

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

39th Legislative Day

April 27, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General 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 Tim Shaw, United Methodist Church, Chrisman, Illinois. Reverend Shaw.

THE REVEREND TIM SHAW:

(Prayer by the Reverend Tim Shaw)

PRESIDENT PHILIP:

Will you please all 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. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, April 20th; Monday, April 24th; Tuesday, April 25th; and Wednesday, April 26th, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Karpziel, Chair of the Committee on Executive, reports Senate Amendment 3 to Senate Bill 253, Senate Amendment 1 to Senate Bill 429, Senate Amendment 2 to Senate Bill 720 and Senate Amendment 1 to Senate Bill 801 Be Adopted.

Senator Raica, Chair of the Committee on Public Health and Welfare, reports Senate Bills 618, 677, 698, 742, 791 and 1195 Do Pass, as Amended; Senate Amendment 2 to Senate Bill 143, Senate

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Amendment 2 to Senate Bill 189, Senate Amendment 1 to Senate Bill 198, Senate Amendment 2 to Senate Bill 359, Senate Amendment 2 to Senate Bill 1095 and Senate Amendment 2 to Senate Bill 1097 all Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Bills 340, 653 and 1191 Do Pass; Senate Bills 32, 114, 230 and 532 Do Pass, as Amended; Senate Amendments 1 and 2 to Senate Bill 287, Senate Amendment 1 to Senate Bill 346, Senate Amendment 3 to Senate Bill 506, Senate Amendment 1 to Senate Bill 611 and Senate Amendment 1 to Senate Bill 1027 all Be Adopted.

PRESIDENT PHILIP:

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 Bill 1172, House Bill 2142, House Bill 40, 258, 314, 323, 741, 1755, 1787, 1894, 2331 and 568.
All passed the House, April 26th, 1995.

PRESIDENT PHILIP:

On page 2 of today's Calendar, in the Order of Senate Bills 2nd Reading, I would hope that the Members would move their bills along. Senate Bill 16. Senator Karpiel. Senate Bill 16. Senator Karpiel. Take it out of the record. 198. There's been a -- a request for a fiscal note. Senate Bill 247. Senator Dudycz. Senate Bill 247. Senator Dudycz. Senator Dudycz. Senate Bill 247. Take it out of the record. Senate Bill 287. Senator Hasara. Senate Bill 287. Senator Hasara. Take it out of the record. Senate Bill... Take it out of the record. Senate Bill -- take it

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out of the record. Senate Bill 403. There is a note for a physical -- fiscal request. Senate Bill 437. Senator Cullerton. Senator Cullerton. 438. Senate Bill 439. Senator Cullerton. Take it out of the record. Senate Bill 491. Senator Rauschenberger. Senator Rauschenberger. Take it out of the record. Senate Bill 656. Senator Maitland. Senator Maitland. Take it out of the record. Senate Bill 664. Senator Dunn. Take it out of the record. Senate Bill 711. Senator Dillard. Senator Dillard. Take it out of the record. Senate Bill 725. Senator Lauzen. Senator Lauzen. Take it out of the record. Top of page 3. Senate Bill 798. Senator Lauzen. Take it out of the record. Senate Bill -- oop! Okay. Senate Bill 801. Senator Jacobs. Read the bill.

SECRETARY HARRY:

Senate Bill 801.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Have there been any other Floor amendments been approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Jacobs.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 merely gets some clean-up language to the waivers bill. We sat down with the Department of Commerce and Community Affairs, tried to work out an agreement, and we have changed some of the wording - as an example, from waivers to alternative implementation. And I just ask for your support.

PRESIDENT PHILIP:

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Is there any other discussion? Any other discussion? If not, Senator Jacobs moves the adoption of Amendment No. 2 to Senate Bill 801. Excuse me. Amendment No. 1 to Senate Bill 801. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Okay. We have a request from Illinois Public Radio to record the proceedings. Any objections? Leave is granted. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

...President, I'd like the record to reflect that Senator Bowles is not here today, on official business back in her district.

PRESIDENT PHILIP:

The record will so reflect. ...Bill 897. Senator Dunn. Read the bill.

SECRETARY HARRY:

Senate Bill 897.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 945. Senator Petka. Senator Petka. 945. Take it out of the record. Senate Bill -- Senate Bill 1183. Senator Cullerton. Senator Cullerton. Take it out of the record.

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PRESIDING OFFICER: (SENATOR DONAHUE)

For information, we -- all those in hearing of my voice, will you please come to the Floor. We are going to proceed to page 13, House Bills 3rd Reading. Senate will come to order. On the top of page 13 is Senate Bill -- or, House Bill 496. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 496.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Ladies and Gentlemen of the Senate, if I could have your attention for one minute, please. House Bill 496 is a very important bill, which is designed to close a glitch or a loophole in the law which, as written, now allows elected officials in home rule communities to vote themselves postelection, midnight pay raises. House Bill 496 is designed to close that loophole. Let me give you a little background. And if I could have your attention, please. I'd appreciate -- I'd appreciate your attention.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please take your conferences off the Floor, and will the Senators please be in their seats?

SENATOR FITZGERALD:

The State Constitution forbids elected officials from raising their pay during their term in office. In the 86th General Assembly, a law was passed that prohibited non-home rule counties from passing postelection pay raises. The 87th General Assembly passed a law prohibiting postelection pay raises but applied that law only to non-home rule municipalities. So the effect of these

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two laws has been to leave an opening whereby home rule counties and home rule municipalities can still vote themselves postelection, midnight pay raises. Now, for most people who are employed, their employers, their bosses, pass upon the propriety of their raises. In the case of elected officials, the bosses are the voters. And if elected officials are allowed to vote themselves pay raises after an election, that, in effect, deprives the voters of having a say-so in their employees' - the elected officials - in their pay raises. Now, as you are aware, there's been a great public outcry following a couple of -- in one case a home rule county, in another a home rule municipality, in which pay raises have recently been passed. The newspapers have decried this. The constituents have decried this. And it's time that the Legislature act, because we bear some of the responsibility in not closing the loophole that now exists in the law. And that's what House Bill 496 is intended to do. I'd be happy to answer any questions, and I'd appreciate your support for this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator del Valle.

SENATOR DEL VALLE:

Senator, what effect will this bill have on the pay raise that was voted on by the Chicago City Council?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

The bill applies retrospectively to April 4th, 1995, and thus, will invalidate any action taken on or after April 4th, 1995, that's not in accordance with the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Well, thank you for responding to that question. To the bill:
I was one of those elected officials...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle, hold just a second. This is a serious
piece of legislation, folks, and we need your attention. Senator
del Valle.

SENATOR DEL VALLE:

I was one of those elected officials in Chicago who -- who was
not happy with the way this most recent pay raise vote in the City
Council was handled. I was not happy with some of the statements
that were made, particularly the statement that was made by the
Mayor of the City of Chicago when he said, in justifying the
amount of the raise, that constituents could not reach their
congressmen, constituents could not reach their State Senators
many times, but they could reach an alderman. And I took offense
to that because, as a legislator, State legislator, I work very
hard in my district. I have a district office that is open five
days a week, at least - at least - eight hours a day. And so,
many individuals call me because they cannot reach their alderman.
So, I was not at all happy, but what we are doing with this bill
here today is not about good government; it's about being
vindictive. It's about get-even government: state -- the State
getting even with the City of Chicago, getting even with the Mayor
of the City of Chicago. And that is wrong. I am for closing that
loophole. Our responsibility here is to improve the law and to
establish new laws. There is a loophole that needs to be closed,
and we should be doing that this Session. And we should make sure
that no local unit of government, no local council will be able
to, in the future, vote for a pay raise the way the Chicago City

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Council did and, as I understand it, other city councils have done. But this is not the way to proceed. The City Council in Chicago acted within the law. It is a law that needs tightening, but the fact is, they acted within the law. And for us to go back now and undo their action is wrong. And if we're going to act in a responsible manner, then this bill should apply to the future. It shouldn't go back. And that's why I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you, Madam President. I have a inquiry of the Chair, if...

PRESIDING OFFICER: (SENATOR DONAHUE)

State your inquiry.

SENATOR DeLEO:

Could we have a ruling from the Chair how many votes this bill needs to pass?

PRESIDING OFFICER: (SENATOR DONAHUE)

Sure may. As this bill preempts home rule authority, pursuant to the concurrent exercise of powers found in subsection (i) of Section 6 of Article VII of the Illinois Constitution, it shall require thirty votes only. Senator DeLeo.

SENATOR DeLEO:

At -- at this time, we'd like to appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR DONAHUE)

That question is always in order. If I have all your attention, the ruling of the Chair has been questioned. And the question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the ruling, vote Aye. All those opposed to sustaining the ruling, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record. On that question, there are 32 Ayes, 21 Nays, 3 voting Present. Senate -- or, House Bill 496, having failed to receive the necessary three-fifths negative votes, the appeal fails and the ruling of the Chair is sustained. Further discussion? Senator DeLeo.

SENATOR DeLEO:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator DeLeo.

SENATOR DeLEO:

Thank you. Senator Fitzgerald, on House Bill 496, does this include the General Assembly?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo.

SENATOR DeLEO:

Currently the law states, the Illinois Constitution, the Con-Con of 1970, says the Illinois Constitution prohibits public officials from voting or -- to raise their own pay during their term in office. Illinois Constitution, 1970, Article VII, Section 9(b). Isn't it a fact we can come back here in Veto Session, which we have, and institute and vote for a pay raise before we're sworn in on January 8th, 6th, 7th, whatever day our installation date is?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes, and I'd be happy to work with you at another time on sponsoring a bill that would prohibit that or maybe an amendment

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to the State Constitution that would make that impossible.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo.

SENATOR DeLEO:

Senator Fitzgerald, isn't this the same legislation we're doing to the City Council? They didn't -- they're not -- they didn't vote a pay raise -- they voted a pay raise postelection, prior to their installation. Isn't that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo.

SENATOR DeLEO:

To the bill, Madam President. I believe, like everybody in this Chamber, this legislation is good in concept, but I have reservations about the motive of this legislation, which is clearly punitive. Let's talk about the real reason why we're doing this. It's not supposed to be in this Body, especially in -- on this side of the Chamber. We're trying to even a score. It's wrong. If this legislation didn't have a retroactive date, there'd be fifty-nine lights up on this bill. This legislation clearly - clearly - affects home rule units. Everybody in this Body represents a home rule unit. I've been in both Chambers. I've been in this Chamber -- this House and Senate for eleven years, and every piece of legislation that preempts home rule needed three-fifths majority vote in both of these Chambers. And today, we're going to do something different. Madam President, this legislation is wrong. And what we're going to do -- we're -- we're supposed to be "the Legislature of the nineties" and we're going to be the "watchdog of dollars". And we're going to be

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conservative, and we're going to cut back. And we're going to cause litigation: The City of Chicago is going to spend money on -- on lawyers to go into federal court. We're going to spend money here in the General Assembly for our lawyers to answer this because we're passing something that is clearly wrong. I think all of us know that Springfield, Illinois is the art of compromise. We, working together. By building this wall against the City of Chicago, we're rail-splitting and we're continuing to rail-split. This isn't -- cooler heads should prevail. We went -- what went on in the House and they wanted to make retroactive attack on the City of Chicago should not be happening in this Chamber. Madam President, I'd ask for a No vote on this piece of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, you -- you indicated and -- and I have heard over and over again that this legislation is not designed to be vindictive and targeted at the City of Chicago, basically because of the airport situation, the position taken by the Mayor. But let me ask you this: Has there been any other unit of government who has -- that's included in this bill who has, in fact, raised -- give themselves a raise after -- postelection?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. Cook County, which is a home rule county, did it in December of last -- actually, on midnight, November 30th, right

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before their new term, which prompted our State's largest newspaper to write this editorial called "Antidote to the Midnight Pay Raise" in which the Chicago Tribune urged this Body to close the loophole in the law, which also County Clerk David Orr urged this Body to close a loophole in the law, that allows home rule communities to play the voters for a fool.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Does -- does this bill rescind their pay raise?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

No, it cannot, because that has already taken -- in effect, and I am told by staff that it would be impermissible for this Body to strip away a pay raise that has already taken effect.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Then to the bill: That is exactly why - that is exactly why - all of the speakers on this side of the aisle have already expressed that we would support this bill -- because I agree and concur with the -- with the Tribune. I most certainly do not believe that anyone should give themselves the kind of pay raise, the percentage of pay raise, that the aldermen did. And I also concur that what happened in the county was wrong, was wrong at a time when people cannot, in fact, provide -- units of government cannot provide a funding for necessities such as education and -- and adequate health care. So, that's wrong. But what you've done here, you didn't take -- you didn't rescind the pay raise for the county, but you're rescinding the pay raise for the City Council. Now, what is happening here - no matter what you say about it - to

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do this in an atmosphere -- in the atmosphere of -- of -- of --
when everybody know that it's vindictive, that is the problem, and
that is so unfortunate because it appears to the public out there
that those of us who vote against your bill is against what you're
trying to do. I am not against what you're trying to do. I concur
with what you're trying to do. We should do it. We should have
done it a long time ago. And if you look at my voting record
here, which have impacted on me, seldom have I voted for a pay
raise and especially in lame duck Sessions around here. So, I
didn't do it for myself, and I wouldn't allow them to do it for
themselves. But what you're doing here is vindictive, and we just
should not do it. And more importantly, to say that this does not
preempt home rule units is a violation of the laws of the
Constitutional laws -- of the State. And let me tell you all
something: When people lose respect for the law - and this is
what's happening here - you get lawlessness, and that is a
breeding ground for anarchy. And that's what is happening
throughout this country. You all can play the games if you want
to, but when you disrespect the Constitution of this State and go
on just because you want to do something and punish somebody, hey,
that's pretty low. We need to rethink what we're doing around
here, if we want the people of the State of Illinois to respect us
and if we are going to have the trust and confidence of the people
to move this State forward and to deal with some of the critical
problems that's destroying this State and this country. I think
we ought to vote this bill down, and it should not have ever been
put before this Body in this atmosphere.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the
Senate. While I respect the right of the Chair to rule, I think

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the record should be clear that at least this Senator is of the opinion that the actions of this legislation are clearly in violation of the home rule provisions. I recognize there was an effort to artfully draft this legislation for concurrent, but were it really intended to be concurrent, it would have closed the loophole in State and county government as well. So I think it is clear that not only is it an effort to preempt a home rule power - because the City did pass its raise under its home rule jurisdiction - but was also an effort, at least in its origins in the House, to be retaliatory, retaliatory for the efforts of the Mayor in protecting the assets of the City of Chicago, namely the airport. And then I think everyone in the State is crystal clear about what the reason for this is, for doing it this way at this time. I, by the way, totally agree that were we doing this prospective, this is something we absolutely should be doing, for counties, cities, ourself, everyone. But to do this in a retaliatory manner, I think, is -- is -- flies in the face of the home rule provisions of the Constitution. Also, look at the dates at which these things were offered. How many of you ever remember legislation where an amendment was offered to create this concept and says in its text that it will be effective fifteen days before it was thought of? While the bill becomes effective upon becoming law, it has a prior - a retroactive - date for impact. So the effective date were this passed today and signed today, tomorrow, Saturday or Sunday, would be effective on that day signed, but has a retroactive date for impact. That means that the author of this bill is saying that even though I didn't think of it then, here's a wonderful date that we can make it effective. We have all kinds of -- I believe even the United States Constitution talks about something called ex post facto. And maybe most of us have not studied Latin very long or very hard, but it basically says if it was legal when you did it, you can't make it illegal later and

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then charge you with the offense. Basically that is exactly what this is doing. This is saying it was legal when done, but we, the General Assembly - and I shouldn't say "we" - you, the General Assembly, are going to make that Act illegal, though it was legal when performed. I suggest to you, this is a very dangerous path to be walking, not for the issue of the pay raise, but think of all the mischief that can be done by either side of the aisle in control if it can take legislation and say, "What you did last year, ten years ago, which was legal then, is going to be illegal now just because we said so." The framers of our Constitution were smarter than the drafters of this legislation, and I would suggest a No vote and save us the money of the court action that will say that the people of the 1770s were smarter than the people of the 1990s. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. As a -- I guess we're an "upstater" or "out-stater". I don't know what they call Rockford. We're still trying to determine that. But from our standpoint, we don't really care if Chicago votes themselves pay raises. And I find it somewhat offensive when we keep saying that we're all doing this because we're trying to get even with Chicago. My concern, and I guess a question for the sponsor is, being a -- the Mayor being a former Member of the General Assembly, at a time when we have a multi-billion-dollar pension deficit, what is the effect of this pay raise going to be to all the taxpayers in Illinois because of the changes in the legislative pension that would be received?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

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Senator Syverson, there will be an adverse effect on the State-funded pensions. As you know -- or as you may not know, the Mayor of the City of Chicago's pay raise is so large that it makes him, it is my understanding, the second-highest paid public official in the country, behind President Clinton. And he is a -- the Mayor of the City of Chicago happens to be a Member of the General Assembly Retirement System, and he would have the right to retire and get from our pension fund an eighty-five percent of his last final salary annuity. He would be able to get a hundred and forty thousand dollars a year out of the taxpayers of the City of Chicago. And so it does have the effect of increasing the amount that the State taxpayers would bear. You're right to bring that up.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Could you be more specific in what is -- with the increase, what the annual cost to the taxpayers would be if an individual were to retire at the end of their -- at the end of their term?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

I gather it will cost the taxpayers of Illinois an additional thirty thousand dollars a year just for that one person's annuity, increased annuity, and there are probably many others in the City of Chicago who also would get an increased annuity.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. To the bill: As a former member of the Chicago City Council, I have no problem with them voting themselves a raise, but the size of this raise is ridiculous. And

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the Tribune, the Sun-Times and every radio station that I've listened to when I've been in Chicago, and all the calls to my office, have been against this raise because of the size of the raise. It's not that they voted themselves a raise, but the size of the raise. It's just -- blows my mind that -- and it's not the poor aldermen. I wish that this bill went after the executive branch and left the aldermen out of it, because it was brought to them - this gross raise. The size of the raise is the problem. And I know I may not be making people on this side of the aisle very happy with me, but I don't believe we were sent down here to serve the mayor, whoever their mayor might be. We were sent down here to serve our constituents, and our constituents are upset over the size of this raise. We vote ourselves a raise, but what do we get? Seven percent? What did they get? Twenty-five, thirty percent? Please. It's ridiculous. And we may as well face up to that. Also, let me say this. I know the sponsor of this very well. I don't think he's being revengeful, and -- but if there is retribution coming from that side of the aisle, I would just like for all of the people on that side of the aisle to know that everybody does not agree with everything the Mayor of the City of Chicago does. I don't think it's retribution over the airports, because I disagree with us giving Gary, Indiana money from the taxpayers of Illinois. If we face the Indiana Pacers in the upcoming play-offs, will Michael Jordan -- when he makes a basket, will we give two of those points to Indiana? Heck no, we won't, because it belongs to Chicago. So why in the world should we give money from Illinois, money from Chicago to Indiana? Makes no sense to me. If it is retribution, I want the Members on the other side of the aisle to understand that some of us over here understand that if O'Hare is at the stage when it is -- has too much capacity and they have to share it with somebody, I would rather see the people of the suburbs get that 1.2 million a year

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and get that other business than to see Indiana get it. It makes no sense. So if the Mayor has put the City Council's pay raise at -- in -- in a perilous situation, it's his fault. This pay raise is in danger because of the size of the raise, not necessarily because of some retribution. But if there is retribution, I would rather see retribution being taken out on the Mayor than on the schoolchildren of the City of Chicago. So when we get to that part, my friends, make sure that we not make the schoolchildren pay because of something that the executive branch of city of Chicago did that was -- was wrong. I urge my friends on this side of the aisle to vote Present on this bill because I know that they are sincere when they say that if -- if this was not retroactive that they would support it, because it should be. In fact, the law -- and they also should vote Present because your constituents who sent you down here do not want you voting for the aldermen and the Mayor to get such a large raise. If there was a smaller raise, more reasonable raise, I could understand, but this raise -- raise is gross and it's certainly out of hand with the conditions of this State. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, in 1988 we passed a bill in this Assembly which limited the non-home rule municipalities in voting for a pay raise to sixty days before their next election. We didn't do it for the home rule municipalities because we, on this side, didn't have the votes to do it. As to the -- the statement made by one of my fine colleagues on the other side, is that this bill would go back about two weeks before the election and make it apply, just remember that President Clinton went back retroactively to give us a -- a big income tax raise. Do you remember that? So, if it's

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sauce for the gander, it's sauce for the goose. This is not being a vindictive action on my part, but having been a municipal attorney, knowing that what we've done for the non-home rule -- for the home rule municipalities, I think we should do for the non- -- the home rule municipalities. And I think it's time that we face the issue. It's not a matter of vindication. I don't look at it that way at all, and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, I may have missed this, but did you admit that this legislation is totally in reaction to the City of Chicago's pay raise and did you admit that this was -- is being done solely because the -- the City of Chicago entered into an airport compact with Indiana?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senator Cullerton, I cannot speak to the motivations of -- of House Members or Senate Members who support or supported this bill. All I can tell you is that my motivations are that I believe this is sound public policy, notwithstanding the hard facts. In law school, as you know, they sometimes say hard facts make good law, and I can further tell the Members of this Body that my name would not be on this legislation if I did not believe it were sound public policy.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

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SENATOR CULLERTON:

Well, that -- that editorial that you were reading from before. When was that written?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

December 18th, 1994.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, you didn't race to the Reference Bureau and have this language drafted after you read that -- that editorial. As a matter of fact, this amendment to this bill was offered by Representative Murphy on April 18th, about three days after the airport compact, to a House bill which originally was introduced having nothing to do with this subject matter, and we have not seen your Senate bill. So I would suggest that perhaps it's better to admit that this is in retaliation for the actions of the City of Chicago and the -- and the City of Gary, and -- and it doesn't take away from your good-faith representation that it's -- it's good public policy. I just think it would be better if you would admit it. It's an attempt to invalidate the pay raises to Chicago's aldermen and the mayor. Now, the ruling by the Chair that this requires thirty votes, I would respectfully suggest was in error. Under Article VII, 6(a) of the Illinois Constitution, home rule units can -- can and have established salaries for their governmental officials. In order for this bill to take on a preemption status, it must meet the requirements of Article VII, Section 6(g) of the Constitution. Now, this Section states that "The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home

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rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this section." Thirty-six votes are needed to pass this bill because the State has not previously regulated the compensation of elected officials of home rule units. And that's what the State is now attempting to stop the city council from doing. It's -- it's an -- it's an attack by the General Assembly on home rule units of government. This will invite -- invite, you can be guaranteed, judicial intervention and oversight into our legislative process. It raises the issue of separation of powers, historically causing the courts to decline to address the constitutionality of legislation. But recently, you should look at what the Supreme Court has said recently. They've made it very clear that they are ready and poised to intervene in our legislative process if we continue to ignore the Constitution. I just don't understand why you couldn't rule that this requires thirty-six votes. It would let you -- first, it would be consistent with the Constitution, and it'd let the Governor off the hook, who does not want to even have this bill on his desk. You know, we passed -- remember the McCormick Place expansion, which I did not support because it had a food tax that was imposed specifically on my district? So that went to court. The restaurant in my district called Geja Cafe versus Metropolitan Pier and Exposition Authority. That went to court. The Supreme Court reluctantly found that Statute to be constitutional, but they noted that the three-day reading requirement was not adhered to when passing the legislation in question. They declined to review the constitutional requirement because of the doctrine of separation of powers. But they stated that: "We defer to the Legislature hesitantly because we don't wish to understate the importance of complying with the Constitution when passing bills. Now, if the General Assembly continues its poor record of policing itself, we reserve the right

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to revisit this issue on another day to decide the continued propriety of ignoring this constitutional violation." This -- this bill -- if the Governor signs this, is -- is going to go to -- to the Supreme Court, and if he vetoes it, he's going to be embarrassed. The fact is that the aldermen in the City of Chicago -- I'll just speak for my alderman. He works at 6 o'clock in the morning till 8 o'clock at night. The issue of the pay raise was raised before the election. Alderman Burke stood up and said, "You know, we ought to talk about this before the election. I'm for it." Anybody who ran for alderman could have asked their opponent, "What's your position on the pay raise", because it was in the papers beforehand. And I suspect that in many elections, it was debated. And so, you know, if they want to do it, they're the ones that are subject to their -- to the election of the people in the district. People should realize - we should realize - that aldermen represent fifty-five thousand people. Like a little town, everybody goes to the alderman. They do know who the alderman is, and they do more so than they know who the State Senator is. So, my attitude is they can do what they want; they're the ones that have to go before their voters, but this -- this is clearly in retaliation for what the airport deal was about. It's wrong for us to do it. I suspect that a lot of you on the Republican side of the aisle do not want to even have to vote on this. I think it's unfortunate that we're even considering it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

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SENATOR SHAW:

Senator, could you tell us - this Body - when did you develop this brainstorm, in terms of this legislation here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. I actually clipped that Tribune article way back when and was going to introduce a bill, and then I saw Representative Boland in the House introduce this -- essentially this same legislation in House Bill 825. That bill closed the loophole for home rule elected officials, and apparently, because of -- and he was a cosponsor with Maureen Murphy. Now, apparently, when the airport controversy arose <sic>, Representative Boland was concerned that his motivations in pushing that bill would be questioned, and therefore, he decided that he would not allow his bill to be used at this time. So Representative Murphy moved that bill, and I would say that that Boland bill - I don't know the exact date it was filed - I imagine it was filed long before this whole airport controversy arose <sic>, which, in my judgment, is all entirely irrelevant to the narrow issue at hand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

You've -- you've answered all the questions, but the one that I asked you. Didn't you -- this amendment, I -- I believe, was introduced on 4/15.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

I don't know the date the amendment was introduced. I believe...(microphone cutoff)... It -- it passed the House on April 19th.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

When was the airport question -- when -- when -- what date was that, that that come up that we...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR SHAW:

...the city made the pact with Indiana then?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

I really don't know.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Would you say on or about the -- April 15th?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

I wouldn't speculate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Well, let me ask you another question: If the federal government and the Chicago -- Chicago is a creature of this State, if the federal government -- and we holler about mandates and so forth around here all the time. If the federal government set forth a mandate for us like we're trying to set forth for the City of Chicago, which is a home rule unit, would -- how would you feel about that?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Fitzgerald.

SENATOR FITZGERALD:

There's a major difference. The State of Illinois is a sovereign State, and I would have to tell you that the local communities in Illinois are created by the State, by virtue of the State Constitutions and their powers all derive exclusively from the State. And this simply does not -- is simply our role. It is our unique role in the Legislature to set policies for municipalities. We do that all the time, governing their creation, to their dissolution, and everything in between.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Did the federal government let us in as a State in 1818?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Well, -- well I'm trying -- you're saying that it's the difference between Chicago and the State of Illinois, even though we're a creature of the federal government. Would you agree to that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

No. I think we, as a State, decided that we would become one of the United States.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

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SENATOR SHAW:

The -- the -- my question here is -- and to the bill, and I know that I've worked with some of the aldermen in Chicago for many years, and I believe that -- as one of the previous speakers said, that this was debated prior to the election. And I'm not arguing or debating the merits of the raise or anything like that. But I think it's -- for this Body to take an issue like this up at this time -- in light of the aldermen adhering to the Constitution of this State... Before I get -- before I get to that, I want to ask one more question. Was -- was -- did the aldermen violate any law when they passed this raise?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

No, apparently they did not. They took advantage of a loophole in the law that we inadvertently created, or maybe not inadvertently. Apparently we didn't have the votes to close the loophole. But they took advantage of a loophole in the law, and it was legal. Shocking, but legal.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw, will you please bring your remarks to a close?

SENATOR SHAW:

One other question: How many other municipalities in this State that that same loophole exists in today?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

We checked with DCCA and they couldn't give us a number on that. It's unknown.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

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Finally -- well, I think that every other municipality in this State have the same opportunity to do the same thing that Chicago did. But we didn't include them in this bill. We're singling Chicago out. And it's all because of the airport deal, and I think it's wrong. I think it's vindictive. I think it's mean-spirited, in terms of moving -- trying to move this type of legislation through the Legislature down here. If the people -- and the people will have an opportunity in 1999 to approve or disapprove. It should be left up to the people of the respective community where this occurred. I don't think we have any business doing that for the -- just the City of Chicago because we didn't get our way with the airport, O'Hare. We wasn't able to take it. I think the people of -- of this State see through that. And I don't know how anybody convinced you to carry this type of legislation, because you didn't include your town in this legislation. I think it's wrong. I -- I believe that the citizens of this State, they're highly intelligent people, and certainly there will be some reprisals and the -- I must say that the Mayor of the City of Chicago probably made the right decision in terms of the airport deal. And I just think that this is no way to do it. I think that you should come to the table, sit down and talk about it and not get down here and posture it through the legislative process and to make people feel as though that you're trying to do something for them. If you're trying to do something for them, you -- you would have included all of the other towns in Illinois, to prohibit them from doing it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

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Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

Senator, if I'm right, this is the first House bill that we've been acting on. Do you know if that's correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

That's incorrect.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

How many House bills on 3rd Reading have we acted on?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

If you'll recall, we acted on a number of fast-track House bills earlier in the Session, most of which went up to the Governor and were signed. Tort reform, House Bill 20, would be a good example.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

...be the -- would this be the first non-fast-track House bill that you're aware of?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

I don't know that I'd characterize it as not being fast-tracked.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

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Can you share with the committee -- I sponsored a House -- I picked up a House bill earlier. Can you share with the Body how I would be able to get the House bill that I picked up voted on today? Is there any -- can you shed some light on how I can get that accomplished?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, I hurried to move it from 2nd Reading to 3rd Reading yesterday. Maybe if you had been as quick.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Let me ask you another question. Do you realize you've gone from sixty days to a hundred and eighty days, so you give them -- even non-home rule communities even more time to play with the pay raise? You realize that. And I -- I guess that's not a question, so he doesn't have to answer that. But let me ask you a different question then. If -- when was the last time the Chicago City Council did vote themselves a pay raise? Do you have any idea?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

1991.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

And if this bill passes and becomes law, how -- when is the next time they could consider and legally pass any type of pay raise, in your estimation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

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SENATOR FITZGERALD:

A hundred and eighty days prior to a general municipal election.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

All right. So therefore, according to my calculations, that would be 1999, and if it reverts back, we're talking about eight years without any type of pay raise. So we have people who are working in the same job for any -- for nine years without any type of pay raise. You also have it where the duties keep changing. As we all know, people expect more and more from their legislation. Everybody in this Chamber knows -- to the bill: Everybody in this Chamber knows and realizes it's some form of retaliation, retribution, for the -- for -- for the airports. As my learned colleague from Inverness knows, he is perhaps the straightest shooter in this Senate, and I appreciate him being that way. And I know that he can smile and I know politics plays a game here. As much as we like to be governmental and statesmanship in nature in this Chamber, sometimes politics rears its ugly head in this Chamber and we have to go along with it. We have to do that from time to time, and this is certainly one of them. But I would appreciate, when it is politics, that we mention it. And when we act like statesmen, let the people know we're acting like statesmen. This is politics pure and simple. It has to be, it has to be. But remember what you're doing. The Mayor of the City of Chicago is also like the Senator from Inverness. One thing you have to hand him is that he's straight. He came out and said, "I did this to protect the City of Chicago. I did go around people. I did keep it to my vest. I did pull a fast one." He was straight and said he did it, but he did it for the people of the City of Chicago. He did it for what he thought was right for

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Chicago, to say what he thought was right for Chicago. Now the response from the other side of the aisle is not to also be governmental in nature and say, "Okay, City and Mayor, this is what we're going to take away from you. This is what we're going to do for the State versus the City of Chicago." They didn't do that. They went personal. They went and said, "We're going to take away your money. We're going to hurt your families. We're going to hurt your pensions. We're going to make sure that you don't get a raise for the next eight years." They didn't go and talk about what they can do to the -- to the Assessor, to the Park District, to the Water Reclamation District, to the Water Department. They didn't go governmental like the Mayor went governmental. They decided to go personal. They decided to hurt families and what they can do and say, "We're not going to let you get a pay raise for eight years." That's ridiculous. I think it's wrong, and I think everybody should reflect what they're doing in this Chamber to good, solid elected officials. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jones.

SENATOR JONES:

Senator Fitzgerald, you mentioned something about the -- the -- the fiscal impact on the General Assembly Pension System. You mentioned that if this legislation passed, the Mayor of the City of Chicago would -- would do what to the GA Pension System?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

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As I understand it, it would cost the taxpayers an additional -- the State taxpayers an additional thirty thousand dollars a year. The Mayor's retirement annuity from the General Assembly Retirement Fund would be bumped up to a hundred and forty-five thousand dollars a year, twelve thousand dollars a month.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, you are a very enlightened Senator, but you are totally incorrect. And it's unfortunate that you are -- you are passing out erroneous information as related to the pension system. It does not cost the GA System one dime potentially, simply because built into our retirement system, they already have in there provisions in anticipation of any increase. Furthermore, this General Assembly gave the -- the City of Chicago, as well as the County of Cook, an executive pension. He is the Mayor of the City of Chicago, so therefore, under the -- under the Municipal Pension System, you have a two-tier system. He decides -- elects to stay in there, in that system, then there is -- the fiscal impact will not hit this system. Furthermore, if you're going to play games and play politics with this issue, every Member who serves in this General Assembly that was here prior to January of 1995, under the current law, as is given to them by the Constitution, they can leave here -- Senator Fitzgerald, I want your -- Senator Fitzgerald. Every Member that was elected prior to January 1995 can go out, become a judge, work for any municipal -- any other governmental entity and, by law, under the reciprocal, they qualify. I notice that you did not mention anything regarding the former Governor of the State of Illinois and his big pension. But -- but you cannot pick -- single out the Mayor because he has not elected to stay in the GA System. There is a executive pension for the City of Chicago, so I think when you are reporting, you

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should report correctly. And I have the names of all the former Members - all the former Members - who qualify as it relate to the reciprocal. But when you pass out erroneous information, I think you do not only this Body an injustice, but also the people of the State of Illinois an injustice. Now I have another question I want to ask you. What percent raise are the aldermen getting? What is the percent?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thirty-six percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

So therefore, they're getting thirty-six percent for four years, correct? If you're correct in your figures. Well we, the Members of the General Assembly, you know, we receive pay raises too. But we get ours on the annual basis. Am I correct? Based on the cost of living. So when you add it up and compound it, it could come out to be quite a bit. When you add it up and compound it, it comes out to be quite a bit. I won't get into the constitutionality of the -- the bill, because it's quite evident that the Chair has ruled, but we, as Members of the General Assembly who are lawmakers, if we continue to trample on the Constitution - something that the people of the Illinois -- of Illinois voted for and we swore -- took a oath of office to withhold -- and -- to support the Constitution of the State of Illinois - but when we trample on that Constitution, when we trample on all those provisions that's set forth, then how do you expect the people of Illinois to not only respect the Constitution, but to respect us as lawmakers? Youngsters are being taught in school the Constitution, both State and federal.

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And here we are, lawmakers, when it's clearly - it is clearly - a home rule power, you're saying, "No, that does not exist." How do you expect them to support and respect the Constitution when you up there in your ruling totally disrespect it? But as it relate to the pension, let's make those things crystal clear. And if you're going to publish the names of people, then publish all those individuals who receive it, as well as every Member of this General Assembly who was elected prior to January of 1995. But if you're going to play silly politics, tell the truth when you play silly politics.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR FITZGERALD:

Thank you, Madam President. As I said before, you may question the motives of some people who support the bill, and I can't speak to their motives. But I would encourage people to look at the merits of this bill and not vote for it or against it other than on the merits, and it is good public policy. I just want to mention one issue that was raised by Senator Cullerton. I want to make clear for the record that this bill is an exercise of the concurrent jurisdiction of the General Assembly, not the preemptive -- preemption of exclusive home rule powers. The proposal does not purport to deprive home rule units of the power to fix the salaries of their officers. We are not going in and fixing salaries for local officials. We're not even mandating that the State exercise the power exclusively, in which case I would agree a three-fifths majority would require. This legislation is merely placing limitations upon when that power may be exercised, and it is quite appropriate that we consider it as falling under subsection (i) of Section 6 of Article VII of the State Constitution. Finally, the issue before us really isn't the size

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of the raises in Chicago. That isn't for us to question, as large and as shocking to the conscience as they may have been. The issue is whether we are going to close a loophole that allows elected officials in this State to go through an election, say nothing about a pay raise, and then immediately after the election, vote themselves a pay raise and deprive their bosses, the voters, of a say-so in that pay raise. That's what this bill's about. I would not be putting my name on this bill if I did not feel it were sound public policy, and I have no ax to grind. And I urge you, just as you should not vote for it out of political purposes, you should not vote against it because of the context. Hard facts sometimes make awfully good law, and when this law is in the Statute books, no one will be asking what the motivations were, why particular Senators voted for or against this bill. Vote for it because it's a damn good piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 496 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 35 Ayes, 17 Nays, 5 voting Present. House Bill 496, having received the required constitutional majority, is declared passed. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

I'm very sorry, Madam President, and I know it's Thursday afternoon, but we'd like to verify the roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

That question is always in order. Senator DeLeo has requested a verification. Will all Senators please be in their seats. Will the Secretary read the affirmative -- affirmative vote.

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SECRETARY HARRY:

Following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Thomas Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Severns, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo, do you question the presence of any Senator?

SENATOR DeLEO:

Madam President, as we were doing the verification, we did a visual check, and everybody is here. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are 35, the Nays are 17, 5 voting Present. House Bill 496, having received the required constitutional majority, is declared passed. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

Yes, Madam President. I just wanted to state that I do represent a home rule municipality and there may be a potential conflict; however, I did vote my conscience.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, sir. We are now going to proceed to page 9, at the top of the page, Senate Bills 3rd Reading, where we left off. Senator O'Malley, on Senate Bill 805. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 805.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

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SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. Senate Bill 805, as amended, amends the Illinois Education Labor Relations Act to redefine "part-time employee". Under current law, a part-time teacher covered by the Illinois Education Labor Relations Board is an employee who teaches less than six credit hours of instruction per academic semester. Senate Bill 805, as amended, would change the definition to include any teacher who provides fewer than eight credit hours per term. Those who have been proponents for this bill argue that it is needed to permit part-time teachers to teach more than one course. And my interest in this bill is -- is primarily to make sure that -- that teachers are present on campus, and teaching more than one course will ensure that. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. I rise in opposition to this bill, because under current law, a part-time academic employee must have at least six credit hours per semester to be included in any collective bargaining unit at a community college. Think the net effect is that part-time academic employees will need ten hours per two semester academic years to be included in the collective bargaining process, rather than the current twelve hours. In essence, this bill would alter radically and have a profound effect on bargaining units throughout the community colleges' system. By reducing the number of hours needed for entry, a bargaining unit could be open to a larger number of eligible participants who are not full-time academics. Essentially, this bill, I think, seeks to reduce the number of teachers that would be eligible to become unionized and part of collective bargaining agreements. I think it seeks to reduce that

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so that people won't have the ability to join unions. Both the Illinois Federation of Teachers and the IEA, as well as the AFL-CIO, are opposed to this bill. I'd urge a No -- No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator O'Malley, to close.

SENATOR O'MALLEY:

I would just like to say briefly that this is not intended, at least by this sponsor, and I believe by anybody else that has dealt with me on this, to -- to oppose union membership. The purpose of this bill is to make sure that part-time teachers have -- are more accessible to students. That can be done by having two courses. Present law makes it very difficult for community colleges to have part-time -- part-time teachers for more than one course. The original -- the legislation as it was originally introduced was at ten hours, and we amended it to take it to eight hours to make sure that there wouldn't be any abuse, where perhaps it were -- where three -- or three courses might be what a -- what a part-time teacher could qualify for. But in any event, I would appreciate a -- a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 805 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? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 27 Nays, none voting Present. Senate Bill 805, having received the required constitutional majority, is declared passed. Yes, Senator Garcia. For what purpose do you rise?

SENATOR GARCIA:

Madam President, I'd like to move to verify the roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

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That question is always in order. Senator Garcia has requested a verification. Will all Senators be in their seats. And, Madam Secretary, will you please read the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR GARCIA:

Senator Burzynski.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski? Senator Burzynski is standing next to Senator Barkhausen.

SENATOR GARCIA:

Senator Woodyard.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard is standing at his chair.

SENATOR GARCIA:

Senator Sieben.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben is seated in his chair, now standing.

SENATOR GARCIA:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis was -- I don't think was voting in the affirmative.

SENATOR GARCIA:

Oh, pardon me. Senator Syverson.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson. Senator Syverson on the Floor? He's on the Floor.

SENATOR GARCIA:

Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. On a verified roll call, there are 30 Members voting Aye, 27 Members voting Nay, no Members voting Present. Senate Bill 805, having received the required constitutional majority, is declared passed. Senate Bill 812. Senator Bowles. Senate Bill 816. Senator Raica? All right. Earlier, Senator O'Daniel had sought leave to handle Senate Bill 812 for Senator Bowles. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 812.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of -- of the Senate. Senator Bowles had to be away today, and I agreed to handle this. I see it came out of committee with 10 Yeas and no Nays. Actually what the bill does, it -- it deals strictly with -- with jimsonweed. There's been chemical compounds that are being made illegal by this bill, are naturally derived from jimsonweed. Seems that the State's attorney in Madison County has some youngsters that were either sucking on the seeds or the leaves of jimsonweeds, and there's been a couple or three deaths. I -- I don't know of any opposition. If -- if there -- have any questions, I'll attempt to answer them. If not, I'd -- I'd appreciate a favorable roll call.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 812 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 812, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 818. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 818.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 818 gives emergency telephone boards what a number of public entities who actually administer emergency telephone or 9-1-1 service already have, and that is immunity for their service as a board member barring any willful or wanton misconduct, and really this clarifies what other local government units have that deal with emergency phone system. It's a problem with one

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particular emergency telephone board I have in my area, in unincorporated DuPage County, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND).

Is there discussion? Is there discussion? If not, the question is, shall Senate -- Senate Bill 818 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 52 Ayes, no Nays, no Members voting Present. Senate Bill 818, having received the required constitutional majority, is declared passed. I inadvertently passed over Senate Bill 816. Senator Raica. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 816.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you for your courtesy, Mr. President. Senate Bill 816, as amended, is an agreement that's been worked out between the Cook County State's Attorney's Office and the Department of Mental Health and the Hospital Association. Basically what it does is requires that a mental health facility director to notify the State's Attorney when discharging a recipient when the State's Attorney has requested to be notified of a particular discharge. If you remember, Floor Amendment No. 1 also requires the facility director to notify the State's Attorney when discharging a recipient who is denied -- or, is deemed, I'm sorry, a threat to the peace and the safety of the community. This was an agreed to by all parties, and I just would ask for a good roll call.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 816 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 57, having received the -- Senate Bill 816, having received the required constitutional majority, is declared passed. Senate Bill 823. Senator Mahar. Senate Bill 824? Senate Bill 825. Senator Philip. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a vehicle bill for judicial reapportionment. I'm not sure if we -- whether we can ever agree on it, whether we'll ever pass it, but I'd like to at least get it over to the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 825 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 32 Ayes, 3 Nays, 19 Members voting Present. Senate Bill 825, having received the required constitutional majority, is declared passed. Senate Bill 829. Senator O'Malley, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator

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O'Malley seeks leave of the Body to return Senate Bill 829 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 829. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. The -- the amendment -- what it does is limit the application of the legislation to units of local government, as defined under Article -- Section 1 of Article VII of the Constitution, or school districts.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator O'Malley moves the adoption of Floor Amendment No. 1 to Senate Bill 829. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 830. Senator Geo-Karis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 830.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 830 amends the Open Meetings Act by stating that meetings to discuss whether a particular parcel of property should be acquired are not required to be open meetings, because otherwise that would defeat the purpose, and once people hear about what property is involved, you know what happens: the price goes up. And it specifies that at any open meeting for which proper notice will be given, a public body may hold a closed meeting without providing additional notice, and further that -- requires an agenda for each regular meeting be posted at the principal office of the public body and at the location where the meeting is to be held. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 830 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 830, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Mahar, Chairperson of the Committee on Environment and Energy, reports Senate Bill 1058 Do Pass.

Senator Peterson, Chairperson of the Committee on Revenue, reports Senate Bill 295 Do Pass, as Amended; Senate Amendment No. 1 to Senate Bill 133 Be Adopted, Senate Amendment No. 1 to Senate Bill 134 Be Adopted, Senate Amendment No. 1 to Senate Bill 135 Be Adopted, Senate Amendment No. 2 to Senate Bill 368 Be Adopted, Senate Amendment No. 2 to Senate Bill 726 Be Adopted, Senate Amendment No. 1 to Senate Bill 753 Be Adopted and Senate Amendment No. 1 to Senate Bill 843 Be Adopted.

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Senator Barkhausen, Chairperson of the Committee on Financial Institutions, reports Senate Bill 1208 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 842. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 842.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill seeks to amend the Insurance Code to provide that an optical imaging of a book, record, document, account or voucher shall be considered the same as the original, and a transcript or a certified copy of an optical imaging shall be deemed to be a transcript or certified copy of an original. There's no opposition to this bill. It flew out of committee with no -- with all unanimous Yes votes. I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 842 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 842, having received the required constitutional majority, is declared passed. Senate Bill 843. Senator Cronin, do you wish -- do you wish this bill -- all right. Out of the record, Madam Secretary. Senate Bill 850. Senator Dudycz. All right. Senate Bill -- Senate Bill

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843. Senator -- Senator Cronin, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Cronin seeks leave of the Body to return Senate Bill 843 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 843. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I apologize for my hesitation there. Senate Amendment No. 1 was adopted in committee this morning. There was a thorough debate on it. This amendment was offered in response to some concerns that were raised by committee Members the first time the bill was heard. All the various interest groups and parties got together, came up with some language that we believe addresses all the concerns. It provides generally that those Lottery winners who may elect to assign their prize, under the proposal of this bill this would not take effect unless and until the Internal Revenue Service gives a ruling that that would not constitute constructive receipt, in that they elect to assign the prize. So the -- we need to hear from the IRS before this becomes law, and this was passed out of Revenue Committee on a unanimous roll call, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Cronin has moved the adoption of Floor Amendment No. 1 to Senate Bill 843. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for

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consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 854. Senator Molaro, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator -- Senator Molaro seeks leave of the Body to return Senate Bill 854 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 854. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Molaro.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Yes. This is a bill about canned hunts. What happened was, in committee, we adopted some amendments. We changed the name to the Zoo Animal Act <sic>, which had some objection by the zoos - looks like we're singling them out. So all this amendment does is change it back to the Exotic Animal Sale Act, which it was previously. And I'd ask for a favorable roll call on the amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none, all those in favor, please vote by -- any discussion? All those opposed, say Nay. All those opposed <sic>, say Aye. The Ayes have it. Any further Floor -- any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senator Molaro.

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SENATOR MOLARO:

...(microphone cutoff)...now ask leave of the Chair, or leave of the Body - I don't know what the proper motion is - to return this bill to 3rd Reading, and have a -- so that it can be considered by this Body now.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro, we haven't been doing that, and we do have so many bills on to go. So if you don't mind, I will not honor your request at this time. Senator Molaro.

SENATOR MOLARO:

That is the ruling of the Chair, I would just then suggest that then we would keep that throughout the rest of the -- the afternoon.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I will try.

SENATOR MOLARO:

All right. Thank -- thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senate Bill 857. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 857.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill creates the Hockey Facility Liability Act, and states that the owner or operator of an ice hockey facility, such as one that I have in my district, the Seven Bridges Ice Arena, is not liable for injury to the person or property of any person as a result of that person being hit by a hockey stick or puck unless

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two things: That the person is behind a screen or protective glass which is defective because of the negligence of the owner or operator; or, the injury is caused or created by willful and wanton conduct, in connection with the game of hockey, of the owner or operator or any hockey player or coach employed by the owner or operator. This bill is virtually identical to a bill we passed for the Chicago Tribune some years ago, for Wrigley Field and for baseball, and is now known as the Baseball Facility Liability Act. The bill's supported by the Illinois Association of Park Districts, the Illinois Municipal League, the Rosemont Horizon and the United Center, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senate Bill 857 is up for a vote. The question is, shall 857 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 Ayes, none voting Nay, 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 859. Senator Maitland. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President. Senate Bill 859 creates the Indirect Cost Fund under the Department of Professional Regulation. It lays out the uses for that Fund. It requires DPR

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to prepare a cost allocation analysis to be used in establishing appropriation levels. It amends all licensing Acts under the Department that maintain their own dedicated fund to allow transfers to the Indirect Cost Fund. I would be happy to respond to any questions you might have; otherwise, would appreciate your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, on that question, shall Senate Bill 859 pass, those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On that question, there are 56 voting Aye, none voting Nay, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 906. Senator Walsh. Madam Secretary, will you read the bill?

ACTING SECRETARY HAWKER:

Senate Bill 906.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. What Senate Bill 906 does is it directs the Department of Mental Health and Developmental Disabilities to study the feasibility of entering into private contracts for repair and maintenance of Department facilities. This is just a study, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Hearing none, the question is, shall Senate Bill 906 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted

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who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 47 voting Aye, 6 voting Nay, 2 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 942. Senator Sieben. Senate -- out of the record. Senate Bill 944. Senator Watson. Senator Watson there? Senate Bill 946. Take 944 out of the record. Senator Dillard. Senator Dillard. Madam Secretary, will you read the -- the bill?

ACTING SECRETARY HAWKER:

Senate Bill 946.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill comes to this Body from a number of educational institutions, including Chicago museums, but particularly brought to my attention by a couple of health education centers, one of which is in Peoria; another is in my district in Hinsdale, named the Robert Crown Center. And what we're doing with this bill is clarifying - and there is a difference of opinion between the finance section at the State Board of Education and the legal section - we're clarifying that field trips to educationally related places are reimbursable under the State transportation formula. It really is intended to follow what the legal department believes is the law now, but this just clarifies it, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall Senate Bill 946 pass. Those in favor, vote Aye. Those opposed

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will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 57 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 947. Do you wish to recall that bill, Senator Dudycz? The -- Senate Bill 947, Madam Secretary. Senator Dudycz seeks the leave of the Body to return Senate Bill 947 to the Order of 2nd Reading for the purpose of an amendment or tabling an amendment. Hearing no objection, leave is hereby granted. On the Order of 2nd Reading is 2nd -- is Senate Bill 947. Madam Secretary, will you tell us, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz, Amendment No. 2.

SENATOR DUDYCZ:

...(microphone cutoff)...President. Thank you, Madam President. Amendment No. 2 just adds the city clerk and the treasurer to the requirement that the race of mayor, city clerk and treasurer would be the -- they would be elected at the consolidated election, rather than in -- in the April election -- general election. This is just correcting an oversight. We were hoping to get the mayor's race nonpartisan, and if we would have kept the clerk and the treasurer's race partisan, we would still have the two elections theoretically. So this will just correct that, put them all together with the aldermen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Hearing none, all those in favor, say Aye. Aye. And all those opposed, say Nay. The Ayes have it, in the opinion of the Chair. The amendment's adopted.

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Are there any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. The next bill is 951. Senator Klemm. Madam Secretary, will you read 951?

ACTING SECRETARY HAWKER:

Senate Bill 951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Since this is the bill that we talked about before, limiting expenditures by political committees, I don't think the Chamber is ready for this bill, and I'll take it out of the record.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you very much, Senator Klemm. Senate Bill 961. Senator Fitzgerald. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 961.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 961 amends the School Code to allow private bus contractors to offer bids to school districts to operate their bus transportation system. I have been working with the Statewide School Management Association, and we have put in amendments that

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would provide that the school districts do not have to accept the bids, but they would simply, after the bidding process, have to allow the contractors to know what the school district's in-house cost of doing the transportation is, so that in the future the contractors could formulate their bids. And there would be no penalty in it for school districts that do not accept the bids, and this is a compromise I have worked out between the school bus contractors, School Transportation Association and the Statewide School Management Association. I'd certainly appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, on that question, the question is, shall Senate Bill 961 pass. Senator Garcia, I didn't -- you didn't have your light on, but I'll honor your request to speak.

SENATOR GARCIA:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he'll yield.

SENATOR GARCIA:

Senator Fitzgerald, in your estimation of the bill, could this jeopardize bus -- bus drivers' jobs who are currently employed by school districts who have not privatized?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

No, not at all.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Senator, in -- in districts who do their own busing currently, what guarantees or what avenues would be open to bus drivers so

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that, if a district chooses to privatize, they won't be left out in the cold?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

As you heard the testimony in the committee, we have substantially watered down the bill, so that the school district would not be required to accept the contractor's bid if it were lower. But assuming that school district does hire a private contractor, and it could certainly do that now without my bill, as was -- the testimony was in committee, the school transportation contractors ordinarily attempt and work out an agreement with the school district whereby they hire the in-house providers -- drivers from the school district and that is normally part of the transportation agreement with the district, and the testimony was that they normally hire them at the same pay, if not higher.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Would this also include the same benefits?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

It certainly can, and normally that -- all the salary and benefits of the drivers' is part of the discussions on the contract between the school district and the contractor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Might this bill become a burden for local school districts, to determine what their current costs are?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Fitzgerald.

SENATOR FITZGERALD:

I don't think so, because I -- I would hope that most of them are analyzing from time to time what the costs of their doing it in-house, as opposed to sending it to an outside contractor, are.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Senator Fitzgerald. I would just urge our Members and everyone who cares about working people to be very cautious, and therefore, would urge a No vote on this. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR FITZGERALD:

Thank you, Ladies and Gentlemen of the Senate. This bill worked out to be significantly more watered down from originally, and I think the testimony even was from a union official that, as with the amendments, they did not oppose it. This is a compromise between the School Transportation Association and the Statewide School Management Association. It's a good bill. It has no punitive effect on school districts that do not outsource their school bus transportation system. It would simply give contractors the opportunity to bid and to find out what the costs are that the school district has. It's a good bill. It should save money in some school districts where they may decide to privatize. Thank you. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 961 pass. Those in favor, vote Aye. Those opposed will vote Nay, and the voting is open. Have all voted who wished? Have all -- have all voted who wished? Have all voted who wished? Have all voted who wished? Have all

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voted who wished? I'll take the record when I see fit to do so. Have all voted who wished? On that question, Madam Secretary, you will take the roll. There are 26 voting Aye, 28 voting Nay, 2 voting Present. And this bill, having failed to receive the required constitutional majority, is hereby declared failed. Did you wish to postpone consideration? Postponed Consideration by the sponsor. Senate Bill 971. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 971.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. Senate Bill 971 creates the School Impact Fee Law to establish a process whereby units of local government may impose development exactions on developers for the acquisition of school lands and for the construction of school facilities in order to meet the educational demands of new development. In addition to explaining or introducing the legislation, let me just say this: Many of you know that I have been interested in negotiating for the past year on the issue of school impact fees. Last year, we passed from this Chamber a shell bill and sent it to the House for the purposes of continuing the negotiations. Ladies and Gentlemen, those negotiations did not continue in the fashion that they should have, and -- and as a result of that, we do not have an agreed bill in front of this Chamber today. I would say to you, however, that I think this is an important issue that is -- is begging for solution in the State of Illinois. I think this legislation, by sending it to the House in a more substantive

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fashion, will allow that to happen. I have encouraged all the parties to negotiate in good faith, and they have been negotiating in good faith, in my opinion. However, they need to keep their feet to the fire, and with deadlines being what they are, I -- I would encourage that -- that this Body help me send this legislation to the House, where the negotiations have primarily been convened, so that they have this bill before them for consideration. I'd be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. I want to join Senator O'Malley and compliment his -- compliment him on his efforts to deal with a very difficult problem that is presented both to schools and to builders and to future consumers who would locate in a certain area when they buy a home. The average price of an impact fee in the State of Illinois is approximately three thousand dollars that is contributed by the builders. They are also hit with other fees, as you well know: park districts and fire districts. This is an attempt - a legitimate attempt - to codify a problem that has existed for a substantial period of time. It's a -- it's an area that really cries out for some form of an agreement, and this is a good start.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will yield.

SENATOR BERMAN:

Have -- Senator O'Malley, has there been any meeting held in the ten, twelve days since this bill was in the Senate committee?

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Berman, there have been a number of meetings. There have been meetings primarily over in the House; although, the parties are today negotiating in Chicago. And I really think that the parties -- I believe - because I actually witnessed one of the negotiations - that they are acting in good faith on both sides, or all sides. And so, yes, those negotiations have continued. I've encouraged them. I know that you have. And I believe they will continue, but we need this to keep it going.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Do we have a commitment from you and whomever will handle the bill in the House that it will be amended in the House so that we can see what the final product may be?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Berman, I -- as we all know, I can't control everything that goes on in the House, and -- and -- nor can you, but I can tell you this: that the percentages that this bill in this form would be passed by the House are extremely low. I will encourage, as I indicated in the committee, that the parties continue to negotiate in good faith. I fully anticipate, and I will encourage, that there be an amendment developed as a result of these continuing negotiations, so that, yes, this Chamber will see the final product.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

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I take that that you are going to ask that -- that an amendment be placed in the House. Is that right?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis. Senator DeAngelis, further discussion?

SENATOR DeANGELIS:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I didn't mean to interrupt your dinner.

SENATOR DeANGELIS:

I just want to say that this is a -- a very good step in a highly controversial and explosive area, and I commend you for this, Senator O'Malley. Keep it moving.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you -- thank you, Madam President and Ladies and Gentlemen of the Senate. I'd like to commend Senator O'Malley for trying to work some compromise out on an issue that's been a very difficult one and an issue that is very important to the growing areas of -- of Illinois. However, I must stand in -- opposed to the provisions of this bill, not because I don't want to see the continuation of dialogue between the parties, but realizing that another companion bill, if you will, addressing this same subject in the House, has fallen down and -- and the negotiations have ended, probably because this bill is pending, and there's no need for some parties to continue the discussion if this bill were to be passed. As I interpret the bill, it appears as if there's almost a cap of how much a developer donation could be of about

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six hundred and sixty-six dollars. In my area, we know that new growth, new construction of schools to take care of the new growth, is nowhere near six hundred and some dollars. We found out that back in the late 1970s, when I was chairman of the county board in McHenry County, we passed the first developer donation ordinance in a county in the State of Illinois. And people at that time said: "You know what this is going to do is put a damper on growth. This is terrible to have the home buyers who come in and want those infrastructures to have to pay for it. What we should do is let the old-timers pay their way and then pay for the new growth also." So what's happened in McHenry County? Let me give you an example what -- when we passed this ordinance requiring a developer donation. McHenry County in the 1980s was the fastest-growing county in Illinois. In the 1990s, McHenry County is, again, the fastest-growing county in Illinois. And in fact, statistics show that it's either the fifth or sixth fastest-growing county in the entire United States. And that's with a developer donation contribution. So when the builders tell me that there -- this stifles growth and it costs them money, it really doesn't. What it does is really shifts it to the home buyer. There's no question about that. We know that, but these are the services they want to enjoy and we like to share that with them. But isn't it fair that some of these people pay a certain percentage to share and use this new growth? My school district, which is relatively small compared to -- to Rockford and Chicago, but it's one of the largest in McHenry County, this year alone had almost eight hundred new children in one year. That's almost one new school building. Last year it was seven hundred and something. The year before that it was six hundred and something. Now, we have referendums and we try to pass them, and sometimes we do and sometimes we don't. But everybody there says, "Why don't we have new growth at least pay some of the share of the cost of

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what new growth is asking for in the infrastructures? We'll share; we'll pay ours; we'll continue to cooperate because we value the growth and we value the importance of education." But to end up putting a limitation -- in my county, many of the municipalities have ordinances that say about twenty-seven to three thousand dollars, and it has not stopped one home sale yet.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Could you bring your remarks to a close?

SENATOR KLEMM:

Well, it's an important issue, and I ask for your support to not send this over as this is the panacea that this is going to help us. I encourage the Senator to continue this debate. But if we send this bill over to the House, it's going to send the signals that this is what we think should be the limitations; this is what we should do. This would be wrong, and I ask for your opposition to this provision. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Fawell, briefly.

SENATOR FAWELL:

Will the -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR FAWELL:

Could you tell me where the Illinois Association of School Boards is on this particular issue?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

I -- I believe -- if they're part of the Alliance, and I believe they are, then they would be in opposition to this particular bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Fawell.

SENATOR FAWELL:

...apologize. I -- I meant the Alliance. Is the Alliance against it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

They -- Senator Fawell, they registered in opposition in committee. They are part of the negotiations that are continuing, and I believe, in good faith, by the Management Alliance, I might add.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Well, my experience with the Alliance is they are not to be trusted. I will vote with you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator O'Malley, to close. Senator O'Malley, to close.

SENATOR O'MALLEY:

I want to be very brief in my closing remarks, other than to say the following: That I think Senator Klemm made some very good points as to why it is so important in high-growth areas to finally tackle this issue, not only for schools, but for the families that are moving into those areas so that the money that, yes, they pay when they purchase a home, indirectly, to developers, who then pay, hopefully, to school districts to address the impact fees, that those dollars are handled in an accountable fashion and utilized for the purposes for which they're intended. Again, to everybody here, I fully will encourage and expect that we will be seeing back here in this Chamber the final product, which I will encourage, along with

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other Senators in this Chamber, to be the product of good-faith negotiations by all interested parties. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 971 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 30 votes Yeas, 11 Nays, 15 voting Present. And this bill, having received the required constitutional majority, is declared passed. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Regretfully, I must ask for a verification.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Regretfully, you're entitled to a verification. Madam Secretary. He's requested a verification. Will all Senators be in their seat. The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

Senate Bill -- excuse me, I'm sorry. The following Members voted in the affirmative: Barkhausen, Berman, Clayborne, DeAngelis, del Valle, Donahue, Dudycz, Thomas Dunn, Farley, Fawell, Garcia, Hawkinson, Jacobs, Madigan, Mahar, Maitland, O'Daniel, O'Malley, Raica, Rauschenberger, Rea, Severns, Viverito, Walsh, Watson, Weaver, Welch, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Klemm, do you question any of the voting? Who? Senator Rauschenberger is right back there. Senator Farley? Is Senator Farley in the room? Senator Farley in the room? Strike his name.

SENATOR KLEMM:

Senator Garcia?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia is right there.

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SENATOR KLEMM:

Senator -- I see Senator... Senator Hendon? I see. Senator Severns?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Severns? Is Senator Severns in the room?

SENATOR KLEMM:

No other verifications. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Take the record. On that question, on a verified roll call, the Ayes are 29, the Nays are 11, and those voting Present are 15. And this bill, having failed to receive the required constitutional majority, is declared lost. Do you wish to postpone consideration? Postponed Consideration. Senator Barkhausen, 975? Madam Secretary, will you read 975?

ACTING SECRETARY HAWKER:

Senate Bill 975.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President, and -- and Members.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Wait just a minute.

SENATOR BARKHAUSEN:

Senate Bill 975 makes a very simple, and I think, noncontroversial change to the Department of Mental Health and Developmental Disabilities Act with respect to the provisions in that Act dealing with the rates set by the Department for reimbursement for providers of community-based services, and it simply adds to the existing language of the Statute a requirement that the Department, when determining rates, take into account the

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cost of doing business among the various geographic regions of the State. The bill is supported by the Department and was passed on the Agreed Bill List in the Public Health and Welfare Committee, and I urge your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hasara, for what purpose do you rise?

SENATOR HASARA:

On a point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, please.

SENATOR HASARA:

Senator Geo-Karis has some constituents up in the gallery from the Christian Fellowship Baptist Bible Church in Zion, Illinois. Pastor Rocky Seffinga...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Seffinga.

SENATOR HASARA:

Seffinga, excuse me. I'd like to ask them to rise so we can welcome them to the Senate.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome. Welcome. Welcome, Pastor and your brood. Thank you for coming. Further discussion on Senator Barkhausen's Bill 975? Any further discussion? Hearing none, the question is, shall Senate Bill 975 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 voting Aye, none voting No, and none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 978. Senator Madigan. Madam Secretary, will you read that bill?

ACTING SECRETARY HAWKER:

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Senate Bill 978.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Senate Bill 978 comes from the Department of Insurance. It's one of those bills that codify, clarify and simplify, with one exception, and that has to do with language in the bill which provides qualified immunity for the Director. We had this bill in committee. Senator Berman raised some questions - some legitimate questions - about that language. That language has been agreed to be deleted. Like to send this over to the House with a commitment that that language will be deleted over in the House. Other than that, I'd be glad to answer any questions, and would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall Senate Bill 978 pass. Those in favor, vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 57 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 983. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 983.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill went out on the Agreed Bill List. What it basically does, when you have a child support order, there is a form that you fill out that puts the -- contains the address, the telephone number, driver's license number, social security, employers' names, names of the children, birthdates that you would have when you would have an order of support issued by a court. The problem is every court in every different county has a different form that they use and when Public Aid goes out and tries to get these dads to pay up or -- or mothers to pay up, it's very difficult. The Supreme Court, in a couple of cases, have asked that we have a form that's uniform throughout the State of Illinois. We sat with the Department -- Public of Department Aid -- Public Aid, and they've come up with this form, and there should be no opposition. This is another one of the Molaro fast-track, conservative, anticrime bills. So I would ask your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Hearing none, the question is, shall Senate Bill 983 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Clerk -- Madam Secretary, take the record. On that question, there are 55 Ayes, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby duly passed. Senator Molaro.

SENATOR MOLARO:

Madam Chairman, at the sake of embarrassing myself in front of every Member, I failed to vote on the last bill. If I can I would like the record to reflect that had I been paying attention, I

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would have voted Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro, your -- your request is duly noted. But you wanted a fast track and that's what I tried to provide for you. Senate Bill 990. Senator Fawell. Madam Secretary, will you read the bill. Oh! Pass -- out of the record. 996. Senator Hendon. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 996.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Let's give our courteous -- courteous attention to Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. And I do intend to vote on this bill. This is my -- my anticrime bill. It -- all it does is very simple. It goes after the customers of prostitutes, goes after the men, for the most part, instead of just arresting the women. If a person is caught the second time -- we let them get away with it the first time, but if they're caught the second time in their car or making love to a prostitute on the street in front of our children, then we will seize that vehicle and fine them, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. At behest of -- I understand what Senator Hendon's doing, but I'd like everybody to quickly take a look at this, if we might. This is a forfeiture bill. Let's get this straight - what we're talking about. Obviously, in some neighborhoods in the City of Chicago throughout and in downstate

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Illinois, and other parts of the State, prostitution in certain areas is certainly a problem. And if you're trying to raise children and they see these ladies of the evening, or gentlemen, out there soliciting, it's a very real problem. However, let's get straight what this bill does. This bill says that if some gentleman or lady makes a deal for prostitution and says, can you do this prescribed illegal act for money - twenty/twenty-five dollars - and it's an undercover police officer and it's the second time that you've done it, and the undercover police officer says, "Okay, for twenty dollars I'll do such and such a thing", and they arrest you and you're in your vehicle that is maybe costing you twenty thousand dollars, that you owe, you know, money on, and this vehicle can be seized. Now, currently, the only way you can seize a vehicle is first degree murder, aggravated kidnapping, stalking, rape, robbery, all this stuff where there is actually a non-willing victim. Now, I don't want to downplay the crime of prostitution or soliciting for prostitution - I don't want to downplay it - but yet to put them in the categories where someone who is not a criminal would lose their vehicle; or, if you've ever been in Burnham Harbor down in the City, they can put -- the police department could go out there, put undercover police officers, look for your second offense, come down there while you're drinking, come off your boat and someone would say, "Hey. How about a good time?" And you would say, "Okay, I'll give you twenty-five bucks for a good time. Come on my boat." You walk on the boat; they arrest you; they can seize your boat because of this. And I would suggest that I don't think we want to make such a horrible result for such a victimless crime. The crime should fit the punishment. And I think we're going to where you would have solicitation, most people are given a fine, or given supervision, and now we're going to be taking away hundreds of thousands of dollars in property. And I think we went too far.

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Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. I wasn't going to speak on this bill, but Senator Molaro seemed to clarify quite a bit for me, and -- and at this point, I would ask leave to be added as a hyphenated cosponsor of -- of this bill, and urge that every Member, at least on this side of -- of the Body, vote for it. I think it's a good idea. This is a problem in -- in Senator Hendon's district, which I work as a police officer. I'm very much aware of it, and I think this is a step in the right direction to try to alleviate it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. I rise in strong support of this piece of legislation. Senator Hendon brought legislation very similar to this a couple of years ago. It was our opinion at that time that it had serious constitutional infirmities. He has worked very hard with members of his staff to place that legislation in a constitutional mode, and I think that it is a problem that, though not unique to Senator Hendon's district, is a serious problem in his district, and I think it deserves our overwhelming support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Robert Raica.

SENATOR RAICA:

Thank you, Madam President. I declare a possible conflict of interest, but will vote my conscience.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Hendon, to close. Hearing

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none, Senator Hendon, to close.

SENATOR HENDON:

Thank you very much, Madam President. I would be honored to have Senator Dudycz as a hyphenated cosponsor, and I just want to say one thing. It's not a victimless crime, Bobby, because the children have to see this on their way to school. When you have this twenty-four hours a day, the children are the victims, because then they become prostitutes or pimps, and it just goes on and on and on. I ask for a favorable roll call. Thank you, Senator Petka, for your response.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 996 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 55 Ayes, 1 voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby duly passed. Senate Bill 1001. Senator Lauzen. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1001.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. You know, whether a person considers himself or herself pro-choice -- pro-choice or pro-life, the vast majority of us would agree that the operation described in an article entitled "Second Trimester Abortion: From Every Angle - Fall Risk Management Seminar" that is issued not by a pro-life group, but by the National Abortion Federation, where it

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describes the following procedure and the author claims proudly to have conducted seven hundred of these operations: Number one, the -- the unborn innocent human baby is extracted intact except for the head; the scissors are forced into the base of the skull; the baby's brains are sucked out of that hole; and the dead baby is discarded; the brain tissues can be used for research. When I saw that, and to think that those acts are being conducted in our society, then not to respond is to become an accomplice to what's happening there. What this bill does is it says that "No person shall use a live human fetus whether before or after expulsion from a <sic> (the) mother's womb for scientific, laboratory, research, or other kind of experimentation." It then goes on to define "experimentation". And then it makes some specific examples of current science that's prohibited, as well as a provision for future good science that's taken care of. This -- this legislation is on the books in several other states. Michigan, for instance, prohibits abortion if it's conditional on the use of tissue for research. Arizona prohibits the postmortem use of fetal remains for any medical experimentation if the tissue is derived from an induced abortion. There are laws in Louisiana where there's a stiff penalty, Ohio, Oklahoma, Indiana, Utah and North Dakota; I believe that there are a couple more that I don't have. With that general explanation, I'd like to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Dunn - Thomas Dunn.

SENATOR T. DUNN:

Well, thank you, Madam President. To the bill: This is obviously a very important bill for a lot of people. I placed on your desks this morning an article from the Tribune that recites the New England Journal of Medicine's findings related to this issue directly. And it finds, for the first time, proof that

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fetal tissue transplants assist people who have serious diseases, and they point out that an individual who had Parkinson's disease, that a milestone was reached in the use of fetal tissue. Now, we all try to strike a balance in our legislation, and unfortunately this bill does not strike a balance. It's a zero-tolerance bill, and that's too bad. I could easily support this bill, for instance, if it used only that tissue that was the result of saving the life of the mother, or rape, or incest. And I hear the number that that's approximately two percent of the abortions. Fine. But to prohibit from another person the use of that tissue, and in this case, the individual that had achieved success with Parkinson was -- enabled him to enroll in an exercise class and to free him from rigidity in mobility. Now, it's very easy for us to sit here and not have a family member that has that disease or has been exposed to that disease and pontificate about the wrongfulness of using this. You know, we -- we rejected a bill by Senator Petka last week, I think, that had the same penalty in it for parental notification, and that penalty was a year in jail or a thousand-dollar fine on a physician who performs any experimentation no matter what the reason is of there being fetal tissue. It could even be a car crash where the fetus, forget whether it's viable or nonviable, is involved. And to say that we can't use that tissue for the betterment of other people for no reason is not a good approach. I urge -- I urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. None of us can be certain who next may suffer from a diagnosis of serious illness or disease, and yet part of the hope of conquering that challenge is that medicine in our State and country remain as advanced it is known to be worldwide. The ability to remain the

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leader in advanced medicine is the ability to be able to continue the extensive research and development that is conducted in laboratories across this State, across the nation. Just today, as Senator Dunn pointed out, the Chicago Tribune had a story prominently featured on page three that talked about the kind of progress that has been made with Parkinson's and other disorders. It is known that the fetal transplant research that uses fetal tissue has shown great promise for possible applications to several diseases, including juvenile diabetes, Alzheimer's, Parkinson's disease, spinal cord injuries, epilepsy, leukemia and immune deficiency disorders, just to mention a few. In short, this research holds promise to improve, and even save, countless lives across this State. This research is pro-life, as it improves and saves countless living human beings each day. Who knows when that research might be the research that saves a spouse, a sibling, a daughter or a son? While philosophical debate is certainly predicted in issues affecting abortion, let us not let philosophical differences put the brakes on needed research that can save lives. Let us all be pro-life on the issue of needed research in medicine. Let us all vote No on this bill today.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam Chairman and Ladies and Gentlemen of the Senate. I just want to echo what Senators Dunn and Severns have said. They said it very eloquently. I have a father-in-law that was just confirmed with Parkinson's disease, and I'm certain that many of us here, you know, have personal experiences where these -- these research projects can be helpful. I understand that there's a lot of sensitivity to this issue, but let's look at what we would be denying that could be good in this, as far as research

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goes. And I would ask the sponsor to relook at this bill. Possibly there's ways of going about banning the sale of types of procedures, which I think people here would probably support. But also let's look at the criminal penalties again that we are asking the -- this Legislature to put on the doctors: a year in jail, a thousand-dollar fine. That is not what this Body should be doing, and I would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins. Further discussion? Senator Fawell.

SENATOR FAWELL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll <sic> yield, Senator Fawell.

SENATOR FAWELL:

I apologize. I was off the Floor for a minute, but could you just answer a couple of questions for me please? Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

I see, by the analysis, that perhaps amniocentesis and -- and in vitro fertilization may also be included in this bill because of its exclusion. Is that true?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I don't quite understand the question. Could the -- could that be restated?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

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If you will look on page 2, it says -- number two, it says, "Defines 'experimentation' as a systematic investigation, including research development and testing and evaluation, designed to develop or contribute to generalized knowledge", and then number three it says, "Amniocentesis, chronic vitti <sic> (villi) sampling, and in vitro fertilization are not included in the definition of experimentation under this Section, although the exclusion of these procedures is not intended to specifically exclude any other procedures not so named."

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell. Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam President. I -- I have a question of the sponsor, regarding a statement that Senator Dunn made. Senator Dunn stated that two percent of the abortions in our country currently are due to rape, incest or life of the mother. That means that ninety-eight percent of the abortions are -- are other types. I just would like to know: What percentage of the aborted fetuses are used in experimentation currently, or in -- in whatever procedures that are being used experiment -- in experimenting on fetuses?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I appreciate that question and naturally you can understand how that information is -- that question is nearly impossible to answer.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Dudycz.

SENATOR DUDYCZ:

So of the -- well, how many abortions are -- are -- are performed in our country per year? Do you know?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I'm sorry. I didn't -- I don't have that number today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, it would -- it would occur to -- or, I would think that if -- if you're talking about hundreds of thousands, at least - Am I correct in assuming that there are hundreds of thousands of abortions being performed in our country today? - two percent of those aborted fetuses would be currently more than adequate for the -- for the experimentation purposes. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

That's an interesting observation. I -- you know what, this bill does not do -- and -- and again, it was around the -- the statement that Senator Dunn made about the accident or a miscarriage, and in those cases, that tissue or those organs are available for experimentation. So the -- I believe the point that you're making, Senator Dudycz, is that we have other means of providing this experimentation without inducing abortion and providing materials and organs. Some people have referred to this as harvesting.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

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Thank you, Madam President. I wasn't going to speak on this bill, just vote No on it, but then when the conversation seemed to be shifting more toward whether this is pro-life or antilife or whatever, I wanted to get us back to what this bill curtails and that is to allow research to go forward to help people with severe ailments that cannot be resolved in other ways, except through research. My aunt -- Senator Lauzen, you described very graphically at the outset a procedure. I would like to describe to you my aunt, who had Parkinson's disease and whom I watched die, an aunt who was one of the most vibrant human beings I have ever known, who put herself through college when she was in her forties because she had worked throughout her early life in order to help my father go through college, and she reserved her time until later. I went her rounds with her. She lived in Boston. She was a social worker. She was incredibly caring and helpful to people. It ended up that she had to sell everything that she owned in order to go into a long-term care facility so that they could keep her until she died. I watched her body rigidify. I watched the mind - alert, but unable to respond because the body was rigidifying. I would have given anything to have the research to save that woman so she could still be with me today and be the last of my living adult relatives. So when you tell me that you are going to remove the capacity of the medical institutions to using two percent - a minimum, minuscule amount - to help people save lives, I say we vote No on this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Dillard.

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SENATOR DILLARD:

Senator Lauzen, just so I'm clear. In this research for Parkinson's disease that has been talked about today, are we talking about extracting that material, whether it be brain cells or whatever, from a living fetus?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

The -- the operation that I described from the National Abortion Federation, Dr. Martin Haskell, that fetus is alive. The procedure is done. The brain material is live and then the -- the baby is dead.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

One more question, Madam President, if he will yield. Senator Lauzen, are there any studies that show that animals, in extracting tissue from animals, whether it be their brains, et cetera, also works for Parkinson's disease, as opposed to human fetuses?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

The best information that I have on that is that the -- even when human brain cells are used -- live human brain cells are used, that the operation that's created is that they then die, enzymes go to clear out the dead cells that have been transplanted, and in that, it creates even more damage. To answer your question even more specifically, I have heard that experiments have been done of inserting pigs' brain tissue into human beings with similar results.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Further discussion? Senator Raica.

SENATOR RAICA:

Madam President, question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Raica.

SENATOR RAICA:

Senator Lauzen, this has obviously, I think anyway, in some way or fashion, become a -- a pro-life or a pro-choice type of debate, or at least it's -- it tends to seem to be going that way. You know, as you know, I've been involved medically for about twenty years, but I have a -- a question for you and I want you to -- to try and -- and answer this the best way that you can, because obviously I respect you immensely, but I'm going to probably pose a very tough question to you. With the experiments that are being done today, and none of which are handling any of the parts of -- of an individual or any of the organs in any type of disrespectful fashion, but in the situation that the possibility of some type of cure being found; then, God forbid, let's just say one of your children had a disease too, and this disease would be cured with what was found out by the research in one of these experiments, and this intervention that would be given to one of your children would save your child's life - would you approve or disapprove of that procedure?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

You know how difficult it is to answer this question, Senator Raica, because you very well know how much I love my children. ... (microphone cutoff) ... my -- my answer to your question is that, no, if the cost of them living is that someone else must be murdered, the answer is No.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Raica.

SENATOR RAICA:

Madam President, and Chris and other Members of the Senate, my personal feelings is this is not a bill about murdering anyone - not about murdering anyone. I don't know if I can deny this type of procedure from one of my -- for one of my children, nor one of my constituents. I believe very firmly in that. Senator Lauzen, when we go up and we go out into this world, we have the Secretary of State, who -- who is pushing organ transplants, organs' donors. We -- we are attempting to save a life somewhere in the State of Illinois. This is a very emotional issue, and the only way that I can vote on something like this is almost put myself in that type of situation, and I don't know if I can deny my child or if I can deny my neighbor's child some type of intervention that can possibly save their life. And I have to put it in that perspective where someone's going to be saved by something they're doing. They're -- they're doing this with -- with muscular dystrophy; they're doing this with other diseases throughout the State. I'm not standing up here advocating pro-life or pro-choice. You know, there's -- there could be a very fine line between pro-life and pro-choice. You know that, Chris, and so do I. But my personal belief is there are certain issues that pro-life ought stay out of, and maybe this be one of them. I'm not saying this bill is -- or that we're out there killing anyone, and I don't know if anybody in this Body can ever say that we're doing that. No one here ever believes in that unless they believe in the death penalty. But we have the potential of maybe saving a life here, and I just want you to really think about that.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR LAUZEN:

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Thank you, Madam President. First of all, I would ask -- I do appreciate the thoughts of each person who has spoken. My sympathies to Senator Palmer, and I can imagine what that loss means. The -- of course we want to solve the diseases that are causing such pain and suffering. Organ donors - I think that that is a wonderful program, and we need that. You know that the difference here is that an organ donor has signed over the right to those organs. You mentioned that there is -- we're not talking about a procedure where someone is being killed, but this -- this horrified me. This study horrified me. I did not go after this issue. It came from a strange source, by my mind. I would just like to take ninety seconds to summarize. I trust that those of us who come from and represent eleven million people in Illinois believe in the concepts of good and evil, and that we can discern the difference when we see it. About a week ago Art Berman stood and spoke of the atrocities of the Holocaust, and this goes very much, Senator Raica, to the questions that you posed to me. He said that one of the evil crimes against humanity committed in Nazi concentration camps was the experimentation on human beings. Those are his words. And we are humbled and we listened respectfully to the truth that he was speaking to us. Senator Berman's thoughts and this bill remind me of a story in Dante's Inferno, where Dante and Virgil descend ring by ring into the depths of hell. The deeper they travel the more horrible the crime, and the more horrible and more severe the punishment. Even for those who don't believe that a twenty- to twenty-eight-week unborn child is innocent human life, I would ask what else can it be, and how deeply into the rings of hell do we need to travel before our experimentation reached the evils of our own holocaust. Not even a good end, Senator Raica and Senator Palmer, can justify ghoulish means. For the spiritual life of our State and for good and ethical science, I ask you to vote Yes on this bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1001 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 23 Ayes, 28 Nays, 3 voting Present. Senate Bill 1001, having not received the required constitutional majority, is declared failed. Senator Lauzen.

SENATOR LAUZEN:

May I request Postponed Consideration?

PRESIDING OFFICER: (SENATOR DONAHUE)

You need twenty-four votes, Senator Lauzen.

SENATOR LAUZEN:

Thank...(microphone cutoff)...President.

PRESIDING OFFICER: (SENATOR DONAHUE)

House <sic> Bill 1001 has failed. That, in effect, has concluded our business for today. We will do some paperwork, but before you all get up and moving around, can I have your attention, please? Monday -- we will adjourn until Monday afternoon at 2 o'clock - at 2 o'clock. There has been some confusion on the time. Just want you all to know we will be back here in this Chamber at 2 o'clock Monday afternoon. Committee Reports.

SECRETARY HARRY:

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bill 1058 Do Pass.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Bill 295 Do Pass, as Amendment -- Amended; Senate Amendment 1 to Senate Bill 133, Amendment 1 to Senate Bill 134, Amendment 1 to Senate Bill 135, Amendment 2 to Senate Bill 368, Amendment 2 to Senate Bill 726, Amendment 1 to Senate Bill 753, and Amendment 1 to Senate Bill 843 all Be Adopted.

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And Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 1208 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Just a second. Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

Since we are now coming in at 2, will the Transportation Committee please meet at 1 o'clock to meet Kirk Brown - 1 o'clock. You won't have to be here at 11.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

Thank you, Madam President. Just for a point of information. I'm presuming that the Appropriations Committee will still be meeting at 10 o'clock on Monday. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Yes, Senator Severns, that is correct.

SENATOR SEVERNS:

So all the Members on Appropriations, on this side, please be here by 10. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, ma'am. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Just a point of information.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR BURZYNSKI:

Just like to thank all of those that came to the softball practice at Iles Park last night. We really had a good turnout, and certainly looking forward to a victory this coming week.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolution.

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SECRETARY HARRY:

Senate Resolution 57, offered by Senator Shaw.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. 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 3, 160, 226, 301, 320, 1125 and 2317.

All passed the House, April 27th, 1995.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages.

SECRETARY HARRY:

Message from the Minority Leader.

Dear Mr. Secretary, please be advised that Senator Clayborne has been appointed to the Senate Appropriations Committee. This appointment is to fill the vacancy created by the death of Senator Kenneth Hall. The appointment takes effect immediately.

Filed April 27th, by Senator Jones, Minority Leader.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No objections have been filed, Madam President.

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PRESIDING OFFICER: (SENATOR DONAHUE)

If not, the question is, shall the resolutions on the -- Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Cullerton has filed a motion with respect to Senate Bill 1129.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 43, offered by Senator Weaver.

(Secretary reads SJR No. 43)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the purposes of the immediate consideration of adoption of Senate Joint Resolution 43. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver now moves the adoption of Senate Joint Resolution 43. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1733, offered by Senator Palmer.

(Secretary reads title of bill)

House Bill 238, by Senator Lauzen.

(Secretary reads title of bill)

House Bill 603, Senator Fawell.

(Secretary reads title of bill)

House Bill 679, Senator Dudycz.

(Secretary reads title of bill)

House Bill 708, Senator Tom Dunn.

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(Secretary reads title of bill)

House Bill 760, Senator Fawell.

(Secretary reads title of bill)

House Bill 859, Senator Syverson.

(Secretary reads title of bill)

House Bill 901, Senator Mahar.

(Secretary reads title of bill)

House Bill 1149, Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1268, Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1398, Senator Clayborne.

(Secretary reads title of bill)

House Bill 1582, Senator Dillard.

(Secretary reads title of bill)

House Bill 1730, Senator Palmer.

(Secretary reads title of bill)

House Bill 1731, by Senator Palmer.

(Secretary reads title of bill)

House Bill 1732, Senator Palmer.

(Secretary reads title of bill)

House Bill 1869, Senator Syverson.

(Secretary reads title of bill)

House Bill 1940, Senator Sieben.

(Secretary reads title of bill)

House Bill 1967, Senators Maitland and Raica.

(Secretary reads title of bill)

House Bill 2080, Senator Fawell.

(Secretary reads title of bill)

House Bill 2141, Senator Sieben.

(Secretary reads title of bill)

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END OF TAPE

TAPE 3

SECRETARY HARRY:

House Bill 2251, Senator DeAngelis.

(Secretary reads title of bill)

House Bill 2273, by Senator Welch.

(Secretary reads title of bill)

House Bill 2429, by Senator Rauschenberger.

(Secretary reads title of bill)

And House Bill 2463, by Senator Madigan.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

Pursuant to the adjournment resolution, Senator Weaver -- or,
Senator Fitzgerald now moves that the Senate stand adjourned until
-- 2 p.m., Monday, May 1st.

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