch, if that parent really wants that child to have what they perceive to be this better education by going to a better school, there's a simple solution here: Pay the tuition. What is wrong with paying the tuition when you go to a school in which you do not reside? If you don't why don't, we just have open enrollment across the State? I'll accept that amendment. There is a flurry of activity because there is no penalty if you get caught now. Because what you would have to pay is what you'd have to pay if you did it legally. It may be a quality education at a -- and it certainly is, but let's do it legally. I urge your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On that question, shall Senate Bill 814 pass, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 43 voting Aye, 9 voting No, 1 voting Present. This bill, having received the required constitutional majority, is hereby declared passed. Senator Raica, on Senate Bill 817. 817. Madam Secretary, will you read Senate Bill 817?

ACTING SECRETARY HAWKER:

Senate Bill 817.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR RAICA:

Thank you, Madam President. The Calendar is exactly correct. It amends the State Fire Marshal's -- or the State Finance Act and Vehicle Code and authorizes the issuance of Illinois Fire Fighters' Memorial license plates. I just ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further discussion? Hearing none, the question is, shall Senate Bill 817 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 53 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 822. Senator Klemm. Madam Secretary, will you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 822.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 822 contains two provisions of adding small parcels of land into the Metropolitan Water Reclamation District. One is from a small, triangular parcel in Hoffman Estates, and the other was -- at the request of Senator Rauschenberger on a small parcel in Streamwood. The Metropolitan Water Reclamation District has looked over both proposals and do not oppose the bill, and I do ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate Bill 822 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Had all voted who wished? Madam Secretary, take the record. On that question, there are 53 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 836. Senator Dillard. Will you please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 836.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 836 creates the Parental Notice of Abortion Act of 1995, and provides that no person may perform an abortion upon a minor or incompetent unless the person performing the abortion has given at least forty-eight hours' notice to one parent or the legal guardian of the minor or incompetent. It contains exceptions to the -- the premise of the bill. There are procedures for judicial waiver, which the Governor has indicated he would need to sign such legislation, and the penalties in this bill are civil in nature, where the Attorney General or a State's attorney having jurisdiction can bring a civil action. Basically, it is a thousand dollars for the first violation. For second or subsequent violations, a civil penalty of five thousand dollars is in the legislation, and it has a reporting provision, obviously with confidentiality, where we may keep the statistics from this Act. Thirty-eight other states have parental notification of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

abortion types of statutes that are valid. We have a litany of Statutes in the State of Illinois. I have five or six pages -- six pages of Statutes where minors -- when a minor is involved a parent must receive notification or has some type of veto power over the act of their child. Again, many states have this. I know in my district overwhelmingly, whether they're pro-choice or pro-life on the question of abortion, most of my constituents believe that a parent of a minor under eighteen should receive some notification, with a judicial bypass in certain cases, for this type of medical procedure, and I'd be happy to answer any questions, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in respectful opposition to Senate Bill 836. What we are confronted with in evaluating this bill is not whether we agree with it or disagree with it. We don't have that choice, I would suggest to you. Let me read to you what our Illinois Constitution says, Article I, Section 6. It says, quote, "The people shall have the right to be secure in their persons...against unreasonable...invasions of privacy..." That language is stronger than even exists in the federal Constitution. The federal Constitution doesn't even use the word privacy. Pursuant to Article I, Section -- excuse me, Section 6 of the Illinois Constitution, we have a -- provided by that Constitution a state's rights that our Supreme Court has repeatedly indicated that that right of privacy includes the right for a woman to have an abortion. And that is a greater right than exists under the federal language. Recent Illinois courts have said that women cannot be compelled, for example, to undergo medical treatment, such as related to childbirth, such as a Cesarean, because of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

their fundamental right to privacy in matters of reproductive health. Our Illinois courts have also held that poor women - poor women - have the same right as financially endowed women, under our Constitution, to exercise the right to have an abortion. The case of Doe versus Wright upheld the use of Medicaid funds, for example, for abortions of poor women. So the question is not whether we agree with this approach regarding notice or don't agree with it. It is not within our purview to rule upon it. It has already been ruled by the language of Article I, Section 6 of our Constitution. Senate Bill 836 does, if it is passed, invite a court challenge, which will not -- which will result, a), in a victory for the rights of women to choose when they wish to have an abortion, and a defeat of this legislation in the court systems, and will incur a substantial cost to the taxpayers of Illinois. I urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President and Members of the Body. I rise in very troubled, deeply concerned opposition to this bill, because of the consequences that it may have to women, and especially young women, should it be enacted into law. I am going to read to you from the Journal of the American Medical Association. Whether you agree with -- whether you are pro-choice or pro-life or whatever, I would like for you to hear what physicians have to say, and I think that we would agree that the Journal of the American Medical Association is certainly the main journal in this country. And when all is said and done, this is a medical procedure. Their remarks, and this is from 1992, say that adolescents who bear children are at a significantly higher risk of leaving or falling behind in school and experiencing economic hardship than their peers who terminate their pregnancy and that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

increasingly restrictive abortion laws are less likely to -- are also likely to disproportionately affect young, poor and minority women who may lose some of the access they currently have to the improved and sophisticated medical technology of current abortion procedures, and that we are likely to see an increase in morbidity and mortality. And finally, if national or state funding regulations or mandatory notification statutes deter or delay women from seeking an early termination of pregnancy and other points, then more women are likely to bear unwanted children, continue a potentially health-threatening pregnancy to term, or undergo abortion procedures that would endanger health. I don't think this is a good idea. I would suggest that we vote No on this. Perhaps there are later times when we can take a closer look at, I'm sure, the concern that Senator Dillard and others may feel, but this is not the proper way to go.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. The reason why I think Senator Dillard's district says that they're in favor of this, whether they're pro-life or pro-choice, and why many people if you polled them would say initially this is a good idea, is because you personalize it, and you say, well, if -- if you were in this situation where your daughter became pregnant, wouldn't you want to know. And the answer, of course, is yes. But if it's a functional family, as most families are, the fact is that that daughter is probably going to come to you and tell you about the situation. It's in the dysfunctional families where the problem occurs, because in a dysfunctional family, I would think many times that minor might fear abuse, and in many cases it might, indeed, be true. And what's to be accomplished when that abusive parent or parents are notified that the child is seeking

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

an abortion? Now, the judicial bypass, which is put in here because it's constitutionally required, is a practical matter, especially in some of your smaller counties - won't work to preserve confidentiality. Everybody knows the clerk in the counties. Everybody knows the -- the lawyers, the judges. Some sixteen-year-old girl trying to find her way to the courthouse, it's not going to be a secret for very long. And with regard to the twenty -- or, forty-eight-hour waiting period, you know, it's really interesting, one of the first bills that I ever sponsored, when I was a freshman State Representative in 1979, was a twenty-four-hour waiting period. There had been a -- a number of abuses in abortion clinics on Michigan Avenue - abortion clinics - where people were receiving abortions when they weren't even pregnant, and I sponsored a bill to require a twenty-four-hour waiting period, because there should be a -- the argument was, there should be a -- a period of time between the diagnosis and -- and the procedure. And it was interesting that the -- the pro-life people killed the bill. They killed the bill. And I felt that that bill would have been even constitutional. But they killed it, because they said, "Well, it really wasn't what they had in mind." What they had in mind was to really stop people from having abortions, and I'm sure that that's really what's behind many people who are opposed to abortion, what's behind this bill. I really think that on the face of it, it sounds good, it makes sense. When you examine it, you find out that it probably will cause much more harm than it's well-intentioned sponsors mean, and it's very, very likely that it continues to be unconstitutional. We'll spend more money fighting it in court, and it will be like all the other ones we've passed. It'll be an unenforceable law.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Trotter.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR TROTTER:

Thank you very much, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR TROTTER:

Senator Dillard, assuming that this bill will pass, do you actually believe that this will stop abortions here in the State of Illinois, or slow down the rate of abortions that are being done at this point in time?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

I would hope so, but I do not know.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Okay. Is there data that you might be privy to that other states -- this has actually slowed down the rate of abortions in those states, even though you might not know if here in Illinois?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Yes. There are those types of studies, Senator Trotter, and I'd be happy to -- I do not have them with me today, but I'd be happy to share them with you, but there is evidence in other states that this does slow down teen pregnancy, as well as the rate of abortion.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Okay. With all probability that may be because there might be a family-planning component in there -- in to that -- their kind

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

of legislation. In our legislation - this legislation that we're proposing here, is there a family-planning component involved?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Not in this particular bill, but as you know, we're all free to come up with our own ideas in other legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

So since you know of no known cases here in Illinois that this will slow down the rate of abortions and there is no family-planning component here, so this bill, in itself, will not achieve many of your purposes, which is, again, to slow down the rate of abortion here. I have here -- it just says that in -- in Massachusetts and in Minnesota, where they have these kind of consensual laws, that these laws fail to discourage adolescent sexual activity, limit teen pregnancy, reduce abortions, or prevent teenage childbearing. So the purpose of this bill actually -- I -- I just can't understand what it -- what it could be, if that's not what you're trying to do, to limit these teen pregnancies, reduce abortions and to prevent teenage childbearing, which certainly would come forth if we had a -- a planning component in here. Now with...(microphone cutoff)... I'll go on, 'cause we're not going to try to belabor my -- my fellow Members here. They made most of the points. If I could just add a couple other facts here. It says that sixty-one percent of teens under eighteen already discussed their decision to have abortions, as Senator Cullerton has stated already. And it says that -- and in other cases, rather than tell their parents, for whatever reason, some teenagers resort to illegal abortions or try to perform them on their own. And in doing so, they risk serious injury and death

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

to themselves. This bill serves no real function, other than, I guess, it's probably a good reelection piece in -- in some people's areas. But as far as actually serving and being a viable piece of law, this bill does not do it. It's -- it's wrongly drafted at this point in time. It does not, again, fulfill any real goals other than trying to get some of us reelected. And I urge a No vote on it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Hendon. Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a hard bill for me, because frankly, number one, I'm -- I'm pretty pro-choice, but I've just got through reading the bill, and bottom line is, what you ought to remember is that the average age of an unwed mother in our State is fourteen years old. We are talking about eighth graders or younger getting pregnant. Senator Cullerton, I appreciate your remarks, but let me tell you what is happening in -- in your old county. Senator Cullerton, in your old county where your nieces are presently living, what is happening there is these young girls and the fathers-to-be are hopping on the North Western train, because they're too young to drive. The boy is passing the hat in the high school to collect the necessary monies to have the abortion performed, and the two of them are cutting school and running into Chicago to Lord knows where, to Lord knows whom, to have that abortion. Ninety-nine percent of the -- the parents that I know, all they are interested in is the safety and the health of their daughter. That's what they're looking for. My daughter's well past this age, and very frankly, married. But I have some granddaughters coming up, and I'm going to tell you if that -- if she happened to have gotten pregnant, all I'd want to make darn sure is -- whether the child is brought full term, or

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

whether it was decided that an abortion was the issue, I want to make sure that whatever happens happens to -- to -- so that she is safe, and so that she remains healthy. I don't want to take her to a butcher. And I don't want her going to a butcher, and possibly losing her life. My generation saw that. That's the reason I am pro-choice. You're never going to stop abortions. Whether abortions are completely illegal or not, it's not going to stop abortions. It -- it certainly happened in my generation, and it's going to continue happening. It's been the history of the world that it's going to happen, but for crying out loud let's at least make sure that our -- our -- our minor daughters are safe, and -- and if this operation is performed, that she indeed will come out in one piece. I think we all ought to vote Aye.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I -- this is a tough vote for me. I have daughters. Just had a new daughter, and had personal experience in a situation like this, and everybody knew but me, and I was raising my daughter. But what is it -- if the bill was broader, Senator Dillard and Senator Lauzen, I would vote for it. If it said aunts and cousins, or aunties, or whatever, I could -- I could vote for it, but if it -- if it -- if your daughter is -- if it's a case of incest, what do they do? They are -- you know, you don't want to tell them then, and then if the doctor doesn't, he goes to jail or whatever. If -- if the bill fails, which, as written, I reluctantly hope it does, and you bring it back and it's broader, you will most certainly have my support, because parents, I believe, should have a -- a right to know or at least some adult. But my concerns are similar to Senator Fawell. I'd rather have my daughter alive and well today, as I do, than have had her go and be forced to a back-alley abortion and maybe lose

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

the child and my daughter. So I'm going to have to vote against this, but I hope you bring it back if it fails, and -- and we broaden it a bit to other adults that are in the family. Thank you very much.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Dillard, to close. I'm sorry. Senator Parker.

SENATOR PARKER:

Thank you, Madam President. I also am pro-choice, but I'm going to support this bill. I do have some reservations on it, because of some of the things that it does entail as far as penalties on the doctors and them going to court. And I think it's too restrictive in some natures. But we can't have it both ways for our children. We can't be responsible for them taking an aspirin in school, whether they have to have our signature to go on a field trip, and yet not be -- have the right to at least know if they're going to have any type of important medical procedure done. And so I do support parental notification, but I do hope when this bill, if it does pass, gets over to the House, that over there they can look at it and look at the compromise that was spoken about in the House, and possibly put on some of the adjustments that they had talked about over there that would make this process easier for those that are in this type of situation. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. I just -- I rose before the -- or -- Senator Parker has already covered one of the points that I wanted to make, and I just rise in support of Senator Dillard's very good bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. I, too, feel that this bill contains some arbitrary language and I would -- like Senator Parker, I would like to see this go over to the House and have some changes made in it. I firmly, firmly believe in parental notification - no question about that - or for a responsible adult. But I think that some of the -- some of the mandates in this bill are onerous. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Madam President, Members of the Senate. Clearly this is not my reelection bill. In fact, this is one of the stickiest and, even for pro-life groups, somewhat of a quagmire for all of us. This is not a bill that is easy to sponsor by any means. Senator Hendon addressed some of his concerns, but I do want to, again, point out that there is a judicial bypass in this bill for cases of incest or legitimate reasons when a child would be afraid or uncomfortable to talk to their parents. Senator Fawell, I thought, eloquently pointed out that the average age of fourteen, which comes into many of these situations, to me is astonishing. A child at the age of fourteen is just that, a child. And I think all of us, as parents, as Members of the General Assembly, and as civic individuals have a duty to try to get at the root cause of teen pregnancy and those types of situations. But the fact that Senator Fawell brought out that these are sometimes fourteen-year-old children is astonishing. The United States Supreme Court upheld parental involvement laws finding that they're -- they are constitutional expressions of a state's interest in three ways, and this really is why I'm

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

sponsoring this bill. The first is, we have a duty to protect the health and safety of our minor children. The second is that parental involvement in the upbringing of minor children is an important thing in the American culture. And obviously, the last and very important point is, we want to foster family unity. And I believe that those are the parameters that following the United States Constitution, as well as the U.S. Supreme Court's ruling on similar types of legislation, will mean this is a constitutional bill. So, in closing, this bill with -- will, within the parameters of the United States Constitution and our Constitution of 1970 in the State of Illinois, help to reinstate the rights of parents to be involved in the raising of their minor children and better provide protection for unemancipated minors who are seeking abortions. Please support Senate Bill 836.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 836 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all -- have all voted who wished? Have all voted who wished? Have all voted who wish? Madam Secretary, take the record. On that question, there are 35 voting Aye, 12 voting Nay, 4 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. There are about forty bills left, and I would caution all of my colleagues in the Senate to make their remarks brief so we can get through today. Senate Bill 866. Senator O'Malley. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 866.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

SENATOR O'MALLEY:

Thank you, Madam President. Senate Bill 866 amends the Marriage and Dissolution of Marriage Act by authorizing a court to consider a child's needs in awarding child support. Be happy to answer any questions. If there are none, I would request support for this legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, on this bill, the question is, shall Senate Bill 866 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question -- Madam Secretary, take the record. There are 53 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 907. Senator Walsh. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President and Members of the Senate. Senate Bill 907 is a pretty simple bill. What it does is it allows the use of bid bonds for bid deposits instead of cash, cashier's check or certified checks. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, on that question, shall Senate Bill 907 pass, those in favor will vote Aye. Those opposed will vote Nay. The -- the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 55 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 908. Senator Walsh. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 908.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President and Members of the Senate. Senate Bill 908 allows the director of personnel to limit the duration of eligible registers for student programs and entry level engineering positions to one year. Right now it's three years, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate Bill 908 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On that question, there are 52 Ayes, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 932. Senator Viverito. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 932.

(Secretary reads title of bill)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

Yes, Madam President, Ladies and Gentlemen of the Senate, the important facts on this bill are rather simple. The bill permits townships to establish a primary health care programs, and to levy a tax for the purpose pursuant to a front-door referendum. This bill permits townships to enter into an intergovernmental agreement to provide such service. The bill came out of the committee with a near unanimous vote. There was no opposition. This bill is totally permissive, and I hope that you will allow this good-government bill to pass. Thank you very much.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator, it shows how wrong committees can be whenever they pass things out without really giving it good thought, without really letting the sunshine in. Why -- why would you want to make this a front-door referendum?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. -- Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam President. Because I think that the primary health care is an issue that a lot of particular townships don't have in rural areas, and I think this gives them the opportunity to vote on something they may well need.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Well, Senator, I have received no mail on this whatsoever. I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

haven't had one constituent come up and tell me that this is a good bill. Can you name me one township that has said they want this bill?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

I can name a number of them that have contacted me through the years. One? Stickney Township is one that has a very fine primary health care in position right now.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Just in closing, to the bill: I don't know why we're even involved in primary health care in this Body anyway. So, you know, everybody should remain healthy. No one should have to see a doctor, so I just think this is a very bad bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I'm glad you have strong opinions. Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. May -- would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates that he will.

SENATOR KLEMM:

One of the questions we had in committee, which we failed to ask because after the bill -- I don't know how it got out of committee. I kind of have to apologize to the Chamber that this bill snuck out of there somehow, and then afterwards questions arose that I certainly have to ask. And one was, how did you pick .095 percent as the tax? How did you come up with that figure in the first place?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Viverito.

SENATOR VIVERITO:

Senator Klemm, we came up with that particular figure of nine and a half cents. It's comparable to what municipal health boards may levy, and what counties may levy for county health departments. It's -- it's just a flat rate. It necessarily doesn't mean that they'd have to charge that much to provide a primary health care.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

A couple other questions that -- I see you would want to provide primary health care. You don't care about secondary health care?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

I -- I don't know exactly how to handle that, sir, but first comes primary health care. I don't know how -- I don't know what to say to that, Senator Klemm.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

...(microphone cutoff)...do have some deep concerns about that. Another point that was raised about -- which township are you concerned about in this, particularly? Stickney Township? And -- and the question then is; how many unhealthy people have you got there that we need to address? We'd like some figures if you have that. And maybe you could answer some of those, and...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Klemm, we have, fortunately, many healthy people in Stickney Township because of our preventive health care program, and I welcome you someday to come out and visit us in Stickney Township, and I'm in hopes that a lot of the people will come and visit our township and -- and bring some money with you, too.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR BURZYNSKI:

Our analysis indicates that this is -- a program similar to this has already been established in -- in that particular township, Stickney Township. If that's the case, why is legislation necessary?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

Well, one of the basic reasons, in order to establish a public health district, you need at least seventy-five thousand people. this will give the opportunity -- especially in rural areas where they don't have any -- near that amount of people. They will be able to -- to work with one another, and where the area is cohesive, they can come up with a health district with a much smaller population.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- further discussion? Senator Raica. Senator Burzynski, haven't you finished?

SENATOR BURZYNSKI:

No, ma'am. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

I'm sorry.

SENATOR BURZYNSKI:

I've only begun.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Oh, perish the thought.

SENATOR BURZYNSKI:

On this -- on this particular bill, I'd like to know who is -- who can receive health care under -- under this particular bill from a township?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

All the people that have decided to establish the public health district, whether it be two, four or five townships, would be able to establish a primary health care facility. A lot of times the county does -- it doesn't have enough time and enough personnel, and a lot of times in rural areas, especially children immunization programs, and whether they -- they have to decide what type of program they want to adopt.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Another question I had just thinking about this is -- is the fact that you mention right now Stickney Township has one. They're over seventy-five thousand population. How many rural townships have contacted you asking you for this authority?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

I would like to tell you that the Township Officials of Illinois -- cited the Stickney Township as one of the better providers of a public health district. In fact, had -- back in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

1984 -- asked us to testify in Washington, D.C. because of what we were doing in our primary health care facility, and the Township Officials of Illinois had stated us as being a major primary health care under the Township Act. And we only have forty thousand people in Stickney Township today, and it was under a Coleman Act district and we were able to establish, by referendum, back in 1947. And when the revenue sharing became a reality, we were able to spend over ninety percent of our revenue-sharing monies in the field of public health. We have been cited by the Congressional Record twice. We are in McCall's Magazine. We've been interviewed by 60 Minutes' Ed Bradley. We've been in -- cited in McCall's Magazine and Ambassador Magazine as being a major primary health care. And we're anxious to work in rural areas that need the service, and we're extremely anxious to have them come to Stickney Township where we'd be able to help them. Thank you very much.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski, are you done, sir? I believe he's done. Senator Raica.

SENATOR RAICA:

Madam President, I'd ask leave to be put on as a hyphenated sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Emil Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I believe he indicates that he will. Senator Viverito?

SENATOR JONES:

Senator Viverito, is there anything in this bill that's going to hold down the cost of health care?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Viverito.

SENATOR VIVERITO:

Thank you. Senator, I -- I don't know that's it's going to -- actually, I think it will end up costing the people less, because they're going to begin to realize what illnesses they may have, and I think it might very well be an opportunity for the federal government to come in to see what we might be able to do in providing a primary health care that we were promised years ago. And I -- if I may add, we did have visits from United States Senators Chuck Percy, United States Senator Jacob Javits from New York, and we're very anxious to have you come out and visit us, as well, our Leader, Emil Jones.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jones. Senator Jones.

SENATOR JONES:

Yeah. Senator, are you aware that this bill was not presented to the Democratic Caucus for a vote?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito, do you wish to respond?

SENATOR VIVERITO:

I would like very much to say that I wasn't quite sure that I was ever going to be able to pass a bill before I was ready for Social Security. So if you'll pardon me for not bringing it to the caucus, I wasn't quite sure how to do it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you done, Senator Jones? Any further discussion? Any further discussion? Hearing none, are you ready to close?

SENATOR VIVERITO:

I want to say that this is one thing that has been very close to my heart for a long, long time, and I'm sincere when I say this to you. During my campaign I said I was going to promise to bring primary health care to the State of Illinois, and I hope that you

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

people, especially -- especially in downstate, will let Stickney Township help you to set up a program. Thank you very much. I hope you'll vote Yes for this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 932 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? One more time. Have all voted who wished? Madam Secretary, take the record. On that question, there are 49 voting Aye, 4 voting No, 1 voting Present, and this bill, having received the required constitutional majority, is duly declared passed. Senate Bill 934. Senator Barkhausen. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Point of -- point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would you -- state your point, sir?

SENATOR LAUZEN:

I would like to introduce, from Elgin, the Hillcrest School, the fourth- and fifth-graders who join us in the gallery today, over in this area, if I'm not mistaken. If they'll rise and receive the welcome of the Senate.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We welcome you here. We welcome you. Senator Lauzen.

SENATOR LAUZEN:

I believe that Senator Rauschenberger is on his way up there.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senate Bill -- Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I just wanted to point out to Senator Lauzen that when he says over in this area, this is the Democratic side. Over here.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I think he's aware of that. Any -- Senate Bill 940. Senator O'Malley. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 940.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Senate Bill 940 amends the Code of Civil Procedure by creating a modified English rule in actions seeking recovery of money. If the defending party makes an offer to the party seeking money damages and the judgment or verdict finally obtained by this party is less favorable than the offer, then the offeree must pay the reasonable attorney's fees, expenses and costs that are incurred by the party making the offer from the time the offer is made. There was a Committee Amendment No. 1 that made the bill cut both ways, so that the plaintiff can make a demand for settlement just as the defendant can make an offer of judgment to the plaintiff. Be pleased to answer any questions there may be.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. The proper title, I would suggest for this bill is -- this is -- this bill ought to be labeled the "Rich Man's Litigation Bill". One of the things that I think we're all very proud of is the access to the courts of all of our citizens. This bill will, in effect, put an end to that access. And the reason I say that is, let me give you a little scenario: Many times --

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

many times persons who are involved in litigation come into their attorney's office, a lawsuit is filed, and with the uncertainties of the jury system, there is -- until a case moves along in the process, certainly involving what we call discovery, neither side knows exactly what a case is worth or what the expected result is going to be. The interesting part of the jury system is the unpredictability of that system. But what you have here is going to be a financial leverage that's going to require many people of modest means to not have the advantage of a jury trial, because what this bill says is, if - and there is no time frame within this bill - if the day after a lawsuit is filed the defendant comes in and makes an offer and the plaintiff - the plaintiff - rejects that offer, the costs of the defense of that suit will have to be borne by the plaintiff if the verdict results in less than the amount of the offer. Now, what you're doing for any person of modest means, they are going to gamble their resources - their resources - on something that is beyond their control in order to even find out what their case actually may be worth down the road. If there was a threshold time limit, if this was after a pretrial and after a discovery process, then it might have some merit. But what you're going to do is allow rich defendants, rich insurance companies to come in, offer money, and this jeopardizes the right of the jury trial availability to anybody, because of the uncertainty of the process. That -- that withdraws from the average citizen their right to their day in court. This is not fair. This is for the rich, not for the ordinary citizens. I strongly urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, yes. Thank you, Madam President. I fully agree with Senator Berman. I know that the bill was amended in committee to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

say that if -- if the plaintiff makes a -- an offer, and it's later -- and it's rejected, and later turns out to be more than that, that the defense would have to pay for the legal fees. But it doesn't take into account the enormous resources that the defendant usually has that the plaintiff does not have. Not only will it affect, perhaps, frivolous lawsuits, which is what the intent is, but it will also dramatically affect nonfrivolous lawsuits. The -- the irony is that, in England, they are starting to modify their own English rule. They also have a system in England where there can be a portion of the legal fees paid for by the government. The -- there are a number of legitimate lawsuits and claims, if you will, that should be brought that are not brought because the fear is that the plaintiff would literally be bankrupted. The defense has the ability to put people through a paper war. The -- the amount of discovery, the depositions, all of which can just drag out a lawsuit while the plaintiff is not receiving any money, no interest is earned on the money that he or she may have ultimately -- ultimately be -- be awarded. And it just gives an -- a tremendous amount of leverage to one side, at the expense of the other. It seems to me that there's much more innovative ways that we could look at to cut down on frivolous lawsuits, some of which we attempted to address in the tort reform bill. But this is not a level playing field. Is -- it will be a -- perhaps even a more significantly unfair bill than the -- than the tort bill that we already passed. And I would urge you to please consider this. This will affect all of our constituents in an -- in a very adverse way, and I think it's the type of bill people are going to find out about. Hasn't been much publicity about it. They're going to find out about it, and they're going to be -- you're going to see some real horror stories that are going to be written about if this should become law. I'd urge a No vote.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

I had a -- I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will yield.

SENATOR WELCH:

Senator O'Malley, how would -- how would this work? Could a judge call a -- a conference and at a status hearing require both the plaintiff and defendant to submit a document to the court saying the plaintiff demands X dollars, the defendant offers Y dollars? Or how -- how does that work?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

The -- the judge does not have that discretion in this legislation, Senator Welch. It's merely up to the parties. As I explained in introducing the bill, it cuts both ways. Either party can -- can initiate this process.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton. Senator Cullerton <sic>.

SENATOR WELCH:

Not on. It's on now. Senator, when you say, initiate the process, how is that done? Does the plaintiff's lawyer send a letter to the defendant's lawyer and a copy to the court file, or vice versa? How -- how do you initiate the process?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

It's -- it's privately between the parties with verified notices.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

Senator Welch.

SENATOR WELCH:

If early in the litigation they -- the defendant sends a letter to the plaintiff saying, "I offer you fifty thousand dollars", can he later change that by saying, three months later, after depositions, "I offer you seventy-five thousand dollars", and revoke the first letter? Or is it a one-time proposal?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Welch, there's no limitation on the number of offers that could be made. It's just that the -- the measure of damages is -- is after the offer is, in fact, made by either party -- or, the measure of responsibility for the other party's court costs, et cetera, runs from after the date of that particular offer.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

If that's the case, why -- wouldn't it be wise for the defense attorney in every, single case to send a letter to the plaintiff's attorney when they file their answer saying, "I offer you five dollars in full settlement of this case"? Because if it goes to a jury trial and the defendant wins, then one hundred percent of all costs from that answer being filed by the defense on would be the burden of the plaintiff himself. Wouldn't that make sense if you were a defense attorney?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

I think I understand your question, and what I would say to you, Senator Welch, is that if the party making the offer is making it in bad faith, with the committee amendment that was

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

offered, you really have a situation now where the other party can come back and literally, using a different number, force the -- that -- that party to be in a position where they're responsible for attorney's fees. I think with the committee amendment there is a necessary force that's present that would make the parties negotiate with numbers in good faith.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Welch? Senator Welch.

SENATOR WELCH:

Well, in -- in many of these cases, Senator, as -- as you know, right before the trial there's a pretrial conference in which the judge tells both parties, "Bring your lawyers and be prepared to settle this case." And he sits the lawyers down and says, "What will you take", and to the defense lawyer, "What will you offer". Would that negate everything that went before -- or, how -- how does that -- how does that work?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

You know, I've been through pretrial conferences, too, Senator Welch, so I'm familiar with that. I -- I don't think that this legislation affects the judge's ability to conduct a pretrial conference or the parties to participate in one.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Are these offers discoverable in a third-party complaint if -- if there's more than -- well, if there's a third-party complaint, can the third-party defendant demand that the offer from the first -- the original defendant be disclosed to them, or the original proposal from the plaintiff's attorney be disclosed to the third-party defendant?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

It's -- it's not addressed in -- in the bill. I think I -- we'd have to refer to the rules of discovery to determine whether or not that -- that is a discoverable item.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

In -- in the Civil Practice Act there's a provision that you can take a voluntary nonsuit at -- well, pretty much any time in the case if there's no prejudice to the other party. What happens if you have the -- go through the discovery and the plaintiff's lawyer is afraid that they may have to pay for all the discovery, they take a voluntary nonsuit and refile the case the next day as a new case, but they've already got their discovery complete? Or vice -- well, it couldn't be vice versa. It would be the plaintiff asking for the voluntary nonsuit. Is this going to negate that provision of the Civil Practice Act or the Supreme Court rules?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley. Senator O'Malley.

SENATOR O'MALLEY:

I -- I don't -- I don't believe, Senator, that it affects, in any way, what you're suggesting, and it probably could be argued that there's bad faith on the part of that party who -- who would suggest that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley, are you done, sir? Senator O'Malley. I mean, Senator Welch. I'm sorry.

SENATOR WELCH:

We both have the same first name. So that's the problem. It

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

seems that in an attempt to reduce litigation what you may be doing is increasing it, because you keep saying that, well, if there's a voluntary nonsuit, there's a question of good faith; if there's a offer that's de minimis, there's a question of good faith. Are you going -- it sounds like it's almost like the O.J. Simpson trial: You're going to have to stop in the middle of it and have a hearing on if Rosa what's her name's going to be a witness or not, and -- before you continue on the case. It seems like it's going to be more litigation and that's not what you're trying to do with this. You're trying to reduce the amount of litigation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley. Are you done, Senator Welch? Any further discussion? Any further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Madam President, and thank you, everybody in the -- in the Chamber, for taking the time to go through this important legislation. I -- I'm not going to quote him verbatim, but I recall reading remarks made by Abraham Lincoln in a segment of his writings where he was giving advice to attorneys, and this was long before he became President of the United States. But he basically said something to the effect that it is the duty of all attorneys to encourage their clients to settle their disputes and stay out of court if they possibly can. We heard a lot about tort reform this Session, and what drives a lot of discussion and interest in tort reform is frivolous litigation. I don't think there is any legislation that I have heard in the time that I have been in Springfield that strikes more at frivolous litigation than this particular bill. As for the comments from the other side about this somehow limiting access to juries and so forth, I -- I would only say this: that plaintiffs have a right to bring lawsuits, including under this -- this legislation. This doesn't

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

change that. They also have the right to determine what they feel the damages are that they're entitled to get. They don't have to make an -- an offer. They don't have to agree to accept the offer that -- that may be made by a defendant. But if you decide to go into a court of law and you're involved with an attorney, you should be able to determine and have a good, sensible idea about what the litigation and damages are that are at stake. This is -- this is, again, an effort to strike at frivolous litigation in a way that I think was not really addressed in the legislation that we saw earlier this year. I would please request your support for this legislation. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 940 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. Madam Secretary, take the record. On that record, there are 30 Aye votes, 24 Noes, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senator Berman.

SENATOR BERMAN:

I would ask for a verification, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Request for a verification is in order. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Madam Speaker, my switch apparently isn't working. I'm trying to push the Yes vote, and I have not been able to get it to record. I would like to be recorded Yes on this vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Well, it's too late now, unfortunately. But we'll -- we'll have the record indicate it. Will all Senators be in their seat.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Request that all Senators be in their seat. 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, Hasara, Hawkinson, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Petka, Raica, Rauschenberger, Syverson, Walsh, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman. Request the presence...

SENATOR BERMAN:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Who?

SENATOR BERMAN:

Barkhausen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen. Senator Barkhausen in the room? Senator Barkhausen. Strike his name.

SENATOR BERMAN:

Senator Peterson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR BERMAN:

I'm sorry, he didn't vote.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further questions? The -- on the verified roll call, the Ayes are 29, the Nays are 24, and this bill, having failed to receive the required constitutional majority, is hereby declared failed. Senator O'Malley.

SENATOR O'MALLEY:

Madam President, I'm requesting postponed consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Postponed consideration for your bill is granted. Senate Bill 941. Senator Sieben. Madam Secretary, read the bill. 941. Senator Sieben. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 941.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President and Members of the Senate. This legislation simply amends the School Code to include instructional computer software within the textbook loan program. Brings us into the twentieth century with technology that's available. Significant amount of support for the legislation and no known opposition. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Hearing none, the question is, shall Senate Bill 941 pass. Those in favor will vote aye. Those opposed will vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 Ayes, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

passed. With leave of the Body, the Chair will proceed to Senate Bill 992, as this is an emergency. Senator Donahue. And, Madam Secretary, will you read the bill. Leave. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 992.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Madam President. I do apologize, but there is some matter of timing here. I -- I wouldn't call it an emergency; I would just simply say that there is an urgency to the timing. And it is simply a conveyance bill. Everyone agrees. It addresses the Department of Transportation, the City of Macomb. Everyone's agreed on the appraisal price. That's all it is. There's nothing here, I promise. And I would just ask if we could -- for your support so we could get it to the House.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Hearing none, the question is, shall Senate Bill 992 pass. All those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 54, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senator -- Senator Dillard, for what purpose do you rise? Senator Dillard.

SENATOR DILLARD:

Madam President, I'd like to table Senate Bill 858. 858.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

With the leave of this Body, your bill is tabled. Senate Bill 858. Resolutions.

SECRETARY HARRY:

Senate Resolution 41, offered by Senator Viverito.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 42, offered by Senator Lauzen.

It's substantive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted? All those in favor, say Aye. Aye. All opposed, Nay. The Ayes have it, in the opinion of the Chair, and the resolutions are adopted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 39, offered by Senator Weaver.

(Secretary reads SJR No. 39)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution -- Senate -- Senate Joint Resolution 39. Those in favor, say Aye. All opposed, No. The Ayes have it. The rules are suspended. Senator Weaver, to explain the resolution. Senator Weaver has

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

moved for the adoption of Senate -- Senate Joint Resolution 39. Those in favor, say Aye. Aye. Those opposed, say No. The Ayes have it and the resolution is adopted. Senator Cullerton, for what purposed do you rise, sir?

SENATOR CULLERTON:

Thank you, Madam President. Since we're not going to be here for three weeks, I just wanted to say Christos Anesti.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senator Cullerton wishes us all Happy Easter in Greek, coming from an Irishman. Message from the House.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, 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 797.

Passed the House, March 24, 1995.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measurers have been assigned to committees: Referred to the Committee on Agriculture and Conservation - Senate Amendment 2 to Senate Bill 448; to the Committee on Financial Institutions - Senate Bill 351; re-referred from the Committee on Judiciary to the Rules Committee - Senate Bill 351; referred to the Committee on Revenue - Senate Amendment 1 to Senate Bill 472; and Be Approved for Consideration - Senate Amendment 2 to Senate Bill 991.

Senator Cronin, Chair of the Committee on Education, reports Senate Bill 832 Do Pass.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

March 24, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 175, offered by Senators Garcia, Smith and others.

(Secretary reads title of bill)

House Bill 199, by Senator Raica.

(Secretary reads title of bill)

House Bill 572, by Senator Klemm.

(Secretary reads title of bill)

Senate <sic> (House) Bill 823, by Senator Woodyard.

(Secretary reads title of bill)

Senate Bill -- or House Bill 1048, by Senator Klemm.

(Secretary reads title of bill)

House Bill 1493, by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1650, by Senator Hasara.

(Secretary reads title of bill)

Senator Sieben offers House Bill 1651.

(Secretary reads title of bill)

Senator Hasara offers House Bill 1788.

(Secretary reads title of bill)

House Bill 2202, by Senator Fawell.

(Secretary reads title of bill)

And Senator Hasara offers House Bill 2401.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Pursuant to the adjournment resolution, Senator Klemm moves the Senate stands adjourned until noon, Tuesday, April 18, 1995. Happy Easter and Happy Passover to all, and safe trips home.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

MARCH 24, 1995

HB-0175	FIRST READING	PAGE	145
HB-0199	FIRST READING	PAGE	145
HB-0549	FIRST READING	PAGE	2
HB-0572	FIRST READING	PAGE	145
HB-0686	FIRST READING	PAGE	2
HB-0729	FIRST READING	PAGE	2
HB-0780	FIRST READING	PAGE	2
HB-0823	FIRST READING	PAGE	145
HB-0855	FIRST READING	PAGE	2
HB-1048	FIRST READING	PAGE	145
HB-1493	FIRST READING	PAGE	145
HB-1511	FIRST READING	PAGE	2
HB-1650	FIRST READING	PAGE	145
HB-1651	FIRST READING	PAGE	145
HB-1696	FIRST READING	PAGE	2
HB-1788	FIRST READING	PAGE	145
HB-1816	FIRST READING	PAGE	2
HB-1827	FIRST READING	PAGE	2
HB-1853	FIRST READING	PAGE	2
HB-1876	FIRST READING	PAGE	2
HB-2138	FIRST READING	PAGE	3
HB-2202	FIRST READING	PAGE	145
HB-2248	FIRST READING	PAGE	3
HB-2401	FIRST READING	PAGE	145
SB-0204	SECOND READING	PAGE	3
SB-0327	RECALLED	PAGE	14
SB-0366	THIRD READING	PAGE	15
SB-0368	SECOND READING	PAGE	3
SB-0384	THIRD READING	PAGE	29
SB-0388	RECALLED	PAGE	30
SB-0398	SECOND READING	PAGE	4
SB-0407	THIRD READING	PAGE	31
SB-0416	THIRD READING	PAGE	32
SB-0424	THIRD READING	PAGE	34
SB-0428	THIRD READING	PAGE	38
SB-0431	SECOND READING	PAGE	4
SB-0433	SECOND READING	PAGE	4
SB-0435	THIRD READING	PAGE	39
SB-0440	THIRD READING	PAGE	40
SB-0442	THIRD READING	PAGE	41
SB-0447	THIRD READING	PAGE	43
SB-0457	RECALLED	PAGE	45
SB-0458	THIRD READING	PAGE	46
SB-0476	THIRD READING	PAGE	46
SB-0507	THIRD READING	PAGE	47
SB-0509	THIRD READING	PAGE	50
SB-0533	SECOND READING	PAGE	4
SB-0574	SECOND READING	PAGE	5
SB-0579	SECOND READING	PAGE	5
SB-0595	THIRD READING	PAGE	50
SB-0598	THIRD READING	PAGE	58
SB-0606	SECOND READING	PAGE	5
SB-0619	THIRD READING	PAGE	61
SB-0624	THIRD READING	PAGE	69
SB-0626	SECOND READING	PAGE	6
SB-0629	SECOND READING	PAGE	6
SB-0635	THIRD READING	PAGE	70
SB-0637	THIRD READING	PAGE	80
SB-0645	SECOND READING	PAGE	6
SB-0646	THIRD READING	PAGE	81
SB-0650	SECOND READING	PAGE	6
SB-0675	THIRD READING	PAGE	83
SB-0681	SECOND READING	PAGE	7
SB-0689	SECOND READING	PAGE	7

DAILY TRANSCRIPTION OF DEBATE INDEX

MARCH 24, 1995

SB-0703	SECOND READING	PAGE	8
SB-0704	THIRD READING	PAGE	84
SB-0733	THIRD READING	PAGE	85
SB-0746	SECOND READING	PAGE	8
SB-0756	THIRD READING	PAGE	86
SB-0758	SECOND READING	PAGE	8
SB-0762	THIRD READING	PAGE	87
SB-0763	RECALLED	PAGE	90
SB-0764	THIRD READING	PAGE	91
SB-0769	THIRD READING	PAGE	92
SB-0772	SECOND READING	PAGE	9
SB-0783	THIRD READING	PAGE	93
SB-0789	THIRD READING	PAGE	94
SB-0796	THIRD READING	PAGE	97
SB-0804	SECOND READING	PAGE	9
SB-0810	SECOND READING	PAGE	9
SB-0814	THIRD READING	PAGE	103
SB-0817	THIRD READING	PAGE	107
SB-0821	SECOND READING	PAGE	9
SB-0822	THIRD READING	PAGE	108
SB-0831	SECOND READING	PAGE	10
SB-0836	THIRD READING	PAGE	109
SB-0846	SECOND READING	PAGE	10
SB-0858	TABLED	PAGE	142
SB-0866	THIRD READING	PAGE	120
SB-0905	SECOND READING	PAGE	10
SB-0907	THIRD READING	PAGE	121
SB-0908	THIRD READING	PAGE	122
SB-0910	SECOND READING	PAGE	10
SB-0932	THIRD READING	PAGE	122
SB-0940	THIRD READING	PAGE	131
SB-0941	THIRD READING	PAGE	141
SB-0979	SECOND READING	PAGE	11
SB-0980	SECOND READING	PAGE	11
SB-0985	SECOND READING	PAGE	12
SB-0992	THIRD READING	PAGE	142
SB-1000	SECOND READING	PAGE	12
SB-1032	SECOND READING	PAGE	12
SB-1037	SECOND READING	PAGE	13
SB-1085	SECOND READING	PAGE	13
SB-1143	SECOND READING	PAGE	13
SR-0041	RESOLUTION OFFERED	PAGE	143
SR-0042	RESOLUTION OFFERED	PAGE	143
SJR-0039	ADOPTED	PAGE	143
SJR-0039	RESOLUTION OFFERED	PAGE	143

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-REVEREND DOCTOR GARY RHODES	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	1
RESOLUTIONS CONSENT CALENDAR-ADOPTED	PAGE	143
MESSAGE FROM THE HOUSE	PAGE	144
COMMITTEE REPORTS	PAGE	144
ADJOURNMENT	PAGE	145