

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

90th Legislative Day

March 28, 1996

PRESIDING OFFICER: (SENATOR WEAVER)

...Session of the 89th General Assembly will come to order. Will the Members please be in their -- at their desks, and will our guests in the gallery please rise. Our prayer today will be given by Pastor Dan Siebert, First (United) Methodist Church, Springfield. Pastor Siebert.

PASTOR DAN SIEBERT:

(Prayer by Pastor Dan Siebert)

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben, for the Pledge of Allegiance.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR WEAVER)

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Monday, March 25th and Tuesday, March 26th, 1996.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves to approve the Journals just read. There being no objection, it is so ordered. Senator Butler.

SENATOR BUTLER:

I move that reading and approval of the Journal of Wednesday, March 27th be -- in the year 1996, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves to postpone the reading and approval of

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the Journal, pending arrival of the printed transcript. There being no objection, it is so ordered. Committee Reports.

SECRETARY HARRY:

Senator Rauschenberger, Chairman of the Committee on Appropriations, reports Senate Bills 1574, 1575, 1576, 1922, 1923, 1943, 1944 and 1945 all Do Pass.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages 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 bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 739, 1287, 2028, 2406, 2529, 2557, 2651, 3426, 3638 and 3668.

All passed the House, March 27th, 1996.

We have a like Message on House Bills 2805, 2915, 3048 and 3662.

Also passed the House, March 27th, 1996.

PRESIDING OFFICER: (SENATOR WEAVER)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2616, offered by Senators Maitland and Bomke.

(Secretary reads title of bill)

Senator Syverson offers House Bill 2691.

(Secretary reads title of bill)

House Bill 3629, offered by Senator Fawell.

(Secretary reads title of bill)

And House Bill 3614, presented by Senator Weaver.

(Secretary reads title of bill)

1st Reading of the bills.

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SENATOR BURZYNSKI:

Thank you, Mr. President. If I could have your attention, please. We're very fortunate today to have with us a young lady from DeKalb County, Lynn Boughton, who is serving as the Illinois State FFA President. She is from the Indian Creek FFA Chapter in Shabbona, Illinois. I see some of her colleagues are up here in the gallery. She says sometimes you make her a little nervous, but I think she'll do quite fine -- today. She is a -- enrolled at the University of Illinois for next fall. She's going to be studying Ag Economics, has a resume as long as my arm, but I think I'm going to let her have the opportunity to talk to you today and address you relative to FFA. So would you please join me in welcoming Miss Lynn Boughton, the President of the Illinois FFA.

MISS LYNN BOUGHTON:

(Remarks by Miss Lynn Boughton)

SENATOR BURZYNSKI:

If Lynn would step back up here for just a minute. On behalf of the Illinois Senate, Lynn, and Senate President Pate Philip, we have a certificate for you in recognition of your day here in the Illinois Senate. Thank you.

SENATOR DEMUZIO:

Thank you very much. If we could have your attention. Senator Fitzgerald, if we could have your attention for a moment, please. I also would like to welcome Senator Bill O'Daniel back to the Senate. As you know, he had been over at the hospital for the last couple days having tests, and -- and he has asked me to -- to do this -- this very heavy duty, today, of introducing the Illinois County Fair Queen, who is standing behind me. I would like to introduce her to you, as Members of the Senate. And I shall do so in a moment. She is currently a junior at St. Mary's of the Woods College. She majored in biology, a minor in chemistry, pre-med and program pediatrics. She is currently

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employed at St. Memorial Hospital, a laboratory assistant. She faced some very stiff competition, without question, in Illinois, and we're -- I know that very -- we're all very, very proud of Julie Ann Niemerg from Effingham County. Julie.

JULIE ANN NIEMERG:

(Remarks by Julie Ann Niemerg)

SENATOR DEMUZIO:

Also, Julie, if you'll step back up here, we also have a Senate resolution on -- on behalf of the Members of the Senate saying congratulations to you and -- and best wishes in the future. Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

It is the intent of the Chair to proceed to the Order of Senate Bills 3rd Reading. We will commence where we stopped yesterday, on page 3. Begin with Senate Bill 1381. Senator Sieben, do you wish the -- 1381, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1381.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1381, at this point, is a vehicle bill for the Governor's reorganization of the Commissioner of Banks and Trusts and the Commissioner of Savings and Loans. It's a vehicle bill at this point. The amendment has been drafted, but we could not meet the time lines to get the amendment onto the bill. It's a rather lengthy amendment. We would like to move the bill over to the House and then put the reorganization amendment on at that time. That's what the bill is. That's what it's going to do.

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There is no objection to this. There's been no significant concerns over the reorganization of these financial services departments, and I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1381 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none. Having received the constitutional majority, the bill is declared passed. 1389. Senator Sieben? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1389.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This legislation is the annual conveyance bill that we do for the Department of Transportation. It contains numerous transfers of property that have been researched, appraised, evaluated and agreed to. Had a proper hearing in committee. There were four amendments put on for various Members who had property that needed to be covered by conveyance. There is no opposition to this bill, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1389 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1389, having

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received the constitutional majority, is declared passed. 1390.  
Senator Rauschenberger? 1391. Senator Mahar? Read the bill, Mr.  
Secretary.

SECRETARY HARRY:

Senate Bill 1391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. Last year the IEPA received statutory authority to create an emissions reduction market system, and Senate Bill 1391 amends the State Finance Act, and the Alternative Compliance Market Account Fund is created. The bill would all the allotment trading units to be bought and sold by the EPA. In addition, this Fund would use a purchase service -- would be used to purchase services, equipment or commodities that help generate emissions reductions. There has been no opposition to this bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1391 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1391, having received the constitutional majority, is declared passed. 1402. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1402.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1402 allows the residents of a municipality in which they are being taxed both by a park district and a municipality for a recreation area to be able to de-annex from one of the taxes, and they have to do that through a petition that requires ten percent of the voters. As amended, it also restricts this activity to only those communities which have a population of twenty-two thousand to twenty-five thousand, and I ought to identify the community. This community is South Holland. The other two amendments are amendments that have been through here before. One is the one that simply defines where the annexation ordinance shall be filed, and the other one is a language that permits the jurisdiction within a park district to extend beyond the municipal boundaries, like the police force, if there's any activity going on that requires law enforcement. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there -- is there discussion? If not, the question is, shall Senate Bill 1402 pass. Those in favor, vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1402, having received the constitutional majority, is declared passed. 1419. Senator Maitland? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1419.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

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Thank you very much, Mr. President, Members of the Senate. Senate Bill 1419 creates the Illinois Incentive for Access grant program. It's a new program that would provide a one-time five hundred down -- five-hundred-dollar grant to eligible freshman students with zero family help, and -- and who are also eligible to receive MAP assistance. They must be enrolled at least one-half time at public university -- at a public university, community college, or private college or university, located within Illinois. It further increases the MAP award maximum grant from thirty-nine hundred to four thousand for full-time students and from nineteen-fifty to two thousand for part-time students, and it also creates the Higher EdNet Fund in the State Treasury. I know of no opposition. I would appreciate your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1419 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1419, having received the constitutional majority, is declared passed. ...Madigan, 1424? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1424.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 1424, as amended, contains several components. It would amend the Insurance Code with regards to domestic insurance companies and admitted assets, membership in the Illinois



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Insurance Exchange Board of Trustees, and the right of consciousness for religious institutions in medical plans. It would add a Section amending the Insurance Code with regards to the mailing of cancellation of -- notices, which would codify the current practice. It would delete the current language pertaining to the underinsured motorist coverage and replace it with language that clarifies the current law on underinsured motorist coverage. I mentioned the provision as far as religious institutions, a provision from the Catholic Conference of Illinois, and adds a provision in the mandatory auto insurance that -- regarding this cancellation of notices {sic}. I would be glad to answer any questions on Senate Bill 1424, as amended, and otherwise would ask for its approval.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

SENATOR HAWKINSON:

Senator, just if you could explain a little more the -- the change on the underinsured, and what the current law is, and why we need that in Statute.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Senator Hawkinson. With permission, I would refer this to the committee Member who is an expert on this matter, who drafted this amendment, Senator Berman.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

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I -- I disavow being an expert on anything. The problem that has come to our attention is that under the underinsured motorist coverage, the word "exhaust" is in the present law; so that the plaintiff - the person who is injured - makes a claim against the liability carrier of the person who's at fault - the defendant - and contrary to what was our intention when we drafted the law, some insurance companies are saying that until you collect all the coverage - let's say the defendant has a twenty/forty policy - until you collect the full twenty thousand dollars, we're not going to entertain your underinsured motorist coverage. The clarification that Senator Madigan has accepted in this bill says that it -- it can be either total exhaustion or partial exhaustion. The underinsured carrier gets full credit for the coverage, which may be more than the amount that's actually paid. This is to expedite the claim process.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 1424 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1424, having received the constitutional majority, is declared passed. Senator Woodyard, on 1437. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1437.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senate Bill 1437 started out as a shell bill. It's still a shell bill. The

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intent was the possibility of needing this bill for language that would keep our Amtrak trains running, and we don't have that language. And we may not even need this bill, but I'd like to move it over to the House. And if we do need it for the Amtrak changes, we would have it in a posture to be able to add language to it. With that, I'd be glad to answer any questions or -- or would solicit your support for passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1437 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1437, having received the constitutional majority, is declared passed. Senator Parker, on 1440? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1440.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1440 does two things. It amends the School Code language to provide that the State Board of Education shall fund, subject to appropriation, the Service Resource Center for children who are deaf and hard-of-hearing and have emotional or behavioral problems. It also creates the Deaf and Hard of Hearing Commission. The Commission is to serve as a coordinating and advocating body that acts on behalf of the interests of persons in Illinois who are deaf or hard-of-hearing. The Commission shall develop, recommend, evaluate and promote programs and services to

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assist the deaf and hard-of-hearing programs. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As joint sponsor, I rise in strong support of this legislation, would urge all Members to look carefully and vote positively on this legislation. I think it is absolutely imperative, in these times when they're talking about consolidation of agencies, that these people of special need - the deaf - have an absolute place to go to make sure that their needs are being accommodated by the State, and I would urge everybody to be supportive.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she would.

SENATOR GARCIA:

Thank you. Senator Parker, for the benefit of the Body, I'd like to raise a couple of questions that I raised in committee regarding this bill. And I'd like to, for the record, indicate that I intend to vote for the bill, because I've heard from constituents who are deaf or hard-of-hearing, and I think it's probably a good bill. But to enrich a discussion here, I'd like to ask you a couple of questions. In this age of downsizing government, why are you adding more bureaucracy per the creation of this Commission?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

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We are not adding more bureaucracy. What we are doing is having a commission that will more efficiently serve the needs of the disabled in this State, as far as the deaf go. In Peoria, just a couple of years ago, there was a deaf family - very often, men and women who are deaf will be married; they had a child. They used their TTY to contact 9-1-1, and the 9-1-1 never responded and their child died. There are issues in this State that not -- have not been met for the deaf community, and if you can put the deaf people in charge of coordinating the services throughout the State, by technical assistance, you can actually end up being more efficient and saving money in the long run, and certainly lives.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

And my second question, and I appreciate that answer: This Commission that is formed, what will it do that the Department of Rehab Services and other existing agencies that deal with the deaf and hard of hearing do that -- what will this Commission do that these other agencies are not presently or can't do?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

For the record, if DORS were able to do this, if DORS had done this service, I wouldn't be presenting this bill. Department of Rehabilitation Services is for vocational issues. It is not an area that can coordinate among the State, as far as deaf issues go. We need certification of interpreters. That has not been done. For example, so that you know, there was also an interpreter whose father is deaf, and he had a heart attack. And he went to the hospital and was in intensive care and needed an operation. If his daughter hadn't been there to interpret for him

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- there was no access to an interpreter; there was no place to call for twenty-four-hour service, which can be done privately; it does not have to be done by the State, but there was no communication - he wouldn't have had any with those and the doctors. DORS hasn't done that. They can't do that. This is effective, and there are twenty-seven other states that have commissions for the deaf, and it is on the rise because it is more efficient.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

And I appreciate that answer, and this will be my final one. What is the fiscal impact of the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

It depends on whose figures you read. The fiscal impact that DORS had I believe was high. So that you know, they did put -- it was a million and a half to two million dollars. I do not think that that's right. They only had a paragraph. They had no substantiation on how they came to that cost. I have a list. In Missouri they do this for two hundred and twenty three thousand. There are areas which can be done up to five hundred thousand. The point is, the money is actually allocated by the Legislature. It will be up to us how much we fund this, but we need the mechanism first.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Would the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she would.

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SENATOR JACOBS:

I think, again - I agree with Senator Garcia - what we're doing here is noble. The only question I have is: Are we, in fact, passing legislation that has no funding and, therefore, really selling a pig in a poke to people that think they're going to get some assistance?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

Absolutely not. You know as well as I that we need to have this function. And we are in the budget process right now. I would be hopeful that if this passes, and it passes the House and goes to the Governor's Office and is signed, that then there will be funding available. In Missouri, when they established the commission for the deaf - and they only spend two hundred and thirty thousand - it did take a couple years before they were funded, but even with a small amount, they can help start coordinating the services that they need in this State.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, again, you know, it's hard to -- to do some of these things that we really don't know where we're going to get that funding. As you indicate, you hope that if -- if it passes the House and it passes the Senate and the Governor signs it, that there will be funding, but the budget process will be completed then. So I guess my question is: Is this really a bill that will truly take effect next year because it has a better chance of receiving funding next year, or do you figure that somewhere along the line the Governor's going to be able to find monies available in some other department to help pay for this?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Parker.

SENATOR PARKER:

The deaf community and I have been working on this for about a year now. They very much understand that we may not have funding right away. They understand that funding is a critical thing. But -- so we are not putting up anybody's hopes that it's going to start right away. They understand that. What they're looking for is the mechanism, and then we can go further.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

And I was ready to sit down till you brought up that question again, but how do we proceed -- you know, your first part of the answer was that, yes, it probably will be next year before we really get into this thing, but then you turn around and state that it'll -- it'll start immediately. How do you start something immediately whenever you don't have any money?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

I'm -- I did not mean to say that. Okay. So it must have been misunderstood. Thanks.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Let me indicate that I rise in support of the legislation. I have the Illinois School for the Deaf and Hard of Hearing in my district. I've been trying to pass something like this for a number of years. My compliments. And it's going to be a long day. Let's get on with the program and pass it.

PRESIDING OFFICER: (SENATOR WEAVER)



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Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. This is going to be a rather naive question. I notice that DORS is opposed to this particular piece of legislation. Can I ask why?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

That's an interesting question, because when they were going around the State - and the deaf held meetings around the State so it would be convenient for other deaf people to come in those communities - there was a representative from DORS there at the table. And the communication that the deaf community got from DORS was that they would be supportive of this, which just indicates how difficult communication is. So they were surprised that they weren't. And as I say, I'm not quite sure why they are, except maybe agencies try and protect their own turf in ways. Maybe they see this as a threat. It is not. It is something separate.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Parker wish to close? If not, the question is, shall Senate Bill 1440 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1440, having received the constitutional majority, is declared passed. For what purpose Senator Cronin arise?

SENATOR CRONIN:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

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SENATOR CRONIN:

Thank you. Mr. President and Ladies and Gentlemen of the Senate, I'd like to introduce to the Senate and others to four important families from the mighty City of Elmhurst: We have the Bradley, Gockman, Cary and Schmitz family in the gallery on the Republican side. The rear gallery. Please stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR WEAVER)

Our guests please stand? For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

For a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's my pleasure to introduce to this Assembly a very distinguished gentleman from the City of North Chicago, which is serviced by Senator Barkhausen: Oliver Washington, Jr., who is the Director of Human Resources from Lake County. Would you help us welcome Mr...

PRESIDING OFFICER: (SENATOR WEAVER)

Our guests please rise? Senator Parker, on 1442? Out of the record. Senator Fawell, on 1448. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1448.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill was brought to me by the

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Outboard Marine Corporation group. They have been having a problem at the trade shows. They have been allowed to sell their boats. These boats usually are on a trailer, and under the present law - because kind of a glitch in the law - they have not been allowed to sell the trailer. The same problem is true with mini motor homes, van campers and recreational trailers. So they are all included in this that they may sell by off-site sales. The Secretary of State and the New Car and Truck Dealers Association have no problem with this bill, and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1448 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1448, having received the constitutional majority, is declared passed. Senator Woodyard, on 1473. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1473.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This bill is really the Department of Agriculture administration bill. The underlying part of the bill is mostly technical changes to about six Acts within the Department. An amendment was -- was added that was agreed to by Department of Agriculture and Department of Revenue and supported by the Farm Bureau and several other farm organizations, which would transfer the certification of gasohol

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from Department of Agriculture to Department of Revenue, and that's what the bill does. I would solicit your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1473 pass. Those in favor, vote Aye. Opposed, Nay -- No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1473, having received the constitutional majority, is declared passed. 1486, Senator Raica? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1486.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Under current law, the -- certain certificates can be revoked by -- on school teachers for -- like public indecency, assault, criminal sexual assault, and all we're doing here is adding three additional charges: first degree murder, attempted first degree murder and Class X felonies. It passed out of the Executive Committee on a vote 11 to 0, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1486 pass. Those in favor, vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1486, having received the constitutional majority, is declared passed. Senator Lauzen's

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asked leave to come back to 1490. Is there leave? Leave is granted. Senator Fitzgerald, on 1494? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1494.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1494 provides that before settling a class action lawsuit, which may or will cost the State more than ten million dollars, a State officer or chief executive officer of a State agency must ask the Bureau of the Budget to prepare an analysis for the Governor and the General Assembly, which discusses the settlement's probable impact on State's appropriations and budgets for the next five fiscal years. And within sixty calendar days after receiving the analysis, the General Assembly, by adoption of a joint resolution, may disapprove the settlement, and if the General Assembly disapproves, the settlement can't take effect. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in opposition to Senate Bill 1494. Now, if I didn't wear the hat of a State Senator, I'd probably be very much in favor of this bill, as a -- as a private attorney, if I could represent clients in claims against the State of Illinois. This gives a -- this bill would give a wonderful advantage to claimants who have claim against the State. This -- I understand where the sponsor

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is coming from and the frustration, many times, that we have with settlements that are involved in litigation, but I've got to tell you that this has to be a process that remains within the control of the executive department. The Attorney General is the State's lawyer. They have to have the authority to handle negotiations, handle litigation, and do what is best, in their opinion, for their client, namely the State of Illinois. If they've got a -- if our lawyer, the Attorney General, has to come back and submit to us all of the details regarding a settlement, forget it. There won't be any settlements. And the -- you're giving a wonderful advantage to the opposition, the people that are making claims against the State of Illinois. So, as a State Senator, I strongly oppose this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the -- the Senate. The point raised and made by Senator Berman was repeated over and over and over throughout the hearings held by the Senate Executive Committee, and he is absolutely right. Even though the amendment that we put on in the committee, I think yesterday or day before, made the bill a little better than it was, it still is a bad idea, because it -- the thirty -- the sixty days, and let me -- let me tell you about the sixty days. It says that if the Legislature -- they have sixty days to act on any proposed consent agreement made by the -- the parties, and if the Legislature is not in Session, and if the -- the four Leaders -- it didn't say this. It is left up to the four Leaders to determine when and if the Legislature should come in Session, if we're out of Session, to act on those agreements. And if, in fact, that this settlement is more than the threshold of ten million dollars, and the four Leaders get together and say, "Well, it doesn't matter; it's a

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hundred thousand dollars in this case, and we won't call the Session in order - the General Assembly to order," and therefore, it's okay. There's no standard criteria by which this Legislature will have -- the Leaders will have to call us back in Session. It's just arbitrarily, and they can do it on their own. Well, they may be honorable Leaders, and fine. But I don't think the people of this State -- is -- is turning over the responsibility of this Chamber to the four Leaders. Yes, they are the leaders, but this is something very serious. And Senator Berman is right: There's no point for the -- for the Attorney General's Office to attempt to enter into any agreement, if that agreement can be and will be overturned by the Legislature. And they cannot bargain in good faith. So why should anyone who is suing the State of Illinois or any of those departments even bother to sit down and negotiate? Now, no one is that crazy, and you know it and I know it. Those agreements are not going to take place. And if we don't do something on education - and I said it in committee and I'm going to keep saying it - you're going to have one of the largest class action suits in this State as to how we fund the -- in gestures and in imperatives -- in the way we fund education in this State. It has happened in other states, and they're going to be -- the opportunity for consent, maybe, agreement, and we will not -- no one will sit down and negotiate it if we pass this bill. So I -- I say you better think very hard before you vote on this bill, and vote No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I sat on the Appropriation Committee for about ten years, and during those ten years, I saw two very large settlements, which were made by not the Attorney General, but by another attorney that was brought in by whoever. The last

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settlement that was made required this State to come up with millions of dollars to hire caseworkers for DCFS because some federal judge decided, in his great wisdom, that that was going to solve all the problems of DCFS. I said, at the time, it was not going to solve it; in fact, it was going to compound the problem. And that's exactly what happened. We have now hired caseworkers that aren't even really qualified for the job, because we couldn't find enough caseworkers that were qualified. But we were under court order. I was told I didn't understand. This was a federal judge. Well, let me clue you in: Having been married to one, they put their pants on the same way as anybody else. He didn't know what he was talking about then. He still doesn't know what he's talking about. Just because a judge decides, in their great wisdom, that they know how to run the Legislature, I don't think we should have to go along with it. This is a good bill. This is our prerogative on how the money of the State is spent, not some federal judge, and we ought to all vote for this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Maybe we could say to the last speaker that her comments were, "I tried that, I didn't like that." Right? Aside from that, though, I think this is a bad bill for different reasons, and we have approached this before. I think the way we resolved it in the past, when people were working together, made a lot more sense. I understand the Republican frustration in having an administration that can't run departments and having had federal courts take over those departments because of the inability of the Executive to go in there and do that which is the people's will. I understand the concern on the Republican side on education funding. And as Senator Collins said, a court may come in and



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say, "You haven't even met the vague Constitution that we already have," and that people have a right -- kids have the right to have the majority share of their education funding come from the State. What we have done in the past though, as Senator Maitland and others know, is when we had a similar situation with State employee collective bargaining, and there was a concern that that agreement come back to the General Assembly as a coequal in government and not be Executive only, we created a procedure. And understand: Lawyers in federal courts, obviously, do not settle the cases; it is their client who settles the case. And the question is: Are we the client or the Executive the client? But the Executive has to approve these settlements. What we did with State employees was, rather than get into the same type of quagmire where we may not be here, we may not be called in, et cetera, and we may be finding ourselves in contempt of some federal court, we created, by rule of the four Leaders, that each Leader designated a person - it was generally the Approp Chair or Minority Spokesman - to be available for conference-call approval of settlements before the Executive would settle. And they called us - the Deputy Governor called - had a conference call, went through the terms of that particular negotiated agreement, answered questions of the designated people for each of the four caucuses, before a settlement was signed off by the Chief Executive. To me, that's the smart way to govern, not this way, and I would urge its defeat.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

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SENATOR DILLARD:

Senator Fitzgerald, what is the official position of Attorney General Jim Ryan on your legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, that's very interesting, because he opposes it. And it's interesting because he takes the position that he, personally, can settle a case. When Jim Edgar is sued or a department head is sued, he takes the position that he doesn't have to consult with Jim Edgar or the department head, that he can settle the case, and that, therefore, this is some kind of limitation on his powers. Well, I happened to follow up and do a little research on that, and it turns out that unless you are, in fact, a named party in the lawsuit, you can't settle it. You can advise your client to settle it, you can counsel, but you can't, yourself, settle it. So the whole basis for his objection, as far as I'm concerned, is erroneous.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Another question. What's the position, if you know, of the ACLU - the American Civil Liberties Union - on this?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

The ACLU, which collected a million four in legal fees out of the DCFS litigation and which is trying to concoct other class action suits, is opposed. This would impinge on their pocketbook, and they resent the loss of revenue.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Palmer. Senator Palmer.

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SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. Go ahead, Senator Palmer.

SENATOR PALMER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he would yield.

SENATOR PALMER:

Senator Fitzgerald, as I look at this, I'm concerned that this abrogates one of the most fundamental aspects of the Constitution, and that is the separation of powers. It seems to me that in this bill what you are doing is taking away the constitutional powers of the Attorney General and shifting them to the Legislature, and it would seem to me this is why we have that separation of powers. Is that your reading as well?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Article XIII, Section 2(b) of the Constitution reserves to the General Assembly the power to make appropriations. What you have going on in Illinois now is there are a bunch of agencies that are upset that the General Assembly hasn't appropriated enough money to them. So what they've been doing is they've invited class action lawsuits from the ACLU, the MacArthur Foundation and other groups, and said, "You sue us in a class action suit; we'll enter a settlement agreement, and then we'll come back the next year to the General Assembly as say, 'Oh, sorry, guys; we got a court order; you have to pony up another five hundred million'" or, in the case of DCFS, another billion dollars to our department. And what this bill does, it doesn't interfere or limit other people's powers, because they don't have the power to, in effect,

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appropriate money. Only we do. This bill prevents other branches of government from increasing their powers to exercise powers that rightfully belong to us under the State Constitution.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you. Thank God for the founding fathers, because one of the most fundamental things - and I don't have the reference here - but the constitutional language also says that the Attorney General shall perform such duties as may be prescribed by law, and that does not authorize us to take that away. The Illinois Constitution specifically speaks to the violation of the separation of powers. So I think that this is in danger of eroding those powers. I would hate to think, if the shoe were on the other foot, that there were -- was body sitting somewhere suggesting that we have no right to the appropriation part of this. So, I think it's a very dangerous direction to go in.

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Dillard, I cut you off.

SENATOR DILLARD:

Thank you, Mr. President. I appreciate you coming back to me. I wasn't quite finished. I did ask Senator Fitzgerald a couple of questions, and now I rise in opposition to the bill. The General Assembly is responsible, Senator Fitzgerald, and you are, without a doubt, one of the two or three staunchest defenders of the treasury of the State of Illinois, and I very much appreciate what you're doing here. I feel your frustration with court orders and consent decrees, you know, that the State has faced over the years as much as you do, and -- but this bill, I think, raises fundamental constitutional questions regarding the Attorney General's ability and authority to direct cases of law involving the State of Illinois. Case law, if you look at it, since the

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State's inception and especially since our 1970 State Constitution, clearly gives the Attorney General the constitutional authority to handle litigation on behalf of the people of Illinois and it's also -- follows up in -- in common law, as well. This bill takes away those powers. I would remind people that throughout at least my adult political life, there have been democratic Attorney Generals of Illinois: Neil Hartigan and Roland Burris. So this is not a partisan bill. In fact, a Democrat has held that office most of my -- my life in State government. But I guess my real problem with this bill comes from my experience as a lawyer. Why would we tell the other side, in writing, what the heck our strengths and weaknesses are in our case? That is ridiculous. That is why the ACLU is not in opposition to this bill. They're outside this Chamber saying, "This is wonderful. Wow! We get handed on a silver platter all of the weaknesses in the State of Illinois' case." And that's just crazy. That's just ridiculous, to hamstring our lawyer. Whether we like he or she, the Attorney General of the State of Illinois, you can't hamstring yourself; you can't give away your case like that. There is no privilege in whatever the General Assembly would receive from the Attorney General's Office, and one of the things that holds down the cost of litigation for this State is the ability for the Attorney General to talk to his client on a privileged basis. Why would we bring the ACLU into our private discussions? So, more than anything else that should tell you that this bill is not going to save the State of Illinois money, but will drive up the case, is that we're going to tell the other side what all our weaknesses are so they can bilk us for more money. This is a bad bill. It violates the Constitution of Illinois, and as much and well-intended as the sponsor is, this bill will cost the State of Illinois significant new dollars over the future years.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR GEO-KARIS:

Was your bill amended to provide settlements of class action suits?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. It only applies to class action suits involving more than ten million dollars in cost to the State. That's got to be very, very, very, very few cases.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the Assembly is empowered to make the appropriations. I don't think we're taking any power away from the Attorney General. He negotiates. He does the trial work, and he has to present a bill for how much. The fact that he has to consult with the General Assembly in cases involving class action suits of over ten million dollars, I think, is only common sense. I don't think it's a violation of separation of powers at all. I think it's a safeguard that we don't get stuck with millions of dollars of settlement suits that others have incurred. I know of one case, DCFS, a private law firm charged a million dollars to settle a case for a million dollars. So I think that's ridiculous. So I think we ought to be in step with trying to save money for the State, and support this bill. I don't think it's unconscionable

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at all.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this bill. It doesn't surprise me at all that some attorneys think that the courts are the best place to make decisions. The Senate and the House in Springfield are elected to represent the people of the State of Illinois, and no federal judge, no State judge, no attorney, no Attorney General should be empowered or should be permitted to make policy decisions for the State of Illinois. This bill does not prevent the State of Illinois from being litigated against. It does not prevent a judge from making a decision. But we should be bound by court decisions constitutionally, not by consent decrees, not by well-intentioned people trying to do State policy in courtrooms. State policy should be a process that we work in the General Assembly. It's the responsibility of us elected. The current consent decrees we operate under today probably have an impact together of almost a billion dollars of the thirty-five-billion-dollar State budget. For the last four or five days we've been arguing about a shortfall of four hundred million dollars in education funding. If we weren't bound by consent decrees by well-intentioned federal judges, to decrees and consents that don't make sense, we might not have an education funding problem. I rise in enthusiastic support. It's about time we send a message that the -- the purse and the pocketbook and the revenues of the State of Illinois and the public policy is for elected Members. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald, to close.

SENATOR FITZGERALD:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have the State Constitution here. Article V, Section 15, the Attorney General: "The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law." We prescribe the laws. That's all that that says. That's the only power in the Constitution for the Attorney General. The Attorney General is the lawyer for the State. He cannot settle a case without consulting his clients. I'm sure Senator Berman, who is a great trial lawyer, never goes and settles a case without consulting his client. You can't do that. He doesn't have the authority to do that. This applies to a very narrow class of case: class action suits over ten million dollars in fiscal impact to the State. Senator Dillard, you said that the ACLU was in favor of this bill. If they're in favor, I'm surprised, because they testified in committee against it, and sat there for an hour testifying against it. So I -- I really don't believe that they -- they may be trying to say that or something to score points, but that doesn't square with their actions. We are now in a position where we actually have a rash of lawsuits being filed, and there is a lot of evidence that they have, in fact, be solicited by bureaucrats in the various agencies. I want to read you the quote from a fellow by the name of Michael Pelletier, Deputy State Appellate Defender. Here's what he said. He acknowledged -- there's a suit now brought by the MacArthur Foundation against the -- the State Appellate Defender, and the object is to enter a consent decree that will require the Legislature to give the State Appellate Defender more money. Well here's what Mr. Pelletier said: He admitted that he practically, quote, "invited the prisoners to file suit to raise this systemic challenge to the excessive appeals delays," 'cause he was upset he wasn't getting enough money out of the State General Assembly. Well, that's not right. We were elected to make the



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appropriations. This is a bill that will give us some kind of say-so and will prevent other branches of government from exceeding their authority by presenting us with fait accompli. I'd appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1494 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 25, none voting Present. Senate Bill -- 1494, having received the constitutional majority, is declared passed. 1502. Senator O'Malley? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1502.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1502, as amended by Amendment No. 1, which became the bill, adds new language to the Counties Code or the Municipal Code -- and the Municipal Code to outright prohibit any county or municipality from requiring a builder or developer to post a cash bond to guarantee completion of a project improvement as long as the builder or developer has a letter of credit of at least one hundred and ten percent of the actual cost of the project on -- on deposit with the county or municipality. The developer or -- the builder or developer may also elect to post a cash bond, which the county or municipality must register and maintain in a separate account. Such cash bond must be refunded within sixty days of completion of the project. Senate Floor Amendment No. 2, which was offered by Senator Walsh,

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was suggested by the Illinois Municipal League. It takes the same language that was contained in Amendment No. 1, and also places it within the Public Construction Bond Act. Finally, the amendment requires that the letter of credit come from an institution with good and sufficient sureties. I might add that these are the same requirements the -- which currently apply in the case of the Capitol Development Board. I'll be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I'd like to indicate that it's been brought to my attention that the Municipal League is opposed to the bill. The Northwestern -- Northwest Municipal Conference is opposed to the bill. The City of Chicago, while they did not oppose it in committee, has now indicated that they are also opposed to the bill due to the home rule preemption. The proponent of the bill would be the Homebuilders' Association, which is attempting to address two or three situations in which a builder had trouble getting back a cash bond from a municipality. But I just wanted to point out that those are the opponents. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 1502 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 12, none voting Present. Senate Bill 1502, having received the constitutional majority, is declared passed. Senator Petka, on 1504? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1504.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1504 is a shell bill. When I presented this bill in the Environment and Energy Committee, I had told Members at the time that the legislation was to perhaps compensate for issues which might arise in connection with the conversion of the arsenal -- Joliet Arsenal to a possible landfill site. It was my expectation at the time that they would have had, already, an operator who would have been picked, and if any necessary implementing legislation would be necessary at the time, that we would use this bill as a vehicle. Unfortunately, the decision has not been made at this point in time, and I would like to keep this bill alive for that purpose, and for that reason, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1504 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1504, having received the constitutional majority, is declared passed. 1511. Senator Syverson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1511.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1511 is downstate property tax caps. This is the fourth year that we've run this. It passed last year out of the Senate with -- on a 44 to 8 vote. The only change in the tax cap from last year to this year is the measure can only be put on the ballot in counties where the county board has approved it to go on the ballot, and it affects, I think, thirty-nine or forty counties that have EAV that excess -- exceeds 1983 levels. I'll be happy any questions. Otherwise, just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in opposition to this bill, not because I'm opposed to property tax caps, but it's a no-brainer for those of us in the Legislature. By passing property tax caps, we do not affect one iota anything from the State, but here yesterday, or this morning, we read in the paper that the education plan is dead, which would have given back property tax relief - something we would of had to take responsibility for. Now we're saying, "Let's cop out; let's cap the property taxes of those people in downstate Illinois." They haven't asked us for that. I'm a downstater. My people have not come up to me and said, "We need property tax caps." In fact, normally what I hear is the opposite. This bill has been passed by this Body two or three times, goes over to the House; it's not acted upon. Why are we doing it again?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

First of all, I can't agree with you more. Tax caps are not meant to solve the problem of our high property taxes. We need to

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address that problem, and I certainly support the concept of giving property tax relief. What this does in the meantime for those counties who are suffering -- and that's one of the reasons why we made it by referendum, because then those counties who are suffering from that problem can put this into place. Those that aren't do not have to. This is a -- a Band-Aid to stop the bleeding. It certainly does not cure the -- the problem, but it does stop the bleeding. And that's why I think we need to continue to move this -- this legislation forward, and I think we'll have support this year in the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, with all due respect, I'm not sure if it's a Band-Aid. I think it's more a sham again. Here -- here's what, in fact, truly happens: If you can freeze the property taxes of all of -- all of the people in the State of the -- of Illinois and we continually just piecemeal give another hundred, two hundred million dollars to education like we're doing now, eventually you know what we're going to do? We're going to get up to that fifty percent without actually living up to our obligation. That's the real fact of the matter. That's what's going to happen, and as far as all of my mayors, all of my county people, everyone I have talked to, minus a few that just say we need a property tax cap and don't understand why, I don't see any overwhelming desire for this not only in my district, but throughout the State of Illinois. And we see all these things being done in -- in Chicago and Cook County, and then they come back all the time and ask for relief from exactly the same thing you're trying to do. It is a continual issue. It's one that continues on, and local governments should be allowed the -- their self-propietorship in order to be able to govern themselves. And I think by doing these

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things, we take that away from local governments, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. The thing -- the -- the point that bothers me about this bill is if this was a few years ago, I think that we should have taken this approach, perhaps, to the collar counties and then to Cook County. We didn't. We imposed tax caps upon them without referendum. If that approach was good for Cook County and for the collar counties, it ought to be either good or bad for downstate. I don't know why there's a distinction here, and therefore, I think that we ought to keep this -- the approach uniform. We have imposed it by majority vote and the Governor's signature in the -- in Cook County and the collar counties. That should be the way we do it downstate.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. You know, one of the themes of this new Legislature that has been taken over by the Republicans has been local control. If you look around the Chamber, including the Senate President, you'll see a badge that says "Stop Unfunded Mandates," which is the code for giving more local control. We're doing too much here in Springfield. We're telling the local people what to do. And then we come up with this bill that is totally opposite that theory that you folks have been pushing on us for the last three years. This is the opposite of giving local control. It's the opposite of believing in your local elected officials, and I don't see how you can be over there with a straight face and be pushing for stopping unfunded mandates on the one hand, and at the other hand saying that, "Well, we're going to

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tell you what to do. We're talking control of this. We're going to stop any taxation you want above a certain level, because we know better." You know, we've heard about the story about how people in Springfield know best, and how that's not true, and suddenly in this case, though, it applies. Now, all of a sudden, we know better, and so we're putting this on the people. I think this is a big mistake.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Syverson, to close.

SENATOR SYVERSON:

Thank you. Senator Welch, regarding local control, this is the ultimate in local control. Currently the taxpayers don't have the control over what their local government spends. This says that local taxpayers do have the control. If local government wants to increase spending, they have to go by referendum to the voters to do it. This bill empowers the voters to have control over excess spending back home. So I think this is a good bill. Again, it's by referendum. It's only going to be in place in those counties where that kind of relief is necessary, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Question is, shall Senate Bill 1511 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays 16, none voting Present. Senate Bill 1511, having received the constitutional majority, is declared passed. 1513, Senator Maitland? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1513.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1513, as amended, would allow townships statewide who do not receive State support for their General Assistance Program, to elect to provide medical services to their indigent class only for emergency medical care treatment and supplies. If a township chooses to limit its medical assistance to only emergency medical treatment, care and supplies, it must adopt rules to indicate exactly what services they're going to provide. Additionally, at a minimum, the township must provide emergency medical care, treatment and supplies to eligible recipients of general assistance who have a condition which is, number one, life-threatening, or will result in significant and permanent physical impairment, or requires immediate attention to relieve significant present physical pain and suffering. The amendment also deletes the current requirement in Statute which would require a township provide any necessary treatment, care and supplies required because of illness or disability. Mr. President and Members of the Senate, the bill is supported by the Township Officials of Illinois and others. I would appreciate very much an affirmative vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1513 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1513, having received the constitutional majority, is declared passed. 1513 {sic}. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:



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Senate Bill 1516.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill has a front-door referendum. It amends the Municipal Code to increase the maximum tax rate that a municipality may levy to operate ambulances to .30 percent, now .25 percent, by front-door referendum. The people have to vote on it. Does not apply to home rule municipalities, and it's -- the proponents are the Illinois Municipal League and Northwest Municipal Conference and the Illinois Fire Chiefs' Association. We had the situation in my town where we passed a referendum by an overwhelming vote for an ambulance tax, and it was structured on an objective cost-for-service basis, with the voters knowing exactly what they could expect for their money. And it passed by seventy percent of the vote. Well, later we found out that we could only levy up to twenty-five percent under State law. So this leaves the fire department financially unable to provide the level of services. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1516 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, 1 voting Present. Senate Bill 1516, having received the constitutional majority, is declared passed. For what purpose Senator Shadid arise?

SENATOR SHADID:

As a point of personal privilege, Mr. President.

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PRESIDING OFFICER: (SENATOR WEAVER)

State your point, Senator.

SENATOR SHADID:

On Senate Bill 1511, I'd stepped off the Floor, but I wanted to vote Yes. I'd like to have the record reflect that.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so indicate. Senator Philip, on 1522? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1522.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1522 authorized the Gaming Board to license video gambling machines for nationally affiliated veterans' and fraternal organizations who have a charitable game license issued by the Department of Revenue. This would include, Senator Walsh: Knights of Columbus, VFW, American Legions, Elks and Moose. They're allowed to have five machines per club. The applicant fee is: for manufacturers, ten thousand; for distributors, ten thousand; operators, five thousand; establishments, one hundred; and terminals, one hundred, which are annual fees. For the first two years, it has a tax at twenty percent. After that, it has a permanent tax of twenty-five percent. You're only allowed to wager two dollars per game, and the maximum prize you can win is five hundred. You have to be twenty-one years of age. You might ask or wonder how I got into the gambling business, and I have a lot of fraternal organizations that are in my district. I have the second-largest VFW in the State of Illinois, in Bensenville,

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Illinois. Since the General Assembly, in its wisdom, has authorized the Lottery and the riverboats, well, their sales in bingos and pull tabs have gone down. Now, in the one club that I know specifically - Bensenville - seventy-two percent of their budget goes towards charitable things in the community, and as you know, you see the veterans and you see them at the parades, and various functions. And quite frankly, as far as I'm concerned, they're the good guys. And what this simply does is put them on an equal footing and allows them to get back and healthy again. I'll be happy to answer any questions. Almost every one of those organizations I mentioned have passed a resolution in favor of this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this legislation for a couple of reasons. Number one, I might add that I don't think it goes far enough. I think if we're going to give it to the clubs, we ought to give it to all establishments. But I think even more importantly than that, in the Governor's budget he has sixty-seven million dollars put in for education, which now -- from gaming receipts, which now we don't know where that money's going to come from. So we're either going to have to cut education another sixty-seven million dollars or find other sources of revenue in which to come up with those dollars. I know that -- that gambling is always a controversy, but, folks, we have gambling in the State of Illinois. We're not just a little bit pregnant; we are pregnant. We are the third-largest gaming state in the union, and we should, in fact, recognize that fact and either stay in the gaming business or get our fanny out of there. I ask for an Aye vote.

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PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I -- I stand in opposition to the bill, because the perception of the citizens out there is that gaming in -- in the State of Illinois is to -- the proceeds are to go for education. Now, I'm not sure and the verdict is still out on whether or not there -- what kind of revenue would be generated to the State from these video gaming machines. However, whatever that is, it does not specifically direct it to the Education Assistance Fund, and it should be. I don't think we should do anymore gaming until we can -- can -- can be sure and make sure that it satisfied the original intent of all gaming legislation in this State that it would clearly go for the funding of education, whatever those proceeds may be. And for that reason, I stand in opposition to the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip, to close.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, we all do parades. We all do picnics. And all those guys that are going to benefit from this if it passes are at those picnics, at those parades. They're always doing something for the community, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1522 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 23, none voting Present. Senate Bill 1522, having received the constitutional majority, is declared passed. Senator Dillard seeks leave, as a cosponsor, to handle

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1527. Is there leave? Leave is granted. 1527, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1527.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

END OF TAPE

TAPE 2

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that Senator Barkhausen received from a Chicago attorney. It passed committee unanimously. It's supported by the Chicago Bar Association and the Association of Retarded Citizens. And it amends the Probate Act and allows a probate court to authorize a guardian of a disabled adult to exercise all powers that a ward could exercise over a ward's estate, and provides that the action should be in keeping with the ward's wishes as much as possible. There are plenty of safeguards in it. And I know of no opposition.

PRESIDING OFFICER: (SENATOR WEAVER)

Discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Just one quick question to the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

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SENATOR PALMER:

Senator Dillard, in our analysis, it says that the newly appointed guardian may dispose of some of the assets of the -- the ward. What does that mean? How far does that go?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Senator Palmer, obviously, it's with court approval. So there's a safeguard. The purpose of this bill, I believe, is to protect that -- that ward's estate, and -- and it protects them from tax consequences. You know, they couldn't go so far as to -- they removed the provision where somebody could, as a guardian, write a will on behalf of the -- the ward. But there's court protection here, and it's really to protect, I think, the -- the ward's estate from tax consequences.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? If not, the question is, shall Senate Bill 1527 pass. All in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1527, having received the constitutional majority, is declared passed. 1543. Senator Maitland. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1543.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1543, as amended, simply states that a -- if a

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recipient receives any form of public assistance from DPA for which they are not entitled, the Department may determine that there has been an overpayment of public aid. The amendment authorizes the Department to recover overpayment by legal means. It is now questionable whether or not they have this authority, and this simply clarifies in the Statutes that they do, in fact, have the authority. I know no opposition. Would seek your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1543 pass. Those in favor, vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On the -- on that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1543, having received the constitutional majority, is declared passed. Senator Rauschenberger, on 1544? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1544.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In last year's Budget Implementation Act, when we ceded to the Department of Public Aid the right to draft the rules for hospital adjustment payments, we failed to put an ending date in the -- in the Implementation Act. So, the Department seems to feel that it may go on in perpetuity. That was not, I don't think, anybody's intent. This is kind of a message to them that they had the right to draft it by rule this year. Previously, we've always done it in Statute. I move for a favorable roll call.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill... Excuse me. Senator Trotter.

SENATOR TROTTER:

Thank you. Well, will the -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR TROTTER:

Thank you very much. Senator Rauschenberger, is it -- were you defining 1544?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Trotter, thank you for correcting me. I explained the wrong bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Start over. You may start over, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Then we'll save -- we'll save that -- that explanation for the next bill. This -- this is another little small bill that's basically a message sender to the -- to the Executive Branch. This requires General Assembly approval of intergovernmental transfers involving the Medicaid program. I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. I do have a question on -- on the real 1544.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR TROTTER:



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He will yield? Thanks. Senator Rauschenberger, is this those intergovernmental transfers that the State has with Cook County Hospital?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

If this bill were to pass unamended, both Chambers, and be signed by the Governor, yes, this would affect any intergovernmental transfers -- any intergovernmental agreements between the Executive Branch of government and Cook County Hospital -- or -- or the County of Cook, yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

So, specifically, this is the -- the mechanism that is presently being used in which that we are getting matching funds from the feds to help fund our Medicaid program. Is this the -- the intergovernmental transfers that you are addressing?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, Senator Trotter. I'm glad you asked that question. This does not change the process of intergovernmental transfers which take place with the federal government, which allow accelerated funding of our Medicaid program, both through Cook County Hospital and the University of Illinois Hospital. This deals with intergovernmental agreements between different -- between the Executive Branch and -- and other levels of government that might operate a hospital.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

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Is the -- the Department of Public -- Public Aid opposed to this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

It -- Senator, it seems this year the administration, the -- and the Executive Branch, in particular, the Department of Public Aid, don't like any of my bills.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Rauschenberger, if I understood your answer, you're saying that the State can enter into an intergovernmental transfer agreement, but cannot enter into an intergovernmental agreement. I mean, could you explain it a little bit?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, this -- this is, a, prospective. So it wouldn't affect the intergovernmental transfers that we currently have, and probably wouldn't affect anything that's currently going on with Cook County right now involving a -- an accelerated or an additional intergovernmental transfer. This is prospective. So it would say in the future, before the Executive Branch could enter into intergovernmental agreements that they would need approval of the General Assembly by resolution.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

So that we can understand it then, let's take a hypothetical so that people understand what we're voting on. Right now,

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there's discussion of an intergovernmental transfer agreement between the State and the County of Cook. The State has applied and received a waiver from the federal government that allows these extra payments, and now they are -- as we heard in committee, they are in negotiations on the actual intergovernmental transfer agreement with the County of Cook. If this bill passes and is signed by the Governor before that process is completed, how would that process be impacted by the passage of this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

If -- if that all were to occur - if this bill were to pass both Chambers without being amended or changed and if the Governor would sign this before the Executive Branch entered into an agreement with the County of Cook - the intergovernmental -- proposed intergovernmental agreement between Cook County and the Executive -- State of Illinois would be brought before both Houses of the General Assembly for approval by resolution.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

All right. Let me say then, then, I don't think this has been thought out that well, Senator Rauschenberger, with all due respect. Because in the hypothetical I have raised, which is clearly possible, any given year, because we correctly now end our Session and the budget process the end of May, but that our fiscal year ends the end of June. I think that is -- I always supported that, did, and glad it happened, because it allows everybody that month to know what's going on. However, what you've now provided, then, is that we'd have to have a Special Session because of State and federal fiscal year issues. One of the advantages to the

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State of Illinois this year, should they go ahead and if they reach a written agreement with the County -- Cook County, as to County Hospital, the State would garner a gift - a gift - of some one hundred and thirty-eight million dollars for Fiscal '96, which would be used and matched to pay old bills to hospitals, nursing homes, doctors, et cetera, and then get again fiscal -- our Fiscal '97 money. If the hypothetical happened and this bill passed, and then after we're out of here in mid-May - we hope - and -- and they enter into an intergovernmental transfer agreement, it could not be effective during this fiscal year unless we had advanced a resolution before we left, which may not be the case 'cause we may not know about it then. So I would -- it seems to me that we should not be supportive of this at this time.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Just briefly, and I know what Senator Rauschenberger's attempting to do, but he's treading on some very thin ice here, because this intergovernmental agreement, as it relate to the -- the feds and the State and the County -- what you are risking here, Senator Rauschenberger, is a possibility that these dollars -- a portion of these dollars that the Governor indicates he is going to use as it relates -- relate to the hospital assessment, we risk the possibility that if the County -- if this General Assembly doesn't give the County what they are entitled to, then the whole program -- the feds could come in and demand back all those dollars. That's the possibility. So in turn, the hospital assessment for the hospital that you are concerned about could be jeopardized, as -- as it relate to the Governor's proposed budget. So I -- I don't think we should be messing with this particular issue. This is a bad piece of legislation. You have not thought it through in its

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entirety. And I know that the feds release these dollars based on the fact that that county portion would be included. And if the General Assembly sees some reason not to do that, then the entire amount, especially that part as it relate to the portion the -- the Governor has indicated to cut the hospital assessment, could also be in jeopardy and the State could find itself having to repay back those dollars. So I don't think this piece of legislation is in the best interest of the people of the State of Illinois or the General Assembly and we should defeat it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I appreciate everybody's careful attention to this bill, but let me reassure you on a couple of points. Senator Jones, although I've been busy, I want you to know we -- we did spend some time and think this through. This is -- there seems to be some confusion. This is not about the intergovernmental transfers; this is about intergovernmental agreements. Once an intergovernmental agreement is made, you can have as many transfers as you -- you can use that same agreement to execute the transfers. There's not an agreement with each transfer. We're talking about the relationships that the Executive Branch negotiates regarding the Medicaid program. That's what this bill is about. It's not about the transfers. There's no risk of having to pay back any federal money. Senator Carroll, let me reassure you. I'm a resident of Cook County and I'm also interested in the best interests of Cook County and Cook County taxpayers and residents. This is not aimed at -- at Cook County only. This is aimed at letting the Executive Branch know, again, that they need to participate with us in how they plan the Medicaid program. Let me also tell you that we already have the authority to stop an intergovernmental transfer through the

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appropriation process. So this adds no new authority for us to punish anybody or harm anything. It's about sending a notice to the Executive Branch. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1544 pass. Those in favor, vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37; the Nays, 14; none voting Present. Senate Bill 1544, having received the constitutional majority, is declared passed. 1550? Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1550 calls on the Department of Aging to develop and implement a statewide senior advocacy program through the thirteen area agencies. The program will offer seniors assistance with paperwork and red tape and overcoming the obstacles which hamper full participation in senior programs. The -- program being suggested is modeled after the red tape program which is currently and successfully operating in suburban Cook County through the collaborative effort between the Suburban Area Agency on Aging, AARP and nineteen community-based senior service organizations. Over one hundred volunteers are assisting the elderly in that program in accessing benefits and services. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

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Thank you, Mr. Chairman and to my colleague on the other side. I merely want to alert the people on this side of the aisle that the Senate Bill, 1550, came out of the Senate Public Health Committee, and it was voted 6, 1 and 3. And with all due respect to my friend, and he just came out of the hospital, I'd like to ask the sponsor some questions, if I may, that was asked to you...

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR SMITH:

...that was asked of him while in committee. And I merely want to bring this to focus. I would like to ask him: Senator O'Malley, is this program in the Department of Aging proposed 1997's budget?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Smith, it is not at this time; however, there is an appropriation bill offered in the House to address that concern. And that concern will have to be addressed for this program to be implemented.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

What would the Department of Aging have to cut out in order to fund it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Smith, the Department of Aging has provided a fiscal note indicating that in FY'97 the -- the program could cost a million and fifty thousand dollars. I do want to emphasize, however, that that is their estimate; that's not an estimate that

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I necessarily embrace. I have suggested to the suburban area agencies and the area agencies across the State that they're going to have to focus in on these costs very carefully. The program is supposed to be primarily driven by volunteerism, such as it has been in -- in suburban Cook County. So it'd be my hope, as this process continues through the balance of this Session, that we'll hone in on what the actual costs will be and provide the necessary funding and rely primarily on volunteerism.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer. Senator Smith, would you keep your light on if you wish...?

SENATOR SMITH:

Thank you. I'm sorry. I merely wanted to ask him then: What is the possibility of the -- of the private sector coming in to help this program? Or is there any possibility at all?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, the program -- the pilot program in suburban Cook County was -- the funding for that came from the Chicago Community Trust. You raise a very good point. I would certainly encourage that we rely on resources such as that, as well as private resources. And as I've indicated in my previous comments, I have encouraged that the area agencies across the State focus in on what the actual costs are and -- and how we're going to implement the program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

...merely want to say, at this particular time with things like they are, I would advise us not to vote for this particular piece of legislation and just vote No, and -- and bring this back



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again at another time, because you're putting the Department of Aging in jeopardy. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Senator O'Malley, Senator Smith asked about the appropriation for this bill. I know that it has been requested, I think, but -- it's my understanding that that bill is dead; that there is no appropriation. And I'd appreciate if you'd speak to that. And also, I'm concerned that -- I think this is a laudable idea. And if all things were fair, I would certainly support this. However, I'm very concerned that if that appropriation bill is dead, there could be a serious impact on the kinds of programs that the Department of Aging is already responsible for - the Meals on Wheels, some of the services that seniors depend upon - and, especially, I think that what's been done in your area is laudable, but there is no guarantee that private monies will take the place of this. Could you just speak to those concerns, please?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Palmer, first of all, the budgeting process is an ongoing process, as you well know, and it's continuing here in the Senate and it continues in the House. They don't have a deadline. We have a reporting deadline today, with respect to the substantive legislation. Again, I -- I couldn't agree more, that the program -- any costs associated with it are going to have to

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be funded one way or the other. So that's a necessary component of what will have to be done with this particular legislation. So, I respect your concerns; I acknowledge your concerns, but this is an ongoing process, and it's my hope that your concerns, and mine, will be addressed before the Spring Session concludes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR DONAHUE:

Thank you. Senator O'Malley, on the analysis -- I voted No for this in the committee, not because I don't recognize what -- I hope what I think you're trying to accomplish. But the question would be: Do you -- does this pay staff people within the Department to provide services, or are the -- is it to coordinate the volunteers?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Donahue, the -- I believe the -- or, the fiscal impact that was provided by the Department on Aging suggests that there's going to be a lot of administrative expense associated with it. My emphasis - my encouragement - to the -- the area agencies is to rely on volunteerism as much as possible, to get us some hard figures on what the costs will be. I would anticipate that as this process continues, should this legislation go to the House, that that will force all of that to happen so that we get some clearer answers, because your concern in committee was a legitimate concern and I respect it. And, again, I think this is -- this is a laudable program. I think we would all agree with

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that. There are still some open questions and they're going to be have to -- have to be answered as this legislation hopefully continues into the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

...you. Let me just say something to the bill. I think we have an incredible resource out there that we need to use. We've got programs like SHIP and -- and -- where people help with insurance costs -- or, insurance questions and things of this nature. And we have the network through the area agencies. And -- and I'm just not sure we want to get into funding it. But I -- I understand where you're coming from. If we can have your word, for the lack of a better word, that when come -- things come back -- things happen in the House and they come back here that we'll -- we'll see how it -- and then we'll go from there. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

She -- he indicates he would yield.

SENATOR DEL VALLE:

Senator O'Malley, are you indicating - and I want to be clear on this - that this is going to be, as you see it, primarily a voluntary program?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, the -- the program, as it exists in suburban Cook County, is -- is primarily voluntary now. That's the pilot program that this program is modeled after. So, yes, it is my

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hope that that is precisely what will continue across the State.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Well, I -- I would recommend that the bill be amended to reflect just that, because -- I have here a note from AARP. AARP is concerned that there are over seven thousand five hundred homebound seniors who are waiting for the home-delivered meals program. And so, they're concerned about this budget. They're concerned that the needs of seniors are not being addressed, and I think that's why the Department on Aging is opposed to this bill. I think they'd rather see the resources go into meeting the needs of these existing programs. And so, I would recommend that your bill be amended so that it would specifically state that it would be a voluntary program that can make use of -- of private sector resources in order to operate.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, first I have to declare my conflict. I am a senior citizen, although I prefer to consider myself a seasoned citizen. And I think this is a step in the right direction. As -- and as Senator O'Malley said, the budget processing takes place later. And I think we should give it a chance, because we do have to do some work to help our senior citizens. There are many of them who are very unfortunate and don't have the means to take care of some of these services. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker.

SENATOR PARKER:

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

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I want to rise in support of this program. Remember that this is called the red tape-cutter program. We're dealing with senior citizens. And it can be very much more efficient to help them benefit, to help them access the programs that they need, to help them access their benefits, their transportation needs and work with them. And it's been a successful pilot in suburban Cook County. They have a hundred volunteers working. And that's what's going to continue throughout the State - unpaid volunteers. And it's only the administrative part that would be costing the money. And I think it's -- it's a laudable program and that it's efficient. And I was at a - I guess it was the other day - the senior event at the Sangamo and AARP members were there, and I spoke to AARP about a week ago, and they're very much in favor of this program. So I would rise in support of it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Why, thank you, Mr. President. I have a suggestion. I would invite any of you to come by my district office. We provide this kind of services to senior citizens, and we have volunteers coming into our office. Not only do we provide information and -- and help them to cut through red tape, we even help them fill out their circuit breakers right in -- right in my district office. So if you are really sincere about helping senior citizens at a time when we -- when you don't have the money to fund this program, which is a good program - it does basically the same thing we do in our office -- through our district office - you can do it until such time we can get the money to do it. I'm going to vote Present on the bill, because I think it's a good idea. However, it -- it will -- it doesn't have an appropriation, and therefore, we should not move this bill forward because of what has been said before - it could, in fact, take away the agency's

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ability to fund much more needed programs. And for that reason, I'm going to vote Present.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley, to close.

SENATOR O'MALLEY:

I'll be very brief. I -- I just want to say that I appreciate all the criticism, as well as the support, that has been offered by my colleagues. This program, as it exists in Cook County, is driven by volunteerism. I have seen the -- I might add that these are not volunteers who happen to be middle-aged, they are primarily senior citizens helping other senior citizens. It's a laudable program. I think everybody could probably agree on that, or most of us could in any event. And I would solicit your support for it. I will assure that I'll be looking very closely at how it's going to be funded should this legislation advance to the House, and I'll be encouraging that we focus in on the actual costs and make sure that we know some real numbers and facts, and I'll work to provide the funding either through the appropriation process or additional grant assistance that may be available from outside public resources. I'd appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1550 pass. Those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 2, 5 voting Present, 5 not voting. Senate Bill 1550, having received the constitutional majority, is declared passed. 1556, Senator Palmer? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1556.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. This is a very simple bill. It received full support in the committee. What it does is add the Director of the Department of Public Aid to the Health Care Worker Task Force that is coming up in July. I'm happy to answer any questions, and I'd ask for favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1556 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. Senate Bill 1556, having received the constitutional majority, is declared passed. 1556, Senator Mahar? Read the bill, Madam Secretary. Excuse me. 1578.

ACTING SECRETARY HAWKER:

Senate Bill 1578.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. The -- this repeals the innocent landowner defense and the provisions requiring a Phase I Environmental Audit to establish due diligence. This is intended to reduce the costs associated with site assessment and allow land -- lenders and prospective purchasers to base their site assessments on their ability to absorb the risks. We passed legislation last fall which makes this provision unnecessary. The second part of the bill expands

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the IEPA's authority to settle enforcement actions prior to litigation. This passed out of committee unanimously, and it -- is brought to us by the Illinois Bankers Association. And I know of no opposition.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1578 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 1 voting Present. Senate Bill 1578, having received the constitutional majority, is declared passed. 15 -- 1633, Senator Woodyard? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1633.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This bill, in its final form, is now -- is really an agreement between the Illinois Feed and Grain Association and the Illinois EPA regarding dust emissions from grain elevators. There is some grandfathering-in this. But, I guess maybe it's best if I try to answer some questions if you have any. But, needless to say, these dust collectors are very expensive items, and I think this will give some relief, particularly to the small country elevators.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1633 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who



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wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1633, having received the constitutional majority, is declared passed. 1643? Madam Secretary, will you read the bill?

ACTING SECRETARY HAWKER:

Senate Bill 1643.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 1643 is a rewrite of the comprehensive eavesdropping law we passed during the Veto Session last year. This is the work of the Governor's Office and the Illinois Retail Merchants Association to scale back the version we passed last fall to redress some of the perceived excesses of last fall's bills. There's a lot of safeguards in here. It requires, in -- in marketing and telemarketing situations now, that when the employer is listening in for purposes of quality control of the types of conversations that are covered by this bill, that if they find out it does not pertain to the telemarketing activities, they must immediately stop listening. Moreover, the employer must provide telephones that can be used for personal conversations for their employees, albeit they may be pay telephones. I believe this is a good compromise. It scales back some of the things that were perceived as going a little too far last fall. And I'd be happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1643 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 8 Nays, none voting Present. And Senate Bill 1643, having received the required constitutional majority, is declared passed. Senate Bill 1645. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1645.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Downstate Forest Preserve District Act to allow a site adjacent to mine and Senator Walsh's districts to take an old historic home - an underground railroad type of home - next to the Graue Mill at York and Ogden Avenues in -- near Oak Brook and Hinsdale and allows the privatization. A group has come forward and wants to privatize this facility. And it make a change in the Downstate Forest Preserve District Act to allow a group of private citizens to come in, restore this hundred-year-old historic home, and gives the county -- or, excuse me, the forest preserve district in DuPage County, as well as any county under three million, to allow in and to engage in a licensure agreement, and it just gives them that ability to privatize this facility. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1645 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 1 voting

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Present. And Senate Bill 1645, having received the required constitutional majority, is declared passed. Senate Bill 1669. Senator Lauzen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1669.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 1669 attempts to solve the following problem: Modeling agencies are being forced to spend a lot of money to accountants and lawyers to defend themselves in unemployment insurance audits. Several administrative decisions have confirmed the fact that models are not employees, that they're independent on their own; however, the audits continue. This bill clarifies that models are independent contractors. They will not receive unemployment compensation benefits between jobs. Therefore, agents should not have to pay into the fund those kinds of taxes. Amendment No. 2 eliminates the most controversial parts of the bill, covering production houses and actors. The bill has bipartisan sponsorship and support. AFL-CIO is neutral, and the American Federation of Television and Radio Artists is in support. I'm aware of no opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1669 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 1 voting Present. And Senate Bill 1669, having received the required

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constitutional majority, is declared passed. Senate Bill 1671.  
Senator Lauzen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1671.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 1671 also attempts to clarify the treatment of couriers and messenger services as independent contractors for employment insurance purposes. The source of this legislation is a fellow named Jack McCauley who has been personally involved in fifteen audits and assessments involving five thousand independent contract courier drivers. Not one drew unemployment insurance benefits; however, the courier companies had to defend themselves against two million dollars in taxes, in claims, penalties and interest. The Illinois appellate court cases and administrative decisions have explicitly and unanimously detailed the reasons why messenger services are not required to pay contributions. Again, yet, the audits continue. So what this bill does is clarify it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator Lauzen, do you have any idea how many messengers or couriers this bill might impact on in the State of

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Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

There has been some confusion in the information that's been given to us all, in that some people are saying unemployment compensation claims from messenger services go for both drivers, but it's also true that it goes for employees that are hired as -- like secretaries, administrators, bookkeepers, those kinds of positions. But the best information that we have is that all of those positions at most, according to I believe it was Illinois Department of Employment Security, at the very most there are three hundred.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

Well, I rise in strong opposition to the bill, because I'm not sure that I agree with that statistic. But more importantly, I think that this bill creates an incentive for companies to classify workers employed as messengers or couriers as independent contractors. And that currently there are messengers and couriers and other employees that are not classified as such and because of that are entitled to benefits. This bill would encourage companies to not classify them as employees and to classify them as independent contractors. Under this bill, they would not qualify for unemployment insurance coverage, but it would also mean that they could lose benefits that other employees receive, such as pensions, health insurance, workers' comp coverage, if needed. Also jeopardized are basic labor standards that most employees enjoy, such as minimum wage, hours of work protection, protection from discrimination. Senate Bill 1671 also continues to destroy a pattern seen in unemployment insurance - the removal

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of more and more workers from coverage under the Act. For those workers that are truly independent contractors, there already exists a mechanism to exempt them from coverage under the Unemployment Insurance Act. The three-pronged ABC test is used by the Illinois Department of Employment Services {sic} to determine whether an employee is an independent contractor. This test has stood the test of time and should not be circumvented by carrying out exemptions for employees that pass the test; and therefore, would urge both sides of the aisle to oppose this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you, Mr. President. The reality that -- is that these -- these people are independent contractors. The court cases and administrative decisions have demonstrated this. I am sensitive to what Senator Garcia has mentioned in -- in his comments, and so we've made provisions in this bill to exempt those who want to be treated as employees, by giving them the right to be paid in a way other than commissions and to not sign -- an independent contract. So with that, I just ask for a positive vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1671 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 25 Nays, none voting Present. And Senate Bill 1671, having received the required constitutional majority, is declared passed. Senator Garcia, for what purpose do you rise? Senator Garcia, that -- that request is in order. Senator Garcia has requested a verification of the affirmative roll. Will all Members please be

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in their seats? Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Bonke, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Karpel, Lauzen, Luechtefeld, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR GARCIA:

Senator Luechtefeld?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld is in his seat.

SENATOR GARCIA:

Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard's in the Chambers, next to the President.

SENATOR GARCIA:

Senator Sieben. Oh! He's right...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben's standing next to his seat.

SENATOR GARCIA:

Senator Syverson?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Syverson's standing next to his chair.

SENATOR GARCIA:

Senator Bonke.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bonke's in his seat.

SENATOR GARCIA:

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Oh! There he is. Okay. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 30, the Nays are 25, and the Present are none. And Senate Bill 1671, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

Thank you, Mr. President. On -- regarding Senate Bill 1669, I'd ask that the record reflect that I pushed the wrong button. I meant to vote No, and I pushed Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will so reflect.

SENATOR BERMAN:

Thank...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate Bills on the Order of 3rd Reading, Senate Bill 1684. Senator Fitzgerald. Madam President -- Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1684.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1684 provides that any termination or cancellation or attempted termination or cancellation of an agreement by a brewer or wholesaler in violation of the Beer Industry Fair Dealing Act shall be presumed to result in irreparable harm to the affected party and affected party shall be presumed to have no adequate remedy at law. That will entitle the affected party to an



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injunction. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Butler.

SENATOR BUTLER:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Butler.

SENATOR BUTLER:

Senator, I -- I have to confess, I rise in puzzlement. The fact of the matter that I -- that -- the fact that bothers me is -- is I'm trying to determine what makes the beer distribution industry different from every other distribution industry we have in the State. I spent my entire working life working with distributors, ranging from -- major appliances, small appliances, industrial products, and auto parts. And in every one of those instances, if the distributor's not doing a good job, we reserve the right to change. And it seems to me, what this is attempting to do is to permanentize a franchise, regardless of whether or not that individual is -- is doing a -- a good job, or force the -- the company into a -- some sort of a -- a lawsuit. I just don't understand what makes the beer industry different from -- from, for instance, a Coca-Cola or Pepsi-Cola distribution or any food franchise distribution. Would you explain that, why this is different?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. Senator Butler, going back to right after Prohibition era when they started allowing liquor and beer and wine sales again, since that time this State and virtually all states in the country have heavily regulated the liquor industry and the beer and wine and spirits industry. And in Illinois, there's a Beer

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Industry Fair Dealing Act. It governs the relationship between the brewers and the distributors. It's different than most businesses. Each brand is unique. And the Act has to maintain a balance of power between the brewers and distributors.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I must have missed something, Senator. I don't understand what makes that -- that -- that difference. True, it's a heavily regulated industry, but -- you know, what -- what difference does that make?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, it goes back to that Prohibition era, and I guess in order to prevent overconsumption of alcohol, in order to prevent spoilage also - it's a perishable product - for that reason, to prevent minors from getting control of alcohol. It's always been that regulated. And it isn't just in Illinois; it's all fifty states, as I understand it. There's not one state that I know of that -- that doesn't regulate this area.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I'll try one more time. What -- going back to the Prohibition era, it eludes me as a reason. The food -- you mentioned spoilage. The food industry has the same kind of problem. Why -- why do we protect beer distributors from being cancelled out or being forced into a -- a lawsuit. I should say the -- the manufacturers forced into a lawsuit. I just don't get it. I'm sorry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Fitzgerald.

SENATOR FITZGERALD:

We don't prevent them from being cancelled out. The purpose of the Act is to maintain a level playing field between the brewers and the wholesalers, in a situation where brewers would otherwise be in a dominant position. And we don't -- we don't prevent them from being cancelled.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Maybe I can, in rising in support of the bill, attempt to answer the question raised by the previous Senator. The -- the situation here is that -- that the beer distributors spend money in promoting a brand. They might have the right to -- let's say you take a Pabst Blue Ribbon distributor. He has the right to -- to sell some Mexican import beer. They spend money; they market that product. Then, the brewery sells that product to another brewery. So let's say, Pabst Blue Ribbon sells it to Miller. Miller then says, "We want to have our distributors distribute that Mexican beer." And the law says that they can terminate that relationship without any fault on -- on the part of the distributor, but the distributor's entitled to damages, because they have invested money in promoting that product. So the situation now is that they go to court and they try to get an injunction against the brewery from taking over that distribution right until they're compensated. And what this bill speaks to really is, quite frankly, an issue of leverage. This bill is in reaction to -- to court rulings that have, basically not given that injunction. They've not given that injunction. The brewery is in a position to just delay paying the damages to the distributor. And by passing this legislation, we strengthen the ability to obtain the

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injunction. Once that injunction is granted then it brings the brewery to the table, so that they will pay the damages to the distributor. The reason why it is different is because, believe me, this whole industry is unique. It -- take for example the fact that you have to pay cash for the product. The distributor has to pay cash to the brewery for the product. The retailer has to pay cash to the distributor. That's totally unique. There's nothing else like that. So it -- it always has been different. It is -- we always have a bill affecting this industry once a year. This is the -- the latest version. The bill passed 10 to nothing in committee. There was a suggestion that it be limited -- the applicability of this provision be limited. So the Distributors came in with an amendment, which also passed. And I think it -- it may not be the absolute best way to increase the leverage, but it's the way that the distributors have chosen, in the form of this bill. It may be that -- as this bill passes over to the House, there might be some negotiations between the two, but there is definitely a need for a change.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The only thing I want to do -- John Cullerton just explained it very, very well. However, sometimes when you get to court cases and they look at legislative intent, they like to hear it from the sponsor. So what I'm going to ask the sponsor, if he -- if he would yield to do this, is, obviously one of the tenets of the law that has been along -- around a long time is when you go for a TRO or, in this case, an injunction - preliminary injunction - and -- to -- you would have to show irreparable harm and you would have to show that there's no adequate remedy at law. That's been around a very, very long time. We're asking that to be changed

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for this unique situation. And I would like the sponsor to address himself to two things: Number one, why that change needs to be done, and are we going to do this with other businesses or other type of businesses that we do throughout the State of Illinois. If the sponsor can answer that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. Thank you, Senator Molaro. The reason we need to do it here is, by facilitating the issuance of -- of an injunction, that will ensure that the wholesalers receive reasonable compensation for the value of the cancelled products prior to any cancellation or termination as required by the Act. Now, the fact of the matter is, the Beer Industry Fair Dealing Act is a statutory scheme for governing the relationship between the brewers and the wholesaler distributors. And there's a gap in that scheme, and it needs to be filled here. We don't leave it all up to the common law or to the rules at equity because we have a statutory scheme here, and we need to fill in that statutory scheme. And I would tell the -- remind the Legislature that, in other areas in our Statutes, we do have similar provisions. One good example is the Uniform Deceptive Trade Practices Act, where we have said that proof of monetary damage, loss of profits, or intent to deceive is not required to obtain injunctive relief. We have there just abrogated all the common law equitable requirements for obtaining injunctive relief. It's not unusual for us to do that. And in fact, here it's needed because you have a statutory scheme that has a gap, and it is part -- the law is determined both by reference to common law and the Statute, and now we're just -- we're strengthening the Statute so we'll all be -- the main requirements will be provided in the Statutes. And it's needed here because there's a huge disparity in leverage and we're trying

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to level the playing field.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I find myself in an awkward position. I think this is the first time that I've really agreed with you on a bill, Senator. But I -- I think Senator Cullerton hit it right on the head, and -- and in answer to Senator Butler's response of -- of what if someone's doing a bad job, that doesn't alter anything with this bill. That person that's doing a bad job can still be -- have the product taken away through legal channels. What this does is protect those, in my estimation, that take a so-so regional project -- a product and take that product and build it in to a major market force and then the company comes along and says, "Whoops! Now we want to give this to someone else." I think that's the issue, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. I believe I have a conflict. I'm not going to vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR FITZGERALD:

Thank you, Ladies and Gentlemen. You would still have to prove a violation of this Act to obtain the injunctive relief. A court would determine whether there's been a violation. It applies both ways; both the brewer or the wholesaler could be entitled to the injunctive relief. The bill simply keeps the even tenor that we need in the Beer Industry Fair Dealing Act, and I would appreciate a favorable vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1684 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 4 Nays, 1 voting Present. And Senate Bill 1684, having received the required constitutional majority, is declared passed. Senate Bill 1687. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1687.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I can maybe do this one quickly. This is the -- the introduction and explanation I made for the last bill. When we passed the Implementation Act with the budget last year, we inadvertently -- and we moved the authority to make adjustment payments to hospitals from the legislative process to the department, the intent was to do it for one year. We put -- we -- the way it's drafted now, it appears to be in perpetuity. This only ends {sic} an ending date to the Budget Implementation Act. I would hope for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 1687 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 9 Nays, none voting Present. And Senate Bill 1687, having received the required constitutional

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majority, is declared passed. Senator Jacobs, what purpose do you rise?

SENATOR JACOBS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR JACOBS:

In the gallery on the Democratic side of the aisle, we have a couple of Republican mayors from my district that I would like to have stand and be recognized: Mayor Atherton of the City of -- of Morrison and Mayor VenHuizen of the -- the City of -- of Fulton, which just incidentally got shafted on the Retail Rate Law, and Mrs. Atherton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Palmer, what purpose do you rise?

SENATOR PALMER:

Thank you, Mr. President. On Senate Bill 1687 I was talking with someone and pushed the wrong button. I meant to vote No on that bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...the -- the record will so reflect, Senator. Senator Bowles, for what purpose do you rise?

SENATOR BOWLES:

For a point of privilege -- personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BOWLES:

In the gallery on the Democratic side of the aisle is Mrs. Velda Armes, who is the Mayor of the City of Troy, and her husband Connie Armes, who is the Township Assessor of Jarvis Township. Would like...



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PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Burzynski, what purpose do you rise?

SENATOR BURZYNSKI:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BURZYNSKI:

Thank you, Mr. President. I'd like to introduce to the Chamber one of the mayors from the 35th Senate District, former president of the Illinois Municipal League, Mayor Joe Sinkiawic and his wife, from Loves Park, Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Smith, what purpose do you rise?

SENATOR SMITH:

Mr. President, I just wanted to let you know I was talking at the time we were discussing legislation on 1687. I'd like to be recorded as voting Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will -- will so reflect. Senator Lauzen, what purpose do you rise?

SENATOR LAUZEN:

Thank you, Mr. President. I'd like to introduce to the Chamber the -- the voice of the West Aurora Blackhawks, Neal Ormond, and his lovely family, Mary Ormond, Laurel and Chrissy Ormond, who are serving as honorary Pages today....

PRESIDING OFFICER: (SENATOR DUDYCZ)

Would our guests please rise and be recognized? And welcome to Springfield. Senator Collins, what purpose do you rise?

SENATOR COLLINS:

Point of personal privilege.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR COLLINS:

Yes. Today we also have visiting, in the northwest gallery, the Mayor of Bellwood, which is in my district, and along with him, Mr. Booker Brown, I think, who is the Clerk of the Village. And I would just like for them to rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Sieben, what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Seated just directly above me on the Republican side of the gallery is the Mayor of Mount Morris, Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Garcia, what purpose do you rise?

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GARCIA:

Mr. President, I'd like to -- the record to reflect that on Senate Bill 1687 I hit the wrong button, and if I had hit it correctly, it would have been a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will so reflect. Senator Peterson, what purpose do you

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rise?

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR PETERSON:

Like to introduce the Mayor of Long Grove, Leonore Simmons, next to me, my mayor in the town I live in, and Beth Penesis, one of the village administrators.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Burzynski, what purpose do you rise?

SENATOR BURZYNSKI:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BURZYNSKI:

Yes. And also in the -- gallery, we have another mayor from the 35th Senate District, Mayor Ken Hetchler from Cortland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator Watson, what purpose do you rise?

SENATOR WATSON:

Yes. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WATSON:

Yes. We have former Representative Robert Walters, who is with us here today, sitting in the gallery, and I'd like to recognize Bob Walters. And if he would, would you mind introducing the -- the gentlemen that are with you?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Will our guests please rise and be recognized? Welcome to Springfield. Senator Raica, what purpose do you rise?

SENATOR RAICA:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR RAICA:

Would anybody in the gallery who's not been introduced in the last fifteen minutes stand and be recognized by this Body?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will everybody in the gallery please rise and be recognized? Welcome to Springfield. On the Order of Senate Bills 3rd Reading, Senate Bill 1696. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1696.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As kind of the capstone to my legislative agenda, this bill would require the Department of Children and Family Services to study the children that they have placed out of State in out-of-state institutions. Hopefully this bill may have another life in the other Chamber. It's a bill, though, that, in case it passes, isn't a bad idea. I encourage a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1696 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 52 Ayes, no Nays, and none voting Present. And Senate Bill 1696, having received the required constitutional majority, is declared passed. Senate Bill 1746. Senator Parker. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1746.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill permits a court to suspend the sentence of a deportable illegal alien or deportable alien if an order of deportation has been entered. It does not deprecate the seriousness of the offense and it is a -- it is not a Category i, ii or iii offense under truth-in-sentencing legislation. This bill was on the Agreed Bill List -- this bill was on the Agreed Bill List in the Senate Judiciary Committee. Yesterday, some of the Senators had very good questions, and so we filed an amendment that I think will help with those questions. The amendment has to do with what happens if, under this Act, someone is deported and returns. What the amendment permits is that the State's attorney would recommit the defendant to the custody of the county from which he was sentenced. It would permit the court to sentence him to any available sentence. It would eliminate the defendant's eligibility for meritorious good conduct credit. This passed yesterday unanimously from the Judiciary Committee. I would answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator del Valle.

SENATOR DEL VALLE:

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Thank you, Mr. President. Senator Parker, I appreciate the -- the work that you've done on this bill and -- and your willingness to -- to respond to some of the concerns, but this bill, in its current form, is still, in my mind, an early release bill. This bill allows individuals who committed crimes and were convicted and sentenced to be let out of prison early. Now, you indicated that the reason we're doing this is in order to save dollars. But I have here a copy of the DOC fiscal note and DOC indicates that the fiscal impact is unknown. They couldn't even determine a dollar figure. But in the note they also indicate that the State is currently receiving reimbursement of 4.4 million dollars from the federal government for the cost of incarcerating such inmates. Now, I think given that even DOC could not calculate any savings, I think what we should do is ensure that the individuals who are convicted, that they do their time and that they serve their time in Illinois prisons, and that the deportation take place after they have served their time. But I don't like the idea of doing early release, deporting individuals and then having the possibility of those individuals coming back into the country illegally. I -- I think that that is not what your intention is, but I think that's the effect of this bill. So I urge everyone to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Parker, I -- I agree with a lot of what Senator del Valle said. You have been very willing to work with us on this, and I think that's -- that's good, but I still have -- have two problems: One being, as I asked the other day, with our juvenile system in the past, we were able to have juveniles go out and be the runners for the drug trafficking because all we did with them

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was slap their hands.. Now what's to keep us from having illegal aliens, use them as drug runners, and the only thing that they're going to get is deportation back to -- to Mexico. So we have created another system that may not be exactly what you're looking for. I don't know how we can handle that in this bill, but there's -- it's one that needs to be taken care of. And number two, whenever these -- whenever these illegal aliens are let out of jail early in order to be deported, what if they take off from Illinois and go to Missouri? How -- how do -- how does the other state know, because they're released? They're released from the DOC. So how does the -- and if the police department in -- in Missouri picks them up, the only thing they're going to be able to charge them with is being an illegal alien. They're not going to be able to charge them for -- for any crime because they've already taken -- and served their time, under -- under this particular bill. I'm still not sure whether I'm going to vote for it or not, Senator, but at least you have come a long way with it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Viverito.

SENATOR VIVERITO:

Yes. Point of privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR VIVERITO:

I'd like very much, if I may -- I know we've had a lot of distinguished guests here today, but we have some very fine ones from the southwest side: The President of the Southwest Mayors Association; Tony Vacco, President of Evergreen Park.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests rise, and please recognize. Welcome to Springfield. Any further discussion? Senator Viverito.

SENATOR VIVERITO:

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Mr. President, just -- Mayor Ernie Kolb of Oak Lawn is here also. And -- who else do we have now? And one of the heaviest hitters on the southwest side, the owner of Prairie Materials, our good friend, Johnny Oremus. Johnny Oremus.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. Any further discussion? Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. After listening to the debate from the other side of the aisle, I wonder if we're reading the same bill. What this legislation does, very succinctly and precisely, is permit the Department of Corrections to notify the Immigration and Naturalization Service of the federal government to let them know that they have the option, if they choose, to simply take a person out of prison and send them back to the country of origin. Now, as a prosecutor myself, I came across a situation where we had a number of individuals who were arrested who were illegal aliens. And one of the things that we did was notify Immigration and Naturalization and deportation proceedings were instituted even prior to a criminal proceeding in the county. Now, it just seems to me that when folks who really shouldn't be here in the first place, become lawbreakers, that we shouldn't expect the taxpayers of this State to keep them in the warm and cozy confines of our prisons, because there are some who will argue that perhaps sending them back to the country where they came from may be worse fate than cooped up in some of our country clubs that we have designated as prisons in this State. But I'm here to tell you that I believe that there is no reason on this planet why the taxpayers of the State of Illinois should provide food, shelter and comfort for people behind bars, when we can literally kick 'em out and make room for individuals who should be there who are being deferred out of the system because



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there is no room in the inn. This is a great idea. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PARKER:

...Mr. President. I want to stress: This is not an early release bill, and should not be pegged as that. When you talk about the cost, you are talking about -- there are, presently in our system, three hundred and fifty illegal aliens that are costing us six million dollars a year. This allows them to be deported earlier if the federal government and if it is approved by a judge. Your talk about 4.4 million dollars given from the federal government is only -- fourteen percent of what it actually costs to incarcerate all the illegal aliens and the aliens that could be affected under this bill. We are talking not about only the idea of saving money, but the idea of opening up beds for those criminals who could be more violent who should be in the present prison system because we are short of space. I would urge an Aye vote on this bill. It makes a lot of sense. We are not talking -- and let me address Senator Jacobs' question. When you're talking about an illegal alien that may come into another state, it would be the same as with anything else, they would be extradited back to this State; they would be up for additional punishment. Part of the punishment of the -- of taking them away is deportation, because they really would rather stay here. So I would ask for an Aye vote. I think it's a good bill, and I appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1746 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are

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43 Ayes, 8 Nays, 2 voting Present. And Senate Bill 1746, having received the required constitutional majority, is declared passed. The bottom of page 5, Senate Bills on the Order of 3rd Reading, Senate Bill 1749. Senator Woodyard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1749.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. 1749 now has three components. The underlying bill was an increase in the loan guarantee authorization on livestock operations in the Illinois Farm Development Authority from three hundred thousand up to one million dollars. The second component of the -- of the bill deals with the cooperative extension unit, and establishes a cooperative extension trust fund in Department of -- of Agriculture. The way the present system is set up the Ag Premium Fund is -- is what is supposed to fund the Cooperative Extension in the county match area. Well, that money goes to -- into the university and becomes a part of their budget. Last year, that run a million and a half dollars short. University of Illinois wants that out of their budget. So we -- we can put that out at -- at Department of Ag in that trust fund. There be -- we're still going to be short of money. And there's -- there's no additional money in -- in this at all. The Department of Agriculture has no problem with this. The fourth component is -- I'm sorry. The third component is a -- an amendment that Senator Rea and I introduced that changes the membership of the Illinois Coal Board. And I don't think there's any opposition to that, but if you have any questions on that, I

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would like to yield to Senator Rea on that. With that...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1749 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. And Senate Bill 1749, having received the required constitutional majority, is declared passed. On top of page 6 of your regular Calendar is the Order of Senate Bills 3rd Reading. Senate Bill 1757. Senator Weaver. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1757.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This would reduce the bond authorization for Build Illinois bonds by one dollar. If there's any questions, I'll be happy to respond.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall -- Senator Demuzio. Senator...

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. May I pose a question to Senator Weaver? This -- this is -- right now, is a vehicle bill. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

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It might be considered that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Hello. Well, maybe we ought to vote Present over here till we see what the wheels are on this thing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the -- the question is, shall Senate Bill 1757 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, no Nays, 19 voting Present. Senate Bill 1757, having received the required constitutional majority, is declared passed. Senate Bill 1758. Senator Weaver. Senate Bill 1759. Senator Philip. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1759.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1759, as amended, amends the Election Code. We, in DuPage County, decided, here some years ago, to not have our county clerk run elections. We went to an election commission. It's a bipartisan commission made up of two Republicans and one Democrat. When we did that, we didn't realize we changed the situation in regard to electing -- appointing election judges. And what this does is change it back to the old way that it was; that if your precinct went Republican in the primary, you were

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entitled to three Republican judges in the November election, or if your precinct went Democratic, you were entitled to three Democratic judges in the November election. That's simply what it does. Puts us in compliance with all the other downstate counties. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Just one question...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Will this have any impact on Cook County? And -- and why not, if it doesn't?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

It does for the City of Chicago, and the City of Chicago Election Commission is in favor of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 1759 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And Senate Bill 1759, having received the required constitutional majority, is declared passed. Senate Bill 1764. Senator Fawell. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1764.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a Secretary of State's kind of clean-up bill. It clarifies current law with regard to certain vehicles which are registered in other states that -- that occasionally operate in -- in Illinois - basically, it's tractor-trailers - and it changes the way their license plates are procured, and the cost. I'll be glad to answer any questions; otherwise, I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1764 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 1 Nay, none voting Present. And Senate Bill 1764, having received the required constitutional majority, is declared passed. Senate Bill 1770. Senator Woodyard. Senator Woodyard. Senate Bill 1773. Senator Fitzgerald.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DUDYCZ)

Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1773.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1773 would add same-sex marriages to the list of prohibited marriages in the State of Illinois. As most of you know, Illinois now will only license two peoples of the opposite sex to get married; however, Illinois recognizes valid marriages that were contracted in other states, unless they're on our State's prohibited list. Right now it appears that the State of Hawaii may be on the verge of recognizing marriages between two people of the same sex. It's anticipated that they could do that as early as this summer. If Illinois law is not changed, Illinois will wind up giving recognition to same-sex marriages granted in the State of Hawaii. I've brought this bill in order to keep marriage in Illinois the same as it's always been and to stick to the one man-one woman definition of marriage that we have all known in this State and all other fifty states, until now. And I'd be happy to answer any questions about the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I rise in opposition to the bill. I respect the sponsor's motivations. It is very clear that today in Illinois marriage is reserved as a union between a man and a woman. That is our policy, and I personally support that. I think it should be reserved for a union of a man and a woman. There's historic, cultural, religious and civil tradition for this, and we should continue in that tradition. I also think that certain members of our society, who are gay, who join in a long-term committed relationship with a

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person of the same sex, should be, at least, acknowledged as fellow human beings and fellow citizens, and I think we ought to discuss how our law should evolve to give a certain stability and protection to that relationship. Unfortunately, we are not having that discussion. The reason why some in that community are offended by the bill is that they are not asking for the right to be married. They, in fact, are asking for the right to not be discriminated against. That is a bill which actually passed the Statehouse and came very close to passing out of a committee in this Chamber. That's what we ought to be debating, but we're not. The problem is that some people might support this bill because it's a way to single out and condemn the lifestyle of gay and lesbian people. So that is why people are offended by it. They are offended because it is equating these relationships with incest and bigamy, and that is not what we ought to be doing. I don't think we should be condemning these people who have these different relationships. And so, I think what we should be doing instead is talking about having a commission or a committee to study these relationships, to decide what, if any, recognition the Legislature might give them. This particular bill is unnecessary. Hawaii, which is the state that people are concerned might legalize same-sex marriages, has not done so. Their legislature is debating whether or not to ban those marriages, whether or not to have some kind of a registry. That's a -- a discussion which is ongoing in that state, and so, as a result, this is certainly premature. And I think the -- the fact is that it sends the wrong message to many people in our State who happen to be gay. I think there's many of us who know people who are gay, people -- are friends, of our neighbors, who are relatives, and I think that, in light of the fact that they have not asked to even have legalized marriages, we should not be voting on this bill at this time.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Any further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this legislation. It's interesting that yesterday in this very Chamber we honored the 1996 Mother of the Year. She talked about her family, about her husband, about her children, her grandchildren, about the dignity of motherhood and marriage. Over the years, I've attended a lot of weddings in a lot of different churches, and usually the minister begins by saying something like, "We are gathered together in the presence of God and before these witnesses to join together in holy matrimony this man and this woman." This is an honorable estate instituted by God and signifies to us that union which exists between Christ and his church. That union is documented by a signed marriage license. The marriage license isn't a meaningless piece of paper; it's a contract between two individuals and this State. And the State has a strong interest supporting a contract between a man and a woman, because it's an effective means of procuring for society its future with well-socialized children. Thousands of years of history and numerous comprehensive studies and common sense have shown that children grow up to be the most well-adjusted, productive members of society when they are raised in a household with a married mother and father. And that is why the State issues a marriage license. It's why the State prohibits marriages with more than one person, marriage with a close family member or a relative, and marriages to a child. And no civilization has ever survived by accepting homosexual marriages, brother-sister marriages or multiple marriages to a single spouse; yet, that is what homosexual members of society are asking of us. If homosexuals can get marriage licenses, on what logical basis do we exclude those who want a marriage license to marry two or three people? On what logical basis do we exclude those who want to --

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want a license to marry their cousin? Please vote Yes to prohibit same-sex marriages.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WCIA has requested permission to videotape the proceedings. Hearing no objection, leave is granted. Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. First thing, I would echo everything that the Senator from Henry County just said; however, I'd like to ask -- before I comment, I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

Is it now, in the State of Illinois, that we do not recognize same-sex marriages? Is that true?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Illinois will only license heterosexuals to get married; however, we will recognize a valid marriage entered into in another jurisdiction, unless it's on our State's prohibited list. It had never occurred to the drafters of our current marriage Act that they would have to put a marriage of two people on the same -- of the same sex on the prohibited list. They just listed incestuous marriages, marriages between close relatives, polygamous marriages. Those are all on the prohibited list. And in the case -- I guess the State of Arkansas allows marriage between first cousins. Illinois will not give reciprocity to those marriages because they are on our prohibited list. The reason for this bill is, Hawaii may be on the verge of recognizing same-sex marriages. In the absence of an addition to our prohibited list,

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we will give reciprocity to those marriages coming out of the State of Hawaii.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, you know, I -- I listened to you when you first said it, and -- and you said the state of -- it "appears" the State of Hawaii "may". So you've got "appears" and you have "may". Obviously we have inflammatory issues -- flammatory {sic} subjects, sensitive issues that, at times, we have to address in this Body because of the fact that it comes up and we have to look at it. By using the word "appears" and "may", you, by your own admission, are saying that Hawaii has done nothing yet. I would suggest that before we take these topics up and inflame segments of our population that need not occur, let's see what happens throughout the State. I think we're -- it's not ripe yet for us to be taking this type of action, and that's why I think we should stand in opposition to this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I can concur pretty much with -- what everyone has said here, and -- but there was one comment that was made that -- as if the people who are engaged in "same-sex marriages" - quote, unquote - have come forward and asked to be recognized in Illinois. That is not true. They have not asked to be recognized. This bill is -- is proactive from the standpoint that we are attempting to guess what Hawaii's going to do. I would agree with Senator Molaro that the timing, at best, is -- is really strange, and it appears to be more politically motivated than it does by actual action. This is a bill, for -- for probably ninety-five percent of this

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Legislature, is probably very difficult to vote against because of our past practice and our past history. But, yet, to -- to put a bill on the books, and especially coming from that side of the aisle who traditionally says we want to get rid of bills that we don't need, and we're putting a bill on the books here, potentially, that we very well may not need. And that's my problem. That's the only problem I have with it, Senator. If -- if Hawaii had already made their decision, if Hawaii had said "yes" and we would have to recognize paying benefits to -- to same-sex marriages, that we would have to give them all the rights that we would a heterosexual marriage, at that point, then everything changes. But I think to do this now is a little premature. But, again, as I indicated, I'm sure it's one that's just going to fly out of here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Petka.

SENATOR PETKA:

Thank you much -- very much, Mr. President and Members of the Senate. In 1993, I introduced virtually -- a virtually identical piece of legislation. At that time, two of the main opponents of this legislation, who I might add, parenthetically, are no longer here, claimed that the bill was a waste of time, that this was simply an attempt to harp on and bash a lifestyle. The bill passed out of the Senate and went over to the House, and for what I considered partisan, political reasons, it was killed. But I predicted at that time that the issue would be revisited in the State of Illinois. In 1993, in the last week of April, the last weekend, there was the infamous homosexual march in Washington, D.C. I had an opportunity to -- to watch some of the leaders of that -- of that march who participated in a talk show afterwards, and one of the things that they insisted upon, one of the things that they have demanded, and still demand today, according to the

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"Windy City" Times of February 22nd, 1996, is that they demand the right to have a marriage, that they have the right to have the same benefits that have been traditionally enjoyed by heterosexual couples. I received some letters from people who are violently opposed to this legislation, who did not live in my district, and one of the things that they -- they stated - and it was a common thread and an organized drive - was that, "Senator, why are you trying to legislate your morality on all of us?" It's a very simple proposition, folks. All laws that we pass in this General Assembly have a moral tone to them, whether we're taxing people disproportionately. Our criminal justice system is basically founded upon the Ten Commandments. The real question that we must ask ourself is, whose morality are we going to impose on the public. I agree with Senator Sieben and Senator Fitzgerald that we are making a public policy statement and a public policy statement that absolutely has to be done now because of what I consider to be a bizarre public policy statement that may be made in the State of Hawaii. I strongly urge the adoption of this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I -- I was off the Floor when the bill first came up, and -- and I'm a little confused here. I don't know what we're trying to fix, because I didn't think that the State of Illinois, right now, allows for same-sex marriage, and -- and now we're saying that this bill, I guess, is prohibiting something that doesn't exist. Now, it -- it really is a political gimmick. That's basically what this is all about. It's playing on the -- the sympathy of the public out here to try and put those of us who believe in basic human rights on the spot, clearly for political reasons. Clearly.

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No other reason at all. Now, if you had a bill in here that says to permit the same sex to get married, I would vote No. Absolutely not. That's my belief, because I do believe it does denigrate the institution of marriage. However, why am I voting on a bill to prohibit something that doesn't exist? This is a waste of taxpayers' money. I -- I see it clearly for political reasons. All you're trying to do is just string out somebody over here on a vote that you can run around out there because you know it is very clear, hot issues on the whole idea of the institution and strengthening the institution of marriage and -- and the morality of the family. That's all this is about. This is a game. And I don't think we ought to -- we ought to stop playing games down here and get serious about doing the business of the people of this State, like funding education, like providing adequate and accessible, affordable medical care for people in -- in need in this State, taking care of our senior citizens, dealing with our environmental problems and other issues and stop this political game that we're playing every day, day after day after day. This is a bad idea. If we're going to start legislating the un-legislated, then we might as well go home down here. Stop playing the game.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. This is a very disturbing bill. I agree with what Senator Collins said. Here we are trying to look into a crystal ball to project what one other state in a union of fifty states may do and act upon that at this moment in time. When you look at our analyses and you see who is for and who is against this, once again we are engaging in setting groups of people against each other. And unfortunately, in this country, as Carl Rowan's column yesterday pointed out, we're engaging in that

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more and more. And this is an instance where we don't have to and shouldn't have to, and I think it's a very dangerous thing to do. This is an election year and I'm sure feelings run high, but I think this is totally inappropriate. Yesterday, we had thousands of parents down here on a real issue of funding schools. Those are the kinds of things -- that's what we should be debating today. We should be discussing how our children... You want to be pro-family? Then let's talk about being pro-children, and let's talk about how our children can go through public schools in a way that gives them adequate and equitable funding for their futures and ours. That's pro-family. This is a waste of time, and it is totally inappropriate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you...(microphone cutoff)... Thank you, Mr. President. I'm a little bit disturbed by the comments that I hear from my colleagues on the other side of the aisle when they talk about this bill being a game. I don't believe it's a game. I think it's a very serious matter. And when we talk about entering into this very lightly, I don't think it's entered into very lightly. And, certainly, when we say that it's dangerous, that this bill is dangerous, I would submit to you that it's more dangerous if we don't adopt this bill than it is if we just let it go on the way it is. I certainly encourage my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR FITZGERALD:

Thank you. I'm not going to rehash the speech I already gave about why the bill is necessary. I said it two or three times, and then the next question up was "Why is the bill necessary?" Senator Palmer, if you don't think the bill does anything, then

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why are you opposed to it? That doesn't make any sense to me. There's a very good possibility that Hawaii will recognize same-sex marriages this summer. The Hawaiian Legislature has refused to do that, but the court told the Hawaiian Legislature that their current marriage Statute violates their interpretation of the Hawaiian Constitution, because they are equating the laws against discrimination based on sex as being the same as laws prohibiting discrimination based on sexual orientation. And the Governor in the State of Hawaii favors same-sex marriages, and his Attorney General is somebody he appointed, and it is likely that they will not fight an adverse court ruling. And if we don't act -- the reason, Senator Jacobs, we must act now is because if we don't act now and Hawaii recognizes same-sex marriages over the summer, then by the time we come back in the fall, it'll be too late, because we cannot retroactively strip people of vested rights. That's unconstitutional. That's why it's necessary to act now. But all of you, if you think the bill doesn't do anything, that it's gratuitous, then you should -- you shouldn't oppose it 'cause it doesn't do anything. Why do you care? You said that there are only political reasons to -- to support the bill. There happen to be economic issues involved here, too. There's probably a gigantic, colossal impact to our State's five pension funds if all of a sudden people can claim that they have -- are married with same-sex partners. All of a sudden those -- those partners would be entitled to the pension benefits that only heterosexual married couples now enjoy. The impact could be gigantic. I've asked the Economic and Fiscal Commission to put together the figures. They haven't gotten them to me yet, but it could be quite significant. The point is, to vote against this bill, to do nothing, could be to radically change marriage laws in the State of Illinois as we recognize it. Now, I want to tell you just -- I'm going to close with one final story. My mother-in-law



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is a secretary in the Denver public schools, and there's a third-grader in that school that she works at who is adopted by a gay couple - two gay men. And every -- every day this boy is dropped off at school by his parents, and the other kids make fun of him. And he's constantly crying; he's in the principal's office; he's constantly fighting. I think that we need to promote our existing concept of marriage. I think it's healthy for a kid to grow up with a mom and a dad. That isn't an idea that just fell out of my head three weeks ago when I introduced the bill. Every society that I know of has long enjoyed that concept. And it's one thing to say that homosexuals should be treated with dignity and compassion; it's quite another to say that State law must affirm the lifestyle. If -- if you want to change the way our marriage laws work, then vote against this bill, 'cause you may get a lot of the type of adoptions that I just saw and a lot of other results that I don't think your constituents would be very happy with. Senator Petka did a poll in his district, and eighty-six percent of the people in his district were opposed to same-sex marriages. This is an obvious bill. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1773 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 9 Nays, 2 voting Present. And Senate Bill 1773, having received the required constitutional majority, is declared passed. The Senate will be... Senator Welch, for what purpose do you rise?

SENATOR WELCH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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State your point.

SENATOR WELCH:

Mr. President, in the gallery, we have the Seneca Future Farmers of America, led by Jeff Maierhofer. Could you please rise?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our -- will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senator Philip, what purpose do you rise?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Our wonderful Senator Geo-Karis has a birthday coming up this Friday. She's thirty-nine again. And I'll remind you of this: I think she's the only Member that was born outside of America. Came to this country as a young lady, became an American citizen, volunteered for the Armed Services and defended our country in WW I -- oh, wait a minute! WW II. And we -- we all love you, Geo, and we want to wish you a happy, happy birthday. She has cake up here on our side.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Senator Geo-Karis. The Senate will be standing at ease for -- oops! Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I want to thank my distinguished colleague and our great President of the Senate for his accolades, and I just want to remind him that age is mind over matter. And if I don't mind, it doesn't matter. So, I just want to thank everyone and just tell you that this seasoned citizen is around to love all of you and wish you all well, and thank you so much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Senate will be at ease for about one minute while the

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Rules Committee meets and the rest of the Members enjoy Senator Geo-Karis' cake. And the Secretary will be reading House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1285, offered by Senator Burzynski.

(Secretary reads title of bill)

House Bill 1287, by Senator Burzynski.

(Secretary reads title of bill)

House Bill 1290, by Senator Burzynski.

(Secretary reads title of bill)

House Bill 2406.

(Secretary reads title of bill)

Is offered by Senator Cronin.

Senator Hawkinson offers House Bill 2529.

(Secretary reads title of bill)

House Bill 2557, by Senators Madigan and Raica.

(Secretary reads title of bill)

House Bill 2587, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 2651, offered by Senators Hawkinson and Shadid.

(Secretary reads title of bill)

House Bill 2915, Senator Burzynski.

(Secretary reads title of bill)

Senator Raica offers House Bill 3052.

(Secretary reads title of bill)

House Bill 3396, Senator Barkhausen.

(Secretary reads title of bill)

House Bill 3546, presented by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 3617, Senator Raica.

(Secretary reads title of bill)

And House Bill 3638, by Senator Klemm.

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(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin, what purpose do you rise?

SENATOR CRONIN:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CRONIN:

Senator Dillard and I join in welcoming Mayor Jim Addington here today, mayor from the -- the mighty Village of Westmont, who I also should add that Mayor Addington will be the next president of the DuPage Mayors and Managers. So I'd like to welcome Mayor Addington.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield, Mayor. ...Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Agriculture and Conservation - House Bills 2665 and 2711; to the Committee on Appropriations - House Bill 2667; to the Committee on Education - House Bills 995, 1684, 2230, 2664, 3091, 3300 and 3532; to the Committee on Environment and Energy - House Bills 2515, 2571, 2725, 2747 and 3167; to the Committee on Executive - House Bill 3050; to the Committee on Financial Institutions - House Bills 2697 and 2860; to the Committee on Higher Education - House Bills 456 and 2836; to the Committee on Insurance, Pensions and Licensed Activities - House Bill 1796, 2616, 2626, 2819, 2918 and 3186; to the Committee on Judiciary - House Bills 2456, 2631, 2649, 2658, 3233, 3451, 3578 and 3669; to the Committee on Local Government and Elections - House Bills 885, 2695 and 2735; to the Committee on Public Health and Welfare -

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House Bills 2533, 2564, 3230 and 3613; to the Committee on Revenue - House Bills 427, 431, 1645, 2659 and 2809; to the Committee on State Government Operations - House Bills 2670 and 2861; to the Committee on Transportation - House Bills 378, 2799, 2916, 3367, 3368, 3436 and 3677; and Be Approved for Consideration - House Bill 2294.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...Burzynski, what purpose do you rise? Senator Burzynski.

SENATOR BURZYNSKI:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BURZYNSKI:

Earlier this morning, I had the pleasure of introducing to the Body the new -- the president of the Illinois State FFA; however, I also neglected to introduce to the Body another young lady who was at the podium with us, Director of Agriculture Becky Doyle. And I noticed that she is back in the Chambers, in the gallery behind the Republican side. So I wish that we would recognize her.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Middle of page 6, on the Order of Senate Bills 3rd Reading, Senate Bill 1777. Senator Donahue. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1777.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

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Thank you, Mr. -- are you ready, Jim? Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1777 establishes an Illinois Livestock Waste {sic} Management Facilities Act. And it's a very difficult issue and one that I would like to request your indulgence as we discuss this as in much detail as we can. I got started with this issue about a year and a half ago, and my first response was, we have a great deal of concern for large confinements moving into Illinois. And I got to talking to a lot of my people and their concerns, and these are not only residents in the rural area; these are nonfarm, as well as farmers, have concerns about large livestock facilities. But as I got into the issue, I recognized...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I -- I beg your pardon, Senator Donahue. Will the staff please take the conferences off the Floor. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Recognized that the livestock industry, as well as agriculture as a whole, is changing dramatically all across this country, not only in Illinois. And when you look at the livestock industry itself, you have twenty-five percent of our marketing sales is in livestock. It's a two-billion-dollar industry in sales. That doesn't even talk to you about all the other impacted areas of the economy from the livestock industry. What we think of as the family farm, livestock farm - whatever - is not as we remember it. The technology and the knowledge dealing with this issue is growing so much, by leaps and bounds, every day. If Illinois is going to remain a leader in agriculture - and we are today - if we are going to remain so, I believe very much, as well as many parts of the industry believe, our laws and our rules and our regulations have to change as well. Today in our laws, the Illinois Environmental Protection Agency has what we call Title 35, and it

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deals with things that happen after the fact. If a spill occurs or some pollution happens, the Illinois Environmental Protection Act Title 35 kicks in. And there things in that Act that go as far as fifty-thousand-dollar fine - fifty-thousand-dollar fine - ten thousand dollars a day. Now, that's after the fact, and in my estimation, we react to this situation. This legislation, in my estimation, folks, is proactive. It deals on the front end to try to prevent these things from happening. Flip my page again. Senate Bill 1777 has many provisions, and this will affect two-thirds of the livestock production in this State. May not two-thirds of the individuals in livestock, but two-thirds of the animals that are produced in this State. And there are a number of main points, and let me go by them very quickly, if I can. It sets up that each individual facility has to have a certified management livestock manager that's operating this facility. And that's from three hundred animal units and above, you have to have a certified manager on site. And if you fail to comply with having a certified manager, it's a five-hundred-dollar fine. If you don't comply, it's a thousand-dollar fine. If you don't comply, we go to cease and desist. That means they don't operate that facility till they get a certified manager. Next we have, requires to have a waste management plan on-site if you're between the areas of one thousand animal units and seven thousand animal units. You have to have that management plan on-site, and you've got to follow it. And anybody from the Department of Ag, at any time, can come and inspect that management plan and to ensure that it's being followed. Seven thousand and above, you have to file that management plan with the Department of Agriculture. If you don't comply, it's a five-hundred-dollar fine. Again if you don't comply, it goes to a thousand dollars. If you don't comply, it's a cease and desist: You don't operate until you comply. That's pretty tough. We have design standards for the waste lagoons, and

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you have to meet them. These are standards that are set by the USDA. These are standards by the Society of Ag Engineers. And if you say, "Okay, Laura, you don't have real specific design structures in this, right," but we've got diversity in our ground, in our soil types, in the types of areas that these lagoons could go. So those standards have to be set and met or you don't operate - you don't go into operation - because you have to register and you have to certify that lagoon. Now, we've got a lot of lagoons out there that are already existing, and we can't affect those by this type of a standard. We affect them in different ways, but we affect them by certifying it. And if you certify a -- a lagoon and you say it's going to meet this requirement and that requirement and do this, and the EPA comes out -- or, the Department of Ag comes out and says, "That doesn't do that, Laura," -- or, I mean, "It doesn't do that," that's a five-thousand-dollar fine, because you have said one thing and done another and, in our estimation, that's fraud. And that's a five-thousand-dollar fine. And then, it's not just a fine and you go ahead and go on; you have to come into compliance. You are required to come into compliance. We set up complaint procedures through the Environmental Protection - filed with the EPA. We have closure procedures. Now, folks, this is something that people that have opposed this legislation say, "We don't have any closure." Well, there are requirements in this legislation that deal with closure. But the point is, we've never had an abandoned lagoon - never, in our knowledge, have we had an abandoned lagoon. But, oh no, we've set up the closure standards. We've increased the setbacks. That's a very big issue with people in the out -- in the -- that live out there, and I can understand this wholeheartedly. Farmers who live out there understand this. Under Title 35, we used to deal with farmer -- farm residents and nonfarm residents. We don't -- we don't -- oh, what's the word.



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They're both treated the same. It's a residence. Doesn't make any difference if you're a farmer or nonfarmer. Okay? And I think that's important. The setbacks are set, graduated by the size of the operation. This legislation is vitally important, because the large confinements, and things are happening in this industry today that are happening now. If we don't put these regulations and Statutes and laws in place -- these are not guidelines, folks. These are Statutes. They're in the law, and if you don't meet them, we have some pretty sizable penalties in place. It's been a long year and a half, and, folks, I know more about hogs than I ever dreamed I would, but I believe this -- from my heart, that this is important for this State, in a state that is so important with agriculture. And I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this legislation. For those of you -- Senator Donahue has explained it very well. But for those of you who were not in committee and don't know all of the problems that exist, I just want you to know that this is not a perfect bill. It's not intended to be a perfect bill. There's still some problems that we see. But in the absence of this bill, it's carte blanche. So I think that the issue really boils down to a Yes vote, and then we can walk before we run.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Sieben.

SENATOR SIEBEN:

Ladies and Gentlemen of the Senate, I would not be true to my roots or to my constituents or to my district -- if I did not stand and speak in strong support of this legislation. You see, my home county is Henry County, Illinois: Hog Capital of the

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World. In 1948, Henry County led the world in hog production, and by resolution of the 66th Illinois General Assembly, was recognized as the Hog Capital of the World. We like the sound that Senator Burzynski is able to make over here. That's music to our ears. Today we celebrate this prestigious honor every Labor Day weekend with a Hog Festival in Kewanee. We still rank first in Illinois and tenth in the world in marketed hogs. And if you'll bear with me for just a couple of moments, I'd like to share some additional information with you. Representative Frank Johnson's resolution in 1948 declared that the hog is the very foundation of Illinois' prosperity and has played a vital role in the history, the economy and the development of our great State. Our pioneer forefathers who cleared the wilderness and conquered these prairies were nourished and sustained on a diet of hog and hominy. The Boys in Blue from Illinois who ran the batteries at Vicksburg, scaled the heights of Lookout Mountain and marched with Sherman to the sea were strengthened for those ordeals by rations of salt pork from the farms back home. Pork is good business for Illinois. Pork production in Illinois contributed seven hundred and thirty-eight million dollars in personal income in 1994 and provides more than twenty-one thousand jobs in Illinois each year. The total value of cash inputs used in Illinois hog production is estimated at nine hundred and seventeen million dollars, and the value of Illinois pork industry at the processor level is estimated at 1.46 billion dollars. Hogs? Humans? Yes, hogs and humans can live together here in Illinois. From the back porch of our family farm, you can throw your shoe and hit the chicken coop. You can throw a softball and hit the cattle guards. You can throw a baseball and hit the hog confinement buildings. And you know what? They all breathe the same air, and they all drink the same water as the people that live in the house. We -- we refer to that fresh fragrance in the morning as the smell of money. Now,

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my grandmother lived on that farm, worked on that farm -- I mean, my great-grandmother. She lived to be a hundred and two years old. My grandparents - they lived there; they drank that water; they breathed that air. They lived to be in their nineties. My aunt and uncle who worked the farm for many years recently retired and moved to town. They're in their eighties. Hogs? Humans? Yes, they can live together here in Illinois. And you know what? Hogs are powerful medicine. Hog skin that has been specifically selected and treated, because of its similarity to human skin, is used in the treatment of massive burns in humans. Hog pancreas glands are an important source of insulin hormone used to treat diabetes. And since 1971, hog heart valves that have been specifically preserved and treated are surgically implanted in humans to replace heart valves weakened by disease or injury. Yes, hogs and humans can live together here in Illinois. Now, many of us strive to live high on the hog. Many of us raise funds for our campaigns by holding hog roasts, or pork chop barbecues, or selling hot dogs. Many of us refer to our opponents' criticism -- to our opponents' criticism as "so much hogwash" or "nothing more than a pig in a poke". And President Truman said, "No man should be allowed to be President who does not understand hogs." And a hog named Babe, last Monday night, almost won an Academy Award. So, yes, Ladies and Gentlemen, I strongly believe, as a representative from the Hog Capital of the World, that hogs and humans can live together in the State of Illinois. This is a good bill for the livestock industry in Illinois and will help ensure that hogs and humans continue to live together and prosper in the State of Illinois. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. I talked to Senator

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Sieben a few minutes ago, and he asked me if I had any thoughts about what he might say about this bill when it -- it came up. And so I gave him my speech, and I just wanted to say that he delivered it very well. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in strong support of this bill. And you know, this -- this isn't a step in the -- I mean, this -- this isn't the cure-all; this is a step in the right direction. There's about three percent of us that are really involved with agriculture, but we have to try to live with the other ninety-seven percent of the people. We have to do something about the odor. There's a lot of concern about the large producers coming into this State, and I don't think it's any threat to the efficient family operation, but we have to address these issues. And Senator Sieben probably -- he surely hasn't heard about the Carolinas. They're the ones that produce more hogs now than any -- any other state in the nation. We raise more feed grain in one of our counties here than they raise in the whole, entire State of -- of North and South Carolina both. And we need to get our act cleaned up, and we need to clean up these -- these facilities and do something about this odor and -- and welcome large operators into our -- our State. You know, back several years ago they said foreign owners would own all -- all of our land, and no one knows that issue any better than I do. And they -- they aren't a threat to any efficient operation. So, I think we can all live together. This is a -- a step in the right direction. We have to clean up the environment, and I think this is a move that'll -- that'll do that. And I support this...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further -- any further discussion? Senator Philip.

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SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I certainly agree with Senator Sieben, but I think he's a little confused. The Hog Capital of Illinois is Pittsfield. It happens to be in Pike County. Senator Farley and I have hunted there for deer for about fifteen, sixteen, seventeen years. And if -- if you don't -- if you think I'm not accurate, I will take you to the courthouse, because they have a hog on the ground there, and it says the Hog Capital of the World, I believe.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I had a lot to say on this bill, but -- but the Members who spoke hogged all the time. So, therefore, I'll -- I'll restrain my remarks.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. I'll try to be very brief. And I do apologize that I didn't win the Academy Award. This spring we're going to shoot another one, though, with a potbellied pig, next year. I -- I want to make only two points, and the first was to really congratulate Senator Donahue on the work that she's done on this bill. It's been exasperating, frustrating, long hours, and -- and I think she's got a good bill. The second thing: I've talked to many opponents, and there are opponents out there, people who are very, very concerned about the environment. And I asked this question: Why are you opposed to this bill? "Well, it doesn't do enough." And I said: Well, will you agree that it does something, however infinitesimal? And finally, grudgingly, the answer is yes. And I said: We're not done with this issue yet; it's going to have to be revisited. And

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-- and hopefully we will reach that accommodation. But I think at this point in time, Laura's got an excellent bill, and I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DONAHUE:

Thank you, Mr. President. I appreciate the comments by many of you. In a joking manner, I've been referred to as the pork queen, and as a legislator, that's pretty great, but it's the wrong kind of pork, guys. No, seriously, this industry recognizes -- and -- and we're -- we have a lot of references to hogs here, and maybe that's what's in the news. But this affects livestock. Chickens, turkeys, sheep, beef - all of them. Okay? It affects all the livestock. So it isn't just related to pork. But the livestock industry itself recognizes that there -- things are changing out there in rural America, and they want to deal with an education process. We didn't talk a lot about that. I talked about a certified manager, but they're holding seminars dealing with how to be friendly -- more neighbor-friendly, how to deal with odor, and you don't go out and you spread manure on a Saturday afternoon when your neighbor might be having a barbecue. We're putting rules and regulations that you inject and integrate this into the land when you can. And I bet everybody, if I were to ask you how often you think manure goes out there on the field, you'd probably say frequently. No. It's about once or twice a year, and most of the time, it's very diluted. They don't put the solid out there. I mean, we have a lot of misconceptions. And I would venture to say that when we talk about educating managers and producers, we need to educate the public as well. And it's to make it better and to understand it. This is a fair and it's a balanced piece of legislation. It recognizes the concerns of the people that live out there. It also recognizes

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the concerns of the producers. If we went to some of the alternatives that have been proposed, we'd put them out of business. And as I told you, this is twenty-five percent of our economy, are the sales of -- agriculture in this State. It's critical. We've had here today, and it's sort of coincidental, but we've had a bunch of FFAers in our audience and they're visiting your offices. This is their future. They're learning new techniques and new -- new technologies on how to deal with things in agriculture. And it's a wonderful future for them. And I think this legislation puts not guidelines, folks, as some of the newspapers refer to it, puts laws and Statutes and restrictions and regulations, and if you don't do it, you've got penalties. So, please, I ask for your support, and I thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1777 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 1 Nay, none voting Present. And Senate Bill 1777, having received the required constitutional majority, is declared passed. Senate Bill 1785. Senator Molaro. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1785.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. It's a education bill, and basically what it does today, does two things. There are speech pathologists that the Chicago Board uses and are used throughout -- all school districts use, and these speech pathologists are

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licensed, they're certified, as speech pathologists. However, to teach in some of the school districts, you also have to go out and get a certificate from the school district -- State Board of Education will issue a certificate. Well, it turns out that in some of the school districts, in mostly Chicago, we do not have enough speech pathologists that are licensed and certified that also have the additional certification from the State Board. So we're running short. We just can't find them. So this bill allows that when there is a shortage, it allows the school district to go out, when there is a shortage and a need and the schoolchildren need the school pathologist, to go out and get a licensed, certified school pathologist, even though he does not have the Board certification. That's part one of the bill. Part two of the bill: About a year and a half ago or last year, the Legislature -- if you look on your old tax bills, they'd have about nine or ten things that go to the Board of Education. All of it was consolidated into one, except the tort product liability portion. We -- that was omitted. Whether it was by error or by design we're not sure, but we would like to put that in with the rest of it where it should have been last year. Those are the two portions of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- is there any discussion? If not, the question is, shall Senate Bill 1785 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 1785, having received the required constitutional majority, is declared passed. Senator Cullerton, what purpose do you rise? ...Bills on the Order of 3rd Reading. Senate Bill 1796. Senator Molaro. Senator Molaro. Read the bill, Mr. Secretary.



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SECRETARY HARRY:

Senate Bill 1796.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President and Members. This is a bill that only applies to the City of Chicago. And what it does, it allows the City of Chicago to go to administrative adjudication of municipal ordinances, instead of always going to the Circuit Court of Cook County. This is a cost-saving measure, because there are many municipal ordinances, such as home repair fraud or possibly illegal dumping, where thereby you can -- you can get a CC ticket, go to administrative adjudication. You would not have to burden the clerks of the court, judges, sheriffs. It's a cost-saving measure. We've put in a -- a provision, because the Realtors wanted it and -- and other groups, that if after five days of notice of a hearing you decided to go straight to the Circuit Court, you can do that. So, it's just strictly the City of Chicago, and it is a major cost-saving piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Is there any discussion? If not, the question is, Senate -- shall Senate Bill 1796 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 1796, having received the required constitutional majority, is declared passed. Senator -- Senator Cullerton, what purpose do you rise?

SENATOR CULLERTON:

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Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CULLERTON:

Mr. President, Members of the Senate, I have a -- schoolchildren from a school in my district here: the Abraham Lincoln Elementary School in Chicago. And they're here with three of their teachers: Ann Patricia Duffy, and Carolyn Smars and Jeffrey Weaver. And I would like to ask -- I'd like to yield to Senator Garcia, who also would like to identify at least one of the students that are included in this school.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GARCIA:

And I just want to echo the proud words of Senator Cullerton. Abraham Lincoln School in the City of Chicago is one of Chicago's finest public elementary schools. And I also want to recognize and thank all the parents and chaperones which are here with a group of about a hundred students, some of the best students in the City of Chicago. And, of course, my son is with them here. He's taken out a seat in the Illinois Senate. So, I want to say welcome to Springfield to the great class of 1996.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will -- will our guests please rise and be recognized? Welcome to Springfield. Senator Cronin, what purpose do you rise?

SENATOR CRONIN:

On a point of personal privilege.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CRONIN:

I'd like to direct the attention of the Members of the Senate to another family from the mighty City of Elmhurst, the Daughtrys are here, Phil and Cindy Daughtry and their family. Would they please rise and be recognized?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senator O'Malley, what purpose do you rise?

SENATOR O'MALLEY:

Mr. President, I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR O'MALLEY:

I would like to welcome to the Senate and to Springfield my hometown Mayor from Palos Park, Donald Jeanes, and the Village Administrator, Pat Jones, who is -- who is here today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senate Bills on the Order of 3rd Reading. Senate Bill 1811. Senator Bomke. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1811.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill simply defines the boundaries of a municipally operated utility company and an investor-owned utility company.

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It is an agreed bill between the municipal system and investor-owned utilities, and I know of no one in opposition.

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Just one question. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Yes, Senator Bomke, just curious: Does this bill limit competition in any kind of way?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Well, what -- what the bill does, it just simply, as I indicated, defines the boundaries for municipally operated utilities. It will prevent a investor-owned utility going into municipal limits and taking business away from the municipality.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

So, does this bill grandfather in the existing utilities? Does this -- you're trying to -- you're looking at deregulation somewhere down the line, and this basically just protects those utilities that are there already. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate

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Bill 1811 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 3 Nays, none voting Present. And Senate Bill 1811, having received the required constitutional majority, is declared passed. Senate Bill 1812. Senator Bomke. Senator Bomke. ...Bill 1814. Senator Dillard. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1814.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This legislation essentially completes something that was started a number of years ago, and that's a transaction between the State of Illinois, the Department of -- of Military and Naval or our National Guard, and the Museum of Contemporary Art in Chicago, which is in Senator Cullerton's district. What this bill does is it allows the State of Illinois to convey the old Chicago Avenue Armory property in the -- just off of the Gold Coast, I guess, in the City of Chicago to the Museum of Contemporary Art for a piece of property that was much more expensive, located down near Roosevelt Road or around McCormick Place. There's also a provision in here for Senator Rea's district. I believe that this is not controversial, but I'd be happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1814 pass. All those in favor will vote Aye. Opposed

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will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 1814, having received the required constitutional majority, is declared passed. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

I have a group of sixty, although they're all not in the Chamber at the moment, from South School in Carlinville, Illinois, who part of them are in the gallery behind me, with their teachers. I'd like to have them to rise and be recognized by...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. Senate Bills on the Order of 3rd Reading. Senate Bill 1823. Senator Syverson. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1823.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1823 brings much-needed reform to our penal system. Ten years ago, the prisons in this country housed approximately four hundred thousand inmates. Last year, as you know, we passed over one million in the penal systems across this country, costing taxpayers over twenty-five billion dollars to

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house these inmates. In Illinois this year, we should reach and pass forty thousand inmates. As startling as those numbers are and as costly it is to the taxpayers, the biggest problem that is facing our states and our country is the problem of recidivism. In Illinois this year, approximately twenty thousand inmates will be released from our prisons. Within thirty-six months, nine thousand of those inmates will come back to our communities, commit a crime, be rearrested, prosecuted, housed at our local taxpayer expenses and be sent back to the system. That's a forty-five-percent recidivism rate in just three years. That's not counting those who have left the State and been rearrested; that's not counting those who are serving in county jails or those who are awaiting trials. If we bring those in, we're well over a fifty-percent recidivism rate after just three years. The current system is not working by any measure or by any means. Criminals have no fear of prison. And frankly, why should they? Look at where they're coming from and look at what they're getting. It's not all so bad. Clean room, three square meals, weight rooms, basketball courts, TV - make that color, cable televisions - stereos, conjugal visits, unlimited free health care, unlimited free dental care, unlimited free legal care - frankly, better services than most of us receive. The question is: Who's really being punished here? Is it the prisoners, or is it the victims and the taxpayers? So how do we stop recidivism? The first thing we need to do is make prison what it was intended to be, and that is punishment. This bill proposes a pilot program for putting repeat convicted felons - those who have been sent to prison, were released, have come out and committed yet another serious crime; those individuals that didn't care about the humiliation or what they did to dehumanize their victims - this bill would say, "You are going to have to work eight to ten hours a day." Since there is no work inside of prison, obviously they need to work outside

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of prison, and to protect the public, they will have to be shackled. Three states have this in place already. Three states have pilot programs, including Wisconsin, Michigan and Iowa. Six others are looking at legislation this year. To reduce recidivism, we need to do more than teach a work ethic. That's why the second part of this legislation addresses "no read, no release". Fifteen percent of felons who leave Illinois prisons today cannot read and write. That's three thousand convicted felons this year who will leave our prisons, come back into our community unable to read and write. The likelihood of these individuals finding work is pretty nil. That's why the recidivism rate for these individuals is over seventy percent. We talk about passing unfunded mandates onto local governments. By sending convicted felons that can't read and write back to local communities, does that. This legislation says that those individuals will lose their good time unless they can pass a basic literacy exam. Part of this legislation also enables the prison to implement closed-circuit educational programs. Third, the bill includes language putting in the Department of Correction's language that adds various proposals to the Department to give them more rapidly and effective disciplinary measures. Lastly, because of the increased number of incidents of violence against correctional officers, this bill would allow correctional officers the right to conceal and carry. Currently wardens, superintendents, police officers have this. We have agreed that there needs to be rules and regulations set up similar to the language that Senator Dillard had last year. We will work with the Department of Corrections to draft that language on that. With that, I'd be happy to answer any questions you might have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:



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Yes. Thank you, Mr. President, Members of the Senate. Reinstating chain gangs is something which, at first, at first blush, think about it and you say, "Ah, yeah, that's a great idea. Let's do that." We had the benefit of the testimony of the Director of the Department of Corrections in our committee, and they filed a correctional budget and impact note. And we learned, from the Director, that right now - in fact, since 1980 - the Department has had low-risk inmates working in work camps, on road crews. And they certainly are not chained, because they are low-risk, and their movement is not restricted. In fact, over a thousand inmates are involved in community service projects in 1995, and they worked during the Great Flood of '93 and '95 to do sandbagging and then cleaning up after the waters receded. Now, these are the low-risk inmates, who we certainly wouldn't want to have chained if we want them to be effective in -- in performing the service that they have been performing. So that leaves the high-risk inmates, who Senator Syverson would -- would have us -- released from the secure facility out into the public. Now, I remember a Woody Allen movie where a chain gang escaped disguised as a giant charm bracelet. That was humorous, but what was not humorous occurred in January of this year when two inmates escaped from a chain gang in Alabama, one of the states that has this. I really believe the Director when he said that this is something that would be a concern for public safety. The inmates in the community would escalate the cost of incarceration. The Department will incur additional expenses, and I personally think this will have nothing to do with the recidivist rate that the Senator talked about. The real problem in -- in the facilities, in addition to overcrowding, are the gangs, the gangs that are thriving inside the prisons. And we've had legislation that's been bottled up in the Rules Committee to study and go after this severe problem. Instead of passing those bills, we're passing

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something which is supposed to be symbolically tough, which I think will not have any effect at all. In fact, will end up costing us money. And the first time somebody escapes from a chain gang, we're going to be very sorry we passed this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the -- Members of the Senate. Talking about this little amendment over here that's on it too. Oh, it didn't get filed. It should have been. Senator Cullerton mentioned a movie about chain gangs, but I came from the State of Mississippi, and when I was a little girl, I could hear all the times the stories of the horror of the treatment of people - prisoners - on chain gangs and what they were used for and how they were used. There's no doubt in my mind that we have a serious problem of dealing with crime in the State, and -- and I've been one of the advocates here, I think, who have offered some suggestions as to how we can best curtail crime in this State and in our communities. But none of the -- the issues that -- that have dealt with the real problems of crime has been adequately addressed or even considered by this Body. We should not want to turn back the clock to areas where people were -- that -- that incites emotions of history where people were looked upon as being subhuman and where people were used - chain gangs - to actually go out and to be farmed out to make -- to -- to farm for cheap labor -- I mean, for -- for slave labor, for special people that the government wanted them -- who was in charge wanted them to go out and provide free service to. People got rich off of that. And I'm afraid that any type of program like this would end up being abused the same way. And it's not going to solve crime. You're just going to have a further - further - proliferation and -- and -- and the divisions of -- of race and ethnic groups in this -- in

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this State, because the chain gang concept brings back horrible, horrible memories of even how people were chained together in slave boats coming here. And when you look at the prisons, about eighty-five percent are minorities. It's not because they're the only people that commit crime; it's because they are the people who least can afford high-priced attorneys to get them off whether they're guilty or innocent. And I think if anything came out of the -- the whole case that -- that the whole country and the whole world watched back here in this summer, the O.J. trial, is that if you've got money, it doesn't matter whether you're guilty or innocent. And that's what's so unfair about our criminal justice system. There are a lot of people out there who have committed crimes, and there are a lot of people out there who are there simply because they could not afford a lawyer to get them off. And that's so unfortunate. But what -- forever -- it is worth, chain gangs is not going to do anything to stop crime - anything. If illegal {sic} injections, if the electric chair, if all of the other measures that the Class X legislation that we've passed and all of the other prisons that we -- the billions of dollars that we've spent on prisons, if none of that is helping, then I don't see what chain gangs are going to do, except - except - further polarize the race and the -- and the economic classes in this State. We should not do this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. You know -- you know, once again, it amazes me that myself and my colleague, who introduced the bill, think the same way. Obviously prisons should be a place to go for punishment. Shouldn't be a place to go where you can exist and enjoy yourself, where we've got prisoners who get out and say, "I had it better in

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the joint; I might as well go back there." That's not what we have prisons for. It should be a place of punishment. That's part of it. When you get sentenced, you should be punished. Now, problem is: How do you move towards punishment? We've got federal courts - Senator Fawell, sometimes they're not thinking right - telling us how we could punish our prisoners. So we should think of ways to better punish these people who won't behave themselves? Now, the problem is: How do we do that? And we start getting into different ways, and that's where we seem to disagree. When I first heard this chain gang stuff - and this is all due respect - I actually -- I actually thought we were kidding. We're supposed to be visionaries in this Body. Visionaries. I looked it up in the dictionary. Forward thinkers, not backward thinkers. You mean, we've come all this time, and all we could do to punish people is go backwards? Let's think of things we did in the twenties? Let's shackle 'em? Let's have bright-colored uniforms? So this way, when my kids are driving down a highway, we could see probably ninety-five percent of them, sad to say, will be black or Hispanics, and they could see them in orange-colored uniforms and say, "There's the bad men right over there." That's a crazy way to punish these people. Let's think of ways to punish them inside. We also -- don't forget this - if you see any movies out there, you understand. If they have three or four guards watching them and they're shackled, talk about inviting a prison break, talk about being able to come and take out three or four guards and freeing their brother or fellow dope dealer. Why would we do that? Why would we make it easier? Why would we make a skeptical {sic} of those people? It makes no sense. Let's put them in prison, take away their VCRs, take away their colored TVs, take away their privileges. That's how you punish people. You don't go putting them outside to be -- make a spectacle. Now, if we decide to pass this, however, and we don't

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want to listen to that - if I might say so myself - some sort of wisdom and think forward, and we want to go backwards, we've got to go all the way back. If we're going to do this, I would ask the sponsor if he would take an amendment. We suspend the rules and put an amendment on which I passed out. Now, we already got to say that they've got to be shackled, they've got to be chained, they've got to wear bright-colored uniforms. Well, I don't want them out there in Highland Park going up and down the expressway singing gangster rap. I have a list of ten prescribed songs that are - I only have seven - that they could sing while they're shackled, so they're -- they're required singing, 'cause I'm not going to let them go out there and sing whatever they want. Now, we -- we missed -- we missed a few. I missed "Chain of Fools". I missed "Breaking Up is Hard To Do". And I missed "I Fought the Law and the Law Won". I -- I forgot them. So I left a few blank, and hopefully, if you won't suspend the rules today 'cause it's late in the day, maybe we could attach it to the House, and this way we can have rules for that. Because if we're going to go backwards, let's go all the way back. And I think it's wrong. Now, I'll comment on one last thing. Part of the bill -- Amendment No. 5 talks about Department of Correction guards. Remember: If you vote Yes for this, you're voting Yes for this also. Department of Corrections now - you can't bring your gun to and from work. So these -- concealed weapon. So they're going to have a gun in the holster. They can carry it to and from work and on the job. Well, this bill says they can start carrying it everywhere, every time, in bars, in ballparks, in gyms. So now, remember: These aren't police officers. They were trained to take care of hardened criminals, to react quick and fast and with authority to hardened criminals, not how to respond to ill-perceived threats on the street. Now, until we start chaining -- training our Department of Correction guards to deal with

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street issues and what's right and what's wrong and extensive training like police officers get to deal with on-the-streets issues, we would be crazy to allow them, when they've only been trained to deal with prisoners, to carry guns on the street. It doesn't make any sense. Both of these pieces of legislation is well-intentioned, but they're ill-conceived, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator "Dead Man Walking" Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. It has been a long week. It is getting late in the day. I move the previous question.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. There are probably -- now we have six speakers. We have six speakers to speak on this issue. The next speaker will be Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I got this proposed amendment by my good friend, Senator Molaro, and he has three songs listed as "blank", "blank", "blank". That's what these vicious rapists and murderers and repeat offenders might be thinking in their minds. But I want to tell you something: I'm sick and tired of these people getting by with murder and rape and child molestation and just being allowed to be in the jail. That's not enough, in my book. They should be out working, working -- and if they need to be chained in order to be there and not to escape, then they'll have to. But this doesn't matter whether it's white or black. To me, people who commit crimes like that and are repeaters, they don't deserve any extra ounce of mercy. They didn't give any extra ounce of mercy to their victims, and their victims are either dead or maimed or probably in a psychiatric institution because of some of the horrible things done to them. And when I sit here and listen to all this

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-- these leaping -- these weeping hearts about these poor, darling, little prisoners who are repeaters of violent crimes, that they shouldn't be able to work, let them put them out in that rock pile, let them put them out and straighten our roads. It saves the taxpayers a heck of a lot of money. I, for one, am for the victims, and I have a song to say: "It's Too Bad You Did What You Did". Quote. And they should stay on that chain gang if he have to, because if that's the only way we can keep them clustered together so that they don't escape, then that's fine. But they need to pay their penalty the way they should, not by being mollycoddled, because those poor victims didn't have a chance. And I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further...

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TAPE 4

PRESIDING OFFICER: (SENATOR WATSON)

...discussion? Senator Welch.

SENATOR WELCH:

Had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Syverson, under the boot camp proposal, it was limited to certain crimes for convicts to be into the boot camps. Senator Geo-Karis just raises the issue of whether rapists and murderers will be out on a chain gang. Is -- does your bill have any

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restrictions as to who could be put on a chain gang?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Our bill allows the Department of Correction to use its discretion. So, obviously, it would be up to them in this pilot program to utilize medium-security inmates who have been repeat offenders, those who have victimized not once, but twice.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Will there be a -- an increased number of guards needed to have the chain gangs?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Those states that have implemented it have had a reduction in the need of guards, because it's had less problems, not only on the gangs, but less problems in prison, because when these people have to work for once, eight to ten hours a day, they're too tired to cause trouble back at prison. So it also reduces the number of violent activities that are in prison. That's what the documentation shows. That's what the proof is of those states that already have that in place.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Finally, what do you envision these prisoners doing? Are they going to be working along the highways throughout the State picking up garbage, or are they going to be -- now we'd be... Theory is they're out there breaking rocks; I don't know where they would be breaking rocks in -- in the State. But, is that what



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would be happening, just be a make-work project, or would they actually be accomplishing something?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

The bill specifically states that they will be doing work that's currently not being done by the private or public sector, which would include parks, cleaning up riverbeds, creek sites, roadsides; basically doing the same things that we ask the Girl Scouts, church groups, and other civic groups to do through Adopt-A-Highway program.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Syverson, since the Department of Corrections doesn't want this bill, who's asking for it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

The citizens of Illinois, who are continually being victimized by these repeat offenders. In a recent study, it says that twelve hundred violent crimes will be committed today in this country - twelve hundred - by convicted felons. Something has to be done to protect the families of this State and of this country.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

To the bill: I'm a citizen of Illinois, a victim of crime. I

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live in -- I'd love to take a poll on your side of the aisle to see if your district is like mine. I have a lot of criminal activities and victims living in my district. I doubt, very seriously, whether my Illinois citizens who live in my district would be for this. And let me get off the chain gang thing for a moment, and ask -- just point to this literacy. I spent the early part of my professional life teaching the hard-luck, angry children with learning problems. Ended up, in a later period of time, coauthoring a book on adult literacy, to teach some of these people that you're talking about who can't read. Now as I read your bill, you are saying that people who have literacy problems are now going to be chain ganged into learning. I think this is barbaric. And if we are serious about literacy, then it has no business being in a prison chain gang bill. The whole idea of this is barbaric. And I would suggest that the citizens of Illinois are a diverse cross section of people who need to be consulted more than this bill has allowed for.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. President. I -- we have made some interesting votes this week, and this is one of them. Now I know the sponsor of this bill personally does not have a racist bone in his body. I know that; I believe that. Unfortunately, that is not the way this bill is seen in my district. And I was sent to represent the people of my district. The problem with the chain gang -- and I'm just as tough on crime as anybody in this Chamber. Senator Dudycz has had occasion to visit my home while I was a victim of crime. And I also voted for the right to carry a concealed weapon that Senator Petka sponsored, so that people could protect themselves from crime. So no one can say that I'm soft on crime or a bleeding-hearted liberal or anything like that.

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But I want you to just understand what this bill is going to do if it passes. And before I do that, I do have a couple of questions for my good friend, Senator Syverson. Would he yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, the sponsor will yield, Senator Hendon.

SENATOR HENDON:

Is there anything in your bill that would stop any prison from contracting these chain gang inmates out to work in the private sector?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

I think it specifically says they cannot do any work that's being done by the private sector or by the public sector.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

I -- I heard you when you said that; however, I'm not -- I'm talking about work that is not being done by the private sector. Say there is a factory down in southern Illinois that if certain work was done that they are not doing, and that the government is not doing, if that work was done, it would benefit their factory or help them to expand. Is there anything in your bill that would stop or prohibit the Department of Corrections, or any individual warden, because I -- I guess it's up to each individual warden, from having them do work that will benefit a company or a corporation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

It's up to the Department of Corrections to set the program

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and that's certainly not the intent. And if that is a concern, we'll make sure that that is specifically spelled out that that is not the case.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

I wish you would take it out of the record and -- and spell it out here, because we don't know what will happen over in the House, with elections coming up. People want to be tough on crime and they could be very radical. And I want you to understand what will happen if this is not cleared up. What you will do -- if you're having inmates do work for a company or a corporation for free, that is called slavery. That's what it's called, Senator. It's called slavery. Slavery. And if they're chained up with balls and chains at the time that they're doing this work, which is going to be up to each individual warden, and there are some good wardens, but I -- I'm reminded of a movie, too - I think it was Cool Hand Luke, or something like that - and they had a warden that was for sale, and the warden had everybody out there working for corporations. I think they shot him. That was cool, 'cause they should've, because he was involved in a slave trade, and that was all it is. So you really need to clear that part of your bill up. The other thing, I sit on Appropriations, and I recall that we, in fact, cut educational programs for inmates last year. Do you recall that, Senator Syverson? Well, we did. Now, how are we going to now say that if you don't learn to read and write while you're in there, but we're going to cut the programs and cut the books and close down the library? I think that's a contradiction. Don't you see the contradiction in that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

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This is actually an opportunity for the Department to show some creativity, without always having to ask for money. There are plenty of ways to teach individuals how to read and write without setting up a big bloated bureaucracy. We have closed-circuits. We have educational programs that are currently in there. We have literacy councils. We have church groups. We have other prisoners that can teach people to read. They have cable television shows that they can -- there are plenty of ways for individuals. If they want to learn to read, the availability is there. Let's just let the Department be a little more creative in solving that problem.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

...Mr. President and Members of the Chamber. That's -- that's a iffy kind of answer, Senator. We know that this Chamber and this State cut the programs for the prisoners last year. Yes, we did. Now, the other thing is in the area of who determines which prisoners qualify for chain gang. How can you be sure that political prisoners - and there is such a thing in America - that political prisoners will not be forced to work on a chain gang simply because they are political prisoners? Is there anything in your bill guaranteeing that, since you don't specify which crimes will qualify a person for the chain gang?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Well, it does -- it does specify who it is. Those who are qualified are those who have committed two acts of felons; not just once, not once and they're given another chance, but twice they've gone back into your community and my community and victimized individuals. We're not talking about political

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criminals. We're talking about people that have robbed, people that have burglarized, people that have sold drugs to your kids. I can't believe we're even thinking about talking about protecting these kinds of victims -- or these kinds of criminals, when we keep on forgetting the victims. We're not talking about political prisoners. We're talking about people that ought to be punished for what they're doing to our families.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

...I believe the question was asked of you. "Did you categorize the -- the crimes that would qualify for chain gang", and your answer was, "It was up to each individual warden". That's what you said. Now if that's not correct, then clear me up on that. But if it's up to each individual warden, if you're in that prison and you protest because something is wrong or something is not right, then that individual warden can punish you just for sticking up for -- for -- for your rights. And I -- and even though prison is a place for punishment, let me -- let me tell you, my friends - I know people who are there - homosexual rape is not a pleasant thought, it's not a pleasant act; being away from your family and your children is not a pleasant thought or a pleasant act. And I guarantee you, everyone in prison is not guilty. Now there may be a lot of them guilty, but every one in prison is not guilty. There are some innocent people in prison being subjected, right now, to homosexual rape every single day. That is not a pleasant thought.

PRESIDING OFFICER: (SENATOR WATSON)

Further... I'm sorry.

SENATOR HENDON:

So, I'm just asking you, and -- in conclusion, are there any guarantees in your bill that would keep political prisoners or

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advocates who happen to be in prison from being punished by being placed on the chain gangs? Do they have to be rapists, murderers, or is it up to each individual warden? And if it's up to each individual warden, my friend, it is dangerous.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

The guideline specifically says it's not up to the wardens, it's up to the Department of Corrections to set uniform guidelines. I was handed this note from Senator Rauschenberger, that there were no cuts in educational funding for prisons last year; however, there was an amendment introduced this year, by your party, to cut 2.6 million from prison education. Your party introduced that to cut. Not us.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I wasn't planning to stand up and speak on this -- on this bill. But since Senator Hendon did mention my name in debate, I just wish to clarify one statement that was made by him. He did mention a fact that he was a victim of a burglary, and he also did state that I was in his house. But I would like the record to reflect that, yes, I was in his house, but not as a burglar. I was in his house as a burglary detective investigating the crime.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. As a young boy being groomed and fostered by my -- my mom and dad, one of the things my mom repeated over and over to me is that hard work never killed anybody. One of the basic misunderstandings

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that I see from some of the folks that have talked on the other side of aisle is that they have never ever had an opportunity to go behind the walls and talked with some of the people who work there and to deal with some of the people who are behind the bars, talk to them about the reasons they're there, talk to them about what they see in life, what their attitudes are on life. I had an opportunity to do that. It was something that I didn't necessarily look forward to, but I did. One of the things that I found out, and something that the distinguished Senator from Rockford alluded to during his remarks, is that right now inmates enjoy a tremendous amount of privilege. They can get an education, a quality education, at the expense of the taxpayers of this State if they choose. They -- they are required, sometimes by court order, to be fed three times a day. They can complain about their meals. Their level of nutrients can be increased. And the people who they were plundering and victimizing simply do not have that right. One of the things that I found out, and I've talked about this extensively in past throughout my public career, is that many criminals have never ever understood the very direct and causal relationship between working and eating. Everything has been handed to them and they -- when they go into prison the party continues. We have to -- we reinforce negative behavior. If we turn this thing around and understand that there are consequences to actions - illegal actions, outrageous actions against society - then by placing these people out where they are going to be required to work, we may start the process of showing them that there is some relationship between them busting their hump and actually being fed. Another thing that I have observed: Being kind and nice to people behind bars is something that may make you feel good, but has absolutely nothing to do with constructive rehabilitation. Nothing. In fact, most of these people mistake weak -- or mercy and kindness and compassion with



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outright weakness of the system. We have made mention about our guards, those poor underpaid and overworked individuals - and I have a lot of them living in my district. We literally send them out as slow-moving targets. All day long, they're required to enforce the rules and regulations of Department of Corrections. Which people who are behind bars, who are outlaws in society, who refused to obey the laws, they are now back on the streets and have to come up face-to-face with people that they were trying to make life miserable for. Unfortunately, they have no protection. I believe that there are safeguards in this legislation. We ought to permit guards to protect themselves from the worst of the worst. In closing, I -- I commend the distinguished gentleman from Winnebago on a fine piece of legislation. It's a piece of legislation whose time has come.

PRESIDING OFFICER: (SENATOR WATSON)

The final speaker, Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. If I may, I just have a -- a couple questions, but -- but in start, if I could with -- like with a statement. I want to commend the sponsor for at least trying to come up with some kind of legislation dealing with recidivism. There's no question about it, we have a problem out here in the streets. This isn't a racist piece of legislation. I mean black on black crime is -- is just as devastating as black on white crime, and white on black, and so on and so on. So we certainly need to be getting tough on crime, but at the same time, we also need to be getting smart on crime. And that's where I have a problem with this piece of legislation. I just don't believe this is the smart way we should be dealing with this. I was talking -- it was just mentioned by the previous speaker that, one, hard work has never killed anyone. Well, at the same time, humiliation has never made anybody change their evil ways either.

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Having my parents come up to school and, ultimately, smacking me up side the head for cutting class, didn't stop me from cutting class. It just made me a little more sneakier so I didn't get caught next time from cutting class. So -- so this being tough on crime is not going to change anything. One of the questions that I -- I would like to have for you, Senator, is -- is on -- on the recidivism issue. Have there actually been some studies that have said that this kind of activity will actually stop that recidivism, and if so, will you share that information with us and give us some numbers and probably where this study came from?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

According to the research from ALEC, the -- the chain gang legislation has only been in effect -- the longest it's been in effect is Alabama, which is just three years. So it's difficult to get a three-year recidivism rate. But their tracking has shown a decrease not only in the recidivism rate, but a reduction in the cost of monitoring the -- the program.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

So, the case is, since there has not been enough time to actually study these, there is not a study then actually happening. 'Cause that -- we're talking about hardened criminals who probably have been in -- are -- are still in jail. Their -- their term has probably been six to ten, or something like that. So we don't know if they've gotten out or anybody would ever get out and not return. So there is not a study, is essentially what you're saying. Also, you said this is Alabama legislation. Isn't it, right now, that they're questioning that this may be a violation of the Eighth Amendment? Can you address that issue?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson. Well, let's -- let's give the gentleman -- both of them, our attention. I know it's getting late, and one of the reasons it's getting late is that we're spending so much time debating each bill and so many speakers and then we get forty-five/fifty votes. So let's give our attention to Senator Syverson as he responds to the questions from Senator Trotter. Senator Syverson.

SENATOR SYVERSON:

As far as -- as far as cruel and unusual punishment and Alabama, yes, if -- if someone wants to -- if the ACLU thinks that picking up in parks is cruel and unusual, then they ought to be filing suit along with the Girl Scouts and the other church groups that are picking up those same kind of roadsides. I don't think that doing light work along the sides of roads is cruel and unusual. Cruel and unusual would be spending a day working in the hog farms with -- with those who are supporting that legislation. Let them spend a day on a farm and see what hard labor is like.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Trotter.

SENATOR TROTTER:

If -- If I could, and I don't want belabor the issue. Most of the concerns have been raised. I -- I just -- I -- again, I commend you for wanting to do something, and certainly, we need to do something about crime in general and also about these criminals that we have. Again, I -- I'm one like Rickey Hendon. I -- I've been for the death penalty. I mean, it's nothing that -- for those -- there's people who need to be in jail, and there -- certainly, there's people who need to be dead, there's no question about it. Just -- you cannot just change people overnight and when this -- and that's the case with this bill. We can't legislate these people to change by doing this, and as a

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consequence of that, I recommend a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

No further discussion, Senator Syverson, to close.

SENATOR SYVERSON:

Thank you. First of all, I want to stress, I think, Senator Trotter mentioned, that a disproportionate share of victims are the minority community. They're the ones who should be outraged. They're the ones who should be asking that tough sanctions be taken against these inmates, regardless of their inmate's color. This cartoon that we passed out really tells the whole story. We're talking -- worrying about humiliating convicted felons, who've not once, but twice have violated your families, our families, your neighbors and our -- our neighbors. We're not saying this is going to be the panacea to solve all the problems. It's a tough-love measure. Some people work good under humiliation, some people don't. Look at 1960's football teams, with Lombardi. He had a coaching style that's a lot different than Tom Landry of the Cowboys. They both had championship teams. Some people work well to positive responses, some work better to negative. We have to at least try to stop the recidivism rate. This teaching hard labor, along with the mandatory education, I think is going to be a step in the right direction, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1853 {sic} 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 40 voting Yes, 12 voting No, 2 voting Present. Senate Bill 1853 {sic}, having received the required constitutional majority, is declared passed. 18 -- I beg your pardon. It's Senate Bill 1823. Now, we're on Senate Bill 1853. Senator Karpel. Mr. Secretary, please read

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the bill.

SECRETARY HARRY:

Senate Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel. Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1853 is simply a cleanup of the waiver bill that we passed a while ago. It simply makes it a little bit easier for us, and for everyone, to handle these waiver applications. It allows the State Board of Education to approve statutory waiver requests that are substantially identical to those previously approved by the General Assembly. It allows them to return statutory waivers that are similar to those previously denied by the General Assembly. And it makes a few other changes. But, basically, what we're saying here is that if -- if we, here in the General Assembly, have approved a -- an application waiver for a waiver of Casimir Pulaski Day, the State Board can just automatically approve anything of -- of the -- you know that's identical to that, and if we have denied something, as we did on paddling last time -- last year, the State Board can automatically deny those again, so that we don't have such an overwhelming amount of work. If -- right now, I understand that the State Board anticipates fifty-four statutory waivers before the May 6th waiver report is due. And they say that if 1853 were law today that they think only about nine statutory waivers to the Legislature would -- would come to us. So it would lessen our work load, make it more automatic, and have the waiver process work -- work better. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Viverito.

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SENATOR VIVERITO:

Personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR VIVERITO:

On that last bill, I accidentally voted Yes; I wanted to vote No. 1823.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. The record will so reflect. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I stand in support of 1853, and I just want the sponsor to acknowledge our conversation, that -- Senator Karpziel and I and others have discussed perhaps looking at and revising the dates and number of times a year that we go through this, and we agreed that we would continue to look at this in the House and perhaps amend it to address those issues also. Based upon that, I stand in support of Senate Bill 1853.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any further discussion? If not, the question is, shall Senate Bill 1853 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 1853, having received the required constitutional majority, is declared passed. Senate Bill 1881. Senator O'Malley. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1881.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

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SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1881 is a vehicle bill. It's a vehicle bill whose intention is to implement some of the provisions of House Bill 1465 from last year, in which it was agreed that the General Assembly would establish boundaries of three election districts within Cook County for the election of three members to a board of review. Again, this is a vehicle bill. Its purpose is to move the process along. And when we're prepared to set those boundaries, we will do so probably when this legislation is in the House. So I'd be -- I stand prepared to answer any questions you may have.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. This bill came out of the committee as a -- on a -- on a partisan vote -- vote. And, because it's a vehicle bill, we don't know exactly what's going to be in it. You know, there are a lot of property tax ideas floating around, and we don't know what the real vehicle is going to be, and I would just say that, to the Members on this side of the aisle, to -- to move cautiously before you vote on any of these vehicle bills. And my suggestion is that you vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson. Further discussion? Senator Smith.

SENATOR SMITH:

Sir, I -- I merely wanted to ask - I was at the telephone - to be recorded on 1823 with a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Yes, ma'am. Further discussion? If not, the question is, shall Senate Bill 1881 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 31 voting Yes, 22 voting No, 1 voting Present. Senate Bill 1881, having received the required constitutional majority, is declared passed. Senate Bill 1887. Senator Burzynski. Madam -- or, Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1887.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. This bill is really a technical bill in nature. And it gives local election officials, the State Board of Elections - whichever office is responsible - the authority to determine whether or not petition signature requirements have been met on -- on petitions. Merely the number. It's really to correct a problem that we've seen in the State and in county government and local elections, where we'll have only one petition filed for an office which you need six hundred signatures for. So we're really trying to do some clean up here.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I'm sorry, Senator Burzynski; I was in conversation. Are you holding this for tightening up? Fine. Thank you. Because I do concur with Senator Burzynski in this effort. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, the question is, shall Senate Bill 1887 pass. All those in favor, vote Aye. Opposed, vote No. The



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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 1887, having received the required constitutional majority, is declared passed. Senate Bill 1902. Senator Karpziel. Out of the record. Senate Bill 1917. Senator Bomke. Out of the record. We now return to the beginning of 3rd Readings. Senator Butler, for what purpose do you rise?

SENATOR BUTLER:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR BUTLER:

Ladies and Gentlemen, I'd -- I'd like to introduce the last three mayors in the State of Illinois who haven't been introduced today. To my right is Mayor Ed Rotchford of the City of Prospect Heights. Seated back there is my successor, and a very -- I'm very proud of Mayor Ron Wietecha of the City of Park Ridge. And Mayor Skip Farley of Mount Prospect.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Well, welcome to Springfield. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR JACOBS:

I'd like to have the Senate give a good welcome to John Phillips, the City Manager from the City of Rock Island, sitting on the Democratic side of the aisle.

PRESIDING OFFICER: (SENATOR WATSON)

John Phillips, please rise. Welcome to Springfield. Senator

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Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR FITZGERALD:

Sitting behind me, in between me and Senator Lauzen, I happen to have the greatest mayor in the State of Illinois, Mayor Arlene Mulder from Arlington Heights. Like to give her a warm welcome.

PRESIDING OFFICER: (SENATOR WATSON)

Mayor, welcome to Springfield. We are now on page 2. Page 2 of the Calendar. About a third of the way down, you see Senate Bills 3rd Reading. We have to go over to the middle of page 3, and I believe Senate Bill 1365, I believe, is the final bill. So we have several more to go. So let's try to keep our remarks as brief as possible. Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

Well, thank you, Mr. President. As long as everyone was rising on a point of personal privilege, I'd like to introduce the Mayor of my city, Richard M. Daley. He's just not here today, though.

PRESIDING OFFICER: (SENATOR WATSON)

Has he ever been here? Senate -- Senate Bill 522. Senator -- Senator Parker. Senator Parker, do you wish to call -- Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 522.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

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

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Currently there is no provision in the adoption portion of the Juvenile Court Act for specific consent adoptions, where a parent agrees to a specified person adopting a child. It is done in practice, and this bill codifies the existing practice. Senate Bill 522 creates a form for adoption by a specified person, which will guarantee that the -- the parents' decision is respected. The parent can chose, one, within two years to be notified if for some reason the planned adoption does not go forward and the consent can be void; or two, they can choose that their consent converts to a general surrender of rights. This was on the Agreed Bill List in the Judiciary Committee. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Collins.

SENATOR COLLINS:

I don't have any problems with the idea. I think it's a good idea. But I -- I was looking through -- scanning through the computer here. I don't see anything in this bill that would prohibit these kind of adoptions from being arranged based on the -- the transaction through some kind of monetary arrangements. And I, most certainly, would not want that to be allowed under this bill. And -- and it's a very serious consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Senator Collins, these adoptions all have to be approved by the court, and hopefully they would be monitoring, if that were the case. What is going on now -- are there are many people who

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would prefer and -- and would agree to adoptions if they knew the person that was doing the adoption and this will help ease that, so children can be placed a lot quicker.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yeah. Thank you. I concur with what you're doing, but I would just -- keep an open mind as the bill move on to the House, and then we look at that as -- as may have been -- to make sure that it doesn't take place. That -- that this is not somebody that can arrange, through some -- for some kind of monetary purposes, to adopt your children. And -- and we wouldn't want that to happen, but I think it's a good idea and the bill should pass.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Further discussion? If not, the question is, shall Senate Bill 522 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 522, having received the required constitutional majority, is declared passed. Senate Bill 1239. Senator Cronin. Out of the record. Senate Bill 1240. Senator Butler. Senator Butler on the Floor? Senator Butler. 1240. Out of the record. Senate Bill 1245. Senator DeAngelis. Out of the record. Senate Bill 1246. Senator Madigan. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1246.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. On the Calendar, this Senate Bill 1246, as amended, creates -- amends an Act relating to post-parturition care. For the Members of the Senate, this is the drive-through delivery bill. I think everyone is familiar with the contents of the bill, and the committee has amended this several times. We think it's in the form that has no opposition. At this point, basically, it's the bill that addresses those onerous and callous practices of the insurance companies and the health maintenance organizations about kicking the mother and the newborn baby out on the street after delivery. So I'd be glad to answer any questions on Senate Bill 1246, as amended, but otherwise would ask for its approval.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator, does this include in the coverage under the -- correcting drive by -- drive-through delivery, does this include women who are on public aid?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, the question is, shall Senate Bill 1246 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all

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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 1246, having received the required constitutional majority, is declared passed. Senate Bill 1256. Senator Bomke. Out of the record. We are now going over to Page 3. The top of page 3 is Senator Maitland, on Senate Bill 1266. Senator Maitland. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1266.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1266, as amended, removes the sunset date on the authority of a municipality adjacent to a pollution control facility which is in an unincorporated area to conduct the local siting review. This is a bill we passed out of here two years ago. Further, it -- it addresses a concern that Senator Syverson had in Ogle County. I know of no opposition to the underlying bill or of Senator Syverson's amendment, and I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1266 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 1266, having received the required constitutional majority, is declared passed. Senate Bill 1268. Senator Syverson. Madam Secretary, please read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 1268.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 1268 is a noncontroversial bill, a bill that Senator Bowles and myself have worked on. It just broadens the ability for counties to recover the cost associated with their criminal justice programs. With counties becoming more and more creative in programs, they're instituting work release and day reporting centers. This allows the county to set the rates that they charge those inmates to be involved in those programs. Also, there's a amendment put on by the Administrative Office of the Illinois Courts that would allow expansion of arbitration programs in counties. Ask...

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1268 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 52 voting Yes, no voting No, no voting Present. Senate Bill 1268, having received the required constitutional majority, is declared passed. Senate Bill 1278. Senator Geo-Karis. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1278.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 1278 amends the -- the Municipal Code, and provides that when territory is annexed or disconnected by a municipality, the corporate authorities or petitioners initiating the action shall notify the person who pays property taxes on property within the territory. And I ask for a favorable response. There's another provision in this bill, and I would like to ask Senator Bowles to explain that provision, that was put on and affects her area and it is very much needed in her area.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President, and thank you, Senator Geo-Karis. The amendment on 1278 provides that the City of Madison would be enabled to annex territory, which would make it contiguous to the bike trails in -- in Madison County in the State of Illinois, with the old Chain of Rocks Bridge. And we have the Trailnet, Inc. organization, which is going to renovate the bridge and connect with the bike trails in the State of Missouri. And this would permit the annexation of territory by jumping over the federally owned levee.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1278 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 1278, having received the required constitutional majority, is declared passed. Senate Bill 1300. Senator Parker. Madam Secretary, please read the bill.



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ACTING SECRETARY HAWKER:

Senate Bill 1300.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Last year we passed a bill which raised the fine for parking in a handicapped parking space from fifty dollars to a hundred dollars. All this bill does is alter the requirements of the Department of Transportation to change signs to reflect the current fine for illegally parking in a handicapped spot. This was on the Agreed Bill List.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1300 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 1300, -- having received the required constitutional majority, is declared passed. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

For a personal announcement.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR TROTTER:

To -- I would like to, at this time, just to, for the record, acknowledge that William "Bill" Shaw is not here today. He's absent and he's at home doing some legislative business.

PRESIDING OFFICER: (SENATOR WATSON)

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Very good. The reflect -- the record will reflect that. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, that's one announcement I don't have to make. A point of parliamentary inquiry, if I might, since we are near the end of the Calendar. This morning I was inadvertently voted in the affirmative on Senate Bill 1511, and I filed a motion to reconsider, having voted on the prevailing side. Are we going to move to the order of -- of those motions today? And, if in fact, is it that the bill cannot leave the Senate until that motion has been...

PRESIDING OFFICER: (SENATOR WATSON)

Frankly, we had not intended to go to that order of business, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Well, then, the bill can't leave the Senate then, until that motion has been -- been handled one way or the other. Isn't that correct?

PRESIDING OFFICER: (SENATOR WATSON)

...dilemma we face is that this is a deadline day, and that's -- that is a problem. Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't think that has anything to do with it. We are still in Session. The fact of the matter is, is the motion has been filed. The bill is still within the purview of the Senate. And...

PRESIDING OFFICER: (SENATOR WATSON)

We would probably have to submit a Supplemental Calendar, Senator. Senator Demuzio.

SENATOR DEMUZIO:

I don't quarrel with that. I just want to know if that bill cannot leave the Senate until such time as that motion has been

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dispensed with in some form.

PRESIDING OFFICER: (SENATOR WATSON)

...Carroll.

SENATOR CARROLL:

...aid the President and Parliamentarian, I would suggest you read Rule 7- 15d: "Whenever a motion to reconsider is made within the time prescribed by these Senate Rules, " - which this one does - the Secretary shall not allow the bill or other subject matter of the motion to pass out of the possession of the Senate until after the motion has been decided or withdrawn. Such a motion shall be deemed rejected if laid on the table."

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, for reading that rule to us. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Same question. What -- what's the ruling of the Chair?

PRESIDING OFFICER: (SENATOR WATSON)

We're -- we are -- what -- what we're determining now is whether we'll have to submit a Supplemental Calendar. I mean that's our dilemma, and if -- we are checking on that. If we -- if -- it would wish, Senator Demuzio, we'd like to go ahead with the next bill and we will get a response to you before adjournment. Senator Demuzio. Is that...

SENATOR DEMUZIO:

That's -- that's satisfactory. I just...

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Senate Bill 1363. Senator DeAngelis. Senator DeAngelis -- break up your caucus. You have Senate Bill 1363. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, until Senator DeAngelis gets back to his seat, personal privilege to

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introduce Mayor Ralph E. Davis, who serves part of my district, from the Village of Round Lake Beach, with -- along with Senator Peterson; and Christine Wilson, Lake County Municipal League, Executive Director. They're sitting in the President's Gallery and we'd like to welcome you here.

PRESIDING OFFICER: (SENATOR WATSON)

Well, we're certainly pleased to have them in Springfield. Welcome to Springfield. Senator DeAngelis. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1363, as indicated, is a vehicle bill. We made an attempt to put an amendment on, through some confusion it didn't go on. I would like to have the bill go over to the House and continue working on, perhaps, resolving the issue of -- of an aggregate levy for downstate school districts.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1363 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 52 voting Yes, 1 voting No, no voting Present. Senate Bill 1363, having received the required constitutional majority, is declared passed. Senator Fitzgerald, for what purpose would you rise?

SENATOR FITZGERALD:

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

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intended to vote No on that bill and accidentally pressed the wrong button.

PRESIDING OFFICER: (SENATOR WATSON)

Well that certainly makes a big difference, Senator. ...Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Demuzio has filed motions with respect to Senate Bills 1511 and 1687. And Senator Jones has filed a motion with respect to Senate Bill 1338.

All filed March 28th, 1996.

PRESIDING OFFICER: (SENATOR WATSON)

Mr. Secretary, the Chair requests that these motions be printed on a Calendar. That will be so ordered. Now I guess, and believe, this is the last order of business on 3rd Reading. No, we did -- I beg your pardon. We -- we gave leave to several sponsors to go back to their bills, once completed. So we do have -- after Senator Jones, we have an additional three pieces of legislation to deal with. So we are at Senate Bill 1365. Senator Jones. Senator Jones, do you wish your bill to be called? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1365.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Senate Bill 1365 is permissive legislation and it allows hospital licensed under the Licensing Act to permit, at the discretion of the hospital, the parent or legal guardian of a minor, when that minor is going in for surgery and needs anesthesia, that that parent or guardian, when policy is

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set by rules and regulations adopted by the -- the hospital, that that parent or legal guardian can be there in the operating room, also in the recovery room with any minor. That's all the bill does. It's permissive and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any questions? Any discussion? Seeing none, the question is, shall Senate Bill 1365 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 1365, having received the required constitutional majority, is declared passed. Earlier Senator Rauschenberger had asked leave to return to Senate Bill 1390. It is on page 3. Leave being granted, we will go to that order of business. Senator Rauschenberger. Senate Bill 1390. Madam Secretary, would you please read the bill.

ACTING SECRETARY HAWKER:

...Bill 1390.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senate Bill 1390 is a State version of the well-received and -- and broadly supported federal XL program. Essentially, what it allows, it permits the Illinois Department of Environmental Protection to enter into agreements with companies for cleanups which would be more comprehensive and yield better results than the Statutory requirements that we currently have in Statute. It's a permissive program; allows the Department to work together with people with pollution problems to achieve better results. It gives them the Statutory permission to do so. It's -- has no

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opposition that I know of. The Department supports it. The Illinois Environmental Council supports it. It's a good bill. I'd request a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1390 pass. All those in favor, vote Aye. Opposed, vote No. 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 1390, having received the required constitutional majority, is declared passed. Now, once again, leave was granted previously for -- to Senator Lauzen, so we will return to page 4. Senate Bill 1490. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1490.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 1490 is simply a vehicle for unemployment insurance negotiations that are going on now among labor, management, the Governor's Office, the House. And if something comes out, if some fruit -- comes from that process, this is the vehicle. And I'd like to keep this moving along.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Garcia.

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SENATOR GARCIA:

Thank you. Senator Lauzen, I heard you mention that negotiations are under way with respect to some possible legislative changes to the -- Unemployment Insurance Act. Can you give us a preview of what types of topics are under consideration?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

It's still so preliminary that, no, I cannot. There's a question when I approached Leadership and the AFL-CIO to get what it is that they were interested in doing in that bill, and the answer was, "Until we have a commitment that this is going to be an agreed bill, we're not going to show you our list." I have received a list that I haven't read yet from the joint employers' group.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

Senator Lauzen, is anyone in this Body been in the discussions which apparently have been taking place?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Perhaps I overstate the process that's going on. I have not been in any, and I -- I'm not aware of anybody else who's in those discussions from this Chamber. It's still so preliminary. You're familiar with what we went through on just the savings issue. I think that some of us are going much more slowly than we did before.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:



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Now, to close. That's my concern with this bill, that we're being asked to move it along and I haven't spoken to anyone yet who has been involved in these alleged negotiations or discussions. And that's why I would ask our side of the aisle, at least, and certainly those that are sympathetic to the agreed bill process, not to move this along until we have some more information and we get included in such a process.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR LAUZEN:

Thank you, Mr. President. First of all, Senator Garcia, you'll be the -- the first person who I contact once we get this moving along out of deference to involving everyone in this Chamber who's interested, of course we want the input. I have not been involved. You know how slowly the thing is moving along. But if we don't pass this today, we have absolutely nothing that we can bring forward. So this is simply a vehicle, a shell, so that when we get something we can insert it. So I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1490 pass. All those in favor, vote Aye. Opposed, voting 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 31 voting Yes, 18 voting No, 6 voting Present. Senate Bill 1490, having received the required constitutional majority, is declared passed. We will now proceed to page 10. Page 10. Under Consideration Postponed, we have Senator Peterson with 1335. Out of the record. Senate Bill 1407. Senator Parker. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

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Senate Bill 1407.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill allows local township boards to appoint fire protection trustees in Cook County where the district does not lie wholly within a single municipality or township. There are forty-two fire districts in Cook County. Twenty-eight of those are wholly in the township or appointed by the local people. Fourteen are not, and may have as little as ten percent or less in other townships. So those appointments go down to the Cook County Board. It makes a lot of sense to bring them back to the local people like the other twenty-eight. I ask for a favorable vote and will answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Trotter.

SENATOR TROTTER:

Thank you. Senator Parker, your bill states that two trustees shall be appointed by the township board that has the greatest population, and the other trustees shall be appointed by the remaining townships if it contains more than ten percent of the population of that district. How did you come up with this formula?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

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SENATOR PARKER:

The majority of the trustees, it would make sense that they are appointed by the largest area in the township, and that's how that was formulated.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Yes, but -- no, specifically you said that it's ten percent. That the figure -- that if -- they come up with the population of the figure of ten percent, not twenty, not the majority. Actually the second question I have for you has to do with that majority issue. But you didn't answer the first question. How did you come up with the ten-percent figure versus a twenty-percent or thirty-percent of a -- those individuals?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

That was with the agreement of the trustees and the people in the area. There are some of these townships that have a very, very small amount in some other township, and it doesn't make any sense that they lose their local control of appointing their local fire district people because they have such little percentage. And when they went around and surveyed, that is what it turns out to be.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

I just -- just want to pose a hypothetical to you: What happens if a -- a district in which there is fifty-five percent of the population is in one township and they appoint two members, and then you have a -- another district that has twenty percent in another township... She can't hear me.

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PRESIDING OFFICER: (SENATOR WATSON)

No this -- I don't know where the noise is coming from, but I have a feeling it's coming from over the wall. So if anybody out there in that hallway, on both sides, I wish you would calm down. Quiet down, so that we can carry on our debate here on the Senate Floor. So, Senator Parker. Senator Trotter.

SENATOR TROTTER:

If -- if I maybe just begin again.

PRESIDING OFFICER: (SENATOR WATSON)

Please do.

SENATOR TROTTER:

Okay. What would happen if they have a district in which there's fifty-five percent of the population is in one township and they appoint two members, and then you have twenty percent in another township and twenty-five percent of the population is still in another township? Your bill says that they must have a joint meeting. Who will preside over this meeting?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

The remaining two -- the remaining two townships appoint the trustee.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Does your bill provide for them being a -- a disagreement? Suppose they can't agree who should preside?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

The bill does not address that particular issue. But what it does do is it gives the local authority back to the people who

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know who should be appointed by the local fire trustees. Anything like that, if there's a question, I'm certain can be worked out. The point here is that there's forty-two fire districts in Cook County. Twenty-eight of those are appointed by the local people. Fourteen - and we are addressing at the most fourteen, because some of those may be elected already; these are only for appointed fire trustees - so at the most, fourteen are appointed by the President of the Cook County Board. It doesn't make any sense to take the local authority away from those people who locally live in the area.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter

SENATOR TROTTER:

If I may, just a comment. Because your bill seemingly is sort of convoluted, and it doesn't really address any other issue than you just want to circumvent the authority of the president of the County Board, I would recommend the Membership to vote No on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

This bill is not convoluted. What this bill does is finally give the local authority back to the townships, where they would like it, where they know who they can appoint as their local fire district trustees, that is going to serve their people, and that's the way it should be. That's the way it is in twenty-eight others and it should be in the remaining part of the townships. That's what local government is there for, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is -- Senator Woodyard, she was closing. I'm sorry. Do -- do you have a question, Senator Woodyard?

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SENATOR WOODYARD:

Yes. Excuse me. And I...

PRESIDING OFFICER: (SENATOR WATSON)

That was my fault.

SENATOR WOODYARD:

...I'm not going...

PRESIDING OFFICER: (SENATOR WATSON)

That was my fault. Senator Woodyard. Go right ahead.

SENATOR WOODYARD:

Yes. Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Woodyard.

SENATOR WOODYARD:

I -- I think I know the answer to this. But this impacts only Cook County, is that correct? Because...

PRESIDING OFFICER: (SENATOR WATSON)

Just a moment. Senator Parker.

SENATOR PARKER:

Yes. It is only for Cook County.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

...Position of the Fire District Association?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Everybody has been in agreement with this. This is something they'd have liked to have done for a long time.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Well, I'm not sure that some of the downstate districts, but

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if they're not involved with it, that's fine.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1407 pass. All those in favor, vote Yes. 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 32 voting Yes, 23 voting No, no voting Present. Senate Bill 1407, having received the required constitutional majority, is declared passed. All right. It's the intention of the Chair to go to Supplemental Calendar. So we're no longer on the regular Calendar. And we -- everyone should have Supplemental Calendar No. 1 on your desk. Motions in Writing. And the first motion is by Senator Jones in regard to Senate Bill 1338. Read the motion, Mr. Secretary.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1338 failed...

PRESIDING OFFICER: (SENATOR WATSON)

Excuse me, Mr. Secretary. I guess he does not wish to call the motion. All right. If need be, we can come back to that order. So, now we are at Senate Bill 1511. Motions in Writing. Senator Demuzio. Mr. Secretary, please read the motion.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1511 passed.

Filed by Senator Demuzio, this date.

PRESIDING OFFICER: (SENATOR WATSON)

To remind the Membership what we're doing: This is a Motion to Reconsider. There will be no debate. Senator Demuzio may explain his motion. There is no response necessary. If, in fact, the motion prevails, then we go back to that Order of Business of 3rd Reading on Senate Bill 1511. Senator Demuzio.

SENATOR DEMUZIO:

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Yes. It -- it takes thirty votes to reconsider, as well. Is that correct, Mr. President? In -- this motion is on Senate Bill 1511, which would extend the property tax caps to downstate to those taxing districts -- if approved by a referendum brought by a county board or a taxing district body for counties. There was some confusion around here over on this side when this issue came up and I was inadvertently voted Yes, when, in fact, I wished to have been recorded No. Therefore, I'm taking the action to move to reconsider the vote by which Senate Bill 1511 passed, so that, in fact, we could have another opportunity to debate, discuss and vote on this issue. So I would move to reconsider.

PRESIDING OFFICER: (SENATOR WATSON)

Having -- Senator Demuzio, having presented the motion and having -- voting on the prevailing side, Senator Demuzio moves to reconsider the vote by which Senate Bill 1511 passed. Those in favor, vote Aye. Oposed, vote No. The voting is open. This takes thirty votes to reconsider. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 22 voting Yes, 32 voting No, no voting Present. The motion fails. The third motion in Motions in Writing, Senate Bill 1687. Senator Demuzio. Do you wish this -- no? Push your button. That's correct. Senator Demuzio.

SENATOR DEMUZIO:

Well, judging from that last vote, I would like to have pushed a lot of buttons. Am I only limited to just the one? I'd like to yield to Senator Carroll to make the explanation with respect to Senate Bill 1687, if I might.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll is going to explain Senator Demuzio's motion. But it has to be read. So Senator -- I beg your pardon. Mr. Secretary, please read the bill.

SECRETARY HARRY:



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Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1687 passed.

Filed by Senator Demuzio, this date.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Apparently, Senator Demuzio had voted in error on this. He and I happened to have been off the Floor in a Leaders' meeting at the time, and I think Members on our side didn't realize what was in this legislation. Basically, what this legislation does is it stops the Department of Public Aid from doing the add-on payments or adjustment payments that they have been making in -- in fiscal '96 and before, including critical hospital access payments. This means, to each and every one of the Members in this Chamber who has had a hospital in their district - and that is the vast majority of us - who have been receiving these adjustment payments, what they call the critical hospital access payments, the CHAP payments - would, in fact, lose them unless a General Assembly itself passes it, which could be a question of who gets what, as opposed to a fair adjustment around the State based on need. And, for example, in -- in Springfield, there would be loss of the payments to the hospitals here. I could go through the whole list. I don't think it's necessary. In general, downstate rural would lose twenty-eight million five hundred thousand in what were these CHAP payments. Other urbans would lose thirty-one million. Chicago DSH a hundred and ten million. These are just in the CHAP payments. I don't think Members wanted to vote to eliminate those, and I would therefore suggest that's why Senator Demuzio wants to reconsider.

PRESIDING OFFICER: (SENATOR WATSON)

Having voted on the prevailing side, Senator Demuzio votes to

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-- moves to reconsider the vote by which Senate Bill 1687 passed. Those in favor of the motion, 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 24 voting Yes, 31 voting No, no voting Present, and the motion fails. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Purpose of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Please...

SENATOR PHILIP:

And I'd like -- first of all, I'd like to have -- Senator Klemm is not here again today. He's home convalescing from pneumonia. Hopefully, he'll be back here after Easter. Might also say that we've gone through the Calendar, 3rd Readings, four times. We've gone to Postponed Consideration, and very honestly, we're in pretty good shape. I hope that everybody would pick up some of those House bills that are on the Calendar. If you want to get them in the system, get them posted and heard, try to pick them up today. And drive safely. We're coming -- going to come back on April 16th at noon. And we'll do some work on the Floor and we'll have some committee hearings. And everybody have a wonderful, beautiful Easter.

PRESIDING OFFICER: (SENATOR WATSON)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 184, offered by Senator Demuzio. It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar.

SECRETARY HARRY:

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Senate Joint Resolution 87, offered by Senator Weaver.

(Secretary reads SJR No. 87)

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 87. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver, to explain the -- the resolution. Senator Weaver has moved for the adoption of Senate Joint Resolution 87. Those in favor, once again, would you please respond by the message Yes. Those opposed, No. The Ayes have it, and the resolution is adopted. Senator Geo-Karis, for one more announcement, I have a feeling. Yes. Senator Geo-Karis.

SENATOR GEO-KARIS:

You're right, one more announcement. I have with me, Mr. James Betustak from Lake Villa Township, my constituent, who is with the -- the -- the Cooperative Extension Service of the University of Illinois. We're delighted to have Jimmy here.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Welcome to Springfield. Glad to have you. To clear up the Supplemental Calendar No. 1, there will be a Motion in Writing, I understand, to withdraw the Motion in Writing in regard to Senate Bill 1338, by Senator Jones, in effect, taking that off the Calendar and removing that motion. ...Bill 1st Reading.

SECRETARY HARRY:

House Bill 347, offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2028, by Senators Walsh and DeLeo.

(Secretary reads title of bill)

Senator Madigan offers House Bill 2347.

(Secretary reads title of bill)

House Bill 2745, Senator Weaver.

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(Secretary reads title of bill)

House Bill 3048, by Senator Dillard.

(Secretary reads title of bill)

Senator Petka offers House Bill 3281.

(Secretary reads title of bill)

And House Bill 3625, by Senator Fawell.

(Secretary reads title of bill)

Also, House Bill 3348, by Senator Cullerton.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WATSON)

Messages, Mr. Secretary.

SECRETARY HARRY:

Message from the President.

Dear Mr. Secretary - pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for final action on the following categories of bills, with specific bills enumerated under these categories to January 7th, 1997; State's Bonded Indebtedness, specifically Senate Bill 1758; Pensions and Retirement, specifically Senate Bills 1256 and 1917; and Transportation and Economic Development, specifically Senate Bill 1245.

Filed March 28th, 1996, by President Philip.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any business -- or further business to come before the Senate? If not, pursuant to the adjournment resolution and the Chair wishing everyone a happy Easter and a safe trip home, we will stand adjourned until noon, Tuesday, April 16th.

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