

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

38th Legislative Day

April 26, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Reverend Dan Haas, Aurora Community Church, Aurora, Illinois. Reverend Haas.

THE REVEREND DAN HAAS:

(Prayer by the Reverend Dan Haas)

PRESIDENT PHILIP:

Will you all please rise for the Pledge of Allegiance, led by Senator Sieben. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, April 18th and Wednesday, April 19th, 1995.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that reading and approval of the Journals of Thursday, April 20th; Monday, April 24th; and Tuesday, April 25th, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Geo-Karis moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that the Journals just read be approved,

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unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Geo-Karis moves to approve the Journals just read. There being no objections, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bills 775 and 990 Do Pass; and Senate Amendments 1, 2 and 3 to Senate Bill 539 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Bills 16, 18, 657, 658 and 944 Do Pass; Senate Bills 403, 727, 784, 946, 1017, 1029, 1122 and 1126 Do Pass, as Amended; House Bill 207 Do Pass, as Amended; Senate Amendment 2 to Senate Bill 141 Be Adopted, Senate Amendment 1 to Senate Bill 782 and Senate Amendment 1 to Senate Bill 1115 Be Adopted.

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Amendment 2 to Senate Bill 854 Be Approved for Consideration.

Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Bill 711 Do Pass; Senate Amendment 2 to Senate Bill 80 <sic> Be Adopted; Senate Amendment 2 to Senate Bill 441, Senate Amendment 2 to Senate Bill 478, Senate Amendments 2 and 3 to Senate Bill 586, Senate Amendment 2 to Senate Bill 788, Senate Amendment 2 to Senate Bill 947 and Senate Amendment 2 to Senate Bill 1066 all Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 1036 Do Pass; Senate Bills 7, 145, 601, 1001, and 1091 Do Pass, as Amended; and Senate Amendment 2 to Senate Bill 415, Amendment 2 to Senate Bill 628 and Amendment 1 to Senate Bill 829 all Be Adopted.

Senator Sieben, Chair of the Committee on State Government Operations, reports Senate <sic> (House) Bill 496 Do Pass.

PRESIDING OFFICER: (SENATOR WEAVER)

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Resolutions.

SECRETARY HARRY:

Senate Resolution 55, offered by Senator Shaw and all Members.  
It's -- or, it's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. 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 25, 989, 1045, 1268, 1437, 1869, 1893, 1967, 630, 1940, 2141, 2251, 2273, 2308, 2349, 2370, 2429, 2463, 238, 708, 940, 1070, 1131, 1149, 1582 and 1825.

All passed the House, April 25th, 1995.

PRESIDING OFFICER: (SENATOR WEAVER)

House Bills 1st Reading, Mr. Secretary.

SECRETARY HARRY:

House Bill 36, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 90, by Senator Karpel.

(Secretary reads title of bill)

Senator Raica offers House Bill 193.

(Secretary reads title of bill)

House Bill 241, offered by Senator Fitzgerald.

(Secretary reads title of bill)

House Bill 249, Senator Palmer.

(Secretary reads title of bill)

Senator Klemm offers House Bill 438.

(Secretary reads title of bill)

House Bill 614, presented by Senator O'Daniel.

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(Secretary reads title of bill)

Senator Walsh offers House Bill 929.

(Secretary reads title of bill)

House Bill 1002, offered by Senator Dudycz.

(Secretary reads title of bill)

House Bill 1108, Senator Raica.

(Secretary reads title of bill)

House Bill 1212, Senator Peterson.

(Secretary reads title of bill)

House Bill 1363, presented by Senator Garcia.

(Secretary reads title of bill)

Senator Klemm offers House Bill 1502.

(Secretary reads title of bill)

House Bill 1608, presented by Senator Dillard.

(Secretary reads title of bill)

House Bill 1693, offered by Senator Sieben.

(Secretary reads title of bill)

Senator Dudycz offers House Bill 1619 -- 1699.

(Secretary reads title of bill)

House Bill 1878, presented by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1931, offered by Senators T. Dunn and R. Dunn.

(Secretary reads title of bill)

House Bill 1977, offered by Senator Raica.

(Secretary reads title of bill)

Senator Karpziel offers House Bill 2123.

(Secretary reads title of bill)

Senator Syverson offers House Bill 2181.

(Secretary reads title of bill)

House Bill 2204, by Senator Raica.

(Secretary reads title of bill)

House Bill 2276 <sic> (2278), Senator Parker.

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(Secretary reads title of bill)

House Bill 2321, Senator Dillard.

(Secretary reads title of bill)

Senator Peterson offers House Bill 2332.

(Secretary reads title of bill)

And House Bill 2346, by Senator Walsh.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WEAVER)

We will now turn to page 2 on the Calendar. Senate Bills 2nd Reading. Let me admonish the Members to move these bills. We're running out of time. The first ones up would be Senator Butler, Senator del Valle, Senator Petka, Senators Trotter, DeAngelis, Dudycz, Woodyard, Hasara. Senator Butler, do you wish to move Senate Bill 11? Out of the record. We'll return to the Order of Committee Reports for a correction. Mr. Secretary.

SECRETARY HARRY:

Mr. President, Senator Sieben, Chair of the Committee on State Government Operations, reports House Bill 496 - not Senate Bill 496, but House Bill 496 - as Do Pass.

PRESIDING OFFICER: (SENATOR WEAVER)

Now back on page 2, on the Order of Senate Bills 2nd Reading, Senate Bill 11. Senator Butler? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 11.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator del Valle, on Senate Bill 57? <sic>  
Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 15.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Petka, on Senate Bill 81? Out of the  
record. Senator Smith on the Floor? Senator Dudycz, on 247? Do  
you wish to move the bill? Out of the record. Senator Sieben, on  
336? Out of the record. 337? Out of the record. Senator  
Burzynski, on 429? Read the bill, Mr. Secretary. Senate Bill  
429.

SECRETARY HARRY:

Senate Bill 429.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cullerton on the Floor? Senator Raica,  
on 445? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 445.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for  
consideration?

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Rauschenberger, on 630? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 630.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 656? Out of the record. Senator Cronin, on 662? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 662.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Have -- have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Rauschenberger, did you wish to move 483? Read the bill, Mr. Secretary. 483, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 483.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 484, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 484.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 485, Senator Rauschenberger? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 485.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 486, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 486.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 490, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 490.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 577, Senator Trotter? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 577.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and



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Welfare adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. On page 2, Senate Bill 397. Senator Philip? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Which one?

PRESIDING OFFICER: (SENATOR WEAVER)

397.

SECRETARY HARRY:

Senate Bill 397.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Thomas Dunn on the Floor? Senate Bill 709. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 709.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

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Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 720? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 720.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 725. Senator Lauzen? Out of the record. 726, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 726.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 760? Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 760.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hawkinson, on 782? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 782.

(Secretary reads title of bill)

2nd Reading of the bill. There are no committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd -- have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This amendment was heard in the Education Committee last evening after Session. Passed out of committee unanimously. It is -- my amendment, which -- contains the philosophy that the Chicago schools ought to best be run by the people of Chicago - by the taxpayers, the parents, the students, the teachers of Chicago. It would prospectively abolish the Chicago School Code and the Chicago Finance Authority as of July 1, 1997. I realize this is not in final shape, but it expresses that philosophy, that we ought to leave hands off and let the people of Chicago run their schools, just like we run our schools elsewhere in the State. And I would ask for the adoption of Amendment No. 1 to Senate Bill 782.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there -- is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. Excuse me. Senator Cullerton, under discussion. Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR CULLERTON:

By abolishing the Chicago School Code, does that mean that the City of Chicago's Board of Education then would be allowed to do the same things that other school districts can; that is, to borrow money, to have lapse spending, like other school districts do? And secondly -- second question I'll ask at the same time: Does it mean that we are abolishing all -- all our local school councils as well?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

We're going to have to further amend this bill along the way. I do not want to abolish the local school councils. We have to amend the regular School Code to take out the five hundred thousand dollar <sic> population levels, but it's my intention to put the schools all under the same School Code, let the people of Chicago run their own schools under the same School Code that the rest of us do. I realize that's going to be some fine-tuning. We need to protect the school councils. With that -- we're going to have to further amend this to fine-tune it. But I think we ought to proceed along with that philosophy, rather than the philosophy of having the State Legislature try and run those schools.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Collins.

SENATOR COLLINS:

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Yes, thank you. I just wanted to concur with Senator Hawkinson. I -- I recognize that the -- the school council provision is -- is still in the bill, but it was a commitment that -- that he will continue to work on this particular bill and that that would not be a part of the final product. That is not the intention of getting rid of the school councils, but it's to keep this bill alive, because I wholeheartedly concur that this legislative Body should get out of the business of trying to run the Chicago school systems. And if we can work on it, as he has pledged to do, and all of the interested parties through this process, that will head off some of the craziness that we've already passed dealing with the Legislature taking control over Chicago schools. And I'm willing to see this bill move forward -- this amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there -- have there been any other Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 798? Out of the record. Senator Jacobs, on 801? Out of the record. Senator Raica, on 850? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 850.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

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SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Thomas Dunn, do you wish to move 897? Out of the record. Senator Walsh, on 906? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 906.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cronin, on 1016? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1016.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1022. Senator Peterson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1022.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

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Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Philip, on Senate Bill 1050? Read the bill, Mr. Secretary. Out of the record. Senator Severns, on 1097? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1097.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1115. Senator Rea? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1115.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Have -- have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rea.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea, to explain the amendment.

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SENATOR REA:

Thank you, Mr. President, Members of the Senate. Amendment 1 narrows the scope of the -- down to one school district that Senate Bill 1115 would pertain to. I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cullerton, on 1183? Senator Cullerton, on 1183? Out of the record. On page 2, Senator Smith would like to call -- to move 189. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 189.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 281. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 281.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Amendment No. 1.



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PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. On page 12 is Senate Bill 883. On page 4, Senate Bill 883. Senator Severns, did you wish to move that? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 883.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 884. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 884.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose does Senator Jones arise?

SENATOR JONES:

Yeah. Thank you, Mr. President. With leave of the Body, can we go back to 1173, on page 5?

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Jones, there's a fiscal note request on it.

SENATOR JONES:

Well, that fiscal note request has been responded to and filed by the Department of Corrections. You should have had that a week ago.

PRESIDING OFFICER: (SENATOR WEAVER)

The Secretary doesn't have the answer.

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SENATOR JONES:

Well, here -- here it is right here.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones, it's not with the bill. Who -- who filed the fiscal note?

SENATOR JONES:

Corrections filed it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica filed a request, Senator Jones. Mr. Secretary, on page 2, Senate Bill 213.

SECRETARY HARRY:

Senate Bill 213.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Mr. Secretary, Senate Bill 716, on page 4 of the Calendar. Read the bill.

SECRETARY HARRY:

Senate Bill 716.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. On page 5 of your Calendar, we'll go to the Order of Senate Bills on 3rd Reading. Yesterday we left off at 190. So, Senator Smith, do you wish to call Senate Bill 190? Read the bill, Mr. Secretary -- Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 190.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith, to explain the bill.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 190 - gosh - clarifies that breast-feeding of infants is not an act of public indecency under the Criminal -- under the Criminal Code. The proponents for this bill are the Illinois Planned Parent <sic> Council, LaLeche League, the Illinois Caucus of <sic> (for) Adolescent Health of Illinois, the Maternal and Child Care Coalition, the Illinois Primary Care Association, the Illinois Public Health Association, the Illinois State Medical Society, and the Illinois Hospital and Health Services Association. The Senate Bill 190 is proposed not because it is currently illegal to breast-feed in the public, but because despite the growing awareness of the advantages of breast-feeding, there are still stumbling blocks that affect a mother's decision to breast-feed or to continue to do so. So there is no law in the country which prohibits breast-feeding or tells a mother how long she can nurse. So the current law pertaining to breast-feeding is similar to -- in -- 190 amends criminal Statutes in order to make sure that breast-feeding mothers are protected from charges of indecent exposure, lewd behavior, or violation to criminal law. Once more, this is not done because it is a crime to breast-feed in any state, including Illinois, but because many Statutes, including Illinois, are vague and could hypothetically apply to breast-feeding situations. Secondly, the purpose of Senate Bill 190 is to change the public's perception of breast-feeding, since many people in our society view breast-feeding in public as an

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obscene indecency. It passed out of the committee by 10 to nothing, and I ask your favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall Senate Bill 190 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 190, having received the constitutional majority, is declared passed. Senator Hasara, on 192? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 192.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 192 came to me through the Coalition of Citizens with Disabilities, but I have also had a little experience with this bill. This bill would allow a chief of police or a sheriff to appoint volunteers to issue citations for violations of handicapped parking provisions. Actually, you can already do this in the State of Illinois. Several communities have been using volunteers very successfully. This bill, however, was requested because it mandates some type of training and obviously codifies the whole idea into law. I would be glad to answer any questions and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

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

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Senator, in committee, there was a few of us that even though we expressed a feeling that we were in favor of what you were trying to do, we also expressed a concern for liability. And let me paint a picture to you, and you tell me who's liable. A person is parked in a handicapped zone where they don't belong. A volunteer walks up to the car and is putting on -- and is putting a ticket on that person's car. The persons says, "What are you doing putting a ticket on my car?" "Well, I have the right." "Well, who are you?" "Well, I'm a volunteer." The guy says, "Get away from my car." And they say, "No, I'm going to issue you the ticket." He hauls off and hits her, or whatever the case may be. They get in an altercation. Who's liable? Who carries the liability? Does it come back to the police department? Who does it go to when you're using a volunteer? And I know that we have passed a lot of legislation that exempts volunteers, but here's a case where I think you're putting volunteers into a very precarious position. We asked if you would address that question as to liability, and to this date, we have not heard anything.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

I'd be glad to, Senator. Actually, it would depend on the community. I would venture a guess that every community in Illinois used -- uses volunteers in some capacity right now. Some of them probably have no liability insurance on those volunteers. Most probably do. No one is mandating that a community use this. If a community wishes to insure its volunteers, then it may wish to do so. If not, it may not wish to do so. I can tell you that in the community of Elgin, for example, that already has this program - and that's, I think, why the training becomes so important - the volunteers are trained to simply leave the scene if someone comes up to the car. So if I'm -- if I'm a volunteer

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under the Elgin program and I'm giving a ticket and the people come back to their car, I would take the ticket and walk away. So the liability issue would be up to any community that wanted to get into this program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, Senator, in this bill I don't see any provision for training, number one. But again, to get back to my original question, if it is up to the municipality to provide liability or not to provide liability and they choose not to provide liability and this volunteer gets in an altercation, and maybe the volunteer is not hurt, maybe the other person is hurt, who is going to hold that liability? Is that liability going to be on the volunteer, or is it going to be on the municipality? I think it'd be a much better bill if somewhere along the line you had put a hold harmless for volunteers in here. If you would do that, then we would have a clear delineation as to who would be liable in the case of circumstances as I just described.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

First of all, Senator, there is a training provision in the bill. It's -- paragraph letter (b), line 19, does require some training. Secondly, I have no intention of getting in a battle with the trial lawyers over exemptions of liability. Again, this issue is no different than hundreds of other issues that communities face each day, and each community can choose to solve its liability issue, in my opinion, in any way it -- it chooses to do so.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

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SENATOR JACOBS:

To the issue of training, here's what it says: "The chief of police or sheriff appointing volunteers under this Section shall provide training to the volunteers before authorizing them to issue parking violation notices." That training could be how to fill out the ticket and that's all.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Senator, right now they are not required to train at all. So again, I mean, this -- no one is being forced to -- to get into this program. I'm not interested, as a Legislature, in specifically spelling out every single thing that should be in this training program. If this had not already been working successfully in -- in some parts of the State, I might be wanting to be more specific. It's worked very well, for example, in the State of Oregon. This bill is fashioned after Oregon's bill, and I think it's a very good bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, let me just point out that -- just one thing in closing. This bill is probably going to fly out anyway, and I -- so I don't want to beat it to death. But, you know, in Illinois when you use volunteers, you have a very fine line whenever a municipality hires volunteers, and if those municipalities that are using volunteers are not offering some sort of compensation, there can be a real problem not only from the standpoint of the liability, but there can be a real problem as far as the wage laws in the State of Illinois are concerned. This bill just has some problems. I just thought we should make the -- the Body aware of it. And, Senator, with that, I thank you for your courtesy.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, to close.

SENATOR HASARA:

Well, I think the issue's has been well debated. In my opinion, there are no problems with this bill. Certainly the Coalition for Citizens with Disabilities has researched what other states have done. They have brought me the -- the -- the language for this bill. And again, it's worked well already and I think it's a good idea to codify it into State law, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 192 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 51, the Nays are 3, 2 voting Present. Senate Bill 192, having received the constitutional majority, is declared passed. 253. Senator Maitland? Out of the record. 260. Senator Raica? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 260.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Committee Amendment No. 1 increases the license fee for fifty dollars to a hundred dollars and the maximum disciplinary fine to five thousand dollars. It extends the grandfather clause from eighteen months to twenty-four months and allows a therapist to work under a direct supervision of a physician. It adds two hospital administrators to the Board. Committee Amendment No. 2 is a result of negotiations and



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compromises between the Illinois Hospital Association and the Respiratory Therapists. It's an agreed amendment. It -- it clarifies that the Act does not prohibit a hospital or nursing home, long-term facility, home health agency, health system or network, or any other organization or institution that provides health or illness care from providing respiratory care through competent practitioners. Those that were opposed are not. I'd like to thank the Hospital Association and the Respiratory Therapists and staff on both sides for getting this amendment, and I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 260 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 56, the Nays none, 1 -- none voting Present. Senate Bill 260, having received the constitutional majority, is declared passed. 265. Senator Garcia? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 265.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senate Bill 265 essentially seeks to bring greater accountability to the Chicago Public Building Commission by requiring the Commission to give two reports every year to the General Assembly, the Chicago Board of Education, and each local school council in the City of Chicago that has a pending project with the Commission related to construction of new facilities, renovation or rehabilitation of a school building.

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This bill came out of the Education Committee with no opposition, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 265 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 58, the Nays are none, none voting Present. Senate Bill 265, having received the constitutional majority, is declared passed. 276. Senator Mahar. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 276.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This is the Alternative <sic> Alternate Fuels Act. Beginning in the year 1998, Illinois businesses that operate ten or more vehicles in non-attainment areas are required by federal mandate to purchase vehicles burning alternative fuels. They must have thirty-percent conversion by '98 and seventy-percent by the year 2000. The -- and in the event that they do not do this, they are not successful in reaching the goal, then the -- it will not be the businesses - the private sector - but, rather, the State of Illinois which shall be held accountable. And our Road Fund money, seven hundred and fifty million dollars, will be jeopardized. This bill has had some controversy in the past, when it was debated on this Floor two years ago. I think we've removed that controversy. Prior versions had a thirty-million-dollar -- forty-million-dollar either revenue bond program or general obligation bond program to

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support this initiative; however, that has been removed. There is no bonding whatsoever in the bill. There is no endangerment of the Road Fund. There is no GRF money. There's no tax credits. There is no State participation whatsoever. The program shall be funded by a twenty-dollar fee on the fleet vehicles in the northern -- Northeast Illinois non-attainment area, and the EPA shall collect these fees. The Farm Bureau, the farm community is in strong support because twenty percent of the money raised, which we anticipate to be twenty million dollars over four years, will be used for ethanol research. Only the dollars generated will be spent. I'll be happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just want to rise in enthusiastic support of Senate Bill 276. The sponsor, staff and the proponents have done a -- a tremendous amount of work in rationalizing this bill and putting it in the form where I think it's very good public policy, and I would just urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate Bill 276 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 1, 1 voting Present. Senate Bill 276, having received the constitutional majority, is declared passed. Senate Bill 304, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 304.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. -- Mr. President and Members, thank you. This is a administration bill that comes to us from the Commissioner of Savings and Residential Finance, makes a number of technical changes in the existing Act. It passed out of our Financial Institutions Committee on an attendance roll call. I doubt there'll be any questions about it, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 304 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. Senate Bill 304, having received the constitutional majority, is declared passed. Senate Bill 317. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 317.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 317 is a bill that originally started in response to a complaint from a constituent. It -- it quickly became apparent to me that this was a problem throughout the entire County of DuPage and -- and across the State of Illinois. This bill amends the Consumer Fraud and Deceptive Practices <sic> Act. It requires that the plaintiff in such an action mail a copy of the complaint

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to the Attorney General when the action is filed and mail a copy of the judgment to the Attorney General after the entry of judgment. I should point out that the Attorney General is neutral on this bill. This also allows the court to award actual economic damages. Furthermore, punitive damages against a new or used vehicle dealer are prohibited under this Act unless the conduct engaged in was willful or intentional. Also, as some of you may know, under current law, proof of -- proof of a public injury, a pattern or an effect on consumers generally shall not be required to state a cause of action under this Section. This -- the amendment that we considered in committee requires proof of a public injury, a pattern or an effect on consumers, and the public interest generally shall be required to state a cause of action against a new vehicle dealer or used vehicle dealer. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Senator Cronin, I'm not sure why we are looking at this bill. I don't understand. According to my analysis, it looks as if this is a kind of anti-lemon law that now allows for -- allows dealers not to be responsible for cars that they sell to the public which are rebuilt or otherwise rehabbed, unless - and please correct me if I'm wrong - unless there is a pattern or an effect on consumers and the public interest generally and whether it can be proved that there was willful or intentional -- evil motive for reckless indifference. It seems to me that that's putting the consumer in a very difficult position to prove such. Now is -- am I reading

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this correctly?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Yes. In response, Senator Palmer, the consumer still has all causes of action under warranty law, contract law, fraud law. What we're attempting to address is a problem that, as I said, came to my attention, whereby an aggressive group of plaintiffs' attorneys would churn cases seeking -- and their -- their intent is questionable. The Car Dealers felt that the -- the goal was to -- to seize attorneys' fees, and there wasn't a good-faith basis for the claim. And so claims that would be minimal in nature, there was never a good-faith effort to negotiate or to try to work out problems. The lawyers would persist and ring up fees, and as you know, those fees are guaranteed under the Consumer Fraud Act. So we -- we've worked on this very diligently with the Attorney General's Office, with the Trial Lawyers, with -- with various groups, and we've tried to craft something that addresses the problem and, yet, does not harm consumers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you. To the bill: I'm not sure who is supposed to define what is a minimal lawsuit or whatever - action - but I would like to draw the attention of the Members on this side of the aisle to the opponents to this bill. It's like a laundry list of consumer groups, including Senior Citizens, Legal Aid, Consumer Justice Council and so forth. I would suggest that we vote No on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR TROTTER:

Yes. Senator Cronin, is there a filing provision in this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR TROTTER:

A written filing provision?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Under -- I'm not sure. Under current law, the reciprocal offer and demand of settlement provisions for both parties are allowed at any time more than thirty days before the commencement of a trial. This bill requires that the plaintiff serve a written notice of the nature of the alleged violation against a new or used car dealer at least thirty days before filing the action.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Okay. Why do we have that provision in here? Doesn't that seem very, sort of onerous on the -- on the part of the plaintiff?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

For the exact reasons that I stated earlier, there would be an issue that would come to the attention of an aggressive plaintiff lawyer of -- of maybe nominal, nominal amounts of money - sometimes in the -- in the -- in -- less than a hundred dollars - that could be worked out before the case is filed and it's gone to trial. Could be worked out for less than the cost of the filing

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fee, but the motivation of the -- the attorney may be otherwise because -- because of the guarantee for attorneys' fees under the Consumer Fraud Act. We just wanted to give the parties -- it's kind of almost like mandatory arbitration. Give them an opportunity to sit down and maybe work it out before it goes into the court system.

PRESIDING OFFICER: (SENATOR WEAVER)

WBBM has asked permission to film. Is there leave? Leave is granted. Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Just to the bill: Senator Palmer, I guess, hit -- hit it basically on the head. This -- this bill is a very onerous one for the consumer and we just believe that it is not the thing that we should be doing at this point in time. We have -- in this legislative Session, have done a lot of things for business. I think it's time that we should be looking at the consumer, and this bill certainly is not one for the consumer groups and for the individual. And I ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an excellent bill, and I commend Senator Cronin for coming forward and trying to protect consumers. Under this Act, many, many lawyers - and there are two or three in particular in the Chicagoland area - make an incredible amount of money over, frankly, nothing, over the smallest, minutest - and it should be worked out among people - detail of auto dealerships. People come forward and they offer up -- because they get their attorneys' fees paid by the losing party, they come forward and they -- they have their fees paid and they drag out litigation on and on and



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on, especially in the suburbs and -- and metropolitan Chicago. And what that does is it drives up the cost of purchasing an automobile or having your automobile worked on all throughout Illinois. So, I think the only consumers that are really concerned about this bill are the few lawyers who make a killing off of auto dealerships in this type of activity. And everybody's cost of purchasing an automobile or having your automobile worked on at a dealership is reduced by this bill. And I believe Senator Cronin has spent long hours working on this to make it palatable and this is a pro-consumer bill. I think it's an excellent bill, and it deserves our support.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR CRONIN:

Thank you, Kirk. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 317 pass. Those in favor will vote Aye. Opposed will vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 14. Senate Bill 317, having received the constitutional majority, is declared passed. 320. Senator Butler? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, this bill was an effort by Senator Garcia and myself and was brought to us by -- at the request of the Illinois Association of Rehabilitation

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Facilities. The problem was that where there was a case of abuse or neglect under the Nursing Home Care Act or the Mental Health and Development <sic> Disabilities Code, or under the -- the policy required under the Drug-Free Workplace Act, were -- in the cases where there were abuse or neglect, it -- it should constitute misconduct, and -- under -- under our Unemployment Insurance Act, and benefits were being paid. What this bill does is to say that where there is such a violation, the benefits would be denied. So in cases of abuse or neglect, the benefits would be denied.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there -- is there discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I rise in support of this bill, in spite of the fact that it is not part of the agreed bill process and it does amend the Unemployment Insurance Act, because I think that if individuals, employees, have inflicted abuse or neglect on nursing home residents, that they ought to be held accountable, at least by being denied these benefits. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR HAWKINSON:

Senator, can you explain the procedure to me and the burden of proof on how these determinations will be made that there has been this kind of abuse? In other words, does this require a finding in the UI case itself? Does it require that there be a criminal

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prosecution alleging criminal abuse of -- of a disabled person or... I assume we're not going to deny benefits simply because there's been an allegation, unless there's an opportunity to be heard.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

That is correct. They -- it has to follow the hearing.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate Bill 320 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 57, the Nays are none, none voting Present. Senate Bill 320, having received the constitutional majority, is declared passed. Senator Watson, on 323. Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 323.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. This particular piece of legislation amends the Horse Racing Act, and it provides that organized licensees may, but not necessarily, request investigative services during all horse race meetings. This provides that the State Police shall bill each organization licensee for the actual expenses of providing the investigative services, rather than basing the bill on each organization's licensee pro rata share of the Department's expense. What we're -- what this will do is, the current law requires that each track

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request investigative services from the Department of State Police. With this legislation, it would actually free up some -- some State Police for other work. And I know of no opposition and would be glad to answer any questions; otherwise, I appreciate your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Just a question of the sponsor. This is -- this is permissive. It's not mandatory. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

That is correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate Bill 323 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 56, the Nays are 2, none voting Present. Senate Bill 323, having received the constitutional majority, is declared passed. 324. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 324.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 324 extends the sunset date of the Race Track Improvement Fund from January 1st of 1996 to January 1st, 2000. I'd be glad to

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answer any questions. There is no opposition. Would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Is this the vehicle bill for the task force?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

It's a possible buggy.

PRESIDING OFFICER: (SENATOR WEAVER)

A buggy. Any further questions? If not, the question is, shall Senate Bill 324 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 56, the Nays are none, none voting Present. Senate Bill 324, having received a constitutional vote, is declared passed. 331. Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 331.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 331 is identical to a bill that sailed out of this Body last year and got held up in the House. It's at the request of the Illinois Primary Health Care Association and it simply codifies current federal law regarding Medicaid reimbursement to FQHCs, which are federally qualified health centers. There was an amendment put on that makes sure that if the feds cut out the funding, the State is not required to

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pick it up. So I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I merely wish to reinstate what our speaker has just stated - the sponsor of this bill; that I think it's a good bill, and it is worthy, and I ask that you support it with your vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Any further discussion? Senator Hasara, to close.

SENATOR HASARA:

Just ask for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 331 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 331, having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill... Senator Molaro, on Senate Bill 332. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 332.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Currently in the habitual juvenile offender Act -- and to become a habitual juvenile offender, it has to be your third

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offense - basically, the three strikes and you're out. Well, a juvenile will be placed in custody until the age of twenty-one, with no possibility of parole. However, in the Act stated now, he is given day-for-day good time, meaning so if a sixteen-year-old, it's his third strike, he's out, we're sending him to the detention center till he's twenty-one, he can conceivably get out till he's eighteen. This takes that out and gives the Department of Corrections -- allowable to give ninety days good service credit to be applied towards his sentence. So it wouldn't be an automatic three years off your sentence. They know that if they're three strikes you're out, you're going to -- you're going to the detention center, and you're going to stay there till you're twenty-one. This is just part of the Molaro conservative anticrime package, so I wanted you to be aware of that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 332 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 332, having received the required constitutional majority, is declared passed. Senator Jones, on Senate Bill 344. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 344.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Thank you, Madam President. Senate Bill 344 amends the Criminal Code as it relate to witness compensation, and what it

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does is prohibit a person who may be a witness in a criminal prosecution from selling his testimony for a fee until the -- till the defendant is tried by a court without a jury or the decision rendered by a jury if he's to be tried by a jury. And the whole thrust behind this is to keep the integrity of our criminal justice system and those persons who will be witnesses, for them not to go out there and make dollars off it -- off selling their testimony prior to their appearing in court as a witness. That's all the bill does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator Jones, the -- the amendment quite properly exempted ordinary witness fees and mileage statements. A question that occurred to me is, I assume that this would not prohibit a witness from recovering a reward which has been offered by law enforcement or Crimestoppers or something of like. I just want your assurance that this would not prohibit the collection of a reward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

That's correct. It would not prohibit that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 344 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?



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Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 344, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 346. Yes. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 346...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Madam Secretary. Out of the record. Senate Bill 349. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 349.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Bill 349 transfers the responsibilities of the licensing and administering of real estate agents and brokers to the Commissioner of Savings and Residential Finance. I think everything has been worked out on that transfer. I'll be glad to answer any questions on Senate Bill 349 and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, just simple: Why do we -- why are we doing this?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, basically, it seems to simplify the process and makes more practicality, as far as the real estate people are always dealing with the Commissioner -- or the financial institutions and the Commissioner of Savings and Loans <sic> anyway. So as far as the Department of Professional Regulation, it removes them from the process and streamlines the process, as far as the contacts that are necessary between the State of Illinois and the Realtors.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 349 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 349, having received the required constitutional majority, is declared passed. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

Thank you, Madam Chairman. I missed the vote on 332. I would like to be recorded as being favorable on that bill. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Barkhausen, do you wish to have Senate Bill 354 returned to the Order of 2nd Reading for the purposes of an amendment? Senator Barkhausen?

SENATOR BARKHAUSEN:

I believe, Madam President, both on 354 and 355, that amendments have been filed, but I'm not sure they've yet gone to the Rules Committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. So then we have to wait on those. Thank you.

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Senator Barkhausen, on 356? Read the bill, Madam... Just a second. Senator Severns, for what purpose do you seek recognition?

SENATOR SEVERNS:

Thank you, Madam President. I'm -- it's my privilege to introduce today the eighth grade from Meridian Middle School, who's joining us in the President's Gallery. I would like the Senate join in welcoming them to the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will our guests please rise and be recognized. Senator Barkhausen, on Senate Bill 356. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. Senate Bill 356 is a complex but not controversial subject. It makes changes to Articles 8 and 9 of the Uniform Commercial Code. It's a recommendation of the National Conference of Commissioners on Uniform State Laws, and also is endorsed by both the bankers' organizations: the Illinois Bankers Association and the Illinois Community Bankers Association. It deals with the subject of how securities are held and what the rights and responsibilities of the various parties having an interest in securities are. And it passed unanimously in our Financial Institutions Committee, and I urge your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 356 pass. Those in favor will vote

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Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 356, having received the required constitutional majority, is declared passed. Senator Barkhausen, on Senate Bill 357. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 357.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President. Senate Bill 357 is a recommendation from our county board up in Lake County that I believe other counties support. Like other pieces of legislation that have been before us this Session and other Sessions, it attempts to require that criminal defendants who can afford the cost of an interpreter contribute, if they are able, to the cost of an interpreter. The bill was amended since it was introduced to answer some of the questions and objections that were raised, and I'd be glad to answer any questions that still remain.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I rise in strong opposition to this bill. I think, if this bill is approved, we're setting a precedent here, and I'm not sure that that's the type of precedent that -- that we want to set. By forcing an individual to pay for a service that is currently available and has been available and the law -- the State law does require that interpreters be provided, we are then saying that some individuals are going to be

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incurring a cost that others aren't. We're looking at unequal treatment here. What we're saying is, if an individual has certain amount of dollars available to be able to pay attorneys' fees, now that individual is going to have to pull away those dollars that are needed for his or her defense and now have to pay an additional fee, or a fee that others don't have to pay, for the interpreting services. Are we going to then do the same thing with State agencies? Are we going to do the same thing in DCFS with some of the cases where interpreters are needed? Are we going to do the same thing with Mental Health, State Board of Education? I think that this is a very dangerous precedent, and I -- and I ask our Members to please look at this as a -- as a fairness bill and also look at the danger of setting the precedent here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

END OF TAPE

TAPE 2

SENATOR MOLARO:

Thank you, Madam President. You know, I don't know the origination of this. I know the esteemed colleague on my right - no pun intended - said this came from the State's Attorney's Office or the Clerk of the Circuit Court. I don't know how much money we're going to save with this. As you well know, we have to have an interpreter there anyway in any court proceeding if someone doesn't speak the language. Ninety-five percent of the time we're talking about Spanish. So what we're going to have is,

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we're going to have a -- what is tantamount to a hearing to decide whether or not this defendant has the ability to pay. If he cannot pay, then, of course, he -- he doesn't have to. So I don't know if we're going to -- where we get the interpreter to do the hearing. We're going to have to have someone in the building anyway. So now he's going to have to come down and we're going to have to interpret for him to decide whether or not he has the ability to pay. Now, let's assume some judge says, "Well, you're making five, six dollars an hour, seven dollars an hour. This is America. You should be able to speak the language. We're going to make you pay for your own." And the interpreter is telling him this; that he's going to have to pay to keep using the interpreter. Now this person, who hardly speaks English, may say, "Wait a second. I don't even know what the heck I'm charged with. I don't have this money. My family's hardly eating." And he tells the interpreter, "You know what? I don't want to pay for you." Now what do we do? We have someone there who does -- can -- the -- the judge said he should pay. He doesn't want to pay. How are we going to have the trial? I don't understand what ill in the State of Illinois we're trying to correct by this legislation. The other part of it which -- which makes it seem a little -- a little strange is that let's assume we force this man to pay, we have the trial or the hearing, whatever it may be, and the man is found not guilty. Or the interpreter goes to him, explains to him what the charge is. He pleads not guilty. The judge says, "Okay. You have to pay your interpreter." The complaining witness never comes to court. The charges are dropped, or he's found not guilty. Here is a man who's innocent, whose charges were dropped, and yet he's going to have to pay for his interpreter. This isn't a right to counsel, something that you can or cannot do. You need an interpreter because you must understand what you're being charged with. You must understand

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what's going on. You can say, "I don't want a lawyer." That's something you can choose or not choose. You cannot decide to say, "Yeah. I'm going to come to court, and I could care less if I understand what's going on." A person who doesn't understand the language must have an interpreter. And to actually have innocent people being charged to use an interpreter, I think, is ill-founded. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator Barkhausen, does this bill affect the use of sign interpreters -- sign language interpreters in the courtroom?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, it doesn't, Senator, because it was requested that there be an -- an amendment, which was adopted, to remove such interpreters from the application of this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Garcia.

SENATOR GARCIA:

Can you explain the logic of removing sign language interpreters, when, in fact, they are interpreters and they carry out the same function as an interpreter who interprets a foreign language?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

It was suggested that -- that, again, this exception be made for those who were suffering from a physical disability, and so we -- we made that exception for -- for those with hearing impairments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

So we're being sensitive to one class of people and insensitive, I suppose, to another class. But let me move on to another question. Senator Barkhausen, are you familiar with the current state of quality of interpreters utilized in the various county court systems? And would you...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No. I've never worked in the system. So, no, I'm really not familiar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

So that you're not familiar with the state of that. I think that it's very important that the General Assembly become informed of the state of that before trying to enact a law that, in fact, will discriminate against people who don't master the English language. I think that we need to be looking at possibly establishing criteria for certification of interpreters, particularly if we are envisioning charging for that service. We should guarantee that people have a minimal level of competence who are going to be functioning in our county courts throughout this land. But to the bill: I'd like to say that we currently



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don't charge defendants for the use of court reporters in trials, or in proceedings before a court. We don't charge people for the use of a courtroom, because we think it's important to guarantee due process. I think the same argument can be made for interpreters. I think that the -- this bill will encourage people who are of limited English proficiency to plead guilty even though they may not be guilty, because they don't want to pay, because they are afraid, because this law singles them out. I think that it also encourages individuals to bring incompetent interpreters who may have the best intentions, who can be a neighbor, a friend, a cousin, an aunt, et cetera, into the courtroom, thereby jeopardizing this individual in his or her criminal record of the future. I think the bottom line on this bill - with all due respect, Mr. Sponsor - is that the bill punishes defendants who cannot speak English. The undertone of the bill is to make those individuals who do not master the English language to feel inferior and that's why I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates that he would yield, Senator.

SENATOR COLLINS:

Senator, do you -- you leave the -- the establishment of the fee up to the individual counties?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR COLLINS:

So there's no real uniformity with the...

SENATOR BARKHAUSEN:

I believe that it's a reasonable fee that is set by the court

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-- the court system.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

My -- my -- my real concern, among others, but I -- the primary concern with this bill: What happens to that person who goes in, first of all, can't speak English, don't understand English and who is not guilty of a crime, you know, and who is not willing to pay for an interpreter? What happens to that particular person?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The -- the interpreter is automatically appointed, and only after the disposition of the matter would there be a determination of the defendant's ability or lack of ability to pay for the interpreter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

So -- so, as Senator Garcia was saying, you don't have an option to take in your own interpreter. Do you have that option?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

They -- they would have the same option that they have today.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Senator, that seemed to be a -- contradictory. You said that the court make -- will appoint the interpreter. I'm trying to find out is it automatic, mandatory, or can you take your own

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interpreter in as you so desire?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I don't know of anything that prevents them from bringing in their own interpreter, and of course, if they do that, they wouldn't need the -- to have the court appoint the one who is serving the court system.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Well, I -- I think this is a really bad precedent that we are setting here. It is discriminatory, because it targets and it set out a special class of people. And it most certainly does not lend itself towards uniformity because the assessment of fees will be determined by the various counties. And it's just a bad precedent that we're setting here, and I -- I'm opposed to the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Barkhausen, Senator Molaro raised an interesting question, and I want to pursue it. According to this bill, it looks as if there will be two hearings in the court process: one to determine what the defendant is being charged with, and then at some point, either before or after that, a hearing to determine the capacity of the defendant to pay for an interpreter. Is that correct?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, there would have to be -- there would have to be an early determination - there is today - have to be an early determination as to whether somebody needs and interpreter. And then if they need an interpreter, use an interpreter, then, as I say, after the disposition of the case, only then would there be a determination of the defendant's capacity or lack of capacity to -- to pay all or a portion of that cost.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

But that determination is, in effect, a hearing at some point. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

That would be the -- the case today with the question of who pays for appointed counsel.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

To the bill: I object to this bill very strongly, and for all of the reasons that have been stated before, but I'd like to just add a few to this. It seems to me that not too long ago in this very Body we supported, once again, the need to have in hospitals signs saying that interpreters would be provided for people so that they could understand what their health care -- what the -- the problems they were having with health and so forth. So it seems to me that if we think that's important in a hospital, that it should be the same in a court. And I would like to point out

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that it's very interesting that the -- that sign language interpreters for the hearing impaired are not subject to the provisions of this bill. It -- and I certainly support them not being part of this, but it says something else, as well - that there is an organized lobby that objected to this; whereas, the people that we are targeting in this bill obviously have not had a -- a lobby strong enough or a voice strong enough to object to the provisions of this bill. I think it's grossly unfair. And finally, I'd like to suggest to you, as we -- we keep talking about globalization, and I would suggest to you that you take a look around the world and consider how many Americans outside this country are now in situations where they cannot speak the language of the courts that are ruling on them and whether, in effect, you would like this to be reversed and put -- put people who speak English -- people who don't speak English in this situation. I think this is a very bad thing to start, and I think it will catch up with us later on should we pursue this path.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I understand that the current law requires the court to appoint an interpreter for the criminally accused when necessary for a fair trial. And I think in order to have a fair trial where people cannot speak the language, the court should appoint an interpreter. I don't think that we should charge the accused, because the main reason for having an interpreter is to get a fair trial to see what evidence can come out. And I think Senator Molaro stated it very succinctly, and I agree with him. I don't think this is such a good bill, even if my county asked for it, because the most important thing is for the accused to get a fair trial. If he's accused and he's convicted, I want the conviction

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to stand, and therefore, I speak against the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Barkhausen, I'm unclear on the issue. If the defendant is found not guilty, is there any charge to him for the interpreter?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, there could be, just as there could be today with appointed counsel having served for a defendant who is found not guilty.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Senator Barkhausen, yesterday we passed a bill that said that all costs could be totaled up and the defendant, even if he was in prison, he could be pursued for a period of -- I believe it was five years, for those costs. Wouldn't the cost of the interpreter be included in that bill, and wouldn't that pretty much take care of your problem here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Staff tells me that the bill we dealt with yesterday, dealt only with the -- the question of cost of incarceration and nothing else.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I guess I'm a little confused. I came in and - I apologize, I was on the phone - came in a little bit late on the discussion, but I'm a little confused on a -- the sponsor's answers to some of the questions. Senator Barkhausen, for example, if -- I -- I understand that if someone is -- is seeking services of -- of the courts, or the county, and they are -- are unable to communicate in the English language, they could be required to -- to provide their own interpreter, or if they need interpreters, they -- they would be assessed a fee for this interpreting services. But my question - and correct me if I'm wrong - my question is; If -- if someone is walking down the street and he is arrested by a police officer and he cannot speak the English language, and he is taken to the -- through the judicial system, he is processed, and whether he is found guilty or not does not matter, he can still be required to pay for the interpreter's fees that were required during his incarceration and going through the courts?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes. That's correct, Senator Dudycz. But I -- I hasten to add, again, and draw the parallel with the existing practice dealing with appointive counsel. Those who are charged today and who -- who have the capacity to pay for lawyers, even though innocent or ultimately found innocent, pay for their own counsel, and so this is just extending that same principal to the question of interpreters.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

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SENATOR DUDYCZ:

Well, I think it's -- I think it's a bad thing you're trying to do here, because if someone -- even if someone is found innocent of any crime, you are penalizing him because he may be a hardworking father of some children, he may be having some assets, he -- and even though he has been arrested and prosecuted and found innocent of any crime, he is being required to pay for his defense of something that he didn't do. So I join with the opponents on this particular bill, and I would urge that everybody defeat it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dunn. Senator Barkhausen.

SENATOR BARKHAUSEN:

As I indicated at the outset of this debate, I was asked to handle this bill by my county. If -- if it happens that my legislative leadership from my own county doesn't even support the bill, I would ask that the bill be taken out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the record. Senate Bill 358. Senator Fawell. Senator Fawell on the Floor? Senator Fawell on the Floor? Yes. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 358.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:



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Thank you very much. This is a bill that has been worked on and I think everybody is in agreement now. It says that nursing home administrators' licenses may be granted for a one-year period, and during that one-year period, the temporary license holder is required to take at least one of the scheduled exams for a nursing home administrator's license. There are eight tests that are offered during each year. If, during that year, they cannot pass any of those eight tests, then they will not get their nursing home administrator's license.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 358 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, Mr. Secretary. On that question, there are 53 Ayes, no Nays, no Members voting Present. Senate Bill 358, having received the required constitutional majority, is declared passed. Senate Bill 359. Senator Fawell. Senate Bill 361. Senator Fawell. Senate Bill 368. Senator DeAngelis. Senator Watson seeks leave to return to Senate Bill 377 later. Senate Bill 393. Senator Peterson. Senate Bill 398. Senator Madigan. 399. Senator Barkhausen. Senator Barkhausen, on Senate Bill 399? ... (microphone cutoff)... bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 399.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 399 is a request from the Illinois Propane Gas Association and is also supported by

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Growmark. It increases fines for violation of the Liquefied Petroleum Gas Container <sic> Act, and it provides an exemption for very small containers of propane so that it really only has a commercial application. It passed in the Senate Environment Committee unanimously. I know of no opposition and would ask your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 399 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, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 399, having received the required constitutional majority, is declared passed. Senate Bill 401. Senator DeAngelis. Senate Bill 415. Senator Dudycz. Senator Dudycz, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Dudycz seeks leave of the Body to return Senate Bill 415 to the Order of 2nd Reading. Hearing no objection, on the Order of 2nd Reading is Senate Bill 415. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz. Out of the record, Mr. Secretary. Senate Bill 427. Senator Donahue. Senator Donahue on the Floor? Senate Bill 432. Senator DeAngelis. Senate Bill 433. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 433.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 433 is a recommendation of the Business Corporation Act Advisory Committee of the Secretary of State's Office. It attempts to provide a number of alternative remedies that a court would have other than ordering a dissolution of a corporation, and it applies -- these new remedies apply especially to closely held corporations. Under present law, courts of equity, as they be referred to, are often hamstrung in only having as a -- as a potential remedy in a situation where shareholders of closely held corporations who do not own interest that could be readily sold, they -- the courts are limited to ordering a dissolution of a corporation, and in that situation, there are many instances in which jobs are lost. By providing, as this bill does, a host of alternative remedies - I believe there are about a dozen of them - courts of equity will have other alternatives other than this most drastic one. And I'd be glad to answer your questions, and otherwise urge your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 433 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, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 433, having received the required constitutional majority, is declared passed. Senate Bill 434. Senator Cronin. Senate Bill 441. Senator Klemm. Senator Klemm, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Klemm seeks leave of the Body to return Senate Bill 441 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted.

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On the Order of 2nd Reading is Senate Bill 441. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. With leave of the Body, I'd like to handle the amendment for Senator Raica.

PRESIDING OFFICER: (SENATOR MAITLAND)

Leave is granted, Senator. Thank you.

SENATOR DUDYCZ:

Senate Floor Amendment No. 2 -- first of all, the bill is the part-time police officers' bill that has been worked upon by the -- the various parties: the Municipal League and the law enforcement agencies, the -- as well as the police unions. Senate Amendment No. -- No. 2 adds two provisions which were -- were requested by the Fraternal Order of Police, and they were modified to accommodate the Illinois Municipal League. The two provisions state that training for part-time officers shall be of -- of similar content and the same number of hours as courses which are provided for full-time police officers, and second, it states that the part-time police officers shall not be used as permanent replacements for full-time police officers. All parties have agreed to this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Dudycz moves the adoption of Floor Amendment No. 2 to Senate Bill 441. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr....

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No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 443. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 443.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. The Committee Amendment No. 1 becomes the bill. It provides that an employee of the State or a local agency charged with inspection, surveying or evaluating facilities who willfully profits from violating the confidentiality of the inspection, survey -- the survey or evaluation is guilty of a Class 4 felony. Such conduct by the employee shall be deemed unprofessional conduct. The employee may be subject to the loss of his or her professional license, and an action to prosecute may be brought by either the Attorney General or the State's attorney. I know of no opposition to the bill as it stands.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 443 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 443, having received the required constitutional majority, is declared passed. Senator Philip, on Senate Bill 450. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 450.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Simply stated, Senate Bill 450 is a vehicle bill. It amends the Illinois Enterprise Zone Act. If sometime later in the Session we can come to some kind of an agreement on something, this may show up back over here again. So I'd be happy to answer any questions. I'd like to get it over to the House. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, the question is, shall Senate Bill 450 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. Senate Bill 450, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 459. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 459.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Bill -- Senate -- Senate Bill 459 is an ICC initiative which moves the statutory provisions under which the ICC regulates common carriers by -- by pipeline from the Illinois Commercial

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Transportation Law to the Public Utilities Act under which they had historically been regulated. Common carriers by pipeline will continue to be regulated under the Public Utilities Act as they have been for the last several years under the Commercial Transportation Law. As you know, the feds have -- have usurped the authority of the -- of the states to regulate intrastate transportation and this -- this bill is necessary to accommodate those new changes in -- in federal guidelines, and I would -- there was no opposition in committee. I know of no opposition. I would seek your support to Senate Bill 459.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 459 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 459, having received the required constitutional majority, is declared passed. Senator Mahar, on Senate Bill 460. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 460.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you -- thank you, Madam President and Members of the Senate. Senate Bill 460 requires the EPA to design an emissions market system to assist the State in meeting the applicable post-1996 provisions of the federal Clean Air Act Amendments of 1990, provide maximum flexibility for designated sources that reduce emissions, and that takes into account the findings of the

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national ozone transport assessment, existing air quality conditions, and resultant emission levels necessary to achieve or maintain attainment. The IEPA is authorized to develop proposed rules for a market-based emissions reduction, banking, and trading system, which will allow all stationary sources to implement cost-effective compliance options. There was no opposition in committee, and I'd be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 460 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 460, having received the required constitutional majority, is declared passed. Earlier we asked leave of the Body to go back to four -- or, three of Senator Madigan's bills. We will start with Senate Bill 398. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 398.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Bill 398, as amended, represents the agreed language between the -- the hearing aid salesmen and the audiologists as far as the rewrite of the Hearing Aid Consumer Protection Act. It extends the sunset from December 31st of 1995 to January the 1st of 2006. Makes numerous technical changes. Addresses the concerns of the mail-order firms dealing in hearing aids. And I would be glad to



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answer any questions, but otherwise would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 398 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 398, having received the required constitutional majority, is declared passed. Senate Bill 422. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 422.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senate Bill 422, which is cosponsored by Senator Viverito, has an -- the amendment becomes the bill and creates the Board and Care Registration Act <sic>. And basically, Ladies and Gentlemen, board and care facilities are currently -- have to come under the definition of the nursing home and those types of facilities. Board and care facilities, which are fairly common throughout the State, are facilities that are intended for the elderly, that do not require the intensive care or facilities that nursing homes normally require in those provisions and statutes that they would fall under. In committee, I had committed that we would -- that this bill is not in its final form as far as the registration of these types of facilities. Due to the compressed schedule that we have been on -- operating this week, we have not been able to come to a

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consensus as far as the final language of Senate Bill 422 and the creation of board and care homes statutorily in Illinois. I would commit to the Body, if the Body would see fit, that we pass this bill in its present form, send it over to the House, and we will continue working on this so that we can represent to you, when it comes back for concurrence, that this is a bill in its best and final form. I would be glad to answer any questions subject to what I had outlined -- just outlined previously, but would otherwise ask for its favorable approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any questions? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Madam President. I have served on a board, Senior Home Sharing in DuPage County, in the past, which does this kind of work. This is an excellent facility for people who do not need nursing home care, but still need some kind of care. We certainly should move this bill along, and we should promote this kind of thing any way we can. So I speak in favor of the bill, and -- and hope everybody votes green.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further questions? Any further questions? The question is, shall Senate Bill 422 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 422, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 423. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 423.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. And I particularly want to thank you, Madam President, and the Members, for allowing us to go back on these bills. Senate Bill 423 comes from the Illinois Association of Professional Fire Fighters and has to do with widows' annuities. Currently there's an IRS ruling that would subject these types of annuities to income tax. This bill is an attempt - hopefully a successful attempt - to remove these from being subject to federal income tax, and that's basically the purpose of the bill with regards to the widows' pensions or annuities with deceased firemen. I would be glad to answer any questions on Senate Bill 423.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 423 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 423, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 465. Senator Karpziel, on 478. Do you wish to have this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Karpziel seeks leave of the Body to return Senate Bill 478 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 478. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Karpiel.

SENATOR KARPIEL:

Thank you very much, Madam President. The amendment deletes the underlying bill and it -- what the amendment then does is change the qualifications of -- persons appointed to an airport authority board. Basically, that's what it does. It will allow people who are appointed to any government board or a State or a federal board to sit on airport boards.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any -- Senator Jones. Senator Demuzio.

SENATOR DEMUZIO:

I haven't read this amendment. Does this -- does this require an audit also of the DuPage Airport?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Senator Demuzio, that part of the bill was removed because it is being taken up in another bill sponsored by Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Trotter.

SENATOR TROTTER:

Thank you very much. Senator Karpiel, in committee I had a couple questions. I told you I had some reservations, as well, and -- and ended up voting Present. Just for the record, and for the other Members to hear, does this have anything to do with Chicago airports whatsoever - O'Hare - and that kind of issue?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

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SENATOR KARPIEL:

The provisions of this -- of this amendment -- of this bill now, would apply to all airport boards throughout the State. Let me tell you exactly what it does, so that you don't think we're trying to take away any kind of powers from O'Hare, or from any other airport board. At the present, time someone who sits on an airport board cannot be an elected official of -- of State or federal government or a local government, and cannot be appointed -- an appointed commissioner on any kind of a State or federal commission. We are trying to open it up more so those people that are appointed to State and federal commissions can also sit on an airport board. What we are doing is expanding the number of people that can sit on these boards, not restricting it, and this has absolutely nothing to do with O'Hare.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Okay. And also specifically, as we asked in committee, this does have -- there is an individual in mind that this legislation was written on -- on behalf of.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpriel.

SENATOR KARPIEL:

Yes, there is, and he's a good friend of many of us in DuPage County.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Any further discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. Hold on. Senator Trotter, why do you seek recognition? All you have to do is turn your light on.

SENATOR TROTTER:

Thank you very much.

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PRESIDING OFFICER: (SENATOR DONAHUE)

All right.

SENATOR TROTTER:

Yes, Madam President, I would just like to have a roll -- roll call vote on this issue.

PRESIDING OFFICER: (SENATOR DONAHUE)

A roll call has been requested. That is always in order. On the Order of 2nd Reading is Senate Amendment No. 2 to Senate Bill 478. All those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 22 Nays, none voting Present. Amendment No. 2 to Senate Bill 478, having received the -- is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, on Senate Bill 504. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 504.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver. Just a second, Senator Weaver. Senator Demuzio, why do you seek recognition?

SENATOR DEMUZIO:

I was just going to inquire as to the Order of Business. Are we going to take up the series 500 now? Is that correct, Senator Weaver? Perhaps I'll pose that question to you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

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SENATOR WEAVER:

I'm sorry. I couldn't hear the question, Senator Demuzio.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you repeat the question? Senator Demuzio.

SENATOR DEMUZIO:

Are we doing to take up the series of the -- of the bonds now -- the 500 series? Is that what we're going to do for the remainder of the few minutes here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

I'm passing over 501, 502, 503, but I'd like to call Senate Bill 504.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, we'd like to request a Democrat Caucus for a little while.

PRESIDING OFFICER: (SENATOR DONAHUE)

That -- that request is always in order. Do you -- can you give us the time limit?

SENATOR DEMUZIO:

About -- about forty-five minutes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The Senate will stand in recess until the hour of 2 o'clock.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...will come to order. Messages.

SECRETARY HARRY:

Dear Mr. Secretary - Please be advised that I do hereby resign my position as a Member of the Senate Committee on State Government Operations. This letter shall serve as my written resignation, according to the Rules of the Senate.

Sincerely, Senator Penny Severns.

Message from the Minority Leader.

Dear Mr. Secretary - Please be advised that, effective immediately, I have appointed Senator James Clayborne to fill the vacancy on the Senate State Government Operations Committee, created by the resignation of Senator Severns.

Sincerely, Emil Jones, Jr. Dated April 26th, 1995.

PRESIDING OFFICER: (SENATOR DONAHUE)

With leave of the Body, WSIL-TV has requested permission to videotape the proceedings. Leave is granted. Senator Garcia, for what purpose do you rise?

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR GARCIA:

Madam President, it is my pleasure to introduce to you and to recognize some young constituents from the 1st District that are here this afternoon in Springfield: The Daniel Corkery School is present here. I would like to ask them to please stand up and take a bow, and be recognized, and...

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized.

SENATOR GARCIA:



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Welcome them to Springfield. And they are accompanied by the assistant principal, other teachers and parents and chaperons. It's one of the great schools in the 1st District.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome to Springfield. Messages from the House.

SECRETARY HARRY:

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 942, 991, 1023, 1221, 1248, 1277, 1424 and 1489.

All passed the House, April 26th, 1995.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Appropriations - House Bills 1473 and 1474; to the Committee on Commerce and Industry - House Bill 398; to the Committee on Education - House Bill 178; to the Committee on Environment and Energy - House Bills 544, 729 and 2138; to the Committee on Executive - House Bill 1106 and Senate Amendment 1 to Senate Bill 801; to the Committee on Insurance, Pensions and Licensed Activities - House Bill 231, Senate Amendment 1 to Senate Bill 611, Senate Amendment 1 to Senate Bill 725, Senate Amendment 1 to Senate Bill 1027, and Senate Amendment 2 to Senate Bill 1183; to the Committee on Judiciary - House Bills 16, 113, 186, 548, 667, 995, 1116, Senate Amendment 2 to Senate Bill 747, Senate Amendment 1 to Senate Bill 897, and Senate Amendment 1 to Senate Bill 812; to the Committee on Local

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Government and Elections - House Bill 211; to the Committee on Public Health and Welfare - House Bills 23 and 1132, Senate Amendment 2 to Senate Bill 143, Senate Amendment 2 to Senate Bill 359, Senate Amendment 2 to Senate Bill 445, and Senate Amendment 1 to Senate Bill 662; to the Committee on Revenue - Senate Amendment 1 to Senate Bill 134, Senate Amendment 4 to Senate Bill 401, and Senate Amendment 2 to Senate Bill 726; to the Committee on State Government Operations - House Bill 1511, Senate Amendment 1 to Senate Bill 336; to the Committee on Transportation - House Bills 8, 539, 878 and 1048; re-referred from the Transportation Committee to the Committee on Rules - Senate Amendment 2 to Senate Bill 359; and Be Approved For Consideration - Senate Amendment 3 to Senate Bill 355, Senate Amendment 2 to Senate Bill 553, Senate Amendment 3 to Senate Bill 788, Senate Amendment 3 to Senate Bill 978, Senate Amendment 2 to Senate Bill 1206, and Senate Amendment 3 to Senate Bill 1129.

PRESIDING OFFICER: (SENATOR DONAHUE)

On the top of page 9 on your Calendar is Senate Bill 504. Senator Weaver. Read the bill -- the bill has been read a 3rd time. Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. Senate Bill 504 amends the General Obligation Bond Act, and a Floor amendment was offered by Senator Rauschenberger. So I will yield to Senator Rauschenberger to explain the Floor amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver yields to Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, President and Ladies and Gentlemen of the Senate. Senate Bill 504, as amended, amends the General Obligation Bond Act to increase the General Obligation Bond authorization of the State of Illinois by three hundred and sixty-one million dollars.

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The proposed General Obligation Bond authorization in this amendment includes education bonding, which has a current level of seven hundred and fifty-two million. The proposed new level is eight hundred and thirty-nine million. Corrections goes from six hundred and nineteen million to seven hundred and seventy-four million. Conservation bond authorization goes from two hundred and sixty-four million to two hundred and seventy-four million. Mental Health from three hundred and fifty-three million to three hundred and ninety-three million. State agencies from seven hundred and twenty-nine million to seven hundred and thirty million. Water Resources from one hundred and twenty-two million to a hundred and twenty-four million. Transportation Series B Bonds go from seven hundred and thirty-five million dollars to seven hundred and eighty-eight million dollars. Anti-pollution Bonds go from a hundred and seventy million to a hundred and eighty-one million dollars. These authorized levels are not spending. There'll be a capital spending bill that will go through the appropriations process and be available for Members to vote on the Floor. This simply raises the debt ceiling of the State of Illinois to accommodate the Governor's proposed capital budget. This amount is -- tracks with the Governor's request. This bill does not include the short-term Medicaid borrowing that was somewhat controversial in our committee and was discussed earlier. This bill also includes a increase in the Baccalaureate Savings Act. That's amended to allow the issuance of an additional five hundred million dollars in General Obligation Bonds in the form of College Savings Bonds, a very successful program that's been well supported across the State of Illinois. I'll be very happy to answer questions on this bill if people have them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Severns.

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SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I think, given the -- the budget process, that this vote is a little premature. Many times in past years we've waited till we have seen the full list of projects the Governor plans to fund. In fact, many times we've voted on the Bond authorization during the Veto Session. To give the Governor a blank check on bonding authority seems to be a step in the wrong direction. All of us know that we've not started to address our debt problems. Most recent downgrading of bonds came as a -- came as a result of our unpaid Medicaid bills. The credit rating for Illinois is the lowest level since 1944. The Governor, almost one year ago, stood before the Illinois Association of School Administrators and said, and I quote, "You told me, through your leadership, that in many districts you need help on new buildings and capital projects. So today what I propose to you will create a program in Illinois that can provide up to one billion dollars, and those are what I talked about a minute ago. Up to thirty-six percent of General Revenue for these critical needs. As much as five hundred million dollars will come from the State." That's what the Governor said on May 5th of last year when addressing the Illinois Association of School Administrators. Yet the amendment that would do just that, sponsored by our side of the aisle, sits in Rules Committee and was not even voted out of Rules to be considered on the Appropriations Committee. A part of that amendment also provides that the State of Illinois should not exceed forty-five percent of tax receipts in its -- in its bonding and debt. Unfortunately, that proposal sits in the Rules Committee. It is not appropriate, given the record of this administration, that we give the administration a blank check. We know that year after year we vote for bonding authorization, and we know that year after year we increase the level of bonding authorization. What we also know

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is that we've not appropriately addressed the debts that are outstanding. When we have the bonding houses tell us time and again that they're going to downgrade us - most recently a third time during this administration, and it's because of our inadequate fiscal policies - it seems to me that we're sending a wrong signal to give the Governor and the administration a blank check on bonding authorization. I appreciate the need for partisan votes at times, and I appreciate the need that many of you want to be loyal to the Governor's request, but to vote out a bonding authorization, to give a blank check without even having the budget in front of you, seems to be foolhardy. I would -- I'm surprised that -- frankly, that the Chairman, whom I have respect for, who -- who also has demonstrated a level of fiscal conservatism in this Chamber and on the committee, would want to promote the bill that he's promoting, but I also understand that that's what the administration is requesting. I don't think we want to give a blank check. I don't think we want to vote blindly for an increased bonding authorization when the State of Illinois is becoming known to the bonding houses as a deadbeat. I would urge the Members on this side to vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Senator Carroll.

SENATOR CARROLL:

Why, thank you, Madam President, Ladies and Gentlemen of the Senate. I rise, also, in opposition to this proposal and for basically the very same reasons as expressed by Senator Severns. Those of us with institutional memory - and maybe that's not always good - do recall that in most years we have waited, in fact, till a capital budget has not only passed the General Assembly, but has been signed in law by the Governor, and then we would raise, if appropriate, the bond authorization to the level that has been signed into law, so that we, the General Assembly,

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still serve as that check and balance, not a blank check, on the actual spending of bonds by determining what actually gets signed into law. And yes, each and every year there is a budget, and yes, each and every year there are programs in that budget that call for capital expenditures. It does not mean in any given year, and has not, that that's what ends up on the Governor's desk, nor does it mean, and has not in any given year, that that's what the Governor ends up signing. So to raise the authorization level before you know what projects are there is foolhardy, as far as fiscal conservatism and fiscal responsibility. And I just want to echo the comments as to what has happened here in Illinois under this administration. This has been a borrow-and-spend administration. This type of legislation just plays into the hands of the bond houses, who have, once again, lowered our rating and raised, therefore, the amount we have to spend of taxpayer dollars in interest. And what they have said to us is: Your fiscal house is not in order. You are borrowing and borrowing with no stream to pay it off. You're not paying your back debts, and therefore, you are a riskier bond. There were times, up to a couple years ago, when Illinois was called gilt-edge bonds - the lowest interest rate of any bond issue in the country, and the one that every investor wanted. Now, because of this irresponsibility, we have dropped in ratings three times, costing us millions upon millions of interest dollars, and this just flies in the face of the warnings we've been given. And that is because no one knows yet what these are for sure going to be spent on. The other point is, there is available authorization in each category as we sit here today. There is over a hundred and thirty-two million dollars available for additional projects under the existing authorization. So to pass further than that now is not only foolhardy, but really does continue to jeopardize the State's credibility and creditworthiness in all of the markets.

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And I know Senator Jones has had passed out the State of Illinois GOP Bonds, which what this is representative of, and that is "to spend and borrow, we will pay tomorrow". And it shows again that our rating has gone from AAA to AAL to AA now to A1, and who knows what it's going to be in the future. That's not the way we should be spending the people's money, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, I'm hearing that this is a blank check and that you don't know what you're going to -- you know, what specific programs that will be -- this -- these monies will be used for -- the proceeds will be used for. Could you explain to me specifically again what specific areas that we are going to use increasing the bonding authorizations for?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator. This -- this is not a blank check. We're increasing the bond -- the authorized bonded indebtedness levels of the State of Illinois. In Education, we're adding a eighty-seven-million -- 87.5-million-dollar increase in the bond authority. In Corrections, we're adding 155.5 million dollars in bonding authority. In Conservation, we're adding ten and a quarter million dollars in bond authority. In Mental Health, forty and three quarters million dollars increase in bond authorized authority. For State agencies, nine hundred thousand dollars. Water Resources two million dollars. Transportation

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Series B, for highway construction, fifty-three million dollars in increased bond authorization. And Anti-pollution Bonds, eleven million dollars.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

To your -- to your knowledge, Senator, are there any other plans to -- to utilize any of this money or to increase bond authorizations for any other purposes, other than basically these that are outlined in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Absolutely not. You would not be able to use them for any other -- any other purposes than the ones I've outlined.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Madam President, Ladies and Gentlemen of the Senate. Senator Rauschenberger, I, too, can applaud you for the way and the manner in which you have run the Appropriations Committee, but let me indicate to you that what you said over the weekend to the media is absolutely, precisely the case: You only need the Democrats for one vote this Session and this is it. You want us to give you carte blanche to take the cap off. You want to establish the priorities. You want to establish the entire State budget without any input from the Minority Party. You want it. And you know you will pass a budget with all of your projects in it. Senator Carroll was right: There is money in the pipeline already for projects that will be able to be continued. And so what we have today is political posturing. It's a vote that is supposed to be intended to put us in some bad perspective



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back home, but I think what the folks back home will say is: When you voted to -- for the bond authorization, did you know what projects -- what you were going to -- what was going to be funded? And my answer will be no. Folks back home will say: You know, you passed, in the Illinois Senate for the last three of the four consecutive times and sent to the House, money for school district construction bond funds, and it didn't pass over there. And yes, indeed, the Chief Executive Officer of this State said we would have money for school district construction bond funds, and he said that in his pledge that he made to the voters of Illinois last year. Not contained in this. Our amendment was not allowed to be heard in committee, and it was certainly filed in -- in the appropriate, timely manner. And so you need the Democrats today to take the cap off so you can determine the projects in your districts and then you can craft the budget without us. We want to work cooperatively together with you to make the appropriate decisions to run State government for next year, but historically we have not gotten into the caps on bonds at this particular time in the Session. I think Senator Carroll alluded to that during his -- his remarks. So today this is a political vote. And I'll tell you what I think is going to happen. I think I'm going to be held more in a positive vein in my district for not voting for this because I don't know where the projects are, and I think you guys are -- I tell you what: I -- I think it's blatant to say that you need the Democrats for one vote, and that's -- and that's this one. I think that says it all. I rise in opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Just a point of parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DONAHUE)

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State your point.

SENATOR JACOBS:

How may votes will this take?

PRESIDING OFFICER: (SENATOR DONAHUE)

Three-fifths majority.

SENATOR JACOBS:

Thank you. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jones.

SENATOR JONES:

Well, Senator Rauschenberger, you read off a litany of projects that you have on a piece of paper in your hand. Could you tell the Body whether or not that has been introduced into a bill, 'cause I haven't seen any legislation whatsoever? Now where is the legislation for all the capital projects?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Jones, thank you for that question. The Governor's proposed expenditures for the capital budget are contained in Senate Bill 930, which is still in the form he introduced it in.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, you know and -- and the rest of us on this side know and the Members on your side of the aisle should know that we have all these budget bills on the Calendar that are mere skeletons. And until such time that you put something in there, you'd be voting

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in the blind. Now, I know you are a very sharp man. You know budgets. You go to the bank, but I know you do not go and sign a blank check and give it to anyone. I know you don't do that. So why would you even ask the Members on your side of the aisle to sign for something when they don't even know what's in it? As my colleague said, this is nothing but politics - sheer politics. You want to play politics with the people of Illinois. You want to mortgage their grandchildren and children. All you want to do is spend and borrow with no accountability. But I cannot see the intelligent -- legislators on your side of the aisle voting for something they have not seen; they haven't even read one line item as it relate to these proposed capital projects that you talk about. What the Governor gave in his budget address is one thing. What we have here is absolutely zero. So if you're going to be fair to your colleagues, if you're going to be fair to the Members on this side of the aisle, you would say, "Okay, we will introduce the capital projects and you will see where they are", and give the Members on both sides of the aisle the opportunity to vote intelligently on something, rather than play politics, as you indicated in the press this past weekend. So, again, I urge the Members on this side to vote No. And don't vote for a blank check. When you vote for a blank check that's why the bond rating has dropped from AAA all the way down to A-. That's terrible.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RAUSCHENBERGER:

I want to thank the Members of the Senate, and I certainly appreciate the concerns on both sides of the aisle regarding this bond authorization. I'd like to point a few things out. This vote today is no surprise. For more than a month I said to anybody who will listen that I want to separate the bond

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authorization votes from the budget process, that the budget process should not be mixed up in a supermajority vote over the authorization levels. Senator Demuzio, you're correct: historically we've never done it this way. And historically, this budgetary process is a mess. I'm not sure this is the -- the sinecure for everything that needs to be done in State government, but certainly we have got to change something in the way this process works. We are not going to run into June and July and do our budgets irresponsibly. Our goal here is to try to do a responsible budget. I encourage the Members of this General Assembly to vote their conscience on the bond authorization. It's important that we understand, as in the Appropriation Committee and the appropriation process, the limits and the parameters that the general Membership of this Body will give us to work with on the capital budget. That's why you should bring the authorization before the budget itself. As to what projects are under discussion, the Governor's proposed budget for capital - Senate Bill 930 - has been in circulation for more than sixty days. This is not a blank check. I -- I don't understand that at all. We have to appropriate the spending of that money. The -- the authorization is not tied to the spending of the money. We have the appropriation process to rely on to decide how we're going to apportion these things. I think, though, it's important that Members on both sides of the aisle realize that this -- this vote does have meaning. It's time that we face our constituents. It's not fair for us to run around for ninety days and pretend we support projects when we're unwilling to support the debt necessary to make those construction decisions. The funding in this authorization, as per the Governor's proposed spending, will construct four new housing units -- four new facilities for prisons across the State of Illinois with locations unidentified yet. This will fund construction of a new medium-security

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facility at a site undetermined yet. It'll construct additions at three other facilities. We have a corrections problem in the State of Illinois. We have a capacity issue. This bond authorization allows for the completion of the super max construction at Tamms Correctional Center. This capital authorization, according to the Governor's allocation, would authorize sufficient monies for Vienna Correctional Center to upgrade its steam distribution system, to install security fencing and upgrade the air conditioning and the cooling tower systems there so they can run that prison. This bond authorization, according to the Governor's allocation, will complete construction of the Chicago Forensic Science Lab in Chicago. These are in Democratic districts. This is not a Republican grab. We're working from the Governor's blueprint. This is the Governor's introduced level. This is the Governor's authorized request. If this Body does not want to support -- if you do not want to support the capital projects that the Governor has recommended, then we need to go and face our constituents and tell them that we're not interested in this kind of capital construction. We need to go back to Edwardsville and tell the Southern Illinois University at Edwardsville that we will not pay for their engineering building. I think Members in this Body have the right to vote on this bill separate, not in the emotions of the final budget authorization, that this is for the authorized level of spending. I would encourage a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 504 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? Last time. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 22 Nays, 2 voting Present. Senate Bill 504, having not received the required

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three-fifths majority vote, is declared failed. Senator Weaver, on Senate Bill 505. Out of the record. Senator Thomas Dunn, on Senate Bill 506. Senator Petka, on Senate Bill 511. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 511.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. Senate Bill 511 is -- visits two areas of criminal justice. First of all, it basically take direction from the Illinois Supreme Court and basically cures an infirmity that the Supreme Court found in case of "People versus Zaremba", in which our undercover sting operations were aborted because of some faulty language. We now have language in this legislation which will clear up that problem. Also, there is a correction, for clarity purposes in the sentencing, to mandatory life for the murder of a police officer, a firearm -- a fireman, a correctional officer, a paramedic or two or more people. It cleans up the confusing wording. This bill came out of the Judiciary Committee 10 to 0. I'm not aware of any opposition. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Seeing none, the question is, shall Senate Bill 511 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 511, having received the required constitutional majority, is declared passed. Senator Maitland, on

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523. Senator Maitland, on 524. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 524.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Bill 524 would -- would add to the list of individuals to whom the court cannot issue an order granting a JDB permit, and that would be the person who refuses to take a Breathalyzer test. We amended this bill to then include the RDP, which is the -- which is the permit that is -- that is issued by the Secretary of State. We left that out in the original draft of the bill. We believe this is an attempt that will -- will -- will attempt to force people to take a Breathalyzer test when stopped by the police. And I would -- would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 524 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 4 Nays, none voting Present. Senate Bill 524, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 525. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 525.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Senate Bill 525 amends the Clinical Social Work and Social Work Practice Act and the Elder Abuse and -- and Neglect Act to allow the Department of Professional Regulation and the Disciplinary Board access to privileged communications for purposes of assisting an -- an elder abuse client when communication reveals elder abuse, neglect or financial exploitation. This bill permits the sharing of information about alleged and substantial cases of elder abuse or neglect. There was an amendment to the bill that clarifies under the Clinical Social Work Act that in the course of an investigation of elder abuse, a licensee under the Act may voluntarily disclose information regarding the case. Records -- records concerning reports of elder abuse shall be available to the Department of Professional Regulation when investigating alleged violations of the Clinical Social Work Act. The Department of Professional Regulation must, however, preserve the confidentiality of the records. Be happy to answer any questions there are.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 525 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 525, having received the required constitutional majority, is declared passed. Senator Thomas Walsh, on 533. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 533.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. Senate Bill 533 amends the Insurance Code to provide that if insurance -- insurers are in dispute with respect to an automobile physical damage subrogation claim, the claim shall be submitted to a dispute resolution organization within sixty days of a request by either insurer. This is -- this bill is still work-in-progress. We've brought together the -- the many different parties that are interested. I would just ask for a favorable vote here to get the bill over to the House and to put an amendment onto it. I'd be happy to ask any -- or, answer any questions if there are any, but I would just appreciate a favorable consideration to keep the process moving on 533.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I just want to confirm that we have an understanding that this bill will be amended in the House so that the discussions regarding the issues here will be continued to be discussed. I would support the bill being voted on, an Aye vote today, with that understanding. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? The question is, shall Senate Bill 533 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 7 Nays, 3 voting Present. Senate Bill 533, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 534. Read the

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bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 534.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Senate Bill 534, as amended, takes some language that was formerly in Senate Bill 613. This language is as follows: Changes the Public Policy Section to clarify that a dentist is responsible for the care of his or her patients; deletes a reference in the education requirement to an academic year being at least eight months; and extends the sunset of the Dental Practice Act to the year 2006. There was no opposition in committee to this amendment that was offered. I would be glad to answer any questions, and otherwise would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 534 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. Senate Bill 534, having received the required constitutional majority, is declared passed. Senator Collins, on Senate Bill 538.

END OF TAPE

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PRESIDING OFFICER: (SENATOR DONAHUE)

Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 538.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. Senate Bill 538 is a very simple bill. It creates a task force to assist small businesses around the State of -- units of government around the State of Illinois to hopefully come up with some recommendations to assist them in their plans for economic stability and development in their area, and to help them to cut through some of the red tape that's involved in many of the small business assistance programs that we currently now provide through DCCA and other agencies through -- through the State of Illinois. I know of no opposition, so I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 538 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 3 Nays, none voting Present. Senate Bill 538, having received the required constitutional majority, is declared passed. Senator Fawell, do you wish to have Senate Bill 539 recalled to the Order of 2nd Reading for the purposes of an amendment? Is leave granted. Leave is granted. On the Order of 2nd Reading is Senate Bill 539. Madam Secretary, are there any Floor amendments approved for

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consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, on Senate Amendment No. 1.

SENATOR FAWELL:

Thank you very much. This is the amendment that the new car dealers and the manufacturers have worked out together. Senator Jacobs and I were both in on the conferences that were held, and -- and I would publicly like to thank Senator Jacobs for all of his help with this. It basically is an agreement between the manufacturers and the -- and the car dealers, as I said, in a way that they can set up a -- a system, so that if there are any contract disputes, they can be properly taken care of. And I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor of Senate Amendment No. 1, say Aye. Opposed, Nay. The Ayes have it, and Senate Amendment No. 1 is adopted. Are there any further amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, on Amendment No. 2.

SENATOR FAWELL:

Thank you very much. This is a technical amendment to Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 2 is adopted. Are there any further Floor amendments approved for consideration?

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ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is another technical amendment that the manufacturers requested and was agreed to by the car dealers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 3 is adopted. Are there any further amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 540. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 540.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President. Under -- under current law, a car buyer may return a defective car under the -- the new Vehicle Buyer Protection Act, that's otherwise known as the Lemon Law, and receive a refund. However, there is no real mechanism within the Department of Revenue to do that. Senate Bill 540, specifically provides that if a motor vehicle is returned for a refund of the purchase price under the Vehicle Buyer Protection Act, the Department of Revenue shall issue a credit memorandum or

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a refund for the amount of the tax paid. We had a particular situation in -- in my legislative district where there was a problem here and this seeks to clarify the law. And -- and I would seek your support of Senate Bill 540.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 540 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 540, having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 541. Senator DeAngelis, on 541. Senator Watson, on Senate Bill 542. Senator DeAngelis, on 552. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 552.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Senate Bill 552, as amended, is the Commissioner of Banks annual clean-up legislation. It does some deletions. Probably the two most significant parts of this bill is, one, that it requires the Commissioner to assure himself that the interest -- interest of depositors are protected when there is a change of control. Right now, he doesn't have to do it if it's less than ten percent. The other one is the deletion of the requirement of the publishing, on a quarterly basis, the call sheet of the banks. For those who may not know, the feds removed the requirement that banks -- national banks do the quarterly

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publication in the newspapers. The Commissioner's wish is to do the same thing for State banks. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point, Senator Garcia.

SENATOR GARCIA:

Thank you. Given that Senator del Valle is not in his seat, I wanted to take the opportunity to introduce a group of young constituents from his district, and ask them to rise in the gallery. They are students from the McAuliffe School accompanied by various chaperones. Could we recognize them, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized. Is there any discussion on Senate Bill 552? Seeing none, the question is, shall Senate Bill 552 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. Senate Bill 552, having received the required constitutional majority, is declared passed. Senator Fawell, do you wish to have Senate Bill 552 -- 553 returned to the Order of 2nd Reading for the purposes of amendment? Senator Fawell seeks leave of the Body to return Senate Bill 553 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 553. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Fawell, on Amendment No. 2.

SENATOR FAWELL:

Thank you very much. This is the amendment that I promised the committee, that was agreed to by the Department of Registration and Licensing for the collector's bill. I think everything is in agreement and be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall the Senate adopt Amendment No. 2 to Senate Bill 553. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. 3rd Reading. Senator O'Malley, on 554. Senator O'Malley, on 554? Do we have leave of the Body to come back to the next bill? The ones that are mine. Senator DeAngelis, on Senate Bill 563. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 563.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. This is a shell bill. And I would wish that it shall pass.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yeah. These -- this whole series looks like the DeAngelis shell game for the session here. 563, <5>64, <5>65, 6 -- let's see, those three. Do you have any idea what you might be shelling these things for?

PRESIDING OFFICER: (SENATOR DONAHUE)



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Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Yeah. One bill is for downstate. One is for the suburbs and the collars, and the other one is for the City of Chicago.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

I assume one of them audits the DuPage Airport. That's one. Why don't we have leave of the Body to take 'em all on one roll call. Maybe we can kill them all at once.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? The question is, shall Senate Bill 563 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 7 Nays, 17 voting Present. Senate Bill 563, having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 564. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 564.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

This is another shell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any questions? Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I guess that last one was for Chicago. Is this the

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downstate one, or the suburban one? You have any idea?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis. Is there any further discussion? Any further discussion? Seeing none, the question is, shall Senate Bill 564 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? Have all voted who wish? Take the record. On that question, there are 23 Ayes, 13 Nays, 21 voting Present. Senate Bill 564, having not received the required constitutional majority, is declared failed. Senator DeAngelis, on Senate Bill 565. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 565.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I think we'll just leave this one as it is. But for Senator Demuzio's information, that last one was the downstate. So I'd like to have a record of the roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Weaver, on Senate Bill 568. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 568.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

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Thank you, Madam President. This is another shell bill for possible use in the future. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 568 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, there are 33 Ayes, 1 Nay, 22 voting Present. Senate Bill 568, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 573. Senator Woodyard, on Senate Bill 584. Senator Philip, on Senate Bill 585. Senator Klemm, on Senate Bill 586. Read the bill, Madam Secretary. Senator Klemm seeks leave of the Body to return Senate Bill 586 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 586. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, on Amendment No. 2.

SENATOR KLEMM:

Thank -- thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 586 is the amendment. Addresses several practices of the Local Governmental Tort Immunity Act <sic>. It allows counties to maintain adequate fund balances. It allows them to use the dollars for the proper expenses. It prohibits the accumulation of excessive funds. And it says that excessive surpluses are used to be -- for abatement of property taxes. I want to thank, particularly, the Taxpayers' Federation, the Municipal League, the Metro Counties, City of Chicago, School

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Officials, to work out a compromise on a bill that I think is needed for our Tort Immunity Fund. So I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, on Amendment No. 3.

SENATOR KLEMM:

Amendment No. 3 is a technical change, adds two words, and I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the Amendment No. 3 is adopted. Are there any further Floor amendments considered <sic>?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Is leave granted to go back to Senate Bill 585? Senator -- all those in favor, say Aye. Leave is granted. On the Order of 3rd Reading is Senate Bill 585. Senator Philip. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 585.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

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SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 585 amends the Attorney General's Act relative to bonding requirements. Very simply stated, it's another one of those vehicles. Hopefully, somewhere during the end of Session, we may use it. Ask for thirty votes and pass it over to the House.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 585 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, no Nays, 10 voting Present. Senate Bill 585, having received the required constitutional majority, is declared passed. Senator Ralph Dunn, on Senate Bill 588. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 588.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Madam President and Members of the Senate. Senate Bill 585 <sic> (588) would amend the Election Code. It would abolish the East St. Louis Board of Election Commissioners. This bill was requested by some of my friends in St. Clair County who say that it would be a cost saving, it'd save some seventy-five thousand or more dollars per year if we could abolish the East St. Louis Board of Elections. That sounds a little crude, though, I guess, maybe if you don't know that East St. Louis has lost about half of its population over the last twenty-five years. It's down

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now to around forty or forty-two thousand, and it's quite expensive to conduct an election just for that part of the county. And St. Clair County would underwrite part of the cost of it anyway. And this bill would allow the -- the County of St. Clair to conduct an election throughout the county. We think it would be more uniform, it'd be better, and request an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any -- any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Yes. President -- speaker yield -- sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. First of all, I would like to state that I -- I do represent the City of East St. Louis. However, the election board has it's own attorney. However, I will vote my conscience. I'd like to ask Senator Dunn: Senator Dunn, did you have an opportunity to talk with the St. Clair County Clerk, regarding the City of East St. Louis election board and the county taking over the election board?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

No. Senator Clayborne, I did not talk to the St. Clair County -- County Clerk.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Do you know if the county has appropriated monies to take over the East St. Louis Board of Election?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

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SENATOR R. DUNN:

Thank you. My understanding is that -- that East -- that St. Clair County already subsidizes the election to the tune of about seventy-two thousand dollars. And -- so I -- I don't know as they'd need to appropriate more money, I'd hope not.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Dunn, do you know the total amount -- the total amount that is used to -- by the election board to fund the election board?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

No -- no, I don't.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

So therefore, you don't know how much money in addition to the seventy-six thousand dollars that needs to be appropriated. There was testimony, Senator Dunn, that -- that the City of East St. Louis appropriates another two hundred thousand dollars to subsidize the election board. Were you aware of that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

Yeah. It's my understanding that it is something like that it costs the -- the City of East St. Louis. This would be a savings to them in that amount, I'd think.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

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Senator Dunn. Where will the St. Clair County get this additional two hundred thousand dollars? And have you talked with them, and is that money appropriated, Senator Dunn?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

The answer is no to both of those questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Senator Dunn. A couple of questions. There was a letter sent by a Eugene W. Wittry, who indicates that he is the Republican Representative on the board of election commission in Peoria. And that he has been on that body for fifteen years. He has stated -- are you aware that he has stated in his letter that this board in East St. Louis has and is operating efficiently? Are you aware that he states that this is not done for economic reasons, nor is it done -- this legislation here is -- is being introduced for the purpose of improvements of the conducts of the elections. Are you aware of that Senator Dunn?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

I -- I -- I got the first part of your question, about -- I got a letter from a board of elections in Peoria, I think, saying it's a shame that your going to do away with -- with another board down in East St. Louis. I don't know -- I never met the gentleman, but I did read his letter and I read a p.s. where he said, "I've been a lifelong Republican and I think this is terrible that your doing this to East St. Louis." But the second part of your question had to do with money, I believe, but I wanted to mention that the next election, as far as I know, will



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be in 1996. This would not take effect until January 1st, 1996. It'll give St. Clair County plenty of opportunity, I think, to levy the money that it would take to conduct that election.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Senator Dunn, have you talked with the -- the city council or the Mayor from the City of East St. Louis, and have they indicated that they are not willing to contribute, or -- or budget the two hundred thousand dollars that they have budgeted?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

...(microphone cutoff)...talked to the Mayor several times and he was here one day when we had the hearing, or I believe they postponed the hearing that day, they took some testimony. But yeah, I -- I know that the Mayor is not in favor of doing this and I can understand that, there's a lot of patronage I'd imagine in such a job. And I -- I think it'd be better if it was conducted by the county. And, of course, if -- if this Legislature votes not to do that, why I'll abide by their decision. But it's my opinion, this will be a money savings and it would also speed up the elections and cause for earlier reporting of election returns. I understand sometimes East St. Louis waits till early morning before they get their election returns in. And I think this would help that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

...(microphone cutoff)...Dunn. In -- in listening to what you've had to say, it strikes me that you talk about cost savings. There are other municipalities within this State that also has an

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East -- that has a board of election. However, you have limited this bill only to East St. Louis. There's Peoria, there's Rockford, there's Aurora, why aren't they in this bill, Senator Dunn? Why have you just limited this to the City of East St. Louis?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. -- I have part of St. Clair County in my district. I don't have any of Peoria, or Springfield, or Bloomington, or Rockford in my district, so I thought if the Legislators from there may want to do that, I certainly would support them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. I -- I -- I would like to state that this bill has no rational basis. This is a bill that's discriminatory against a town, a city that is probably ninety-percent Democrat. It is a -- a thwart on our society and our election, that without any allegations being forward of fraud, that we would single the City of East St. Louis out. I would further state that this does not, and cannot, and will not, pass constitutional scrutiny because it is only designed -- it's only purpose is to be vindictive against Democrats who have supported Democrat -- Democrats who have run for election. This is an arbitrary piece of legislation, with no rational basis, but a discriminatory piece of legislation designed for vindictive purposes. This legislation -- the law was created in 1885, for the City of East St. Louis and other municipalities that have a board of election by referendum, by the voters to determine whether or not they want a board of election. We have Senator Dunn here and a few others, he talks about in the county,

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that are upset because they lost this election. Well, I say to you, that the other municipalities that have board of elections, that if you are willing to see that the City of East St. Louis loses it's board of election, just because they voted and supported the Democratic -- the cause, then I say that we should all be fearful that we will not be able to vote our conscience and our mind. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Senator, question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator, given that this bill -- does this bill preempt home rule units -- home rule powers?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. Chairman. It doesn't and it doesn't need to, as far as I know. It's not a home rule matter.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Collins.

SENATOR COLLINS:

Senator, I -- I don't -- I think it is a home rule matter. East St. Louis is in fact a home rule unit of -- of -- of government, and therefore this bill preempts that ruling. And at the appropriate time I would ask the ruling of the Chair and -- and how many votes that it takes for the passage of this piece of legislation. And -- and commenting, I would just -- I really could just say, ditto to the comments made by Senator Clayborne. He's absolutely right when this bill became -- came before the

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committee I raised some of the same issues and questions with you. You know, this is -- seemed to be a very personal, political, I mean, issue here, and it should not be brought before this Body to resolve. If you've got some problems with getting your votes on time or tallies on time, have you talked with the people there in East St. Louis -- have you talked with the clerk or the board people to see what the problems were in terms of them getting out the election results on a more timely fashion?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I -- I've talked to people in St. Clair County and East St. Louis and I know that people in East St. Louis are not real happy about this, but we had a bill -- a vote just awhile ago that was sort of partisan politics, I think, on bond issues. I wouldn't want to say this is anything like that, but sometimes politics does take over a little bit. I have a impact statement from the Department of Commerce and Community Affairs that I might read into the record: "Senate Bill 588, transfers the powers and duties of the East St. Louis Board of Election Commissioners to the St. Clair County Clerk. The bill does not impact home rule powers, due to the fact that the bill does not preempt home rule authority." Prepared by -- signed by Dennis Whetstone, Director of the Department of Commerce and Community Affairs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Trotter.

SENATOR TROTTER:

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Thank you. This -- this bill has been well debated. It was debated very well and intensely in committee. However, of the sponsor, on the cost, if I can get his attention. What I understand is, that there's -- there's going to be a savings, as was brought up Senator Clayborne of seventy-five thousand dollars, and yet the cost of running these elections is two hundred and ninety thousand dollars. Where is St. Clair County going to get that other two hundred and twenty thousand dollars?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

Senator Trotter, I'm -- I'm not real sure where they're going to get it. Same place the rest of us, I guess, get money to run our elections. Every county and most all of the counties in the State, all but about ten areas, conducts countywide elections and they get it from the people in the district. This would be less expensive because of the combining of the two, as I understand it, so it'd only be one election board. It'd be the St. Clair County Election Board.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

So what you're saying is that it will cost two hundred and twenty thousand dollars cause it's just a savings. And the dollars themselves would come from the taxpayers, is what you're saying, correct? 'Cause I'm assuming, of course, that St. Clair County isn't one of the richest counties that they have a big -- large coffers, so they will have to raise these dollars from taxpayers be it through property taxes or some other kind of referendum, correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

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SENATOR R. DUNN:

I couldn't quite hear everything you say, but I assume that your remarks are correct it will instead of costing two hundred and ninety or three hundred thousand dollars, it will cost around two hundred and twenty thousand, as I understand it. And that's -- I have to admit that that may, I can't -- not bound, I don't know that that's the figures, but that's the figures we've gotten from the people down there and that's...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Again, the bill has been well debated...(inaudible)... But to the bill, this -- this is obviously a -- a bill that -- that no one in particular, but a few individuals want. I'm certain the taxpayers do not want another hit of two hundred thousand dollars on how -- on whatever their tax source may be. The county chairman has said he does not want this bill. The county clerk says he or she does not want this bill. The people of East St. Louis say they do not want this bill. So, it's amazing that we in this Body feel that we can make these kind of demands -- these kind of -- of impacts on individuals who -- who don't want it. This is a mandated bill. We're mandating something on individuals and that's -- that's wrong and incorrect and that is not the responsibility of this Body and I ask everyone for a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

I'd like to follow up on Senator Trotter's question. With all

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of those people and cities and so forth who don't want this bill, who wants this bill?

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Dunn.

SENATOR R. DUNN:

Thank -- thank you, sir. It wasn't my idea, Senator Palmer, that I introduce this bill. I have some constituents who live and reside in St. Clair County, and they have asked me, say that they think that elections will be improved, they think that cost savings would be effected if it was all under one -- under a county instead of under two different election boards and for that reason I introduced this bill. I think we all introduce bills for the same reason.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Palmer.

SENATOR PALMER:

Senator Dunn, I have such tremendous respect for you and I surely appreciate your honesty -- so, that this -- to the bill, this is a very bad bill. And it is setting a terrible trend here. Look what we're doing, we're telling a community the cost of elections is two hundred and ninety thousand dollars, of which they are paying two hundred thousand. And we are saying that we're going to take the most fundamental right to count your own votes in a -- a town with a home rule, and take that away and give it to a county. And we're not going name even who wants this bill. And we've got a laundry list of people -- of legitimate county and city officials who don't want it. I suggest we vote No very quickly on this bill.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

I have a point of inquiry of the Chair.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WELCH:

Senator Collins asked for a ruling from the Chair on whether this was in violation of home rule. Senator Dunn read a letter from the Department of Commerce and Community Affairs, in the opinion of Dennis Whetstone, it didn't violate home rule provisions. Are -- are we now turning over the authority to determine if these bills violate home rule to the Department of Commerce and Community Affairs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch, the Chair's prepared to rule that it takes thirty to pass Senate Bill 588. Senator Welch.

SENATOR WELCH:

So -- so the answer to my question is Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

No. The answer to your question is that the Chair rules thirty votes are needed. Any further discussion? Senator Jones.

SENATOR JONES:

Well, a follow-up on that part -- on the question by the previous speakers as related to home rule. Now I'm really shocked that we have a bureaucrat appointed by the Governor as Director of Commerce and Community Affairs, who no doubt, I believe, cannot even read the Constitution of the State of Illinois, and have the audacity, Senator Dunn, to write a home rule note. Now the Constitution -- the Constitution clearly sets forth, what is a home rule unit. Which -- and -- and we, as Members of this Body, should not let a political bureaucrat write a political note and to determine what is a home rule unit. I'm -- I'm shocked that we even -- we even confirmed this individual, if we did, for that position. I am shocked, because if you look at the Constitution - and it's no laughing matter - the



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Constitution clearly spells out what is a home rule unit. Any population more than twenty-five thousand that has an elected administration, as -- elect a mayor, they elect council persons, they set forth their policies, this is part of East St. Louis and we got this dumb bureaucrat, that we no doubt probably confirmed, saying that this does not impact the home rule powers. It's an insult to the intelligence of each of us sitting here. We should reject this bill and -- and -- and, Mr. President, you're sitting there, and I want -- I would like to know the basis of your ruling. What legal grounds do you base your ruling that this does not require three-fifths vote? I would like to know that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones, shortly you will have a response to your request. Any further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. First of all, on the last speaker talked about the -- the new Director of the Department of Commerce and Community Affairs and I think made some very despairing remarks concerning him, and I take exception to that. And I think anybody who knows him and knows his sincerity and the work that he does, and what he's trying to do for this State, would take deep exception to that also. He's going what he has to do. This is not necessarily a personal letter from him. He is responding to the home rule note that we have here as part of our functions. He's responding to that, so I -- I know that the previous speaker probably really didn't mean what he said when he talked -- made the personal attacks on Dennis Whetstone, but I think that was unfortunate. As far as the legislation goes, and I think there is some confusion on the Floor, as I talk to many of you, is that this only impacts one particular election board. It does not impact the other election boards in this -- in this State. Part of the problem, or part of why this needs to be done

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is because of the population decrease in the -- in the East St. Louis area, simply doesn't require the necessity for such a board. And if you -- if you live in an area such as this, in which they have different election authorities, the consistency of having one individual who handles the elections such as the county clerk, in this particular case, and in most counties, makes the whole election process go smoother. I think the consolidation of all of the elections into one office just makes good sense. And the cost savings, let's talk about some cost savings, all county governments including the area of East St. Louis, certainly is having a problem in dealing with many of the financial demands that we have today. This creates a cost savings. So, I think the fact that Senator Dunn has made this initiative of his, and a concern of his, he should be -- should -- should be thanked for bringing this before the General Assembly, and hopefully the -- the Membership will support his efforts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I rise in opposition to this bill. Senator Dunn, I think that you were present at -- when some of the testimony was given. I don't know if you were there with the original testimony, but were you aware that East St. Louis is in the process of replacing the antiquated AVM machines, so that they will have rapid -- more rapid tabulation on election night? Were you aware of that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

No. No, I wasn't, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

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SENATOR BOWLES:

Also, Senator Dunn and Senator Watson, the question of population decrease and the population of East St. Louis was questioned, there are two other election boards that have fewer population than East St. Louis. One is Danville, which is in Senator Woodyard's district; the other is Galesburg, which is in Senator Hawkinson's district. And -- so that, actually, the matter of population -- do you really think that that is a consideration in view of the other two boards?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

I -- I didn't know what the population of the other two boards were. If I were a Senator from one of those districts I might introduce such legislation there, but I didn't know that other boards were smaller than this. But when East St. Louis was at its height it was close to a hundred thousand people. It was a growing, flowing community, but lately it's been going down and I had talked about doing this for another year or two earlier, and I thought, well, better do it now while I hopefully can, and I appreciate support of the -- of the Senate -- of the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Just to comment. There has been a tremendous effort made by Jimmy Lewis and the election board in East St. Louis to improve the elections process. I worked with those people for a number of years, and admittedly, there was a time when it was a bad situation. But that situation is being corrected, and I would ask for a No vote on 588.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator -- Senator Jones, for a

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second time.

SENATOR JONES:

Yeah. Thank you, Mr. President. I apologize for rising a second time, but this is a very serious matter and I -- all due respect to my colleague Senator Watson. Perhaps maybe the Director doesn't know that his signature is on something that should not be. Now that is a great possibility. However, he should check those employees who are writing -- putting something in writing as it relate to home rule powers, and he is going to make the determination as to whether the home rule unit is. That's a bad policy to set forth, and we who serve here in this Body -- we who serve in this Body, and listen to the rulings of the Chair, make that determination. But the Constitution is explicit along these lines, so if he's aware of that, he hasn't got any business writing a -- a -- a -- a fiscal impact or home rule note. That is not his job. So therefore, I don't know who the Director is, I don't believe I've ever seen him before, but he cannot be making a statement that political, that is erroneous, it does not follow the dictates of the Constitution, and -- and Mr. President, I'm quite sure you'll -- you'll tell me the legal basis for your ruling and...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The -- the Parliamentarian is researching it, as you speak, Senator.

SENATOR JONES:

...and prior to the vote, because I'd like to appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR COLLINS:

I -- I think Senator Jones has basically clarified what I wanted to say. But, I guess, the -- the question is, whether or

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not the fiscal impact note was requested from DCCA or whether or not a ruling on -- on preemptive powers were requested. And -- and it's up to the Senator requesting the fiscal note to make a determination what they're supposed to request. And -- and that was not to be included in the note. So, maybe the Director is not even at -- at fault for doing so, or his staff. And I agree with Senator Jones, because I don't know the man either and that was not the intent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Senate will stand at ease for a few moments while the Chair confers with the Parliamentarian. Senator Jones, it is the opinion of the Chair that Senate Bill 588 will need thirty votes to pass. The basis being the board of election commissioners are not defined as being home rule units in the Election Code. Senator, if there is no further discussion -- Senator Jones.

SENATOR JONES:

Well, I -- I disagree totally with your ruling, because it was the home rule unit that put -- that created the -- by referendum that -- that set up the election board, so therefore, I totally disagree with your ruling. But, as a result you have ruled, therefore, I'd like to appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. The question is, shall the ruling of the Chair be sustained? All those in favor of sustaining the ruling will vote Aye. All those opposed to sustaining the ruling will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 25. Having failed to receive the necessary three-fifths negative votes, the appeal fails and the ruling of the Chair is sustained. If there's no further discussion, Senator Jones -- Senator Ralph Dunn to close.

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SENATOR R. DUNN:

Thank you, Mr. President. I think we've had quite a bit of debate on this. I want to point out to Senator -- Senator Clayborne that I'm not trying to change anyone's vote. He mentioned that this was all a Democrat area down there and is thinking maybe this would do away with the Democrat votes. I don't suspect a single person will change their vote whether they are voting in the East St. Louis election district or whether voting in St. Clair County. That it was not done to change anyone's vote or to keep the Democrats from voting, that would be ridiculous. It's not going to change any votes, it's going to save some money and it's kind of a consolidation effort on my part and I'd certainly appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 588 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 26 Nays, none voting Present. And Senate Bill 588 having received the required constitutional majority, is declared passed. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

Yes. Verification of roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Your request is in order. Senator Clayborne has requested a verification. Will all Senators be in their seats. The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson,

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Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CLAYBORNE:

Yes. Walsh. Senator Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh is in the rear of the Chamber.

SENATOR CLAYBORNE:

Senator Syverson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson is standing next to Senator Walsh.

SENATOR CLAYBORNE:

Senator Sieben.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben. Is Senator Sieben in -- in the Chamber?  
Senator Sieben. Madam Secretary, strike his name.

SENATOR CLAYBORNE:

Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald. Is Senator Fitzgerald in the Chamber?  
Madam Secretary, strike his name.

SENATOR CLAYBORNE:

Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm's in his seat.

SENATOR CLAYBORNE:

Senator Maitland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland. Senator Maitland is in the Chamber.

SENATOR CLAYBORNE:

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Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen is in the Chamber, sitting next to Senator Cronin.

SENATOR CLAYBORNE:

Senator Peterson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson's in his chair.

SENATOR CLAYBORNE:

Senator Woodyard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard is in the Chamber. Does Senator Clayborne question the presence of any other Member voting in the affirmative?

SENATOR CLAYBORNE:

One second.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CLAYBORNE:

Senator Hasara.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara is in her seat. Okay. On a verified roll call, the Ayes are 30, the Nays are 26, none voting Present. Having received the required constitutional majority, Senate Bill 588 is declared passed. The middle of page 10, Senate Bills on the Order of 3rd Reading, Senate Bill 596. Senator Hasara. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 596.

(Secretary reads title of bill)

3rd Reading of the bill.



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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 596 deals with access to adolescent records under the Mental Health Act <sic>. There has been a lot of confusion about what this law really says, and one of the purposes of this bill is to clarify what is really meant by the legislation. Let me tell you how this came to me and I think some of you will probably be surprised, and hopefully will agree with what I'm trying to do. I have had several parents come to my office over the last couple of years who have had minor children with -- requiring some kind of, usually, inpatient mental health care in some kind of a facility. Upon discharge, as the law currently is being interpreted by many institutions, a parent cannot have any access to his or her children's record. These are young people who are obviously very disturbed. They are released from a hospital often because insurance runs out. They obviously are -- are not well, and I, as a parent, cannot even know what the diagnosis of my child is, under this record. Parents have come to me because they obviously want what is best for their children and have no idea how to treat the child, don't know what kind of treatment the child has had, and under this Act, it's being interpreted very often that they have no right to the record without going to court. So I have filed this bill to help change that and let me tell you exactly what it does. First of all, the minor is informed that his or her parent wants access to the record and maybe the minor will say that's fine and there's no problem. If the minor says, "No, I do not want my parents to have access to the record," the therapist then has the right to go into the record to determine if, in fact, there is a valid therapeutic reason that the parent should not have access to that record. Obviously, generally this would be a case of some kind of abuse,

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by -- on the child by the parent. In that case, no one would want the parent to have access to that record. However, if the therapist finds no compelling reason to deny access, then the parent may have access to the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 596 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present, and Senate Bill 596, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to Senate Bill 427. Senator Donahue. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 427.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 427 is the Hospital Lien Act, and what it does is, if someone has received treatment from a hospital and is due to receive an insurance settlement, this bill simply says that the hospital must be informed of that settlement so that the cost associated with the person's treatment -- that the hospital can statutorily perfect its lien. And so I know of no opposition, and I would simply ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 427 pass. Those in favor will vote Aye. Opposed will vote Nay.

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And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 427, having received the required constitutional majority, is declared passed. Bottom of page 9, Senate Bill 562. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 562.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. The Committee Amendment No. 1 becomes the bill. So any of you that are reading maybe your first analysis of the bill, it is no longer relevant. But Committee Amendment No. 1 simply allows that Department of Public Aid must pay ambulance services and ambulance providers the distance that they actually traveled, especially in situations where we have construction, weather conditions, or natural disasters. I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 562 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 562, having received the required constitutional majority, is declared passed. We will now return to the Order of Senate Bills 3rd Reading, page -- in the middle of page 10. Senate Bill 597. Senator Bowles. Senate Bill 611. Senator Donahue. Senate Bill 613. Senator Weaver. Madam Secretary, read

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the bill.

ACTING SECRETARY HAWKER:

Senate Bill 613.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 613 is the Dental Practice Act. We've -- in committee there were some concerns and so we've amended this bill to meet the concerns of the dental hygienists. We've also reduced the sunset to ten years. Contains general clean-up language, throughout. It changes the specialty terminology; increases the penalty for unlicensed practice; and changes the temporary teaching license to restricted faculty license. So, if anyone has any questions, I'd be happy to answer them, but I think it's in pretty good shape.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 613 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 613, having received the required constitutional majority, is declared passed. Senate Bill 616. Senator Maitland. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 616.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

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SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Under current law, hospital license is only valid on a -- on a single premises. This bill would seek to define premises as the -- location or locations where a hospital conducts its operations and has the following distinct characteristics: ownership by a single entity; a single board of directors; a single CEO; and the multiple premises have a common primary service area. I -- I would be happy to respond to any questions that you might have. Otherwise, would seek your support of Senate Bill 616.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 616 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 620, having received the required constitutional majority, is declared passed. Whoops! Make that 616. Senate Bill 620. Senator Butler. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 620.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. Senate Bill 623. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 623.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, this -- the

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necessity for this bill was brought to me by the Humane Society, who have documented the abuse of animals who are rented, so to speak, as guard dogs at various installations. We have -- we -- those of you who attend the -- the several hearings we've had on this bill, I'm sure will remember the shocking photos we saw of the condition of those animals. It is -- the Humane Society rightly so has been very incensed that -- that -- and insisted that something should be done about this. I've worked with the National Humane Society in Washington, D.C., and I think we have modeled this bill after some of the best bills throughout the United States. There are some fourteen conditions which have to be met, most of which deal with the conditions under which the animals can be put to work. It also establishes several conditions as to how the animals shall be - excuse me - treated while on duty, so to speak. We've -- as I said we've had several hearings on this. We had some good suggestions. We made several changes in the -- in the bill. It came out of committee unanimously, and I would appreciate your vote this afternoon.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 623 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 623, having received the required constitutional majority, is declared passed. Senate Bill 626. Senator Mahar. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 626.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill requires the Department of Mental Health and Developmental Disabilities, in conjunction with the State Treasurer, to develop a program to assist families with children who have developmental disabilities or a mental illness. The program will offer low-interest loans to families with children who are developmentally disabled or mentally ill in order to allow the family to sell their homes and turn them into a community-integrated living arrangement, better known as a CILA. This bill passed unanimously out of committee. The Department of Mental Health supports it. I know of no opposition. I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 626 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 626, having received the required constitutional majority, is declared passed. On the top of page 11, Senate Bills on the Order of 3rd Reading, Senate Bill 628. Senator O'Malley, do you wish this bill returned to the 2nd Reading for the purposes of an amendment? Senator O'Malley seeks leave of the Body to return Senate Bill 628 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 628. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

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SENATOR O'MALLEY:

Thank you, Mr. President. Floor Amendment 2 to Senate Bill 628 requires an indictment or finding of probable cause at preliminary hearing, and further requires that the lessee or occupant, to indict, must have executed a lease addendum for drug-free housing pursuant to HUD rules before any eviction proceeding could -- could continue under this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 636. Senator Parker. Out of the record. Senate Bill 640. Senator Hasara. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 640.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 640 amends the Probate Act to limit the liability of health care providers and others who rely on -- on their acts or carry out the directions of the guardian, standby guardian or short-term guardian. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 640 pass. Those in favor will vote Aye. Opposed will vote



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Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 640, having received the required constitutional majority, is declared passed. Senate Bill 643. Senator Philip. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 643.

(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 643 abolishes the Citizens Assembly. They have a budget of about three hundred seventy-eight thousand dollars, about eight employees. And quite frankly, it's a lay of government that we do not need. And what I'm suggesting is that we use our committee system that is intact now. If we have a sensitive subject we want to study, we can certainly put it into a subcommittee of the committee that deals with that subject. Be happy to answer any questions. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 643 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 11 Nays, 1 voting Present. And Senate Bill 643, having received the required constitutional majority, is declared passed. Committee Reports.

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Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to Appropriations Committee - Senate Amendment No. 1 to Senate Bill 501, Senate Amendment No. 2 to Senate Bill 502, Senate Amendment No. 2 to Senate Bill 503, Senate Amendment No. 1 to Senate Bill 504 <sic>, Senate Amendment No. 1 to Senate Bill 505, Senate Amendment No. 1 to Senate Bill 882, Senate Amendment No. 1 to Senate Bill 1106, Senate Amendment No. 1 to Senate Bill 1107; referred to the Executive Committee - Senate Amendment No. 2 to Senate Bill 720; referred to the Judiciary Committee - Senate Amendment No. 2 to Senate Bill 81; referred to Revenue Committee - Senate Amendment No. 5 to Senate Bill 401; and Be Approved for Consideration - Senate Amendment No. 2 to Senate Bill 21, Senate Amendment No. 2 to Senate Bill 403, Senate Amendment No. 2 to Senate Bill 739, and Senate Amendment No. 2 to Senate Bill 1122.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer, what purpose do you rise?

SENATOR PALMER:

Mr. President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR PALMER:

I was otherwise engaged when Senate Bill 643 came up for a vote. Had I voted, I would have voted No on this. I'd like the record to reflect.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record shall so reflect.

SENATOR PALMER:

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of Senate Bills 3rd Reading, Senate Bill 674.

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Senator Karpel. Out of the record. Senate Bill 682. Senator Maitland. Senator Maitland. Senate Bill 690. Senator Weaver. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 690.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 609 <sic> (690) is a vehicle bill, if we come to some agreement about any change we might like to make on -- in the Board of Higher Education. So I'd like to send it over to the House and keep it rolling along.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jones.

SENATOR JONES:

Yes. Mr. President. Could the sponsor yield? I know when we passed the legislation as it relate to the Board of Regents and Board of Governors now, and is there any anticipation as -- taking powers and shifting to the Board of Higher Education? He -- can you give some idea as to what you plan to do?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Weaver.

SENATOR WEAVER:

Well, Senator Jones, it would be my thought to wait until after the new trustees are appointed and get into operation before we do any fiddling with the Board of Higher Education. There's some concern that the Board of Higher Education wants more power. There's some concern that they have too much power. So I will -- it's not my intention to move this bill or to even change anything that's done to the Board of Higher Education until we

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kind of experience the new trustees as they are appointed by the Governor. And if there's need for change, we'll look at it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR JONES:

Well, is -- is there something on the table to take the SIU School of -- of Medicine and -- and give that to the University of Illinois? Is that something you're talking about putting in here, taking SIU School of Medicine and -- and giving it to the University of Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

There's certainly nothing intended to be done, on any level, until thorough hearings are held. There are some that think that every institution - the fourteen in the State of Illinois - should be represented on the Board of Higher Education, some think the junior colleges and on, and on, and on. I don't intend to move this bill or to change the function of the Board of Higher Education until everyone comes to an agreement and we see a need.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Weaver, when does the breakup of the Board of Regents and Board of Governors go into effect?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

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January 1, I believe, '96.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

So that, between now and then, they are still under the supervision of the Board of Governors and Board of Regents - the universities that are part of those systems?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

That is my understanding.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Weaver, to close. The question is, shall Senate Bill 690 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 1 Nay, 22 voting Present. And Senate Bill 690, having received the required constitutional majority, is declared passed. Senate Bill 728. Senator Woodyard. Senate Bill 739. Senator Butler. Madam -- Senator Butler, do you wish this bill returned to the 2nd Reading for the purposes of an amendment? Senator Butler seeks leave of the Body to return Senate Bill 739 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection. Leave is granted. On the Order of 2nd Reading is Senate Bill 739. Madam Secretary, are there any Floor amendments have been approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

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Mr. President, I move that we table Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Butler moves we table Senate Amendment -- Floor Amendment No. 1. Hearing no objection, leave is granted. Are there any other Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler, on Amendment No. 2.

SENATOR BUTLER:

Thank you, Mr. Speaker. Amendment No. 2 is a result of some discussions over the bill with the IEA, and it removes one of their major objections to the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 749. Senator Maitland. Senator Maitland. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Yes. On Senate Bill 643 I wish the record to reflect that, had I been in my seat and not out talking with constituents, I would have voted in the negative.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record shall so reflect, Senator Demuzio. Senate Bill 749. Senator Maitland. Out of the record. Senate Bill 753. Senator Berman. Senate Bill 758. Senator Mahar. Mr. Secretary, I read the bill.

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SECRETARY HARRY:

Senate Bill 758.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you. Thank you, Mr. President and Members. This expands the eligibility for programs funded or administered by the Department of -- by DASA, DCFS, and Mental Health to all individuals, corporations or other entities, regardless of their fo-profit or not-for-profit status. This passed out of the Public Health Committee over the objection of DCFS and Mental Health. We since added amendment -- a Floor amendment which satisfies them. They are now in support, and I know of no opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 758... Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 758, having received the required constitutional majority, is declared passed. Senate Bill 772. Senator Philip. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 772.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 772, the Amendment No. 2 became the whole bill. It only deals with counties between seven hundred thousand and three million. That means DuPage only. What it does is give the county -- the county board president the -- the authority to line item -- line item veto any department budget. It allows the county board, if so desire - like our Governor does - to override the president of the county board's veto with three-fifths. It also, for the first time, includes the Public Health Department and the DuPage County Airport. The thinking behind this, quite frankly, is: As you know, the Health Department and the DuPage Airport Authority both have a tax rate. The people that increase those tax rate are appointed people, not elective people. Now their tax rate and their budget have to go to the county board, and the county board has to agree what they have done. So, be happy to answer any questions and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR JONES:

Yes. Senator Philip, on a previous bill, I believe Senator Karpel had, and she indicated that -- the question came up as it relate to auditing, and they said those provisions was taken out and placed in a bill you were sponsoring. So, are those auditing provisions in this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

There is no auditing positions in this bill. If I remember



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correctly, last Session or Session before, we passed a bill. They are audited now by the Department of Transportation and that audit is filed, I believe, yearly. So we already made them do that, Senator Jones.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall Senate Bill 772 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 772, having received the required constitutional majority, is declared passed. Senate Bill 787. Senator Severns. Senate Bill 788. Senator Karpziel. Senator Karpziel, do you wish this bill returned to the 2nd Reading for the purposes of an amendment? Senator Karpziel seeks leave of the Body to return Senate Bill 788 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 788. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Are you talking about Amendment No. 2, did you say? Yes. Okay. Amendment No. 2 to Senate Bill 788 would prohibit the forest preserve districts from actually operating the gift shops, cafeterias, restaurants, et cetera, that they lease to a -- and make them lease it or contract it out to a private company.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are

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there any other Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Except for -- Amendment No. 3? Is that what we're on? Thank you. Amendment No. 3 simply grandfathers in some of the contracts that are now already let, or that are -- some of these facilities that are already being run by forest preserve districts, but prospectively they will have to be contracted out to a private organization.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

Senator Karpziel, are these gift shops making money? Are they profitable?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Senator, I don't know if there are any gift shops being run right now. I -- the bill -- the actual underlying bill allows forest preserve districts to establish them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

So, is the idea, Senator, that the State would be getting money by letting private businesses run gift shops or other shops

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on State property?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpel.

SENATOR KARPIEL:

These are downstate forest preserve districts, not State. This is not the State. And some of them are operating some snack shops and restaurants in, I believe, some of their golf course facilities.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 793. Senator Butler.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate Bill 802. Senator Barkhausen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 802.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr: President and Members. Senate Bill 802 is meant to address, in a significant way, the problems that we all face and need to confront before we adjourn this Session, dealing with the problems experienced by the Chicago school system. It is not the only answer, but in my opinion, it is a major part of the answer. Senate Bill 802 would redefine the scope of mandatory collective bargaining for the Chicago school system back to really what it originally was when mandatory collective bargaining for public employees was approved by the General Assembly more than ten years ago. Since the adoption of mandatory collective bargaining for public employees, the courts that have been called upon to interpret the Statute have taken, I think it's fair to say, or at least in many of our opinions, an unduly broad -- have -- have exercised an unduly broad interpretation of what should fall within the scope of mandatory collective bargaining, and have thereby included within that scope several things that many of us never anticipated they would. And so this legislation comes about, in part, for that reason, but also, in major part, because we recognize the particularly difficult situation that the Chicago schools are in as they attempt to keep their operations not only going, but to improve them and to provide the education for the children of Chicago that we all want to bring about. So part of the rationale for this legislation is the unusually difficult situation that, clearly, the Chicago school system finds itself in. And we, as the General Assembly, whatever our varying attitudes about this situation, cannot ignore the problem, and need to address it head-on. I have been a Member of the General Assembly long enough to recall that under somewhat similar circumstances - in this particular case back in 1983 - when the Regional Transit Authority and the Chicago Transit Authority, now

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part of the Regional Transit Authority, were facing not totally dissimilar trying circumstances brought about, in that particular situation, by labor costs that were rapidly increasing, in part, as a result of increases in the cost of living and a provision in the CTA's collective bargaining agreement that contained a COLA tied to what was then a very rapidly increasing cost of living, and also a provision in the CTA collective bargaining agreement that prohibited the Authority from hiring part-time workers. We, as a General Assembly, at that time obviously controlled in both houses by the opposite party, passed legislation that not only - I would remind the Members - not only restricted the scope of mandatory collective bargaining, but actually went several steps beyond what this legislation proposes to do, in that it actually prohibited the Authority from agreeing to future collective bargaining agreements that included either a COLA or a provision banning -- or, barring the hiring of part-time workers. We will hear, I'm sure, in the course of this debate, a characterization of this legislation as a mandate imposed on the Chicago school system and on the union. And I would both disagree vehemently with any such characterization, but would also again remind the Members that under somewhat similar circumstances back in 1983, a Democratic General Assembly passed legislation imposed on the CTA and the union that truly was a mandate that said the Authority may not agree to certain types of provisions in its collective bargaining agreement. This legislation, on the other hand, doesn't tell the Chicago School Board that they -- that they shall not bargain, that they may not bargain. It simply says they don't have to and that these particular items spelled out in this legislation will not fall within the scope of mandatory collective bargaining that they must adhere to. I'm sure there'll be lots of discussion. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Barkhausen, as I understand it from my analysis - and I'd like for you to correct me if I'm wrong or tell me that I'm correct - under current law, inherent managerial policy includes only functions of the employer, the standards of service, the overall budget, organizational structure, et cetera. It does not include the selection of -- rather, it does not include such matters as laying off employees, cutting hours, et cetera, et cetera, which are within the purview of collective bargaining because they have a direct impact on wages, hours and conditions of -- employment. So it looks as if, through this bill, you are changing the very definition of what collective bargaining is. Is that fair to say?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't think so, Senator Palmer. What we are trying to do here is to give further definition to the somewhat vague language of the original collective bargaining Statute passed by the General Assembly. For example, one of the phrases included within the definition of "inherent managerial policy" in the original Statute is what is referred to as "standards of services". Now, someone from management could argue - I'm sure they have, and I guess unsuccessfully - that "standards of services" ought to include the ability to decide when and where classes are held and what size a classroom should be and the like. So I -- I think, for the most part, if not completely, what this legislation does,

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as I say, is further clarify or define the language of the original Statute.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Thank you. And that is my point. By -- through this legislation, by saying that you are clarifying, you are, in fact, changing the inherent nature of collective bargaining by giving current law a different twist. And I think that without -- according to my analysis, Chicago school employees and City college employees had virtually no input into this, and therefore, this is being done by the Legislature on behalf of the Board of Trustees of the City Colleges of Chicago without the involvement of the very people that this affects, and the last I heard I had understood that that was most unfair. So I think that this is not the proper time or the bill to change the nature of collective bargaining. I think it needs a lot more involvement and discussion.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. Senator Palmer touched on a number of the items that I would have addressed. Let me underline, however, the fact that this amendment, according to the sponsor, was prepared an hour or two, maybe three, before it was offered in committee and the employees of the -- of the City colleges were never advised of this, and I really thought that it was very rude - and that's an understatement - not to let the people that this bill affects have any input, or even any knowledge of the movement of this amendment. That's as to the City colleges. As to the Chicago Board of Education, I don't

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believe that this bill came from the Chicago Board of Education. In fact, I think they were surprised by the nature of this amendment also. Now, I point out to you that Senator Hawkinson adopted an amendment to one of his school bills with the intention of stopping the micromanaging of the Chicago Board of Education by the Illinois General Assembly. This bill does exactly the opposite. We're going to have people who don't live in Chicago, whose voters don't live in Chicago, whose taxpayers don't live in Chicago - they're going to tell the Chicago Board of Education how they're supposed to handle their labor negotiations when the Chicago Board of Education didn't even ask for this bill. There hasn't been a teacher strike in the Chicago public school system for seven years. And I will tell you that the sponsor has school districts in his district that have had strikes in the last seven years, but this bill doesn't apply to those school districts. It applies to my school district. The Board of Education and all of the unions involved in the Chicago public schools have been sitting down for several weeks already, in one of the early starts of good, hard collective bargaining. It's been amicable. It's been progressive. We don't need our interference with their relationships in order to -- to stick our nose into what they're doing to try to keep the schools open in September, to try to improve the education of our children in Chicago. I strongly urge each one of us to vote No on this bill. All I ask you to do is, if this was being done to your school district, how would you feel? I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BARKHAUSEN:

Just in response, Mr. President -- and -- and thank you. This is not in -- as I emphasized in my opening remarks, in any way what could be characterized either as a mandate, although that



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word was not used, nor is it micromanagement. This is simply giving authority to the Chicago School Board to bargain or not bargain on a variety of matters that were not - we don't think - intended to be included within the mandatory scope of collective bargaining as that legislation was originally enacted. And I -- I drew the -- carefully drew the distinction with the action that was taken by a Democratic General Assembly, albeit twelve years ago, when, in similar circumstances, we -- we passed a mandate dealing with collective bargaining and said that the CTA couldn't agree with the union as to certain provisions. This is several steps back from that course that everybody voted for at that time, simply giving the Board more authority, but not telling them, in fact, what can or cannot be in a collective bargaining agreement. This is legislation that has been put together by many Members that have been working for a long time on Chicago school reform, and is strongly supported by the Illinois Business Education Coalition, and I strongly urge your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 802 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays 24, 2 voting Present. Senate Bill 802, having not received the required constitutional majority, is declared failed. Senator Barkhausen, for what purpose do you rise?

SENATOR BARKHAUSEN:

To request Postponed Consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Hearing no objection, leave is granted. ...(microphone cutoff)...Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Might I inquire if we're going to get back to 2nd Reading

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sometime today for Senator Jones' bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That is correct. A Supplemental Senate Calendar is being distributed. The Chair is prepared. We will be returning to the Order of 2nd Reading as agreed to between the President and the Minority Leader. Supplemental Calendar No. 1 has been distributed to the Membership. We will be going to the Order of Senate Bills on the Order of 2nd Reading on the Supplemental Calendar. Then we shall return to the regular Calendar, 2nd Bill -- 2nd Reading, Senate Bills. On the Order of Senate Bills 2nd Reading, Supplemental Senate Calendar No. 1, Senate Bill No. 7. Senator Petka, do you wish the bill read? Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 7.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 16. Senator Karpziel. Out of the record. Senate Bill 18. Senator O'Malley. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 18.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 145. Senator Klemm. Senator Klemm.

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Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 145.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 403. Senator Shaw. Senate Bill 601. Senator Parker. Senator Parker. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 601.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 657. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 657.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 658. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 658.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 711. Senator Dillard. Senate Bill 727. Senator Cronin. Mr. Secretary, read the bill.

SECRETARY HARRY:

...(microphone cutoff)...Bill 727.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 775. Senator Parker. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 775.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 784. Senator Mahar. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 784.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendments 1, 2 and 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 944. Senator Watson. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 944.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 946. Senator Dillard. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 946.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 990. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

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Senate Bill 990.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR FAWELL:

I think I was supposed to be lead sponsor of that now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Duly noted, Senator Fawell. ...(microphone cutoff)...Bill 1001. Senator Lauzen. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1001.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1017. Senator Karpel. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1017.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1029. Senator O'Malley. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1029.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1036. Senator Syverson. Senator Syverson. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1036.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1091. Senator Petka. Senator Petka. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1091.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Have there been any Floor amendments approved for consideration?

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SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1122. Senator Sieben. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1122.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle, to explain the amendment.

SENATOR DEL VALLE:

Thank -- thank you, Mr. President. Amendment No. 2 puts back in language that was deleted in the original bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Sieben.

SENATOR SIEBEN:

Yes. This is simply a technical amendment we have agreed to and the sponsor of the bill agreed to. I move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

All right. All those in favor, say Aye. Opposed, Nay. The -- the Ayes have it, and the amendment is adopted. Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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3rd Reading. Senate Bill 1126. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1126.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. ...(microphone cutoff)...Bill 207. Oh. I beg your pardon. House Bills 2nd Reading. Senate -- House Bill 207. Senator O'Malley. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 207.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 496. Senator Fitzgerald. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 496.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CARROLL:

...(microphone cutoff)...President, I tried to get your attention, as you know, before. We had filed a home rule note on that, and it has not been complied with.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Mr. President, I have reviewed the Home Rule Note Act, and I am of the opinion that no home rule note is necessary on House Bill 496.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

It's nice of the sponsor to make a decision as to his own bill. I don't believe that's what the Home Rule Note Act calls for, however, and would suggest we follow the law.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is whether a home rule note is necessary under the Home Rule Note Act. All those in favor will vote -- vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 6, the Nays are 33, none voting Present. The motion fails. Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

That was not a motion I had made. I filed, under our rules, for a home rule note. There was no motion made or pending before the Body. I don't know what that vote was. The record will

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reflect no motion was made. However, I do refer you to Rule 5.5 <sic> (5-5) on Fiscal and Other Notes. They will comply with all effective Illinois law requiring notes on any bill, whether it's fiscal, pension impact, et cetera, et cetera, et cetera. And it requires that the law shall be followed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll, pursuant to 25 ILCS 75/15: Any Member of either house may request that a note may be obtained, and in that case the matter shall be decided by a majority of those present and voting. Does Senator Carroll wish to appeal the ruling of the Chair? Senator Carroll.

SENATOR CARROLL:

I don't know what ruling the Chair made, since I don't know who made the motion in the first place. I filed, under our rules, for a fiscal <sic> note. I would -- that -- that request is of the Chair, not of the sponsor, as to a ruling. And -- and no motion was made at any time that I am aware of, having stood here and listened. So I don't know what the Chair did.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll, Senator Fitzgerald, in the opinion of the Chair, made the motion. The voting was opened. The voting was taken. The motion failed. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I believe the record will reflect that Senator Fitzgerald gave a legal opinion. I'm not questioning whether or not he's a member of the bar. He is a Member of the Chamber, and I don't know of any motion that was made.

PRESIDING OFFICER: (SENATOR DUDYCZ)

It is the opinion of the Chair that Senator Fitzgerald made the motion and the Chair made its ruling, and we shall now be returning to the Order of Senate Bills 2nd Reading from your regular Calendar. We will go through the Calendar. Senator

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Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Well, on a point of parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

Can you tell me in the -- what was -- what was the motion, and how many votes did it get?

PRESIDING OFFICER: (SENATOR DUDYCZ)

It's the opinion of the Chair that the motion was made by Senator Fitzgerald...

SENATOR DEMUZIO:

To do what?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Whether a home rule note is necessary under the Home Rule Note Act. A vote was taken. There were 6 affirmative votes. The Chair made its ruling. We shall now return to 2nd -- to the Order of Senate Bills 2nd Reading in the regular Calendar. We will be...

SENATOR DEMUZIO:

That's one of the most abuses of the Chair that I've seen in the period of time that I have been down here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

We shall be going to Senate Bill 768, 961...

SENATOR DEMUZIO:

And I think...

PRESIDING OFFICER: (SENATOR DUDYCZ)

...and 1173. Senate Bills on the Order of 2nd Reading on page -- Senate Bill 57. 2nd -- Bills on the Order of 2nd Reading. Senator del Valle. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 57.

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(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 81. Senator Petka. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 81.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 198. Senator Trotter. Senator Trotter. Fiscal note has been filed on that bill. Senate Bill 247. Out of the record. Senate Bill 287. Senator Hasara. Senator Hasara. Senate Bill 336. Senator Sieben. Senator Sieben. Out of the record. Senate Bill 337. Senator Sieben. Out of the record. Senate Bill 438. Senator Cullerton. Out of the record. Senate Bill 439. Senator Cullerton. Out of the record. Senate Bill 656. Senator Maitland. Out of the record. Senate Bill 662. 664. I beg your pardon. Senator Thomas Dunn. Senator Dunn. 664. Out of the record. Is there anybody who

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would like to have their bill, which is on 2nd Reading, heard? On the regular Calendar. Senate Bill 961. Senator Fitzgerald. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 961.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Amendments 1, 2 and 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. With leave of the Body, we will go to Senate Bill 768. Senator Petka. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 768.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

Amendment No. 2, offered by Senator Petka.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Amendment No. 2 is a technical amendment which changes the directorship from the -- from Central Management Services to the

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Executive Director of the Capital Development Board in each instance where it appears, and I'd move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka moves the adoption of -- of Senate -- of Floor Amendment No. 2. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. And have there been any other Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 1173. Senator -- with leave, Senator -- Senator Demuzio for Senator Jones. Mr. Secretary...

SECRETARY HARRY:

Senate Bill 1173.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Are there any other bills on 2nd Reading that a Member would wish to move to 3rd Reading, off the regular Calendar? Now is the time to do it. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports a correction in an earlier report on reference to bills to the Judiciary Committee - Senate Bill 955 -- make that House Bill 955, and not House Bill 995, was referred to the Judiciary Committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Raica, for what purpose do you rise? Senator Raica.

SENATOR RAICA:

For the purpose of a committee announcement, Mr. President. Immediately following adjournment of the General Assembly we have a Local -- or, a Public Health and Welfare Committee hearing at Room A-1 immediately following Session. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson, what purpose do you rise?

SENATOR WATSON:

Yes, Mr. President. Just an announcement. I know many of you have asked about softball practice, and I really appreciate those of you that got together last night and threw the ball around and hit some. So that's great. We're -- we're working towards a common goal, and that's, once again, to beat the House and -- and show them where the superiority of softball lies in this -- in Springfield. So things are going well. We still want to have a practice tonight, and I know there's a lot of committee functions and maybe some of you won't be able to -- to attend, but just as -- as many of you did last night, we wanted to get together if we can at 6:30, and I've got a map to the field at which we will be practicing and get together and get ourselves ready for the game. It's next Tuesday. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

For the purpose of an announcement. Mr. President, I'd like to announce that there is a meeting of the Executive Committee immediately following adjournment in Room 212. We have about four amendments to handle. It should be very short, but please do attend and attend on time so we can all get out of there. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Resolutions.

SECRETARY HARRY:

Senate Resolution 56, offered by Senator Watson.

It's substantive, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

Thank you, Mr. President. Purpose of an announcement. The Insurance, Pensions and Licensed Activities Committee will meet at 6 p.m., or immediately following the subcommittee meetings on the Insurance subcommittee, which should convene promptly upon adjournment, and then followed by the Cook County City of Chicago Pension Subcommittee following that subcommittee meeting, in Room...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Hello. Is it the intention of the Chair to remain open, or are we adjourning till tomorrow then? We're not going to -- we're not going to remain open for committee reports?

PRESIDING OFFICER: (SENATOR DUDYCZ)

No. We -- we will not. Is there any further business to come before the Senate. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to bring you up to date what we anticipating doing tomorrow. And as soon as we adjourn there are a few committee hearings. I hope that everybody would be there promptly, because I understand

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they're basically amendments. Tomorrow we will come in at 10 a.m. promptly. Hopefully be out of here by noon or 12:30. And Monday we anticipate coming in at noon.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any other business to come before the Senate?  
Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

For those Members of the Senate Appropriation Committee, let me remind you that we have posted a -- a hearing on House bill information for the Appropriations Committee at 10 o'clock on Monday, prior to Session in Room 212. We'll also be hearing amendments to appropriation bills. We'd appreciate that the Appropriation Members coming down early. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll, what purpose do you rise?

SENATOR CARROLL:

Just a question of the Chair. We want to know if it was an official absence if we were absent on Monday attending the inauguration of the Mayor of the City of Chicago?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business to come before the Senate? If not, Senator Philip moves the Senate stand adjourned until 10 a.m., Thursday, April 27th.

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